

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, AUGUST 22, 2011
7:00 PM

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

ATTENDANCE

Members Present: Mayor Randy Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Clinton Bryan, III, Michael Fiocco, and Hugh Harrington.

Staff: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, and Town Attorney Paul S. Messick, Jr.

AGENDA

Mayor Voller verified that no changes were needed to the Agenda.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to approve the Agenda.

Vote Aye -5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the August 8, 2011 regular meeting.

Commissioner Fiocco said that he would discuss minor grammatical changes with staff after the meeting.

Motion made by Commissioner Baldwin seconded by Commissioner Bryant to approve minutes of the August 8, 2011 regular meeting.

Vote Aye-5 Nay-0

2. Governor's Highway Safety Program (GHSP) Grant Funding for Traffic Enforcement Officer.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to adopt the resolution accepting the grant funding.

Vote Aye-5 Nay-0

A RESOLUTION ACCEPTING THE OFFER OF A GRANT IN THE AMOUNT OF \$28,636 FOR FUNDING 50% OF THE COST OF THE TRAFFIC ENFORCEMENT OFFICER FOR THE POLICE DEPARTMENT FOR ONE YEAR AND AUTHORIZING THE TOWN MANAGER TO SIGN THE CONTRACT WITH THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FORMALIZING THE TERMS OF THE GRANT.

WHEREAS, the Board of Commissioners of the Town of Pittsboro recognizes that the Police Department diligently enforcing the traffic laws plays an integral part in the safety of our community; and

WHEREAS, the Board of Commissioners of the Town of Pittsboro wishes to improve the capability of our Police Department to effectively enhance the safety of our community; and

WHEREAS, the Town of Pittsboro has received an offer of a grant in the amount of \$28,636 for funding 50% of the cost of the Traffic Enforcement Officer for the Police Department for one year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town of Pittsboro accepts the offer of a grant in the amount of \$28,636 for funding for 50% of the cost of the Traffic Enforcement Officer for the Police Department for one year; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Town of Pittsboro that, the Town Manager is authorized to sign the contract with Governors Highway Safety Program formalizing the terms of the grant for the Governors Highway Safety Program.

This the 22nd day of August 2011.

A RESOLUTION ACCEPTING GRANT FUNDING FOR TRAFFIC ENFORCEMENT OFFICER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 75-76

REGULAR MEETING AGENDA

Citizens Matters

Samantha Birchard, 433 Thompson Street, representing the Pittsboro Business Association, requested that the \$1,400 that the Town had contributed to past events be extended to a new event on October 8, 2011. Mayor Voller asked for a summary of plans. Ms. Birchard reminded the Board of an event the previous year, which had been a big success. The Business Association was planning a similar one this year, with a historical theme about Pittsboro by Gaslight, she said.

Commissioner Harrington expressed support for the idea, but noted that one Association event had been successful while another had not. Ms. Birchard said that this one would be the Association's signature event in the future. Mayor Voller said that he thought the Board wanted to offer continuing support. He wondered if the proposed event could be combined with another Main Street initiative. Ms. Birchard explained that scheduling the two at the same time would be

problematic. Mayor Voller asked Ms. Birchard to provide the Board with a simple outline at its next meeting.

Bill Jackson, 6405 Westgate Road in Raleigh, explained that he had received approval to build a one million, square-foot, mixed use project, called Pittsboro Place. He had spent much time and money addressing various alternatives to the Comprehensive Transportation Plan (CTP) for that area, he said. Mr. Jackson stated that deciding on the CTP would be the most significant decision the Board was likely to make for a long time. He strongly opposed one of the alternative routes being considered by the North Carolina Department of Transportation (NCDOT), he said, but he was in favor of eight others.

Mr. Jackson said that he had recently learned that the Board had the legal right to make a decision on the plan without holding a public hearing. He asked Commissioners to hold at least one.

Commissioner Harrington suggested discussing this issue later in the meeting, during the Comprehensive Transportation Plan item. Mayor Voller verified that Mr. Jackson would be willing to speak then. Even though that would not be a public hearing, the Board would give Mr. Jackson the opportunity to speak, said Mayor Voller.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to go into the public hearing.

Vote Aye-5 Nay-0

PUBLIC HEARING

1. Special Use Permit – School (academic) private, Haw River Christina Academy, 50 West Salisbury Street.

Mr. Terry gave a brief summary of a SUP application from the Haw River Academy. He pointed out that Board members had received material from the Town Planning Department that laid out details of the proposed rezoning. The staff's recommendation was to refer tonight's comments to the Planning Board for consideration at its next meeting, Mr. Terry said.

Steve Cote, a Rockrest Road resident, stated that he and his partners owned City Tap in downtown Pittsboro. He said that having a school located in the downtown area would be bad for his and other businesses. Mr. Cote explained that he was required to have an ABC permit to sell alcohol. If a school were built in that location, City Tap would be within 50 feet of it, and that could cause problems with the ABC Commission when he tried to renew his license, he said.

Mr. Cote mentioned that a nearby Mobile station also sold alcohol and would be affected as well. Moreover, the rezoning would lower the value of theirs and other properties, he said. Mr. Cote pointed out that having a school within 50 feet of his establishment could make it more difficult to sell his business.

Mr. Cote argued that the most important thing for the downtown was to have people walking around, spending money. The best way to attract them was to have something to eat, something to drink, and somewhere for them to go and spend the evening, he said. Mr. Cote stated that he was

not opposed to a school being anywhere else in Town, but retail was the best use for that large piece of property right in the heart of downtown.

Mayor Voller asked Mr. Cote if he could coexist with the school if his concerns about the ABC Commission could be mollified. Mr. Cote replied that he might be able to renew his license, despite the school being there, as long as he was in good standing with the ABC Commission. However, he had concerns about the effect of a school on downtown development in general, he said. Unless Pittsboro citizens just want a hamburger, most will go to Carrboro, Apex or Sanford, he said. Mr. Cote argued in favor of developing businesses that would create jobs, keep diners and shoppers in Town, and add to the general quality of life.

