

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, OCTOBER 8, 2007
7:00 PM

Mayor Randolph Voller called the meeting to order. He noted that the Invocation would involve comments relating to the library, and he read the following into the record:

“A library implies an act of faith which generations still in darkness hear a signal in their night in witness to the dawn (by Victor Hugo).”

“A good book is the precious lifeblood of the master spirit involved and treasured upon purpose to a life beyond life (from Milton).”

“The real use of all knowledge is that we should dedicate that reason which was given to us by God for the use and advantage of man (by Bacon).”

ATTENDANCE

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

Other staff present: Bill Terry, Town Manager, Alice F. Lloyd, Clerk, Paul S. Messick, Jr., town Attorney, David Monroe, Planner, David Collins, and Frank Efird.

APPROVAL OF AGENDA

Commissioner Cotten suggested that due to unforeseen circumstances that Item 6, Chatham Habitat for Humanity, be removed from the Consent Agenda and added to the New Business agenda.

Commissioner Walker suggested that Items 7 and 8 be removed from the Consent Agenda and added to the Old Business agenda as items 3 and 4.

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

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Minutes of August 27, 2007, September 10, 2007, and September 24, 2007 regular meeting.
2. Refund St. Bartholomew Episcopal Church \$288.00 for solid waste fees because the house has been torn down.
3. Spoon rezoning request for a tract between Powell Place and US 64 Bypass from R-A2 to O&I.
4. Plummer rezoning request for property adjacent to Al's Diner from R-10 to C-2.
5. Zone text amendment; Section 13.7D, Planning Board conflicts of interest.
6. Removed from Consent Agenda and added to New Business.
7. Removed from Consent Agenda and added to Old Business.
8. Removed from Consent Agenda and added to Old Business.
9. Annexation of property owned by Ricky Spoon.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the Consent Agenda as amended.

Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the Agenda as amended.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

CITIZENS MATTERS

Charles Devinney, 443 Oakwood Drive and former Mayor of Pittsboro, stated he had two concerns, the first of which was the upcoming election. He said he was not pleased about the potential that the majority of this Board may come from Chatham Forest. He said it may mean the rest of the Town was not properly represented, and that was troublesome.

Mr. Devinney stated he had served as Mayor for 12 years, sat on this Board for 8 years, and served on the Fire Department for 34 years. He quoted from an article that read "Did you know Pittsboro has not been able to bring housing and quality restaurants and shops because the Town Board neglected our water and sewer needs for 30 years." He said that was an insult to every Board member who had served, and then noted the various improvements made while he had served on the Board. Mr. Devinney said it was not fair to the people not to hear the truth, noting he had given his heart and soul to serving.

Mayor Voller noted that Mr. Devinney had in the past brought up the issue of district voting, and suggested that he bring a formal proposal to the Town. Mr. Devinney stated it was important to continue to move forward, and not criticize people who had worked so hard for the benefit of the Town.

Mark Nelson, with the local Ford dealership, requested street lights be placed on three existing poles located in the vicinity of 1200 Thompson Street for the following reasons:

- Customers and employees regularly cross Thompson Street from the dealership to the Shell Service Station, and during certain months it gets dark earlier which produces a safety hazard.
- Vehicles traveling west on 64 Business onto Thompson Street regularly travel at a high rate of speed, causing a hazardous environment for pedestrians and bicyclists moving across or down the street.
- The lights are needed as a deterrent to vandalism.

Mr. Nelson asked that the Board consider this request and its effect on safety in the area. He said they were not requesting these lights for the dealership, as they had plenty of lighting. But, he said, the issue was for the safety of pedestrians and bicyclists in the area.

Mayor Voller asked about the current lighting ordinance. Planner David Monroe stated the ordinance would require that the light fixtures installed look more like parking lot lights rather than the traditional globes.

Mr. Nelson stated he had spoken with Progress Energy, and the existing poles were capable of supporting such a light as Mr. Monroe had described.

Mayor Voller said some citizens had asked about the vehicles parked there; that is, how to serve this business, make it aesthetically attractive and provide more lighting. He asked was there a way they could work together to satisfy the different issues, noting safety was important but also at issue was the cars parked there. Mr. Nelson said that they leased the property in order to expand and to provide additional room, noting it ran up to the gravel lot. He said they serve the community, in that they were able to carry more vehicles and provide greater service to vehicles and customers. Mr. Nelson said they parked the vehicles as close together as possible so as not to interfere with the service station or the stop sign area. He said he had actually provided some clean-up services to remove weeds and other debris on the Town's right-of-way, adding flowers and bushes to make it more attractive. He said his point was they were very conscious of that area and its appearance.

Mr. Nelson said his point was the safety of pedestrians and bicyclists moving to and from the service station and the dealership, noting his previous safety concerns.

