

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
MONDAY, MAY 8, 2006  
7:00 P.M.

Mayor Randolph Voller called the meeting to order and gave invocation.

**ATTENDANCE**

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Clinton E. Bryan, Jr., and Gene T. Brooks. Commissioner Walker was absent.

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

**AGENDA APPROVAL**

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

Vote Aye-4 Nay-0

**CONSENT AGENDA**

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

- Minutes of April 6, 2006 Board of Commissioners special meeting.
- Minutes of April 24, 2006 Board of Commissioners regular meeting.
- Minutes of May 3, 2006 Board of Commissioners special meeting.
- Resolution accepting and endorsing the Solid Waste Management Plan of 2006 for Chatham County.

Vote Aye-4 Nay-0

**A RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN OF 2006 FOR CHATHAM COUNTY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 137**

Commissioner Cotten recognized Mr. Bob Holden, Chatham County Solid Waste.

## CITIZENS MATTERS

Jim Hinkley – Southridge Homeowners Association met on May 1, 2006 and have two concerns the would like addressed by the Board.

1. Traffic on NC 87 bypass with the intersection of Sanford Road. Large trucks use their jack brakes (retarders) when they get to the stop light. They are quite loud. In some areas they use a diamond shaped sign letting truckers know they can not use their jack brakes. On NC 87 bypass every 2 of three vehicles are tractor trailers.
2. Concerns about curb image of town (sight distances), particularly where the auto dealers are parking vehicles on the right-of-way. Would like to see the zoning ordinance enforced regarding right-of-way.

## OLD BUSINESS

### LAND USE PLAN UPDATE PROPOSALS

**Land Use Plan Update Proposals/summary report of proposals from: Benchmark, Cmr., Inc., The Wooten Company, Triangle J Council of Governments.**

Planner Monroe reported that the Planning Board reviewed the proposals at a special meeting on April 25<sup>th</sup>.

They received proposals from three firms:

Benchmark Cmr.  
The Wooten Company  
Triangle J Council of Governments

The Board examined the scope of work, qualifications of the proposed planning teams and examples of work performed for other jurisdictions.

Although Benchmark has submitted a proposal for \$16,500, Section 1 of the proposal makes it clear that, after initial meetings, additional elements may be suggested for the Plan. In examining the qualifications of the team to be assigned to the project it was felt that they were lean on education and experience. Interim Manager Misenheimer has had previous experience with the firm and corroborated these conclusions.

The Wooten Company provided a proposal for the update. This company has worked for the Town several times in the past (dating from 1984) primarily in CDBG programs but also assembling the zoning ordinance to incorporate many revisions. Wooten proposes a thorough program for evolving to an updated plan encompassing twenty years. The base package does not include a survey of existing land uses (this is an option which can be added on to the base price), nor does it include a meeting to obtain public input regarding

the downtown area (again this is an additional cost item). The project team is well qualified and experienced. The Planning Board and I felt that some of the items listed as “options” are basic to the plan update, and the addition of “options” exceeds the projected budget amount for the task.

Triangle J Council of Government’s proposal provides wide ranging public input and proposes to put the choices to people in a manner that avoid technical jargon. The Triangle J staff has an extensive knowledge of development patterns in Pittsboro and the greater North Chatham area. It is currently working with the town and county planning staff to project employment trends, travel trends, and housing development trends as part of the Clean Air Budgeting process. Additionally, they already have access to up to date GIS land use patterns, so they have start on data assembly. The staff are well qualified; the scope of work proposed satisfies the element as defined in the Request for Proposals which the Town advertised. And, finally, the proposed cost is within the projected budget amount.

After discussion of the proposals, considering the project team qualifications, and examining samples of work performed for other jurisdictions, the Planning Board unanimously decided to recommend the Triangle J team proposal be accepted.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to accept the Planning Board’s recommendation (Triangle J Council of Governments).

Vote Aye-4 Nay-0

**COPY OF PROPOSAL FROM BENCHMARK CMR IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 138-184**

**COPY OF PROPOSAL FROM THE WOOTEN COMPANY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 185-212**

**COPY OF PROPOSAL FROM TRIANGLE J COUNCIL OF GOVERNMENTS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 213-230**

### **ZONING TEXT AMENDMENTS**

**Zone Text Amendment – A presentation of 126 line items updating and clarifying portions of the Town’s Zoning Ordinance.**

Planner Monroe reported that Planning Board reviewed and discussed each of the 126 line items included in this proposed zone text amendment. The Board paid particular interest in those revisions suggested to the MUPD district standards, and after thoroughly discussing them, voted unanimously to support them.

Obviously the scope of the changes is too large to digest and discuss in such a short period of time. The minutes of the Special Meeting and Regular Meeting at which these changes were discussed will be available by the June 12th meeting of the Commissioners.