Randy Van Buren, an Uharrie Ridge Road resident and member of the Academy's board, stated that there would be a lot of activity around the school during lunch hours and after school. He said that he had two children at the school and thought that interaction between Academy families and the Town would increase as time went on. Mayor Voller asked if this was the only, or just the best, place in Town for the school. Mr. Van Buren deferred to the next speaker to answer that question.

Larry Robinson, of Ladybug Lane in Chatham County, speaking on behalf of the Academy board of directors, said that the West Salisbury Street location offered the school the best opportunity to serve the community. He pointed out that the building in question was currently empty and had been empty for several years. Mr. Robinson said that the Academy would turn the site into one of the best looking properties in downtown Pittsboro. The Academy would also create parking spaces that could be used by shoppers, he pointed out, noting that parking was fairly limited in Town.

Mr. Robinson said that the anticipated enrollment of 150-175 students would include about 90 families, 70 percent of whom would travel from outside to Pittsboro twice a day. Over time, those families would develop shopping habits that would benefit downtown merchants, grocery stores, pharmacies and other businesses, he said. Mr. Robinson proposed that the Academy's presence would benefit downtown merchants.

Mayor Voller said that Mr. Robinson had raised a good point regarding parking. The questions posed by Mr. Cote should be considered, he said, but he expressed appreciation to Mr. Robinson for the offer of parking because that was a significant issue downtown.

Commissioner Harrington asked Mr. Robinson if the Academy would make parking available at times other than school hours. Mr. Robinson replied that there would be about 33 spaces at the front of the building and the public could use those when the school was not operating. He expressed some concern about trash and cars being left at the site, but said those problems could be addressed. The Academy wanted to be good neighbors and as involved as possible with the community, Mr. Robinson said. He added that his board had entertained the possibility of sharing use of the playground with the Town.

Commissioner Fiocco asked Mr. Robinson if the Academy board had considered having a second entrance to avoid a bottleneck. Mr. Robinson explained that the lower grades would be dropped off and picked up in the front parking lot. There would be a gate on Hanks Street to allow drop-off and pick-up of the upper grades, he said. The junior kindergarten and kindergarten classes would meet for only half a day, which would alleviate some impact in the afternoon and the school, would stagger start times in the morning, Mr. Robinson explained. He said that there currently were 60

students (40 families) and that 40 percent of those children were in junior kindergarten or kindergarten.

Commissioner Fiocco asked Mr. Robinson if he thought the facility would house 150-175 students. Mr. Robinson replied that the original goal had been to have that as a grammar school and move the upper grades to another location. He said the Academy would like the two locations to be close to each other, if possible, but they did not know if there would be space available when the need arose.

Commissioner Fiocco verified that the Academy did not plan to have all 150-175 students at the building being discussed. Mr. Robinson explained that the Academy had begun four years ago with eight children and that the first graduating class would be only two or three. However, as the school progresses, there would be stronger numbers and they would look for a different facility for the upper grades, he said.

Mayor Voller expressed appreciation for the input and explained that this request would go to the Planning Board for more discussion. He could see both sides of the issue, he said.

Mimi Pollard, a Johnson Street resident who lives near the City Tap, predicted that traffic would be “horrible” with 90 families involved with the school. She insinuated that there was racism among some religious groups, noting that she had once gone to a Lutheran school.

Ms. Pollard expressed concern about people parking in her yard and reported that some had tried to do so after the City Hall fire. She also said that a sex offender was listed as living less than three houses away from the proposed school site. However, that person might not be in that place now, Ms. Pollard said.

Ms. Pollard read a prepared statement, explaining that she was an educator who supported education for all children. She did not think the proposed site was a good location for a school and said it would not be a good fit with the direction that the forward-thinking downtown business owners wanted to take.

Ms. Pollard asked that the Planning Board and Board of Commissioners take the time to thoroughly investigate the request before making a decision. There were many other locations in Town that were more suitable for a private school, she said, adding that she hoped everyone would find a win-win solution.

Mayor Voller commented on the many business changeovers that had occurred in that Salisbury Street building over the past 100 years. He urged the Planning Board to weigh all of the comments and factors, and he recommended that all communications to the Town board be made available to the applicant.

Mayor Voller noted that the main issue was whether or not a school was a good fit for the area. Perhaps something could be worked out, he said, stating that everyone wanted to see something built in Town but there was a question about whether or not this was the right spot for a school. The Board of Commissioners would leave it to the Planning Board to return with an assessment, said Mayor Voller.

Commissioner Fiocco asked Town Attorney Paul Messick how the 50-foot measurement was determined. Does the public right-of-way have anything to do with the measurement, he asked. Mr. Messick recommended getting that information from the ABC Commission. Clearly, City Tap property was within 50 feet of the proposed school site, he said.

Town Planning Board Chairman Kenneth Hoyle pointed out that two restaurants had opened within 25 feet of the Woods Charter School since it began at another location. Mayor Voller said that this should be looked into, since those restaurants did get permits for beer and wine. He recommended finding out how Chatham County permitted that and what the process was.

Mayor Voller pointed out that downtown business owners were not worried about whether or not they could coexist with a school; they were concerned about being effective going forward and whether or not others would be able to get an ABC permit.

Mr. Terry suggested having Town Planner Stuart Bass discuss this issue with the ABC board. He said that he had read the criteria only briefly and was not sure whether the 50-foot stand-off was an outright prohibition or just a guideline. The ABC Commission might have some latitude, he said, adding that the Town should also find out the Commission had some discretion in issuing permits.

Mayor Voller stressed that this should be made very clear because it seemed to be the point upon which the Academy's proposal could turn. Businesses should be given all of the information that comes forward so that they can address the issue in an open and transparent fashion, he said. Mayor Voller added that interested parties who were not present tonight should be provided with information as well. They might not even know about this application, and might have an opinion pro or con, he said.

Prepared statement submitted for the record from Mimi Bryant Pollard is as follows:

Good evening. I am addressing you on the matter of the rezoning request for the Haw River Christian School on Salisbury Street in Pittsboro.