Mayor Voller asked what could be done to work with the business owner to improve the situation for all parties. Planner Monroe stated there were two alternatives. He said the areas where vehicles were being parked could be lighted by private entities on private property. Or, they could pursue installing lights publicly on the utility poles. Mr. Monroe reminded the Board that the area from the Pittsboro side east was public DOT right-of-way, and vehicles parked there were on public property. He said it would not be appropriate to have "for sale" vehicles parked on public property.

Mr. Nelson noted the light poles were not on private property, but were in the public right-of-way.

Mayor Voller stated they had already had the technical review meeting with the Rural Planning Organization, but at the next meeting a crosswalk could be proposed in order to increase safety. He said he agreed that lights were needed, noting the number of deer that were hit in that area. Mayor Voller asked if the Board wanted to contact Progress Energy.

Attorney Messick suggested that Manager Terry investigate what might be appropriate. Manager Terry agreed that staff could research the issue and bring back recommendations for options to address the issues.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to refer the issue to Town Manager Terry for investigation and recommendations for options.

Vote Aye-5 Nay-0

Mayor Voller said in the meantime he would contact DOT regarding the potential for its help with a crosswalk on Thompson Street.

Kathy Meredith, 499 Chatham Forest Drive, stated she was dismayed to bring up the discussion of Springdale Drive. She said it had been discussed for ten years and voted on three times, but still nothing had been done. Ms. Meredith stated that citizens were being held hostage by not moving ahead, and it seemed like a “shell game.”

Mayor Voller stated something had been sent out regarding the barricade, and asked had it been taken down again. He said Bill Clancy had sent an email that stated someone had cut the chains. Manager Terry, responding to a question regarding access for emergency vehicles, stated that there was a lock on the chain and the Fire Department had the key.

Commissioner Brooks stated he did not know what else they could do, noting the Board had stated that it should be opened with certain traffic calming devices added. Ms. Meredith said it had been discussed that someone would be taking ownership to follow through, and that had not happened.

Commissioner Brooks asked what Ms. Meredith wanted the Board to do. Ms. Meredith responded to open the street, since the Board had approved that.

Commissioner Bryan stated there were conditions that first had to be met. Attorney Messick agreed that was correct.

Commissioner Walker said if you looked at Powell Place and Lowe’s, they were required to make significant improvements three years ago and those improvements were just recently done. And, he said, there was a request on today’s agenda from Mr. Bison for another driveway access. Mr. Monroe asked if as the developer of the neighborhood, Mr. Bison would be willing to post a bond in lieu of the cost of that to assure the Town that the improvements got done. Mayor Voller stated there already was a Letter of Credit posted with Phase IX for the total cost plus improvements.

Commissioner Walker asked Mr. Monroe to look into that, noting that would solve the issue.

Commissioner Brooks said they had received a letter some time ago from DOT stating what had to be done, and that had been turned over to the developer. He asked Attorney Messick had the contract been received back from the developer. Attorney Messick said no, not yet. Mayor Voller said the bond had been posted guaranteeing the work would be done.

Attorney Messick stated he did not believe a bond had been posted for this specific purpose, although it may have been done for the purposes of the subdivision phase. He said he had also not heard of a completion date.

Commissioner Cotten asked if there were any legal steps this Board could take to force that contract to be signed. Attorney Messick stated the Board had said the road could be opened if this work was done, and since the work had not yet been done then the road would not be opened. He said the only alternative he could think of was for the Town to do the work.

Commissioner Cotten asked if the Town could do the work and then the Town bill the developer for the cost. Attorney Messick said only if the developer agreed to it. Commissioner Cotten said the Town had to have that bond that specifically outlined what had been agreed to by the developers and the Town. He said he saw no other solution.

Bonnie Iverson, 241 Bellemont Road, asked if these were public roads was there any reason why the Town would not consider participating in the cost of the improvements to some degree to help move the improvements forward. She said everyone in the Town would benefit from the improvements, and asked would it be unfair to ask for participation from both the Town and the developer to break this deadlock.

Commissioner Cotten said he would like to look at the approved site plan where these improvements were supposed to be made. He said if the site plan showed that the connection was to be made, then it was still the responsibility of the developer.

Mayor Voller stated there was no one present to represent the developer, although Ricky Spoon was present. He said one day Bellemont Station would be built and that would be a third ingress/egress. Mr. Spoon said that was correct, noting he would be glad to open it but he had to have sewer in order to do it. So, he said, it was in the Town's hands.

Commissioner Cotten said another possibility was an agreement between Mr. Roberts, the owner of Chatham Mills, and the developer to connect the street that came down and out to Park Drive. He said that would also provide ingress/egress. He said he did not know what had become of that agreement.