The Planning Board recommended approval of the proposed text amendments with the following:

Section 5.2.1 Table of Permitted Uses; Restaurants should be restored as a permitted use in the C-2 District, this was inadvertently deleted in converting the document;

Section 5.3.3.1 Accessory Dwelling Units.  
Add: (4) Accessory dwelling units may be permitted in the front yards in the R-A2 and R-A5 zoning districts provided such dwelling units satisfy all required setbacks.

Section 14.3 Width of District  
Add: H. US Hwy 15-501N from the US 64 By-pass northerly to the Haw River. (This was inadvertently omitted from an ordinance adopted in March 2002, but was supported by a Resolution adopted in February 2002, which stipulated that the Major Transportation Corridor Overlays were to be consistent with the adopted Land Use Plan.)

Planner Monroe stated he would recommend tabling this matter until the June 12, 2006 meeting.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to table this until the June 12, 2006 meeting.

Commissioner Brooks stated it would be helpful if we were told what page the recommended change is on. He had to do a lot of searching to find each change.

Manager Monroe stated the changes are marked in the right hand column of the Ordinance provided with the agenda packets.

Vote Aye-4 Nay-0

## **US 64-NC 49 CORRIDOR STUDY**

### **Consideration of funding for US 64-NC 49 Corridor Study – proposed phase 2A scope of study.**

Commissioner Brooks stated the State has such a large surplus, he does not see why we need to give them funds.

Interim Manager Misenheimer stated he would like direction from the Board on how to proceed with this matter. The Board agreed that it be addressed during the budget process.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to instruct the Interim Manager to include a fee in the amount not to exceed \$2000 be included in the budget.  
Vote Aye-4 Nay-0

### **FRANCHISE FEE – CABLE TV**

#### **Consideration of franchise fee compliance review – Town of Pittsboro’s contract with Triangle J Council of Governments.**

Interim Manager Misenheimer stated this is for an audit.

Mr. Bob Sepe sent correspondence that stated it is not uncommon for cable television operators to make errors (deliberate or otherwise) during the process of calculating its fee obligation to the respective franchise authorities. These errors typically include improper exclusions from the revenue base subject to franchise fee application as well as mistakes in coding subscriber addresses to the appropriate franchise authority. The objective of a franchise fee compliance examination is to verify the accuracy of the franchise fee remittances, identify areas of non compliance, and accordingly quantify the deficiency.

After discussion a motion was made by Commissioner Brooks seconded by Commissioner Baldwin to approve the contract with Triangle J Council of Governments.

Vote Aye-4 Nay-0

### **CLYDEFEST UPDATES**

#### **Discussion of public art/Clydefest updates.**

Interim Manager Misenheimer stated we have received two pieces of public art from Clyde Jones.

Interim Manager Misenheimer stated there was an issue with parking during Clydefest. The police department received a complaint from Mr. Taylor (up keeper of cemetery) that people were parking on cemetery property and damaged the grass. He stated there is a 60 ft. right-of-way for the road. Staff is trying to schedule a time to sit down with Mr. Taylor to discuss this. There is no protection in front of the cemetery.

Commissioner Brooks gave a little history of forming of the fairgrounds. At one time they had a white and a black agriculture agent and they got together and decided they need to have a black county fair. The cemetery is used by several churches in town. When the Town gave the County permission to place the recycling center there, we had a stipulation that when a burial was being held it would be marked off and traffic controlled to the center.

Commissioner Cotten stated the scouts recently had an expo there. At least four adult scout leaders and a deputy were on duty to enforce parking.

Mayor Voller stated hundreds of people came to the celebration.

Commissioner Baldwin stated maybe we can put up some type of marker there.

Interim Manager Misenheimer stated he would check and see what can be done.

## **DISCUSSION OF PUBLIC PRAYER/INVOCATION**

### **Discussion of public prayer/invocation at public meetings.**

Interim Manager Misenheimer stated the Pledge of Allegiance could be considered an invocation at the meeting. He submitted a press release (because WRAL improperly stated we were going to abide by the ACLU request). The press release stated that no decision has been made regarding the Prayer in Public Meetings and that it would be on the agenda for discussion tonight.

Attorney Messick stated he has already given his recommendations:

1. The prayer or invocation must be nonsectarian. The prayer or invocation may reference God or the "Almighty," but may not reference Jesus, Jesus Christ, Christ, Savior or a patron saint. The prayer or invocation may not invoke one religion in preference to others.
2. The prayer or invocation must be directed only at the board members themselves.
3. The prayer or invocation must precede public business and not be a part of public business.
4. In the alternative, the Board of Commissioners may elect to not have any invocation.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to continue the way were are currently doing invocation.

Commissioner Baldwin stated she does understand what they're saying with referencing a specific entity but as a Christian, that's what you reference. She doesn't know how you can tell a Christian person not to reference Jesus Christ. I don't see that. Another religion would reference another entity.

Commissioner Cotten stated every religion has their own way of praying and he doesn't think we should tell them how to pray.

Commissioner Bryan stated he felt we are all trying to get to the same place by different motives. He stated he was totally against this thing.