I support education and I am trained in the field. And although I support the effort to educate our children, I do not believe that this location on Salisbury Street is suitable for a school. Furthermore, I do not think it would be a good fit for a potentially thriving downtown and for local businesses such as the "The City Tap".

It does not seem wise or appropriate to place this type of use in such close proximity to bars, restaurants and other downtown businesses.

Before any final decisions are made, I behoove the Planning Board and Town Board to take the time and thoroughly investigate this request.

There may be other locations in Town that are more suitable for a private school educating young people and certainly the Town and the property owner on Salisbury Street can find uses that may be mutually beneficial and/or a better fit for the changing downtown district of Pittsboro. Let's work together.

Like some of you my family has been here for generations and I and many other Chatham natives

enjoy the opportunity to get a sandwich, order a beer and watch live music in Pittsboro.

This is much more preferable than driving to Raleigh, Sanford, Apex, Cary, Chapel Hill or Durham and keeps our hard earned money in the community.

Thank you for your consideration and wisdom on this matter.

Mimi Bryant Pollard

Letter submitted for the record from Steve Carr is as follows:

Hello Commissioners

I am writing as the adjacent building owner of 89 Hillsboro St (General Boy LLC) and one of the partners in the City Tap Inc. with regards to the request for a Special Use Permit for 50 West Salisbury Street by Haw River Christian Academy.

My partners and I oppose the granting of this permit for a host of important economic reasons which pertain to our downtowns development.

Pittsboro has just been awarded a Main Street Program Grant. We feel it would be poor timing to change zonings and uses before we have a plan for downtown development. Our downtown is small. Keeping our focus on retail and Pittsboro town business tax base growth is essential (this use is for a non-profit). Schools are important but the proposed placement in downtown is not ideal for commerce or traffic congestion.

Initially this Special Use Permit seems benign but it will have possible ramifications for not only the property of 50 West Salisbury itself but any downtown commercial building within 50 feet of its property line.

This includes 89 Hillsboro Street as well as approximately 7 other commercial buildings. The City Tap holds an ABC permit and future restaurants that may want to move into any of the adjacent buildings to 50 West Salisbury Street might want to hold one too.

Among the stipulations the ABC board considers in granting permits is the minimum proximity of suitable establishments to Churches, Public Schools, or Church Schools. This minimum is 50 feet. 50 West Salisbury Street is that close to a good number of our small downtown commercial buildings. This proximity may deter restaurants occupying any of those buildings. I have added the web link below to the ABC commission's rules for granting ABC permits.

Please consider the downtown as a whole while reviewing this request. We feel this Special Use Permit could have detrimental effects to the commercial life of the downtown. Zoning and Use changes are premature given our Main Street opportunity.

Thank you

Steve Carr
433 W. Salisbury Street

Pittsboro

General Boy LLC partners Steve Carr and Sarah Carr
City Tap partners: Steve Cote, Sarah Carr and Steve Carr

<http://www.ncabc.com/permits/retail.aspx#Issue>

Motion made by Commissioner Fiocco seconded by Commissioner Brooks to go out of the public hearing and refer all comments and information to the Planning Board.

Vote Aye-5 Nay-0

OLD BUSINESS

1. Comprehensive Transportation Plan. (Will Letchworth, Wilbur Smith Associates, consulting engineers for NCDOT).

Mr. Terry gave a brief history of the CTP, noting that the Board had created a Steering Committee in 2010 to work on the project. That Committee has met several times over the last year and had had two public input sessions, he said. Mr. Terry pointed out that the Board had received an information briefing two meetings ago.

Will Letchworth, a consulting engineer for the North Carolina Department of Transportation (NCDOT) displayed a set of maps and pointed out that the maps were essentially what the Board had seen before, with a few minor changes. Those changes included clean-up and one more road extension area and a couple of additional unpaved roads that would be upgraded, he said.

Mr. Letchworth noted that NCDOT had provided a draft resolution, which had been adopted by the Triangle Regional Planning Organization (RPO) at its August 18, 2011 meeting. He noted that the RPO usually waits until after the Town has adopted a resolution, but NCDOT was at that meeting and the RPO adopted the plan. Commissioner Fiocco stated that the Steering Committee and the general public would identify the current map as "Scheme S."

Commissioner Brooks said it looked very similar to the first map, which was presented in the late 1980s, but he did not see Camp Creek or Mt. Zion Church Road on this one. Mr. Letchworth replied that NCDOT had reduced the detail on specific roads in order to highlight the improvements. When the model was created, and the planning process was begun, the maps were engineering-oriented and contained more detail, he said.

Commissioner Brooks said that he had asked the question because his goal was to avoid disrupting as many homes, businesses and farms as possible. Mr. Letchworth replied that there was much more planning to be done in terms of where specific roads would be located. That was the reason for not having an exceptional amount of detail on the maps, he said.

Mr. Letchworth explained that planners wanted ambiguity so that future developments could occur and roads could be placed according to conditions present at that time. Therefore, the project descriptions are of a general nature--connecting Point A to Point B--and the specific location where the new extension crosses Moncure and Pittsboro Roads could vary by quite a bit, he said.

“Let me rephrase that then,” said Commissioner Brooks. He asked if a road could go from 15-501/87 to Robeson Creek without disturbing anyone. Mr. Letchworth replied that the feasibility study stage of the project would be when decisions would be made about aligning roads to meet the needs that are outlined in the plan.

Commissioner Brooks said that he would have trouble voting on something that he could not see. Mr. Letchworth emphasized that the plan was not specific. Planners were looking at whether existing roads were capable of handling the traffic or if new roads were needed, he said. In the case of traffic traveling into, out of, and around Pittsboro, NCDOT saw the need for a new facility on both the east and west sides, Mr. Letchworth explained.

Commissioner Brooks stated that people had expressed fear that the road would go right through their neighborhoods--between theirs and their children's houses, for example. Mr. Letchworth stressed that this was only the first step of many. If a connection is identified as a need and the general form of that the connection has been identified, one cannot just walk out into a field and say the road will come right through here, he said. Mr. Letchworth stressed that planning was a step-by-step process and that NCDOT had not yet reached that level of detail.