Mayor Voller stated what Commissioner Cotten was referring to was a plan for Chatham Mills to line up Chatham Mill Road with Park Drive, but that had never been built and no

plan was ever submitted. Mr. Monroe stated that Mr. Roberts had retained the services of Civil Consultants, an engineering firm, who had developed a Master Plan for Chatham Mill which would connect to Park Drive as a primary entrance. However, Mr. Roberts was not intending on building that Master Plan until there was sewer capacity available for him to construct the ancillary uses that would necessitate the installation of that drive. So, until he could build the buildings that would justify putting in that drive at Park Drive, it would not happen.

Commissioner Walker said to Mr. Spoon that he had heard Ms. Iverson ask this Board for help in opening up that road. He said as a developer, if this Board were to choose to do so how would he feel about the Town helping him to build those improvements. Mr. Spoon said the obvious answer was how the Town could help him build that. He said to set such a precedent would open the door for developers to say “help me with my road and I’ll help you with yours.” Mr. Spoon said there had to be a better solution. He said as soon as he got sewer, he did not mind putting that road as the top priority, since the road was roughed in.

Ms. Iverson said their road was already built, which was the source of their frustration. She said she was not asking them to build the new road, just to remove the barricade and chains and open the existing road.

Commissioner Brooks stated that road needed improvements before it could be opened, to include traffic calming devices. He challenged the developer to give the Town a target date as to when the traffic calming devices would be installed and the road opened. An unidentified speaker stated that road was a one-lane road with no homes on it, and did not understand why improvements would be required now. Commissioner Brooks said the Town’s policy was to require improvements such as those required on Springdale to connect to a development. He said the road already there would not operate efficiently until it was connected.

Ms. Iverson asked if the extension of the turning lane was a part of the agreement.

Commissioner Brooks said it was his understanding that the State required the turning lanes. Mr. Monroe stated that was correct.

Mayor Voller provided some brief history of how all of this had come about. He said when there was no development there, a 16-lot subdivision was approved to come in off of Springdale, which would not overburden anything. He said the road was extended from Mr. Henderson’s property to the property owned by former Mayor Jack Justice, by LandCo and Mr. Swartz in 1996. He said it included a connection for a 30-foot easement, but you could not come around it because it was not adequate. He said the property was purchased to expand the right-of-way, and all along it had moved. Mayor Voller said he respected as a Mayor what Mr. Spoon had said, because from a public policy perspective you had to work with the development community up front. But, the requirements made of Bryson Powell were included in the approval process for Powell Place.

Bryson Powell stated that the improvements required were based on traffic flows, and they had not yet reached that point. But, he said, they had spent a half-million dollars to have the improvements made. He said it had been in DOT's hands for over a year and a half.

Mayor Voller said but it was something they knew they were going to do. Mr. Powell said that was correct, in that it was a part of the improvements that would take place at a certain point in the development. And, he said, Mr. Perry, whom Mr. Powell worked for, had told him the same thing. He said as time had gone on, and because of the increase in traffic due to all the development in Chatham County and Pittsboro, it became harder and harder to access 15-501. But, in 1997 there was hardly any traffic, so it was a moving barrier.

Mayor Voller said then the question was how you could actually know what the cost would be at the end of a development when you don't know what DOT would want because DOT had changed its mind over the years. He said initially DOT had not wanted anything. He said that was the problem Mr. Roberts was having, in that he was still negotiating with DOT and had been for the last 8 years. Mayor Voller said this kind of issue was one that everyone needed to work together to solve.

Commissioner Baldwin asked Attorney Messick to follow up with the developer and his attorney to see what had been done so that they could move forward. Attorney Messick agreed.

Temple Richmond said she believed the solution would be to televise these Board meetings and bring everything to the public's attention. She thanked the Board for being clear about what was appropriate for discussion during the public comment period.

William Clancy, 110 Springdale Drive, thanked the Board for its attention to the issue of the barrier. He said it had been clearly stated that the improvements had to be done before the road was opened, but people continually removed or tore down the barricade. He requested that a sign be posted that specifically stated the penalty for removing or defacing the barrier. Mr. Clancy said the barrier was Town property and it was being destroyed, and that was illegal. He thanked the Board for its efforts to repair the barrier.

OLD BUSINESS

POWELL PLACE CONDOMINIUMS

Mr. Monroe stated he had received today the revised copy of the plan, and the Fire Chief had indicated he did not have a problem with the turning radius on the private streets. He said the Fire Chief had requested that fire hydrants be installed at either end of this project on the interior streets so that they could bring water to interior buildings. Mr. Monroe said the developer's engineer had provided revised plans that showed the location of fire hydrants, which meant the last question that had been raised had now been answered. He said the Planning Board's recommendation was that the plan be approved with the conditions stated in his September 17, 2007 memo as follows:

- Construction drawings must be developed and approved by Hydrostructures before a building permit can be obtained;
- An approved Soil Erosion, Sediment Control Plan must be approved by the State and Hydrostructures before commencement of any grading;
- Design of the wet detention pond must be approved by Hydrostructures;
- A lighting Plan must be developed and approved by the planner;
- Before any units are conveyed, the Board of Commissioners must approve and the Register of Deeds must record Condominium Documents.