Commissioner Brooks gave each Board member a copy of Amendment 1 which is:

## AMENDMENT 1. Freedoms of Religion, Speech, Press, Assembly, and Petition

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The First Amendment prohibits the government from abridging, or limiting, freedom of expression. Freedom of the press protects all forms of the press from government control or censorship. Freedom of assembly is the right to peaceably gather to express a point of view. Petition refers to the expression of complaints directly to government officials. Redress means to set right, or correct. Americans have the right to present grievances to the government and ask that the source of the grievances be eliminated.

An established religion is one that is officially recognized by a government and has privileges denied other denominations. During the colonial period, established churches were common. The authors of the First Amendment wanted to separate government and religion. Defining the government's proper relationship to religion, however, has presented problems for the courts. The Supreme Court has upheld state aid for the transportation of student to parochial schools, but it has invalidated devotional Bible reading in public schools. The First Amendment also bars government restriction on the free exercise of religion. This means, in part, that the state cannot penalize an individual for the exercise of his or her religious beliefs.

Determining the range of conduct protected by the free speech clause has been an important task of the courts. In *Schenk v. United States* (1919) the Court upheld Schenk's conviction for distributing antidraft pamphlets during World War I. It ruled that Schenk's action presented a "clear and present danger" to the United States. In the absence of "clear and present danger" the courts have generally not upheld restrictions on freedom of speech.

Commissioner Brooks stated he used the following sources for his research:

- U. S. Constitution
- N. C. Constitution
- Encyclopedia of U.S. History by Richard B. Morris
- Talks to Students and Teachers by Albert Coates
- American Gospel by Jon Meacham
- Letter from American Civil Liberties to Town of Pittsboro
- Informational letter from the American Center for Law and Justice

Commissioner Brooks stated he was not going to be quite as succinct. The letter from the ACLU talked about proselytizing and some other things that he doesn't think the Board is guilty of. He does not feel they are trying to convert anybody.

Commissioner Brooks stated if the Town were to require employees to pray, he'd protest it, but the prayer the Board offers is a legislative prayer. The Board is asking for guidance.

Commissioner Brooks gave many references to public prayer; i.e. Supreme Court of US. Presidents Clinton and Bush used Bible verses in their inaugurations.

Commissioner Brooks stated thousands listened to the prayer Franklin Roosevelt gave to country over the radio before D-Day.

Attorney Messick stated there are two issues here. One is the right to prayer, the other is the issue of the content of prayer.

Attorney Messick advised the Board to adopt the policy of the 4<sup>th</sup> Circuit Court of Appeals which was upheld last year.

Commissioner Brooks stated he felt we need to adopt a policy that if we have people of other faiths and if they sit where he's sitting, they do it according to their religion. He would like the right as a Christian to say Jesus Christ.

The Board agreed that they had no problem with the ACLU's statements that the prayer be directed only to the board members themselves and that it be before public business is started, but that they will not tell people how to pray.

Vote Aye-4 Nay-0

## **NEW BUSINESS**

### **WHITE MOUNTAIN PRELIMINARY SUBDIVISION PLAN**

**White Mountain preliminary subdivision plan. A subdivision consisting of 201 acres (approximately 45 acres east of Hanks Chapel at Providence Glen; 155 acres west of Hanks Chapel).**

Planner Monroe reported that the Planning Board reviewed this application. The analysis of the suitability of the lots was discussed as was the traffic impact analysis. It was noted that the proposed density is in compliance with the underlying zoning districts (R-A5 east of Hanks Chapel and R-A2 west).

There are ten acres of open space shown for the enjoyment of the residents of the proposed subdivision. Since this is not a dedication to public use, if this plan is approved,

Mr. Weiler will be required to pay the town a fee in lieu of dedication of park land. Wetlands and stream buffers were discussed.

Following that, Mr. Weiler made a presentation where he detailed his effort to reach out to neighbors and provide them with information regarding the development he has proposed.

There was discussion of the possibility of existing wells being adversely affected by new wells which would be required for this development. Mr. Weiler stated that studies done by Chad Lineback and Don Blackwell indicated that such a circumstance was a very remote possibility, the Board agreed.

The Board heard from Sam Reynolds, landscape architect, regarding layout of the roads and the environmental considerations which had gone into siting of the home footprints to ensure the effects of home construction would have the minimum impact on adjacent properties and stream buffers.

Samir Bahho spoke about the reasonableness of the road design and assured the Board that the roads could be planned and constructed within slope limitations established by the DOT. In addition, it was noted that the alignment of White Mountain Road (formerly Maverick Ranch Road) had been shifted to coincide with Providence Glen Road thereby improving the intersection and also improving sight distance down the road into curves.

The Board received letters from adjacent property owners and reviewed their concerns. (These are included in the packet.) The concerns generally revolved around traffic (more the way people are driving than the potential increase in the number of cars), lot size (most people feeling they would be more comfortable with lots of five acres or more), stormwater runoff (a grading and soil erosion, sediment control plan would be required before any road construction if this project is approved), and the effects on their wells. Because of the number of letters received, Chairman Hoyle opened the meeting to comments by neighbors attending the meeting. Ms. Savaren and Ms. Brauner addressed the Board and re-iterated their concerns.