Commissioner Brooks acknowledged that there had been a long-time need for a bypass that would allow people to go around Pittsboro and get to Chapel Hill more directly. However, there was concern about the Town being left out, he said, noting the desire to have people come into Town and shop. That puts the Board in the hot seat, said Commissioner Brooks, adding that he would have a problem voting for something without knowing what he was voting for.

Mr. Letchworth replied that he understood the concern and that he had encountered such concerns in other places as well. The best answer he could provide was that there had to be an overall vision before getting down in the weeds and deciding on an exact corridor, he said. “You've got to go through a lot of steps before you ever get the bulldozer,” he said, explaining that the next step was to take this map, look at the roads, and build on what had been done. Mr. Letchworth cautioned the Board to not end the process at the beginning simply because there were not enough specifics.

Commissioner Bryan said he understood Commissioner Brooks’ concerns. If the Board were to approve this tonight, would they have another chance to discuss where the road would lie, he asked. Mr. Letchworth explained the publicly-funded and privately-funded tracks for road development:

With a publicly-funded road built by NCDOT, the map and the project would roll over into the Triangle RPO, which would pull projects from the list each year and work with the Town to select the highest priorities on the list. NCDOT would allocate money through its Transportation Improvement Program (TIP), beginning with planning money. The next step would be to do feasibility studies, which include overlay aerial photos, environmental data, streams, wetlands, historic properties, structures, etc. Then the road would be laid out using applicable design criteria that had been supported by the other analyses, Mr. Letchworth said.

Mr. Letchworth explained that the feasibility study would be approved by NCDOT and further traffic forecasts would be done. The environmental documentation resulting from that would state

that other alternatives had been considered and that this was the best choice, from environmental, traffic, and other standpoints. Then, that roadway layout would be further refined. After that, permits would be pulled and the project could be designed. Mr. Letchworth stressed that cities and towns would be involved as stakeholders in every step of the process. It takes many years to complete a publicly-funded project, he said.

If the project is privately-funded, the Town would state that it expected a connection between Point A and Point B and would tell the developer to include that in the development plan, Mr. Letchworth explained. He said that it might be just a right-of-way dedication, with no built road, or it might be part of the development. That could come along quicker, but it would likely have a segmented nature, he said.

Mr. Letchworth assured Commissioners that the Board would be part of every step in the NCDOT process. Nothing would be built without the Board having a chance to see it again, he said, adding that such projects are continually reanalyzed. A few years down the road, if things do not look the way they were anticipated, the Town could ask NCDOT to go back and take another look at it, Mr. Letchworth explained. He said that the plan was “not set in stone,” a fact that can be either good or bad depending on where you stand.

Commissioner Baldwin asked Mr. Letchworth if, after the feasibility studies were done, the Board would have the option of proceeding or not. Mr. Letchworth replied that there would be that option. However, the plan being presented tonight would handle future traffic and meet the goals outlined by the Steering Committee, he said. It had the support of the Steering Committee and had been through an extensive process of meetings, Mr. Letchworth pointed out. “In my opinion, it's a pretty darn good plan...and I think we've done a pretty darn good job of meeting everybody's needs” he said.

Commissioner Baldwin said that she had asked that question because of Commissioner Brooks' earlier comments about residents' concerns. After the feasibility study and other studies have been completed, and residents have been considered, it might not be an applicable plan, she said.

Mr. Letchworth replied that it might not be. He said that the immediate impact would be on those who intend to develop undeveloped parcels in the vicinity of one of the roadways. However, it would be a while before NCDOT would start building any of those roads, he said, so there would be a lot of opportunity before that happens. The Town probably would have private developers come in between those times and would have to work with them regarding connections, Mr. Letchworth said.

Commissioner Harrington ascertained that by approving the plan Board members would in effect be saying that they thought it was a reasonable system. What would happen, though, if the community college project took off, for example, and things started moving farther west, he asked? Who would initiate a change if things were not as expected or unforeseen changes arose?

Mr. Letchworth replied that it would start with the Planning Department. Commissioner Harrington asked for clarification that NCDOT would not oppose such changes. Sarah Lee, representing NCDOT, replied that the plans had been created to be fluid. NCDOT had all of the data and the model was done. So, if the Town wanted to make changes, NCDOT would revise the plan and return to the Board to have those changes adopted, she explained.

Mr. Letchworth added that if Board members had questions, they could always call him and he would run it through the model and get a quick sense of whether or not a change would work. He would always be available, Mr. Letchworth said.

Commissioner Harrington asked about the privately-funded track. If a private developer wanted to build a road that would go right through someone's barn, would the Town have the option of opposing it, he asked. At what level does the Town have control, and what is the worst case scenario, asked Commissioner Harrington.

Mr. Letchworth replied that the feasibility study must go through a federally-mandated permitting process. This would give the Town a fair amount of time to express its opposition, he said. Ms. Lee agreed that there would be much public involvement during the environmental study process. Developers were required to have at least two alternatives, she said, adding that all of the data, such as numbers of properties and people affected, would be considered and compared when choosing the best alternative.

Commissioner Harrington asked if there would come a point when the Town would be “stuck with it.” Mr. Letchworth replied that he would hope the Town would at least like the concept by the time they reached that point. When it comes to the point of talking about all of the impacts of one location versus others, the Town would have close to veto power, he said. Mr. Letchworth pointed out that the local government must sign off on such decisions.

Commissioner Harrington asked if the local government would have the power to oppose a road because it was going to go through someone's farm, for example. Mr. Letchworth replied that if the Board were to say that something was off limits, then he would suggest talking about how to meet the Town's objectives. The process was federally mandated to be a collaborative one, he pointed out, and the goal is to choose the least environmentally damaging and most practical alternative.

Mr. Letchworth stated that planners had not yet seen any huge projects looming and had tried to minimize the effect of crossings on houses. Much forethought and analysis had already gone into the project, even though it was not evident on the map, he said. Mr. Letchworth said that such information had been detailed in the documentation and given to the Steering Committee.