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the Powell Place Condominiums with the conditions as specified by the Planning Board in the September 17, 2007 memo listed above, as well as the condition regarding the fire hydrants.

Vote Aye-5 Nay-0

MORATORIUM

Planner Monroe stated that the Planning Board had reviewed the text of the existing Moratorium as well as a draft language to be considered. He said the Planning Board was recommending that the Moratorium ordinance be approved with amended language to extend it for two additional years. He said if the Board choose, it would be appropriate tonight to call a public hearing to gather citizen input on the proposed change.

Commissioner Cotten said in Moratorium B, Rescinded, he believed they would have to extend it. Attorney Messick said the underlying reason for the Moratorium no longer existed, so it could be rescinded. He said should a new facility be proposed it would take 3 to 4 years before it would be in operation, and the Board may choose to determine the capacity that would exist before that time.

Commissioner Cotten said they had a situation where there was a potential to create some serious problems at the current facility. He said Mr. Johnston's presentation during the work session briefly mentioned it, but he wanted to expand on it because he wanted to request that it be inserted in Article 6. He said he wanted the upgrade to the present plant to be included, because it was nearing its efficiency level and was nearing the point where it could no longer efficiently process the wastewater. Commissioner Cotten said the upgrade that was proposed had a cost of \$150,000 and the plans had been approved by the State, and it was now a matter of this Board moving forward on it. He said he believed that \$1.5 million loan from the State and the \$1 million from the EPA which had recently been extended for one more year was designated for the upgrade which was part of the reuse project.

Commissioner Cotten said he had thought they were making great progress until about 15 months ago. He said he would be making a motion that they insert the actions they intended to take into Article 6, which was the upgrade of the current plant, if they could

find the money. He said that cost was estimated at a little over \$3 million. Commissioner Cotten said in the meantime, they had lost their financial backing by the departure of Toll Brothers, so they had to find the money to move forward.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve the draft Moratorium ordinance, amended to insert under Article 6 the upgrade of the current plant.

Commissioner Brooks asked how that would work with the comprehensive plans that Hobbs and Upchurch as well as Jay Johnson had proposed.

Commissioner Cotten said the upgrade was separate and apart from what Hobbs and Upchurch were working on, which was a temporary fix to get the gray water from the current plant. He said until the plant was upgraded, they would not be able to meet the standard required.

Commissioner Brooks stated they hoped they would eventually get another discharge point on the Haw River. He said even with the upgrade they would still have to build another facility.

Commissioner Cotten agreed this would not take the place of a new facility. He said the new facility, according to the Hobbs and Upchurch, was proposed only for a 300,000 gallon plant, and without the upgrade that would not provide them with any additional capacity at all. Commissioner Cotten said the current plant's capacity was 750,000 gallons a day; however, 400,000 gallons was the maximum efficiency that they could accomplish with that plant without the upgrade.

Commissioner Brooks agreed that was what Mr. Johnston had said.

Commissioner Cotten said he had verified that last week with Mr. Johnston. He said he knew some were worried about spending the money and then the plant closing.

Mayor Voller said no one had suggested that the plant would be closed. Commissioner Cotten said he believed that had been said in one of their meetings.

Mayor Voller said there was a meeting the Board had attended along with members of the public when Jay Johnston had made his presentation. Commissioner Cotten said he was talking about it being said in one of this Board's meetings.

Mayor Voller said in the meeting they had held the idea had been discussed that the plant would be used to make reuse quality water, which is what they wanted to have done, and that permanently it would be turned to making gray water. And, he said, at some point there would be a new plant built. He said technically, that would mean the existing plant would not be shut down.

Commissioner Cotten said at a regular meeting of this Board, the Mayor had said that someone had said that the plant would have to be closed. He said he also believed that Mr. Monroe had verified that that had been said.

Mayor Voller asked did he mean they had to get out of Roberson Creek. Commissioner Cotten said that was correct. Mayor Voller said that was a different issue. Commissioner Cotten said this fed into Roberson Creek.

Mayor Voller said the plant could produce reuse quality water if the effluent did not go into Roberson Creek. He said if they were supplying 3M, farmers and the chicken plants in Siler City that needed water, that was not hitting Roberson Creek. He said it would just be a facility making reuse water, which he believed was what Commissioner Cotten wanted to have happen with the upgrade.

Commissioner Cotten said that was correct, adding that in his opinion, right now that sewer plant was the headwaters of Roberson Creek.

Mayor Voller said what he meant was that it created the flow. Commissioner Cotten said that was correct. He said the State would not close a plant providing water to that creek. He said he stood by his motion and hoped the Board would approve it.