Mr. Weiler provided the Board with the complete copies of the environmental studies which he had performed in the analysis of the design of the plan. He indicated these plans were available for perusal.

After reviewing the appropriate zoning and subdivision regulations, considering neighbors' concerns and Mr. Weiler's experts' responses, the Board voted to recommend that the Commissioners approve the Preliminary Plan for White Mountain Subdivision.

Planner Monroe stated this area requires an average 2 acre lots and the Town has no legal authority to require a larger size lot than what is required.

The Board agreed to let citizens speak regarding this matter.

Frances Jane Savarin – 255 Providence Church Road - addressed her concerns:

- Concerned about the rural integrity of the community being affected by house and road lights as well as traffic. The traffic study should include after 5pm and weekends. Hanks Chapel Road is very busy with two boat ramp accesses, Hanks Chapel Orchids and the CPT. The proposed entrance to Phase I and II is close to a blind curve off Gum Springs Rd. White Mountain could add up to 160 vehicles to the road (2/house) one round trip 300 cars/day.
- Very concerned about the impact of 74 wells and septic systems that will be needed to accommodate the homes proposed, especially in Phase I and II where the lots sizes are under 2 acres. She is worried about her own water supply as well as the impact on the environment.
- With the future development of Dr. Goodnights' property, their community's integrity could be logically preserved by having a 5-acre minimum on Phase I and II.

Cathleen Whitted – 3440 Hanks Chapel Rd – she had a disadvantage she was out of town for the planning board meeting. But she submitted the following:

We, like our neighbors, are clearly concerned about the impact of the 74 lot White Mountain Project on our neighborhood and rural way of life. Light pollution from street and security lights, water availability and purity, and danger and noise from increased traffic will affect us all.

However, our most pressing concern is excessive runoff due to the high density of the proposed development on steep and sloping land. The Preliminary Site Plan does not include the topography our adjacent property (J. Turner and Cathleen P. Whitted) indicating how runoff is concentrated onto our property which borders 2700 feet of Phases I and II. At least 11 lots drain onto our land. Our own map illustrates how runoff is concentrated onto our property, then into Robeson Creek.

The INCREASED runoff from impervious surfaces, tree removal, gutter downspouts, lawn watering, car washing, road, etc. will HAVE to have a negative effect on the integrity of our property, its value, and most of all, our enjoyment and use of it. Sedimentation and runoff pollution from fertilizer, herbicides, motor oil, gasoline, etc. are other big concerns.

In summary, the inevitable runoff and probable erosion plus sedimentation due to the excessive density of the development will damage our beautiful property and diminish its value. The only acceptable remedy is larger lots (fewer houses) in those areas that drain onto our land and large tree buffers at the rear of all of those lots. These measures would help MAINTAIN the natural flow of water as well.

Although, the present zoning may allow the development as drawn, the question is whether it is suitable for this location, given its unique topography in the watershed and rural environment and whether it complies with Article 1.2 of the February 2006 Zoning Ordinance of the Town of Pittsboro. The bigger question is: What can the land support?

She opposes this number of houses bordering their property.

Diane Brauner is concerned about the size of the lots. She would like for them to be required to have an average of 5 acres per lot. That will take away some of the water/sewer concerns if the density was changed.

Nathan Weiler stated he does have a 5 acre section to the project. He wanted to thank all the neighbors for coming and giving input. He has met with a lot of his neighbors either in person or on the phone already. Therefore he has more than just a business interest in making sure that White Mountain is a really great project and a really responsible neighbor because he lives in the community also.

Mr. Weiler stated there are 2 acre lots along with the 5 acre lots. His understanding is that if the project were 5 acre lots most people would be okay with it. There are concerns about seeing another house from their house, the affect of increased traffic, water run off, erosion control, effect of septic systems on Robeson Creek, water wells on neighbor's wells, the rural character of Hanks Chapel Rd. and light pollution from the new homes.

His general response is Hanks Chapel Rd is a beautiful road. It is one of his favorite streets in all of Chatham County. There is a boat ramp, canoe ramp, CPT, orchid farm and more. He strongly believes White Mountain will be a strong addition to Hanks Chapel Rd. If this property were to be developed in the future perhaps waiting until the Goodnight property is developed it would most likely be a lot more dense than the project they are proposing. His team doesn't think this is a high density plan and that it does retain the rural character of the area.

He explored a lot of different alternatives regarding water and sewer in terms of community wells and septic systems, private wastewater treatment systems. Basically on every analysis private individual septic tanks and individual wells were the best environmental solution for the project. The water well & septic system combination does act as a self sufficient wastewater treatment recycling system.

As growth comes we need to have good examples to point to. White Mountain will be one of those examples of smart development. They are not asking for a rezoning on the property. They actually are exceeding the allowed density for the project. Project will have high quality construction which will increase property values in the area. He mentioned all the reports and studies they have prepared (recorded in book of resolutions), which are actually more than are required.