Commissioner Harrington asked for an explanation of the lines on the map. What am I really seeing, he asked. “Plus or minus 1,000 yards? 100 yards?” Mr. Letchworth replied that it would be plus or minus 500 yards, depending on the road. Ms. Lee stressed that Board members should not see the lines as indications of where roads would be built. NCDOT was merely attempting to draw a connection between Point A and Point B that would not go through lakes or homes, she said. The environmental process was strict and they would go through many alternatives, Ms. Lee said. She described the map as a “hopeful corridor,” but said it could change based on environmental data.

Commissioner Harrington asked if there would be much moving room and Mr. Letchworth replied that the first thing to look at would be the land. If a road would not disturb much, then you decide what would do the least damage, he said. Mr. Letchworth pointed out that Commissioners could go out there and walk around and see for themselves where it makes the most sense to put a road.

Commissioner Fiocco tried to determine the width of the corridor, but Mr. Letchworth replied that he could not just look at the map and honestly answer that. Ms. Lee said that they should not think of the lines as corridors.

Commissioner Fiocco verified that the feasibility study would impact where the road would be designed and that the location would not be exactly where the lines were. Ms. Lee pointed out that it could be, and Mr. Letchworth stated that some of the roads could move quite a bit and still accomplish the plan.

Commissioner Fiocco asked about the Town's participation in the feasibility study. He verified with Mr. Letchworth that the Town planner/engineer would be at the table, along with the Town Steering Committee.

Mayor Voller agreed with what Commissioner Brooks had said about a level of discomfort for some private land-owners in the southeastern part of Town who were not on land owned by Chatham Park Investors. If they see a line on a map, they will assume a road is coming through, he said. Mayor Voller asked Mr. Letchworth what he would advise those people to do moving forward. Could there be a disclaimer on the plan so they would feel more comfortable when they look at it, he asked.

Mr. Letchworth noted that there already was a disclaimer on the plan, but said it could be expanded. Mayor Voller recommended that the expanded disclaimer be clear, understandable and readable, not just small type at the bottom. Ms. Lee pointed out that the documentation includes that information, but she acknowledged that people who view the plan online would not read all of the documentation.

Commissioner Harrington recommended that the disclaimer state that the plan was still conceptual, almost at the schematic level, just a general idea of how the network might be shaped. Mr. Letchworth replied that the word "concept" had been used a lot and was appropriate. It's very much a conceptual roadway layout, he said.

Mr. Hoyle said that it was just a network of roads and the Town did not know where they would go. He pointed out that the Steering Committee had met seven times, the Board had seen it three times, and it was still just a concept. Mr. Hoyle mentioned other road plans that had been changed because of property. This plan was basically just a concept of a network of roads, he said.

Mayor Voller verified that there had been seven Steering Committee meetings, two public hearings, a meeting with Town staff, a meeting with concerned citizens, and three Board meetings regarding this issue. He noted that this was Version S of the plan, and Ms. Lee pointed out that it was actually, "edits to Version S."

Mayor Voller said he understood that Chatham County could hold a public hearing and that they must incorporate this into plan into theirs. That would address some of the issues about where this network of roads may or may not go, he said. Ms. Lee pointed out that the county CTP would be the overriding document. Once that was adopted, it would encompass this plan, which would come back to the Pittsboro Board for re-adoption, she said.

Commissioner Harrington asked if Commissioners would have to convince the county if they

wanted to change the plan in the future. How much control was there for this and future Town boards to make changes, he asked Ms. Lee replied that plans must be mutually adopted. The reason why the county needed to adopt this plan was that a small portion of it was outside the Town's jurisdiction, she said. Ms. Lee explained that if the Board wanted to make a change later on, then Chatham County and NCDOT would have to adopt the new plan with the changes.

Commissioner Brooks clarified that the plan would be finished once NCDOT adopted it. He expressed support for the idea of adding a disclaimer. Many citizens would not understand the "fluid" nature of the map, he said. Mayor Voller agreed that people would be very confused by that, and Ms. Lee said it was a good idea to add a disclaimer.

Mr. Letchworth praised the Town staff for its work, stating that they had a good grasp of the details and would be able to explain the process to residents. Mayor Voller said that the Town had already adopted a pedestrian master plan and had proposed a bike plan that had gone to Chatham County and would soon return. He verified with Ms. Lee that those plans would be rolled into the CTP.

Mayor Voller pointed out that the RPO was planning to meet in October to discuss roads that had already been requested and to assign points for Moore, Lee, Chatham and Orange Counties. None of these roads was on the list, with the exception of improvements to Highway 87 and other things that were already known, he said. However, it would include state roads, and that would address what Commissioner Harrington had been asking about, said Mayor Voller.

Mayor Voller pointed out that there was a state road on the list that had been deemed important to the state and would get prime importance. The Town's RPO had only 10 percent input into that, but the Town had much more input into regional and sub-regional roads, he said. Mayor Voller pointed out that it was normal for people to come back later and make changes. But that is the mechanism for change--to come back and work with the local boards, he said.

Mayor Voller noted that Commissioners needed to decide whether to adopt the plan tonight or hold another public hearing. Another hearing was not required, but the Town and County each had the option of holding one if doing so might give a sense of finality, he said. Mayor Voller then offered Mr. Jackson an opportunity to address the Board.

Mr. Jackson said that Chatham Park needed to get a particular alignment approved by the state. He expressed concern that the state might come before the Council quickly after this plan had been approved and say that all of the studies had been done, and they were ready to go, and ask the Board to approve this alignment.

Mr. Jackson explained that he had enormous concerns about the road going along what he considers to be the wrong side of the green buffer. That would cut a development that he had planned to build off from the downtown area, he said. Mr. Jackson explained that he considered that to be such a serious issue that he had spent more than \$200,000 studying alternative road alignments. He feared that Chatham Park would pressure the Board to say that only one alignment had been thoroughly studied and to approve that one, he said.