Mayor Voller said perhaps the Board should be informed by Manager Terry, noting there had been numerous discussions about what could and should happen. He said the public needed to be informed about that, but there were other ideas. Attorney Messick said as far as the draft moratorium ordinance, anything could be inserted and then the public hearing held on it for discussion. He said as far as making a decision about what to do with the existing plant, Manager Terry had just started work on October 1 and this was an extremely complicated and important issue for the Town. He said he would hope that the Board would at least give Manager Terry the opportunity to learn about this so that he could offer his advice as far as the future was concerned. Attorney Messick said he would not like to see the Board make a decision about doing something with the existing plant without knowing what it was they were going to do for a new plant.

Commissioner Cotten said the motion was to insert this as a possible action into the draft moratorium ordinance, to be discussed at a public hearing.

Manager Terry stated they had held a meeting today with Hobbs and Upchurch and some of the developers, and different options had been discussed. He said no one had suggested that the existing plant be closed. He said he did not believe changing the language in the draft was a problem since it would be thoroughly discussed in public hearing. Manager Terry suggested as a prelude to the public hearing, that the engineer come and make a presentation to the Board of those options.

Mayor Voller said Commissioner Cotten's motion was to add some language to the draft ordinance. He said after the public hearing there may be other language that was added, for example one idea proposed was that the historic district, including the downtown, be

given some other allocation to help owners get businesses into some of those vacant buildings. Mayor Voller said ideas such as that should be discussed at the public hearing as well, but he would not ask that they be added tonight.

Mayor Voller called the question.

Vote Aye-5 Nay-0

Mayor Voller suggested the public hearing be in either the District Courtroom or the Superior Courtroom, subject to availability, since they did not know what was available.

Commissioner Brooks suggested noting the District Courtroom as their first choice since the acoustics were so much better. Attorney Messick suggested deciding on the public hearing now and setting the location after determining what was available. There was no objection from the Board.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to call a public hearing on October 22, 2007 at 7:00 p.m. at either the District Courtroom or the Superior Courtroom, subject to availability, for the purposes of discussing the draft moratorium as amended.

Vote Aye-5 Nay-0

RATIFICATION OF ORDINANCE APPROVING PITTSBORO PLACE PARTNERS I, LLC AND PITTSBORO PLACE PARTNERS IV, LLC – SUBMITTAL A-MUPD

Attorney Messick stated there were two draft ordinances for the Board's consideration, both of which were intended to be ratifications of the submittals. He suggested the Board could make a motion to approve the ordinance for Pittsboro Place Partners, and the ordinance for Chatham Park Investors.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to ratify the ordinance approving Pittsboro Place Partners I, LLC and Pittsboro Place Partners IV, LLC – Submittal A-MUPD.

Commissioner Brooks said he wanted to make sure everyone knew that the motion included his request from the previous meeting regarding the bowling alley. Commissioner Walker said that was correct, in that they were ratifying what had been decided at that last meeting.

Attorney Messick stated the actual MUPD standards were attached with the changes.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TOWN OF PITTSBORO

WHEREAS, the Town of Pittsboro Board of Commissioners has considered the application by Pittsboro Place Partners I, LLC and Pittsboro Place Partners IV, LLC for a rezoning from M-2 (Industrial) and C-2 (Business) to MUPD (Mixed Use Planned Development) on approximately 71.9 acres, consisting of Parcel no. 7317, Tract 1; Parcel no. 83078, Tract 2; Parcel no. 83080, Tract 4; Parcel no. 83081, Tract 5; Parcel no. 83082, Tract 7; and Parcel no. 83084, Tract 9, Parcel no. 83083, and a portion of Parcel No. 8197, all as shown on the attached Exhibit A, described in the Legal Description attached as Exhibit B, and located at 516 Industrial Park Drive, Pittsboro, Center Township, Chatham County; and

WHEREAS, the Town of Pittsboro Board of Commissioners finds that the amendment is not inconsistent with the comprehensive plan of Town of Pittsboro by ensuring development is guided to suitable locations and designed in ways to maintain the form and function of rural character. The subject property currently adjoins property that is zoned R-2, R-12M and M-2. The request is consistent with the requirements of the MUPD District. The applicant has committed that the development will be constructed in phases and no phase or part of a phase of the development will be built unless and until sufficient wastewater capacity is available for that phase or parts of a phase, as they are proposed.. The economic benefits to the Town outweigh the risk of traffic complications. The request is reasonable, and public interests are furthered by its approval; and

WHEREAS, the Board finds that the uses set forth in the application, if approved as proposed, would be suitable for the properties proposed for rezoning;

BE IT ORDAINED, by the Board of Commissioners of Town of Pittsboro as follows:

1. The Application by Pittsboro Place I, LLC and Pittsboro Place Partners IV, LLC to rezone to an MUPD classification the properties shown on Exhibit A and described in Exhibit B attached hereto, generally referred to as being Submittal A and pertaining to approximately 71.9 acres located at 516 Industrial Drive, Pittsboro, Center Township, Chatham County is incorporated herein by reference and is hereby approved subject to the conditions set forth hereinafter.
2. The MUPD standards in said application shall be modified and amended as follows:
 - a. The maximum height of any structure shall be 50 feet.
 - b. Not less than 25% of the off-street parking areas shall be designed and constructed with permeable pavement or with planted infiltration areas between parking aisles and with a future maintenance plan for such

pavement or infiltration areas.

- c. The maximum number of residential units shall be 50, and shall not be constructed until after the development of the non-residential uses. The theater and bowling alley uses proposed by the applicant shall be part of Phase I of the Master Plan to be developed.
- d. Prior to any site plan approval by the Town, the applicant shall submit its traffic plans, for the specific phase as well as the overall master plan, to the NCDOT and its congestion management unit for review of the buildings/facilities/uses for which site plan approval is sought. Applicant shall obtain a commercial driveway permit from the NCDOT incorporating the recommendations of the congestion management unit, but no other express approvals by NC DOT shall be required.

The approved MUPD standards applicable to this property, incorporating these modifications, are attached hereto as Exhibit C

3. This ordinance shall become effective upon its adoption.

Vote Aye-5 Nay-0

AN ORDINANCE APPROVING PITTSBORO PLACE PARTNERS I, LLC AND PITTSBORO PLACE PARTNERS IV, LLC – SUBMITTAL A – MUPD IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES

RATIFICATION OF ORDINANCE APPROVING CHATHAM PARK INVESTORS, LLC, 64 CROSSING – MUPD

Motion made by Commissioner Brooks seconded by Commissioner Cotten to ratify the ordinance approving Chatham Park Investors, LLC, 64 Crossing – MUPD.

Attorney Messick noted this was to approve vehicular access.

Commissioner Brooks stated there had been a lot of confusion in the neighborhood, but that was a rezoning issue and not in the approval of the development. He said it was important to make that distinction.

Mayor Voller said that was as opposed to a quasi-judicial process. Commissioner Brooks said that was correct.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TOWN OF PITTSBORO

WHEREAS, the Town of Pittsboro Board of Commissioners has considered the application by Chatham Park Investors LLC for a rezoning from RA-2 (Residential) to MUPD (Mixed Use Planned Development) on approximately 71.51 acres, Tracts A and B, Plat Slide

2007-26 and 2007-27, Chatham County Registry; and finds that the amendment is consistent with the comprehensive plan of Town of Pittsboro. The request is consistent with the requirements of the MUPD District The submittal has satisfied or exceeded the standards of the MUPD Section of the Zoning Ordinance; rezoning these parcels will not result in diminishing property values of nearby properties; and the submittal has adequately addressed concerns about traffic and environment. The request is reasonable, and public interests are furthered by its approval;

WHEREAS, the Board finds that the uses set forth in the application, if approved as proposed, would be suitable for the properties proposed for rezoning;

BE IT ORDAINED, by the Board of Commissioners of Town of Pittsboro as follows:

1. The Application by Chatham Park Investors, LLC to rezone the properties described in Exhibit A attached hereto be incorporated herein by reference and generally referred to as being approximately 71.56 acres located to MUPD be approved subject to the conditions set forth hereinafter.
2. The MUPD standards in the application and approved hereby shall be modified and amended as set forth in the memorandum dated September 18, 2007 from Phillip Culpepper to David Monroe attached hereto as Exhibit B with the further provision that the accesses to the adjoining property owned by Chatham Land and Timber Management LLC and others benefit both Chatham County Tax Parcels 7307 (the portion thereof that is bounded on the west by the property of Chatham Park Investors, LLC that is rezoned hereby, on the north by U.S. Highway 64 Bypass and on the south by U.S. Highway 64 Business) and 75458.
3. This ordinance shall become effective upon its adoption.

Vote Aye-5 Nay-0

AN ORDINANCE APPROVING CHATHAM PARK INVESTORS, LLC, 64 CROSSING – MUPD IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES

NEW BUSINESS

POWELL PLACE PHASE 2B FINAL PLAT

Mr. Monroe stated the Planning Board had reviewed this application and found it to be complete. He said they had received a Letter of Credit in the amount of 125% of the remaining improvements yet to be done, as well as a guarantee regarding the maintenance of the roadway and the water and sewer lines. Mr. Monroe said that the Planning Board recommended approval of this application with their specified conditions.

Commissioner Cotten asked if those conditions were specified in the recommendation. Mr. Monroe said that was correct.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the application as recommended by the Planning Board.

Vote Aye-5 Nay-0

**RESOLUTION OF SUPPORT FOR CHATHAM COUNTY
POLICY CONDEMNING RACE-BASED VANDALISM**

Manager Terry stated that on October 1 the Chatham County Board had passed a resolution banning language with racial overtones because of past occurrences. He said the Chatham County Board was asking all municipalities in the County to support the resolution by passing a resolution of its own. Manager Terry provided the Board with a draft resolution for consideration.

Mayor Voller said it was his understanding that this request was made of Siler City and Goldston as well as Pittsboro.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve the resolution as presented.

Commissioner Walker stated it was a shame that this continued to be an issue.

Commissioner Cotten said this type of thing was controlled by State and federal law, and the Town should look at its ordinances, particularly regarding damage to property, to be sure that it was covered in the ordinances.

A RESOLUTION SUPPORTING THE CHATHAM COUNTY BOARD OF COMMISSIONERS IN THEIR CONDEMNATION OF RACE BASED VANDALISM (2007-10-8).

WHEREAS, the Board of Commissioners of the Town of Pittsboro recognize the value of diversity in our community and strive to bring people together; and

Whereas, the Board of Commissioners of the Town of Pittsboro are working to improve communication among the diverse cultures of the Town; and

Whereas, in response to recent events in Chatham County including various acts of vandalism with racial overtones, the Board of Commissioners of Chatham County have adopted a resolution condemning such acts; and

Whereas, the Board of Commissioners of the Town of Pittsboro fully supports Chatham County in categorically rejecting and condemning such displays as provocative and inappropriate,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town fully supports the efforts of Chatham County to discourage racially motivated vandalism and to prosecute to the fullest extent of the law any such incidents that rise to the level of hate crimes.

Vote Aye-5 Nay-0

A RESOLUTION OF SUPPORT FOR CHATHAM COUNTY POLICY CONDEMNING RACE-BASED VANDALISM IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

CHATHAM HABITAT FOR HUMANITY REQUEST FOR A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON EAST CORNWALLIS STREET

Mayor Voller stated this was Patrick Bradshaw's request for a text amendment and to set a public hearing.

Mr. Monroe stated the request was to set a public hearing date for a proposed text amendment to Sections 8.3a.2 and 8.3.b to correct language in the subdivision regulations that was in conflict with the planned unit development changes that were made to the zoning text. He said this would make the subdivision regulations conform to the zoning ordinance.

Patrick Bradshaw agreed with Mr. Monroe's assessment, noting this was basically a "housekeeping" measure to align the subdivision regulations with the recent changes in the zoning ordinance.

Commissioner Brooks said he had received several phone calls from citizens in the East Cornwallis area to ask about the project, so he wanted Planner Monroe to be aware that he may receive some questions from citizens about why the project had been delayed. Planner Monroe noted he had already received several calls.

Motion made by Commissioner Cotten seconded by Commissioner Walker to schedule a public hearing for October 22, 2007 to consider amending the subdivision regulations pertaining the Sections 8.3.a.2 and 8.3.b.

Vote Aye-5 Nay-0

Attorney Messick asked what did the Board want to do with the SUP request; should it be tabled until a date specified or should it be tabled until after the text amendment to the subdivision ordinance was amended.

Mayor Voller said they were having public hearings on the second meeting of the month, so it could be placed on the November public hearing schedule. There was no objection from the Board.

MAYOR UPDATES

Mayor Voller provided some brief updates:

- The library was having its ground breaking on Wednesday, and asked all Board members to attend.

- The EDC was moving forward with its strategic plan, and the Board was welcome to request information at any time.
- The Rural Planning Organization was meeting on October 16. He noted that all of the Board's requests had been granted and had been included in the TIP plan.
- The Solid Waste group had made its presentation to the County and that was moving forward.
- The Fairground Association held the fair last month, and wanted to work with the Town on other ideas for use of the property.
- The PMA was happy that the trash had been cleaned up in the downtown area. There may be some questions regarding the Christmas parade brought before the Board.

COMMISSIONER CONCERNS

Commissioner Brooks stated that the drought was continuing, and Frank Efird was present tonight to provide a status report on the water situation. He said he would then like to offer comments on what the Board might consider doing.

Frank Efird stated they currently had plenty of water, but they had a treatability issue because the water chemistry had changed so much. He said everything coming from upstream was more concentrated than what naturally flowed downstream. Mr. Efird said they were meeting State water quality standards as far as treated water.

Mr. Efird stated that at one time they had placed restrictions on water, and the usage had immediately increased. He said they were using 600,000 gallons a day average.

Commissioner Brooks asked if Mr. Efird thought the Town needed to do something about restrictions other than what had already been done. Mr. Efird said he did not yet know enough to be able to give an honest answer. He said once they had gotten some rain the treatability issues should be solved.

Commissioner Brooks asked who the Town was providing water to at the present time, beyond just the citizens and other commitments. Mr. Efird replied that Chapel Ridge had been taking water, and he was sure they were putting that on the golf course. He said the poultry plant was also taking water, which he thought might be being used in the plant in Siler City.