Mr. Wieler introduced this team:

Sam Reynolds – Landscape Architect  
Jeff Vaughn – PHD Soil Scientist  
Samir Bahho – Civil Engineer  
Richard Bullock – Professional Surveyor  
Patrick Bradshaw - Attorney

Sam Reynolds stated the plan respects the property around it. The roadways follow existing pathways which also tends to put the house on the ridge tops which is where the flat land is and that generally takes it away from the property lines.

Mayor Voller asked how would you say your plan addresses concerns that were raised about runoff, drainage and keeping with the character of the area.

Mr. Reynolds stated every one of the streets are on the ridge top which means the house is logically close to the street as far away as they can get it from the property line. They all have a natural buffer.

Samir Bahho spoke on the traffic study (which is recorded in the book of resolutions). The roads have shoulders and ditches. The rain is going to flow over the shoulder and into ditches – the ditches and shoulders will take some of the water the rest will be conveyed to the waterways. There will be some increase in runoff but it is mitigated. Most evaporates into the ground. It will be a better flow than with curb & gutter. In the areas where they have ditches that water will be in, they have outlets to slow the water to non erosive velocity before it leaves that outlet.

The creeks have 30 ft buffers on each side.

Mr. Wieler stated they will only be clearing land where the roads and home sites are going. They want to keep all the trees and hardwood they can.

Mayor Voller asked if he would be willing to put conservation easement on the back of the property line so that the lot owners that buy them would not timber it, as long as it didn't interfere with septic systems.

Mr. Wieler stated yes, they have another project called Henley on the Rocky River where it is in the conveyance that they cannot clear all around your lot line, you have to leave a buffer all around your lot line.

Commissioner Baldwin asked in reference to the traffic situations one of the residents had indicated in an email, saying there could be approximately 300 cars a day round trip. Is this something you talked to the residents about and are they aware of the traffic study?

Mr. Wieler stated they have had a traffic study prepared which has been on file with the Town Planner ever since they made application (for public inspection). He has met with a couple of the neighbors about the study.

Planner Monroe stated the residents that spoke with him about traffic did not have concerns about the volume of traffic. Their primary concern is about the way traffic travels on the road. A traffic analysis is not going to address that; that is a separate issue. This development will not be the cause of it. It currently exists with the amount/speed of boat traffic on the road.

Commissioner Baldwin asked what you would do if a neighbors well ran dry. She knows there is no way to guarantee that it wouldn't but how would you rectify it.

Mr. Wieler stated if they were to do a true study and a resident wanted an analysis of their well or they can have an analysis done by an expert of the production of their well. If they find it to be negatively affected after the build out of this project that would make sense that he would be open to helping. He has a well next door too and he does not want anyone's well to dry up.

Mr. Wieler stated he spoke with Kim Warren at the Health Department about Bobcat Point's affect on surrounding wells. She said she had not received any negative reports from adjacent property owners saying their wells have been negatively impacted by the wells at Bobcat Point.

Commissioner Cotten stated Mr. Wieler had previously stated that he had looked at various septic systems and had decided septic tanks is the better systems. Commissioner Cotten wanted to know if he was just thinking in terms of his property or the total area.

Mr. Wieler stated the total area and total project.

Interim Manager Misenheimer said he was sitting here looking at the close proximity to the town and part of the concern is the water issue. He wanted to know if Mr. Wieler had considered getting water from the Town of Pittsboro, running the infrastructure to the development that would alleviate the cost of the wells and those type things.

Mr. Wieler stated he has looked at it as an option. It is something they are open to. Since the infrastructure is not there right now it is in their plan to do wells.

Interim Manager Misenheimer asked if he could provide the infrastructure.

Mr. Wieler said it is a possibility.

Interim Manager Misenheimer asked if he had a feasibility study of that, which would provide an economic breakdown versus all the wells that would have to be installed.

Patrick Bradshaw stated he doesn't know about the economic amount. His view on that is the owners of the land subject to this application are entitled to tap the ground water under their property. The fact that there are wells nearby in the community does not give those property owners exclusive claim to the ground water. At the Planning Board Meeting, Dan Blackwell, Piedmont Wells reported that in his 45 years installing wells only 4 or 5 times has he tapped into another person's water vein. Not sure that it is appropriate at a preliminary subdivision plat consideration to ask the landowner to commit to a whole new infrastructure plan. It is certainly something they can consider between now and final plat submission, but he doesn't think it's appropriate to request a commitment to that on the fly here tonight.

Sam Misenheimer stated it is certainly appropriate to ask the question it would be inappropriate not to. He thinks it is in the Town's and community's best interest to look at this. If wells are a concern, it is certainly appropriate for the board and staff to ask the question. We do have the availability of water. That is something the Board has to make a decision on. You were talking about being a part of the Pittsboro community that should be a part of the process as well. He would hate to think that any of the staff, Planning Board or you are short sighted enough not to think of that as an opportunity.

Mr. Wieler said as an answer to your question more specifically, yes it has been considered.

Interim Manager Misenheimer stated the Board has the authority to require it, if you so choose.

Patrick Bradshaw stated he takes issue with the assertion that the Board has the authority to require this project to connect to town water because that is not what the ordinance currently states.

Jeff Vaughn stated sewer is not available. They looked at each tract of land, evaluated the soils for suitability for septic systems. They found that a substantial amount of the property was available for sub-surface (in ground) septic systems. Bottom line is the soils are suitable for the lowest cost, lowest maintenance septic system that can be permitted in N.C. conventional gravity driven systems. So why would you want to do something different.

Commissioner Cotten stated what bothers him the most is a lot of septic tanks (it will not happen in his lifetime) but this area will be a part of Pittsboro or a part of some other Town. With all these septic tanks in there it is going to be problems. He can give a clear

example over in his community right now, there are two houses that are still on septic tanks. One is influencing the adjoining property right now. This board has to look out for the future; this is a big concern of his as far as sewer is concerned. Quite frankly he can not go along with septic tanks.

Darrell Brauner submitted the following for the record:

We received a letter from you on April 25, 2006 regarding Nathan Weiler's proposal for a neighborhood called White Mountain off of Hanks Chapel/Gum Springs Church Road. We are the property owners that adjoin the proposed development. Although we enjoy living in "the country" and don't wish to share our property line with others, we understand that we cannot stop growth. We also understand that growth is good for Pittsboro and Chatham County as long as it is managed properly.

Our biggest concern is likely the same concern that everyone in the area has and deals with the density of the lots being proposed. We are very close to Jordan Lake as well as two nearby creeks. Adding 74 wells and septic systems in this area is very concerning. I cannot believe that 74 lots on 200 +/- acres will not have a negative impact to nearby creeks, Jordan Lake and the water supply. What happens if we no longer have adequate water supplies to meet the needs of the homes already out here? It is not like we have any other option. This, in fact, is my greatest concern.

Again, we know we can't stop growth but it seems to me that the lot density is too high for this area. Although not scientific, it would seem that 5+ acre lots would be more appropriate. We ask you to perform the necessary studies and take the process as slow as possible.

Cathy Holt submitted the following:

I am terribly upset to learn that there is a proposed development of 80 or so houses at the end of my road.(Providence Church)

When my neighbors and I bought here it was because of our deep appreciation of the privacy that this rural area of the county offered.

I understand that there will be growth. But there is smart growth, where development is controlled, and there is unwise growth where a community loses what made it special in the first place. In this area of the county most everyone has at least 5 acres. I was horrified to learn that this proposed development (White Mountain) will have some lots even less than 2 acres. What will this amount of population do to the water quality of the nearby wells, and the water quality of Robeson Creek ? What about the traffic on a road not built to handle it? (Hanks Chapel at a turn no less) And the light pollution this will produce!

I don't ever want to have to move from my home. I have been very happy there for 17 years. Please do anything you can to let me stay happily. There should be NO MORE than 1/2 that many homes approved on that size acreage. Any one who had their eyes on anything other than just money would agree.

Some of us choose to live in an urban or subdivision lifestyle. Some of us don't. Please leave us that choice.

Thank you in advance for your consideration and for anything you can do to influence this.

Cathy Holt - 680 Providence Church Rd.

Joe Suprick submitted the following for the record:

I am writing this letter in regards to a proposed three phase subdivision, known as "White Mountain Subdivision", DBA as Wieler DFG. The proposed entrance phase I & II are planned to be located on Hanks Chapel Church road, phase III is to be located off of Providence Church road.

First I would like to state that there was a lack of public notification on the part of the planning department, a number of my neighbor received a letter with insufficient time to investigate and prepare, and we received nothing! This was after I contacted your office a year or more ago; questioning a flier that Samuel Wade White was circulating, trying to sell lots in an unapproved subdivision. At that time you stated there was no subdivision approved or proposed. In addition, I question how we could be notified if he chose to pursuit the subdivision though the proper channels, you took my name and contact information and informed me that I would be contacted.

Concerns:

1. **Additional traffic on a rural road** – Hanks Chapel/Gum Springs church is a dangerous rural road with blind spots, hills and winding curves; it was not intended for a heavy traffic flow, such as Big Wood, which is wider and straighter and supports activities like bicycle riding. The road may meet the **minimum** standards for width; however that standard **does not** address the blind spots, hills and curves. Today when a bass boat comes down the road it is white line to yellow, with no margin of error, that is the case with **school buses** as well, they are commonly over the center, trying to maneuver the curves. Over the past three to five years there have been a number of major accidents on this road and with the proposed subdivision; it will only lead to **deaths....** They (DOT) have done a number of traffic studies, because I have talked with the people doing them. These studies are short-term (4 hours one morning and 4 hours one evening) and lacking a true study of traffic patterns. In addition, this road is a major link from the Wake Stone plant, located in Moncure to northeast Chatham County, when

there is a need for hauling; there can be countless 20 plus tonnage trucks traveling at a high rate of speed down this road, deadly to a bicycle rider, walker or jogger.

2. **Septic System** – The over use of land for waste disposal and contamination of the river and lake. With the density of proposed subdivision and the run-off directed in to the Roberson Creek (Jordan Lake), a municipal or private system would be the only way to insure regulations compliance after the fact. This is a commonly overlooked in every area and it comes back to haunt everyone. The standards (2 acres) was put in place many years ago with the intent to have a couple of lots split off for family building, it was never intended for high density subdivisions. If we all wanted that, we should have hired the Mayor from Cary or Apex.....
3. **Well water** – This is a major concern, since a large number of the wells in the area are extremely low flow and deep, to accommodate reserve capacity. I myself have two wells, since one is so low volume that it commonly runs out of water. If there are another 70 wells drawing water from a common aqua filter, the shallower ones in the area are going to have to be drilled deeper, costing current residents money for the profit of a developer. The Town planning meetings responses to this was pretty much, tough luck, its there for everyone, **that's a real arrogant response!!** Why not plan and handle it before it's a problem???
4. **Credibility of the Developer (co-developer)** - Samuel Wade White, owner of tract 7581, 73514, 73517 & 73516 has less than a clean record of following rules and the law. All of the properties he owns in and around the area look like a disaster and I would not be proud of the area when people outside come to visit. Furthermore, he has repeatedly followed his own law, to the extent that he has illegally installed a mobile home on tract 7581, dumps used motor oil on the roadway and has used that tract for a profit generating dumping ground and has already started his subdivision by deeding tracts 73514, 73517 & 73516. Out of desperation an adjoining property owner purchased a tract of land from Samuel Wade White originally part of tract 7581, to stop the illegal dumping of trash next to them, items such as appliances are in there under the local cement plants disposed cement. His property located on the fork of Hanks chapel and business 64 can speak for itself, take a look... **I would really like to know when the county and township is going to hold him accountable under the law!!!**
5. **Police and safety support** – This property and roadways are under the control of the Highway Patrol and our local Sheriff. These agencies are rarely seen and the speed limit is never enforced, I have been told “because of lack of troopers”. Myself and others have called and complained on countless occasions.

**Conclusion:** I'm not apposed to growth, it's just that everywhere I have lived planning for the future is always lacking and the tax payer end up footing the bill. I support this development and any others in this area, be I feel what needs to happen is:

1. The roads rebuilt to meet and **exceeded** standards for safety, by removing bends, blind spots and providing a bike lane. I encourage you to investigate the number of accidents on these two roads and compare it to a road like Big Woods. If people what to hide behind "that stats are within acceptable guidelines", I will send the next grieving family to your front porch.
2. A municipal water and sewer system installed and maintained under strict regulations to ensure the aqua filter and lake water qualities are maintained. We don't need leaders that point to old rules and zoning regulations that everyone hides behind....
3. That only creditable developers and partners are allowed to operate, otherwise the tax payers left holding the bag and they run off with the money (profits).
4. This area come under the control of the local police department and a safe 35 MPH be enforced on the roadways.
5. One last thing, the town hires a **qualified project manager** to execute and hold people accountable; otherwise things fall through the cracks.

Turner Whitted submitted the following for the record:

We were out of state when notices of the proposed White Mountain subdivision were received by adjacent property owners last Thursday and have no practical opportunity to comment on the plan. (We question whether notices were mailed the required 10 days before the board meeting.) Had we not spoken with neighbors who did receive notices on Thursday we would be unaware of tonight's hearing. With over 2700 feet of shared boundary on two sides as well as over 1300 feet of road frontage immediately opposite a third side, we argue that we are the adjoining property owner most affected by the proposed development.

We request that the board defer making any recommendation until at least their June meeting to allow additional time to better understand the impact that the proposed subdivision might have on our own property and the surrounding neighborhood. In particular, we've had no chance to examine any of the information required by the subdivision regulations such as the Corps of Engineers review, NCDOT driveway permit and street review, septic evaluation, staff evaluation, and impact assessments required by Section 5.2 and drainage and erosion control plans require by 5.2. D.

Note that we are not thinking of "impact" merely in the economic sense. Our concern is for livability and quality of life in this neighborhood for the next thirty years.

Excluding our own property (approximately 31 acres) and one other large tract (approximately 60 acres), there are eight nearby tracts which contain single family houses. The average size of each of these lots is approximately 8.9 acres. Moreover,

there is a recently proposed subdivision, Eagle's Ridge, less than a 1/2 mile from the proposed development. Lot sizes in Eagle's Ridge average approximately 6.5 acres.

The proposed subdivision would contain 74 lots averaging 2.4 acres each. (This average includes the 5 acre tracts on the east side of Hanks Chapel Road; the average lot size on the west side would actually be smaller than 2.4 acres.) Clearly the proposal represents a radical and unexpected departure from past development of this neighborhood. While a plan for development with lot size comparable to existing ones might not raise questions, this one does. Our concerns about traffic safety, light pollution, effect on water table, and suitability of septic systems for dense development should be obvious.

However, our overwhelming concern is with runoff. What may not be fully evident or adequately represented in plans submitted to the planning board is that large portions of the proposed subdivision drain onto our property and from there into Robeson Creek and Jordan Lake. What little we've seen of the subdivision plan shows a large number of small lots on property along our share boundary. What is not depicted is the topography of our adjacent land. Based on the topography of our land as well as that of the proposed development and our own observations of the effect of runoff from the land in its current undeveloped state, we have serious concerns about the impact should the land be developed as densely as proposed.

Engineering is often described as the art of judicious approximation. In many instances that boils down to instincts and gut feelings as opposed to blindly crunching numbers. My instinct is that, if permitted, drainage from this subdivision will result in harmful erosion and sedimentation.

In summary, we're trying to make three points:

1. given that we are surrounded on three sides by this proposed development, we ought to be able to express concerns to those who will approve or disapprove this plan,
2. we are not against development of the land, but the proposal is so badly at variance with its surroundings that it deserves additional scrutiny, and
3. we seriously doubt that the developer has adequately revealed the true impact of drainage from this land with its topography and such high density of development onto our land with its unique topography.

-Cathleen and Turner Whitted

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to get a little more thoughts and to schedule a public hearing on White Mountain preliminary subdivision plan for May 22, 2006 at 7:00 pm.

Vote Aye-4 Nay-0

**SUBMITTED WRITTEN COMMENTS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 231-241**

**PROVIDENCE CHURCH ROAD – EASTERN SITE DRIVE INTERSECTION CAPACITY ANALYSIS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 242-245**

**PRELIMINARY SUBDIVISION PLAT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 246**

**WHITE MOUNTAIN TRAFFIC IMPACT ANALYSIS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 247-288**

**WHITE MOUNTAIN CHECKLIST IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 289-302**

**DRUG AND ALCOHOL TESTING**

**Consideration of service agreement with Triangle J Council of Governments to provide drug and alcohol testing for Town of Pittsboro consortium.**

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve the service agreement with Triangle J Council of Governments to provide drug and alcohol testing for the Town of Pittsboro.

Commissioner Cotten stated that the Town needs to adopt a policy, stating when, why, etc.

Vote    Aye-4    Nay-0

**AN AGREEMENT WITH TRIANGLE J COUNCIL OF GOVERNMENTS DRUG AND ALCOHOL TESTING CONSORTIUM IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 303-304**

**ENGINEERING SERVICE PROPOSAL – HOBBS, UPCHURCH & ASSOC.**

**Presentation of Town capital projects and engineering scope of service proposal – Hobbs, Upchurch, and Associates.**

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the proposal from Hobbs, Upchurch and Associates.

Vote    Aye-3    Brooks/Baldwin/Bryan  
          Nay-1    Cotten

**A COPY OF THE PROPOSAL IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 305-309**

**ENGINEERING AGREEMENT – HYDROSTRUCTURES, INC.**

**Engineering Services Agreement – Town of Pittsboro specification updates and revisions – Hydrostructures, Inc.**

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve Agreement with Hydrostructures, Inc.

Commissioner Brooks stated he really appreciates all the dedication Jay Johnston has given to the Town of Pittsboro.

Vote Aye-4 Nay-0

**ENGINEERING AGREEMENT WITH HYDROSTRUCTURES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 310-312**

Interim Manager Misenheimer reported on the following:

Tennis and basketball court agreement updates, letter to Dr. Ann Hart, School Superintendent. (It is on the agenda for tonight's BOE meeting)

- Updates on town projects
- Updates on Town Lake Park (The clean up day was not well attended due to the rain)
- Letter on Community Building recommendations – NC State Historic Preservation Office (Letter recorded in the Book of Resolutions)
- Updates on sidewalk projects with NCDOT and TIP/Transportation Improvement Plan
  - Old Graham Road
  - US 15/501 to Chatham Mills and corridor
- 2006 Click it or Ticket campaign kickoff
- Ride for Kids – May 7<sup>th</sup> (was successful)

**COMMISSIONER CONCERNS**

Commissioner Brooks stated that sometime ago the Board adopted a policy that if a letter was requested to be written that a copy of it be included in the next agenda. He asked about the letter to be written to Clinton Taylor regarding Habitat.

Planner Monroe stated he has not written it, but he will take care of that.

Commissioner Cotten stated he attended the Solid Waste Advisory Committee Meeting last Wednesday night and the issue is still dogging him. It did come out at the meeting that Advance Auto Store will take used oil.

Commissioner Cotten asked when we are going to vote on Town Manager position.

The Board agreed to schedule a special meeting soon for that purpose.

FYI

- Town Hall Day - NCLM

### **ADJOURNMENT**

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

Vote Aye-4 Nay-0

---

Randolph Voller, Mayor

ATTEST:

---

Alice F. Lloyd, CMC, Town Clerk