Mr. Jackson asked for reassurance from the Board that there would be a public hearing before the current two alignments were approved. He expressed frustration over discovering late in the process that the plan would be so general that a year after he had spent so much money the Town

still did not know where the road would go. Mr. Jackson said he had made bank payments of more than \$45,000 a month for more than five years. He had spent more than half a million dollars on approvals and more than on \$200,000 analyzing road alignments, he said.

Mr. Jackson explained that he wanted to make sure the Board knew that all of this work had already been done. Moreover, he wanted to encourage Commissioners to have public hearings when they look at specific alignments and not end up feeling pressured by Chatham Park to make a quick decision. Mr. Jackson stressed that the Board's decision would affect all kinds of property, and he asked Commissioners to look at alternative alignments. "Tell Chatham Park to put it on a map and compare it with Mr. Jackson's stuff," he said.

Mr. Jackson argued that the road was too far to the east and that his and adjacent properties all the way to the downtown would not benefit by it in a substantial way. He stated that planners had predicted that Pittsboro would become "bypass city," with developments in nodes on the outside, or there would be major development in the center of the Town. The latter scenario would be much better, Mr. Jackson argued.

Mayor Voller said that although approval was the Board's decision he was not opposed to holding another public hearing. He asked Mr. Jackson if he would make his information available at a public hearing. Mr. Jackson replied that he would, adding that he already had presented it to Mr. Letchworth and NCDOT and that it was in the public record. Mayer Voller verified with Mr. Letchworth that he did have that material.

Mr. Letchworth pointed out that there were two alignments: Chatham Park's conceptual plan and Pittsboro Place's conceptual plan. So NCDOT had placed the line right smack in the middle, he said, in an attempt to avoid favoring either one. Commissioner Harrington ascertained from Mr. Letchworth that the difference between the two plans was about a quarter of a mile.

Commissioner Fiocco asked Mr. Jackson if there was a property owner between his project and that of Chatham Partners. Mr. Jackson replied that Mike White's property was there and that Chatham Park had had many opportunities to buy that. Laura Mitchell's property was also there, he said.

Commissioner Fiocco verified that Lorax Extension crossed into Mr. Jackson's property. Mr. Jackson commented that he and his neighbors would have an opportunity to create and grow together, unless they were isolated on the far side where they would not be seen and he would not be able to attract the type of tenants he needed. Commissioner Harrington verified that Mr. Jackson had no objection to the plan but thought that a public hearing should be part of the process.

Mayor Voller expressed concern about the smaller land owners that Mr. Jackson had mentioned. He noted that Mr. Jackson was an astute investor in Town, who would continue to make his case. The Board wanted to be fair to everyone, Mayor Voller said.

Mr. Jackson repeated his concern that Chatham Park would come in and say they were ready to build a particular road alignment. When you have a private developer, you don't have the same restrictions that you have when NCDOT builds a public road, he pointed out. Mr. Jackson expressed fear that the road would be built in the wrong place because "someone got their arm twisted due to the economic opportunity." When Chatham Park comes in with a plan, he wants the Board to ask for alternatives, Mr. Jackson said.

Mayor Voller thanked Mr. Jackson for his input and said that everyone had now had an opportunity to give an opinion. Commissioner Fiocco commended the Steering Committee for its diligent work. When the process began, NCDOT had criticized towns for not getting involved enough, he recalled. Commissioner Fiocco stated that he thought perhaps NCDOT had come to regret expressing that sentiment. He noted that the Steering Committee had challenged and refined many assumptions.

Commissioner Fiocco thanked Ms. Lee for her hard work. At the end of the day, this was the best they could have created, he said. Of the 20-30 options that had been presented, this was the one that resonated best with everyone, Commissioner Fiocco said. He stated that the members of the public who had attended meetings and everyone on the Steering Committee supported this plan.

Commissioner Harrington asked Commissioner Fiocco for his opinion on holding a public hearing. Commissioner Fiocco replied that he would not want to give the impression that he was against holding a hearing. However, the Steering Committee had been working on this for years, he pointed out, noting that they had held 12 meetings, including presentations to the Board. He said it was a good plan and he did not think a public hearing would improve it. He was comfortable voting tonight, Commissioner Fiocco said.

Mayor Voller thanked the Steering Committee members, noting that they had done a lot of work, probably more than they had signed up for, and had even held a second public input session. If the Town held a third public hearing it would only provide finality, he said. Mayor Voller noted that Mr. Jackson had had plenty of time tonight and would be kept involved throughout the process.

Mayor Voller told Mr. Jackson that if Board members voted on the plan tonight that would not mean they were unwilling to listen to what he had to say. The Board understood Mr. Jackson's point, he said.

Mayor Voller said that if the Board approved the plan tonight, it would go to the county, which might decide to hold a public hearing, which would accomplish what Mr. Jackson wanted. He pointed out, though, that Commissioner Fiocco was a professional planner who had spent a lot of time on this, and it had been looked over by a lot of people.

Commissioner Bryan said he felt torn. He liked the plan, but was concerned about the citizens who might be affected, he said. Even though it may be redundant, he would like to see another public hearing just to give people a final say, said Commissioner Bryan.

Mayor Voller expressed concern about people who might not have come to previous hearings because they had not heard about them. If they did not come to a final one, they would not be able to say that they had not had the opportunity, he said. Mayor Voller stressed that he did not want “a circus,” however.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to adopt the draft CTP as set forth.