Commissioner Walker noted that water was actually being dumped into the reservoir.

Manager Terry stated he had talked with the Siler City Town Manager today, who was exploring possibilities for mutual support, and he had said he would bring that to this Board's attention.

Commissioner Walker asked if the water line that was put down US 64 went up to the ETJ. Commissioner Cotten said he believed it came out near the CP&L property.

Mayor Voller said this was important, because people believed Pittsboro was out of water when they read about Chatham County. He said Pittsboro had adequate water in storage and in their system and pipes. Mr. Efird said that was correct.

Commissioner Brooks suggested that if Siler City needed the water and it was being dumped into the reservoir, that Pittsboro sell them the water rather than sending it to the County, since they did not need it. He asked how many gallons a day were committed to the County. Mr. Efirm stated it was 25% of the capacity of the plant. Commissioner Brooks asked could they handle that. Mr. Efirm responded he would be hesitant to do so. Commissioner Brooks asked how much of that so-called County allotment could be sent to Siler City. Mr. Efirm said you could send all of it if you had the facilities and the piping to get it there. Commissioner Brooks said he was talking about having them come and get it.

Manager Terry recommended that this be referred to the staff to allow them to look at options. He said at this point Siler City had not requested help, noting they were doing contingency planning to plan for the future in case the drought worsened.

Commissioner Walker stated that Siler City Commissioner Sam Adams had spoken to a Rotary group last week and had said that Siler City was down to 57 days supply of water. He said he had talked to Mr. Efirm after that meeting and believed he was told that Pittsboro was selling water either directly to the State or to a contractor to water trees on the bypass. Mr. Efirm said he had not told him that, but he had heard it said as well. Commissioner Walker said he was not in favor of the Town continuing that practice, adding he would rather the water went to its citizens. He said even though they had water, he did not believe they should be allowing any outdoor watering. Commissioner Walker said any excess water should go to their sister municipalities.

Commissioner Brooks agreed that the staff should look into this and offer some options. He asked that one of the options considered be giving the County's allocation of water to Siler City.

Mayor Voller said he was totally in favor of cooperation between the Town, the County, and its sister municipalities.

Commissioner Brooks said if the drought worsened, they could always stop sharing the water if Pittsboro needed it instead.

Mayor Voller asked the Board to consider looking into all aspects of this issue. He said they had experienced a drought about 6 years ago, and now they were in that same situation. Mayor Voller said this time they should follow through and encourage citizens to conserve water. He said this drought was already worse than the last one, and there was no sign that it would end soon.

Commissioner Brooks noted that the Farmer's Almanac had predicted a warm, dry winter. He said they were right 70% of the time since the 1700's.

Mayor Voller said he was hearing that the Board wanted to encourage the conservation of water. There was no objection from the Board. Mayor Voller stated they should not be wasting potable water on lawns at all.

Commissioner Brooks requested that they grant Mr. Clancy's request to have a sign placed on Springdale which noted it was illegal to tamper with the barriers. The Board agreed by consensus. Mr. Monroe said it would take some time to get the sign done, but he would communicate with Mr. Clancy that it was being done.

Commissioner Baldwin stated she had sent an email to Attorney Messick and Manager Terry concerning the Infrastructure meeting that the Rural Center was holding. She invited the Board members to attend.

Mayor Voller stated that Chatham Mill and Mr. Roberts were working towards a solution with NCDOT about the road, and Mr. Roberts had been instructed to work on turn lanes and other items. He said there had been inquiries about single-day events: Habitat for Humanity and the Affordable Housing Task Force wanted to do an event in the spring; and, an event organized by business owners in the downtown very soon. Mayor Voller said Mr. Blakely had said if the Town and the property owner took steps to release the property owner that there would be safe ingress and egress then they could have a singular day event.

Commissioner Cotten suggested that since there was a blind curve/hill there, that a sign be posted.

Mr. Monroe suggested that the Town require them to the greatest extent practical to use the side street as the rear entrance to the Mill for the majority of the traffic, and/or have a police officer assigned to direct traffic on Hillsboro Street.

Mayor Voller said the police officer would be at the event's cost. He said if the Board was okay with that, then the Town could let those groups know they could have a one-day event. There was no objection from the Board. Mayor Voller stated the downtown event was scheduled for about two weeks from now.

CLOSED SESSION PURSUANT TO G.S. 143-318.11(a)(6) TO CONSIDER THE QUALIFICATIONS, COMPETENCE, AND PERFORMANCE OF AN EMPLOYEE

Motion made by Commissioner Cotten seconded by Commissioner Brooks to go into closed session pursuant to G.S. 143-318.11(a)(6) to consider the qualifications, competence, and performance of an employee, after a five minutes break.

Vote Aye-5 Nay-0

ADJOURNMENT

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn at 8:55 p.m.
Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk

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