Vote

Aye – 3 Fiocco/Baldwin/Harrington

Nay – 2 Brooks/Bryan

A RESOLUTION ADOPTING THE DRAFT COMPREHENSIVE TRANSPORTATION PLAN FOR THE TOWN OF PITTSBORO, NORTH CAROLINA

WHEREAS, the Town of Pittsboro, Chatham County, Triangle Area Rural Planning Organization, and Transportation Planning Branch of the North Carolina Department of Transportation have actively worked to develop a transportation plan for the Town of Pittsboro; and

WHEREAS, the Town of Pittsboro and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach agreement for a transportation system that will serve present and anticipated volumes of traffic in and around the Town; and

WHEREAS, it is recognized that the proper movement of traffic within and through the Town of Pittsboro is a highly desirable element of the comprehensive plan for the orderly growth and development of the Town; and

WHEREAS, the Town of Pittsboro is directed by North Carolina General Statutes 136-66.2 to have a qualifying land development plan that can be a policy statement that expresses a jurisdiction's vision for the development of land within that jurisdiction;

WHEREAS, it is recognized that the vision described in the 2001 Pittsboro Land Use Plan is still valid for the areas within the Town of Pittsboro's planning jurisdiction, and will serve as a qualifying land development plan;

WHEREAS, it is recognized that the Pittsboro Comprehensive Transportation Plan will replace the 1992 Pittsboro Thoroughfare Plan; and

WHEREAS, the multi-modal elements of the Pittsboro Comprehensive Transportation Plan will be addressed in the upcoming Chatham County Comprehensive Transportation Plan, which is currently under development; and

WHEREAS, after full study of the plan and the supporting documents presented, the Pittsboro Board of Commissioners feels it to be in the best interests of the Town of Pittsboro to adopt a plan pursuant to General Statutes 136-66.2;

NOW THEREFORE, BE IT RESOLVED that the Pittsboro Board of Commissioners hereby adopts the portion of the Draft Pittsboro Comprehensive Transportation Plan dated July 8, 2011, that is within its planning jurisdiction and endorses the remainder of the plan. This plan should serve as a guide in the development of the transportation system in Pittsboro, and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption.

This the 22nd day of August, 2011.

A RESOLUTION APPROVING THE DRAFT COMPREHENSIVE TRANSPORTATION PLAN IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE PAGE, 77

2. Offer of a \$240,000 Loan from the Central Electric Membership Corporation for the Hillsboro Street Transmission Line Project.

Mr. Terry said that this item was basically a housekeeping issue. The Town had adopted a similar resolution about a year ago, but had changed course since then, he explained. Mr. Terry said that this resolution would accept the grant for a different scope of work for the project. He said that the funds would supplement a \$750,000 Community Development Block Grant (CDBG) to help bring the project to full capacity.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to adopt the resolution.

Vote Aye-5 Nay-0

A RESOLUTION ACCEPTING THE OFFER OF AN INTEREST-FREE LOAN IN THE AMOUNT OF \$240,000 FROM THE CENTRAL ELECTRIC MEMBERSHIP CORPORATION FOR THE PURPOSE OF COMPLETING THE HILLSBORO STREET TRANSMISSION LINE PROJECT

WHEREAS, counsel for the Town provided an update on the project for modification and construction of improvements to the Town of Pittsboro's downtown underground water pipe system known as the Hillsboro Street Transmission Line Project; and

WHEREAS, counsel for the Town reviewed the opportunity for the Town to benefit from an interest-free \$240,000 loan from Central Electric Membership Corporation ("Central EMC"), for purposes of completing the Hillsboro Street Transmission Line Project; and

WHEREAS, these loan funds would be used (along with funds from a CDBG grant) for the Hillsboro Street Transmission Line Replacement Project which will include installation of 6,340 linear feet of water lines down Hillsboro Street within Downtown Pittsboro from Chatham Mills to the Courthouse traffic circle. This project will replace the existing transmission main on Hillsboro Street. The project will replace the existing 10-inch AC Transmission main with 12-inch DI pipes to eliminate disruptions in water service throughout town, to improve service and water quality to the downtown area and to provide a foundation for improvements to fire protection; and

WHEREAS, Central EMC had made an application to U.S.D.A. Rural Business-Cooperative Service for the purpose of acquiring a \$200,000 loan that may be used for this project and Central EMC will provide another \$40,000 of its own funds for the interest-free loan; and

WHEREAS, the principal of the loan must be repaid by the Town over a period of fifty-nine (59) months. Central EMC's goal in providing the interest-free loan is to assist in the project and to enhance economic development in Chatham County. Central EMC will acquire security interest in the Million Gallon water storage tank ("Million Gallon Tank") which is part of the Town's water system; and

WHEREAS, loan funds will be disbursed to the Town in accordance with the terms of the Loan Agreement with Central EMC. The Town of Pittsboro will begin making payments on the principal two (2) months from the date of the first draw-down of funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that after discussion, upon motion duly made and seconded, the Board accepts the offer of a loan and hereby authorizes the loan to the Town of Pittsboro from Central Electric Membership Corporation in the amount of \$240,000 for the purposes as set forth above; and

BE IT FURTHER RESOLVED that the Town Manager, Town Attorney, Town Finance Officer and Town Clerk are hereby authorized to execute loan documents in the form required by Central Electric Membership Corporation, and certification related thereto in the form required by Central Electric Membership Corporation, including but not limited to:

- (1) Loan Agreement;
- (2) Promissory Note;
- (3) Documents establishing security interest in Million Gallon Tank owned by Town (UCC Financing Statement and Deed of Trust);
- (4) Management Representation Letter;
- (5) Certificate of Supplemental Financing;
- (6) Certificate certifying the incumbency and signatures of the officers of the Town of Pittsboro, and;
- (7) Certification by Clerk, of Minutes of the Town of Pittsboro's meeting at which the Town Board approved this loan transaction.

This the 22nd day of August, 2011.

A RESOLUTION ACCEPTING THE OFFER OF A \$240,000 LOAN FROM CENTRAL ELECTRIC MEMBERSHIP CORPORATION FOR THE HILLSBORO STREET TRANSMISSION LINE PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 78-79

NEW BUSINESS

1. Citizen's Petition Regarding Operations and Security at Southern Park.

Mr. Terry said that he had added this item at the request of Commissioner Brooks. Commissioner Brooks reminded the Board that people who live in the proximity of Southern Park had expressed concerns about security. He mentioned a 47-inch high fence that the state had constructed with welded wire and treated wooden posts (on Sanford Road). Such a fence between the Southern Park and homes might give those people a sense of security and privacy, he said.

Commissioner Brooks stated that the only other properties in the area belonged to Lawrence Green and Sidney Dean, and that 3M might own a piece of the latter. Mayor Voller verified that 3M did own that land. Commissioner Brooks said the Town would not necessarily need to fence in that particular section because there was a piece of property between the park and the Dean property. Mayor Voller recalled that 3M had retained that property because of a promise to buffer the Dean land.

Commissioner Brooks stated that the Town could purchase 33 feet of 47-inch welded wire for \$159 and wooden poles for \$4.00 each. He said that he had done a quick search for this information and that there were other options available as well. The Town probably would be looking at \$3,000 to \$4,000, he said.

Commissioner Fiocco said that the total sounded about right for materials, but there would be labor costs as well. Commissioner Brooks suggested that Board members take a ride by the area and decide at the next meeting whether or not to build a fence between citizens' homes and the park.

Commissioner Fiocco ascertained that the objective would be security. Commissioner Brooks added that it would keep people and animals from wandering off park land and onto private property. Mayor Voller commented that Commissioner Brooks was trying to balance quality and cost.

Commissioner Baldwin expressed support for the idea. Commissioner Harrington proposed perhaps doing a portion of it. Commissioner Brooks indicated the general location on a map. Commissioner Fiocco asked if the Town had sufficient staff and equipment to provide the labor, and Mr. Terry replied that the staff was capable but he wondered if that was the most efficient way to do it.

Commissioner Brooks wondered about getting volunteers from Parks & Recreation to help out. Commissioner Harrington joked that those folks needed an outing but he was not sure they would want to build a fence. Commissioner Brooks said he would not be surprised if some might want to help.

Mayor Voller pointed out that churches and other groups had sent volunteers to help with such projects in the past. They included folks who were qualified to do this kind of work, he said. Mayor Voller expressed confidence that the Town could get volunteers from the community to help with the project. He recommended getting good materials and creating something that would be nice and effective.

Commissioner Brooks said that he had only inquired about prices locally. It was just an information report, he said, but he added that he hoped the Town could make it happen sometime in the near future. Commissioner Harrington ascertained that similar poles on Sanford Road were five or six feet apart. The Town probably could get away with having them at eight-foot intervals, Commissioner Brooks said.

Commissioner Fiocco asked Mr. Terry if he planned to discuss this with the neighbors. Mr. Terry replied that letters had been sent out, but neighbors had not responded. Commissioner Brooks stated that Mr. White was the only one who needed to be asked. Commissioner Harrington commented that one resident had asked about having a gate so his family could access the park.

Commissioner Harrington pointed out that the road was virtually on the property line. The fence would be visible to people entering the park and would not disappear in the woods, he pointed out. Commissioner Harrington added that wooden posts would look much better than metal stakes there.

Mayor Voller suggested sending Commissioner Brooks' information to the Recreation Board and having them come and discuss the idea. He asked if Commissioner Brooks wanted a decision now or next week. Commissioner Brooks replied that the Board should take a look at what he was talking about. Mayor Voller verified that Commissioner Brooks was suggesting that the Board go out and look at the area and come back next week prepared for a discussion. "Or the next," said Commissioner Brooks, adding that he was just providing information

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Mr. Terry said that staff had obtained four price quotes on Friday for the Credle Street rehabilitation project and had selected a vendor. If the low bidder accepts the offer, then the Town could have that completed in 90 days, he said. Commissioners discussed the amount of the low bid, the breakdown of parts and labor, and the warranty.

Mr. Terry also provided an update on the Hillsboro Street Transmission Line project.

Mayor Updates

- EDC
- RPO

Mayor Voller mentioned that he had given information from the RPO to the Board and said that the Commissioners were welcome to come to the next meeting in October. He offered to get together and talk with anyone about the allocation of points for anything already submitted. That allocation process could be significant, said Mayor Voller, explaining that the system was now a weighted one.

- Solid Waste
- Fairground Association
- PMA/Downtown

Commissioner Fiocco said that representatives from the Main Street program would come to hold a day of work on September 15 with the Board. People representing five stakeholder groups would work on presentations in the afternoon and present them in the evening, he said. Commissioner Fiocco urged everyone on the Board to set September 15 aside for that event at Town Hall.

Mayor Voller commented that Mr. Hoyle, and any of the other candidates for office, were welcome to be there as well. It took a lot of work to get into the program and its success would rest on leadership from the Board, the business community, and others, Mayer Voller said.

Commissioner Concerns

Commissioner Brooks asked if Mr. Letchworth had agreed to present a map that could be passed out to the public that would not have too much fine print. Mayor Voller said that he understood there would be language on the map explaining what it was and what it was not. He advised Mr. Terry to make sure that NCDOT did bring that back. He emphasized that the writing on it should

not be so small that it would be unreadable. Something 11 X 17 would be good, Mayor Voller said.

Commissioner Baldwin reminded the Board that there would be a Triangle J meeting on Wednesday. She offered to bring up any issues that anyone wanted her to introduce. Mayor Voller noted that Commissioner Baldwin was in line to eventually become the Triangle J chair.

FYI -

1. Town Financial Expenditure Statements for the Month Ending July 31, 2011.
2. Water and Sewer Revenues – Budget vs. Actual for FY 2011/2012.
3. Planning Director’s Update on Completion of the Land Use Plan.
4. Town Of Pittsboro Request for Qualifications - Management Consultant Team for Jordan New Development Stormwater Rule 15A NCAC 2B .0265 Local Stormwater Program.
5. Town Manager’s letter of August 17, 2011; RE: letter of appreciation to Project Engineer Becky Smith for work on Credle Street 3 & 4.
6. Town Manager’s letter of August 17, 2011; RE: letter of appreciation to Engineering Inspector Peter Domas for work on Credle Street 3 & 4.
7. Town Manager’s letter of August 17, 2011; RE: letter of appreciation to Jeff Green, President, KRG Utility, for work on Credle Street 3 & 4.
8. Town Manager’s letter of August 17, 2011; RE: letter of appreciation to John Butler, President, Atlantic Coast Contractors for work on Credle Street 3 & 4.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to adjourn the meeting at 9:26 p.m. Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk