

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
CHATHAM COUNTY HISTORICAL COURTHOUSE
MONDAY, JUNE 9, 2014
7:00 PM

Mayor Bill Terry called the meeting to order and asked for a moment of silence.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Commissioner Farrell.

ATTENDANCE

Members present: Mayor Bill Terry, Mayor Pro Tem Pamela Baldwin, Commissioners Jay Farrell, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Chief of Police Percy Crutchfield and Police Lt. Troy Roberson.

Mayor Terry will present the agenda to be set (A motion will be made to either approve the agenda as proposed or a motion will be made to modify the agenda).

CONSENT AGENDA

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the consent agenda as submitted. The Consent Agenda contains the following items:

1. Approve minutes of the May 20, 2014 special meeting.
2. Approve minutes of the May 27, 2014 regular meeting.
3. Set Special Meeting of the Town of Pittsboro Board of Commissioners for June 16, 2014 at 7pm. to hear presentation and receive report from the Pittsboro Business Association (PBA) and Kimley-Horn regarding Downtown Visioning and to Discuss FY 2014-2015 Preliminary Budget.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

CITIZENS MATTERS

Susan Little – 71006 Everard, Chapel Hill – Chatham County Historical Museum gave an update on the Museum since it has been opened a year and also wanted to thank the Board for the financial contribution last year.

Randy Voller – 21 Randolph Court wanted to thank the board for all their hard work.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the regular agenda as submitted.

Vote Aye-5 Nay-0

OLD BUSINESS

REQUEST TO REZONE PROPERTY (REZ-2014-01) AT 175 EAST STREET AND 129 NORTH SMALL STREET FROM C-2 (HIGHWAY COMMERCIAL) TO O&I (OFFICE AND INSTITUTIONAL)

Planner Bass stated he did not have any additional comments this evening from the information in the package.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve the rezoning request rezoning property at 175 East Street and 129 North Small Street from C-2 to O&I.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 16-22

REZONING REQUEST (REZ-2013-02) FROM PRESTON DEVELOPMENT - CHATHAM PARK PLANNED DISTRICT DEVELOPMENT MASTER PLAN

Manager Gruesbeck stated at the May 27, 2014 regular meeting, the Town Board of Commissioners elected to vote on the proposed Chatham Park Planned District Development Master Plan during its regular meeting scheduled for June 9, 2014. In advance of the decision, the Applicant had forwarded documents for the Board's consideration.

- 1) "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO FOR CHATHAM PARK"
- 2) "A RESOLUTION DENYING AN APPLICATION FOR AN AMENDMENT TO THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO"

The first item – the Ordinance –approves the rezoning request from various zoning classifications to Planned Development District (PDD) based on findings and conclusions.

The second item – the Resolution - denies the rezoning request if the Board so chooses.

Applicant submitted the following for the agenda packets:

- 1) “AMENDMENTS TO THE MAY 2014, CHATHAM PARK PLANNED DEVELOPMENT DISTRICT MASTER PLAN (PDD Master Plan)”

These are changes proposed by the Applicant to various chapters of the Chatham Park PDD Master Plan (May 2014). The modifications are shown in red.

- 2) “X. ADDITIONAL PROVISIONS”

The Applicant has requested that the attached Section X. replace the version, in whole, contained in the proposed Chatham Park PDD Master Plan submitted in May 2014.

Manager Gruesbeck said that Section X., Paragraph 6 of the Master Plan compels the Applicant to “defray additional costs expected to be incurred to the Town in dealing with development in Chatham Park PDD...” Should the Ordinance be approved this issue will be tackled in an Agreement that will be reviewed by the Town Board of Commissioners in a subsequent meeting. You may also recall that the Board reviewed a similar Agreement during the 11/25/14 Board meeting held at the Historic Courthouse when the rezoning request was tabled.

Manager Gruesbeck stated he also forwarded some changes he received earlier today from the developer.

Commissioner Fiocco stated Manager Gruesbeck announced changes were received today and wanted the public to know what there are.

1. Amend "I. SITE ANALYSIS ELEMENTS" (Notes with regard to the Stream Buffer map.), as shown on page 8 to read:

Put simply, riparian buffers **of one hundred (100) feet for perennial streams and fifty (50) feet for intermittent streams** will be protected and preserved but the final determination of where these buffers apply will be made in the future by the Town or other certified personnel.

2. Amend "VI. PARKS, GREENWAYS, RECREATION and OPEN SPACE ELEMENTS" (1) B (4), as shown on page 35 to read:

Private Recreation Facilities – private park/recreation areas provided to serve individual residential developments and common open space for public use within residential development and mixed-use developments in *Chatham Park* PDD may be applied toward satisfaction of Park Land or Open Space land area requirements. **The amount of private recreation area that can be applied to meeting the Park Land requirement is limited to not more than 10 % of the total Park**

Land. Small scale, private, urban spaces may be appropriately located to accommodate a variety of passive, active and entertainment activities for residents of *Chatham Park*. Private spaces of this type, one-half acre or larger, may be allocated toward the overall Park Land Open Space land area requirements of the PDD Master Plan for *Chatham Park*.

Amend "I. SITE ANALYSIS ELEMENTS" (4), as shown on page 8 to read: Additional buffers are provided at two locations along the Haw River. First, a two hundred and fifty foot (250') **three hundred foot (300')** buffer from the bank (top of bank) of the Haw River is provided along the river at the most northern river frontage of the PDD Property. This area is within Section 1.1. The second buffer is five hundred feet (500') in width and is located south of the first in Section 1.5. These buffers, while providing additional protection for the river, create greenway linkages, especially for the State-owned parklands along the river.

For streams flowing to the Haw River within Sections 1.1, 1.2, 1.3 and 1.5, where Federally listed species currently inhabit this portion of the river and would be protected by the Endangered Species Act of 1973, perennial streams shall have two hundred foot (200') buffers and intermittent streams shall have one hundred foot (100') buffers, measured from the top of bank. The applicability of these additional buffers shall be determined at the time of Small Area Plan submittal.

Amend "II. LAND USE ELEMENTS" (5), as shown on page 13 to read:

For the first River Transition Zone, the more northern of the two areas, the buffer along the river is two hundred and fifty feet (250') **three hundred feet (300')** wide. Moving away from the river and parallel to the buffer, the next two hundred and fifty feet (250') **(200')** is limited to a residential development density of one dwelling unit per gross acre (1du/ga).

2. Amend "II. LAND USE ELEMENTS" (3), as shown on page 11 to read:

Each Activity Center shall contain public green(s)/commons area(s) totaling a minimum of one (1) **two (2)** acres in size, centrally located and accessible. A contiguous area is preferred. Areas across from and adjoining a common urban street shall be considered contiguous.

3. Amend "VI. PARKS, GREENWAYS, RECREATION and OPEN SPACE ELEMENTS" (1) A, as shown on page 34 to include the following statement: (Renumber as necessary.)

(3) The combined amount of Open Space for both residential and nonresidential described in the examples above is 1,320 acres. Chatham Park shall include at least 1,320 acres of qualifying Open Space (see below) throughout the development of the project. Chatham Park shall include this amount of qualifying Open Space, at a minimum, regardless of the maximum number of dwelling units constructed or non-residential gross square footage constructed.

4. Amend "VI. PARKS, GREENWAYS, RECREATION and OPEN SPACE ELEMENTS" (1) C, as shown on page 37 to read:

The timing for the provision of Park Land is intended to track growth and development in order to properly serve the community. **As noted above, Park Land shall be provided at a ratio of no**

less than 1/33rd of an acre per dwelling unit. In order to expedite the delivery of Park Land, it shall be provided at a rate equal to 1/25th of an acre per dwelling unit until the maximum amount of up to 667 acres is reached. Therefore, At a minimum, required Park Land shall be provided in the following manner.

- Fifteen **Twenty (20)** acres of Park Land space for every 500 residential units.
- The amount of dedication shall be calculated on a pro-rated basis relative to the total number of residential building permits issued. The minimum required land area shall be available for development prior to the issuance of the building permit for the specified unit increment (i.e 500; 1000; etc.). The following chart illustrates how minimal land areas thresholds may track building permits.

Park Land / Development timeline - EXAMPLE

<i># Units (Building Permits Issued)</i>	<i>Minimum Acres of Park /Open Space Required</i>	<i>#Units (Building Permits Issued)</i>	<i>Minimum Acres of Park /Open Space Required</i>
500	20.0	5000	200.0
1000	40.0	10000	400.0
2000	80.0	15000	600.0
2500	100.0	22000	667.0

Commissioner Foley stated she would like for the Board to address concerns made by the two advisory boards. She started with the letter submitted by the Parks and Recreation Board.

1) Conservation Buffer – Haw River

HONOR THE 2000 FOOT CONSERVATION - OPEN SPACE DESIGNATION ALONG THE HAW RIVER AS ADOPTED IN THE 2012 LAND USE PLAN.

The Land use Plan of 2012 designated a 2000 foot buffer along the Haw River as a “Open Space and Conservation” area.” This “place type,” describing the Town’s vision for future development patterns, states on page 98 of the plan, that “Development in these areas is generally discouraged.”

There appears to be some confusion regarding the fact that the conservation place type explains the provenance of the 2000 buffer. To avoid further confusion perhaps it’s best to quote the relevant section in full:

Conservation includes floodplains, a 2,000 foot wide buffer along the Haw River, and public lands associated with Lake Jordan. The buffer along the Haw River is consistent with Chatham County’s low density stream buffers, which limit density to one unit per five acres. Development in these areas is generally discouraged.

It should be noted that none of the Future Development Pattern Map place type descriptions, including “Open Space and Conservation,” recommend specific densities within a given place

type. The Zoning Map describes specific densities and uses within zoning districts. The Zoning Map has not yet been updated to reflect the recommendations of the Land Use Plan. The Future Land Use Map and the Zoning Map cannot be used interchangeably, and should not be confused.

After discussion the majority consensus of the board was to leave it as it is in the Master Plan.

For (the way it currently is in the MasterPlan): Baldwin/Farrell/Fiocco/Turner Against:
Foley

2) Open Space

REQUIRE 30% OF THE PROJECT TO BE DESIGNATED AS OPEN SPACE - NOT TIED TO FINAL BUILD OUT. A LARGE, MULTI-HUNDRED ACRE NATURE PRESERVE WOULD BE IDEAL.

The Parks and Recreation Advisory Board concur with the recommendation from the Lawrence Group consultant to require 30% of Chatham Parks land area be set aside for conservation and open space. We have seen evidence that Pittsboro area citizens highly value conservation and feel that this provision is reflective of our community values for preserving land for its inherent value.

Wake County is aggressively pursuing an Open Space Plan with the goal of conserving 30 percent of the County's land area. To quote a recent News and Observer Article:

"While the goal of the program is to protect the county's water quality, the preservation of green space is considered an amenity that attracts homeowners and business, reduces pollution, helps prevent flooding, supports plant and animal diversity and provides opportunities for recreation."

It is hoped that Pittsboro would be able to compete with Wake County in attracting and retaining employers and residents through the protection of great natural areas.

Roughly 76% of the Section of Chatham Park north of US 64 Bypass is considered by the state to be a "Significant Natural Heritage Area." The following is from NCDENR:

"Significant Natural Heritage Areas (SNHAs) are an area of land or water that is important for the conservation of the natural biodiversity of North Carolina. . .SNHAs are expected to contain the best populations of rare species, their habitat and exemplary natural communities... Information about SNHAs is provided to land owners, land managers, and land use planners to aid in decision-making. . . This information helps project planners and landowners make land use decisions that have the most benefit to society and the economy, while having the least ecological impact."

As such, a nature preserve within the designated significant natural heritage area, along the Haw River, with mature upland forests, would be ideally suited to provide a welcome respite from the higher density urban environments proposed within close proximity. The Town, a conservation group, or other third party entity could hold the land in trust, to be minimally developed with trails. Alternatively, as the area became more urban, this nature preserve or another additional tract could evolve into having features consistent with parks within urban environments such as

New York's Central Park. Central Park's 843 acres is an oasis in Manhattan and properties around it are highly coveted and highly valued.

Indeed, the link between higher property values adjacent to conservation areas is well established across the country. One need merely look at the higher land values adjacent or proximal to Duke Forest for a local example. These higher property values translate into higher tax revenues for the Town.

The developers highlight in their master plan the 45,000 acres of preserved land along the Haw River and in Jordan Lake, but these exist due to public expenditures and the efforts of conservation groups. As of yet the developers are offering no significant land dedication of their own. The one park offered along the Haw River is bisected by a high tension power line; the other is downstream from the waste lagoon of the former Townsends chicken processing plant. The amount of active parkland being proposed is consistent with our existing minimum standards – but it is not raising the bar.

The proposed open space detailed on Potential Open Space Map largely illustrates lands which already have regulatory constraints (to satisfy water quality buffers) or lands which are otherwise undevelopable due to steep slopes, wetlands, etc. The expectation for a required conservation area is that would contain prime land, not simply undevelopable leftovers.

To require the developer to provide a several hundred acre, contiguous, natural area, within the Haw Conservation Buffer, containing upland mature hardwood forests would demonstrate great vision, great leadership and would yield a legacy for future generations of Pittsboro's citizens. Citizens and leaders in Raleigh have gone to great efforts to secure the 306 acre Dorothea Dix property for their central park. Cary manages Bond Park which is in excess of 300 acres.

An early graphic from a Chatham Park promotional PowerPoint shows a pattern consistent with the Land Use Plan and the Parks Advisory Board Proposal. Unfortunately substance backing this concept is absent in the actual Master Plan.

After discussion the majority of the board was satisfied with what is currently in the master plan. For (the way it currently is in the MP) Baldwin/Farrell/Fiocco/Turner Against: Foley

3) Payment for Parks

REQUIRE THE DEVELOPER TO PAY FOR IMPROVEMENTS TO THE PARKLAND DEDICATED TO THE TOWN.

The PARAB once again concurs with the Town's consultant who reiterated on the April 14 BOC meeting that, as written there was no expectation that parks would be improved before they would be reserved or dedicated to the Town. He stated that the units being built in Chatham Park would create the demand and need for new parks. It is very common, he continued, to require that those parks be improved and not simply turned over and let the Town pay for the improvements at some point in the future. Otherwise you might face a situation where the land would be reserved and dedicated then 10 years later the Town would have the tax funds to build the parks.

The clear tie between demand generated and needed improvements is comparable to that of transportation improvements, (which the developer funds). He suggested that the Town consider requiring the developer to pay for improvements.

PARAB recommends implementing the consultant's original statement on page 18 of his review of Chatham Park, namely: "It should be understood, and therefore explicitly stated, that park land (not conservation areas) should be improved for the final expected programming." Thus, we recommend along with the consultant that the developer pay for the improved park infrastructure just as it will have to pay for the provision of water, sewer, and transportation infrastructure. Providing just the land for the installation of the water and sewer pipes or road networks without providing or installing the pipes or roads would not be a very good deal for the Town, neither would just providing the land for future parks without the concomitant park infrastructure. What this translates into in real terms is tens of millions of dollars in park infrastructure within Chatham Park which would be subsidized by taxpayers throughout the Town if not provided for by the developer.

Impact fees for parks could be incorporated as a required element of the development agreement. The Town's consultant did emphasize at the April 14 meeting that all around the Triangle, communities have park impact fees in addition to land dedication requirements. He details this a bit more on page 18 of his initial review of Chatham Park, describing what several other communities in our area require.

Requiring the developer to fund these improvements is prudent, fiscally conservative, legally sound, standard practice in surrounding communities, and in the best interest of the public/ taxpayers and the Town's bottom line.

Regardless of Chatham Park, we recommend that the Town move rapidly to fund a study focused on assessing impact fees, as well as a study creating a defensible methodology for assessing dedication fees in lieu. The developers have verbally consented to meet whatever current standards are required at the time of site plan submittal; this should be explicitly stated in the Master Plan.

After discussion the board agreed this was already covered in our ordinances.

4) Treat Greenways as part of the Transportation Network

REQUIRE THE DEVELOPER TO PAY FOR THESE IN FULL AS THEY WILL THE REST OF THE TRANSPORTATION NETWORK INCLUDING ROADS AND SIDEWALKS

This is accepted practice in many communities and would be appropriate for Pittsboro. If the private developer doesn't provide these greenways the expectation is that the public at large will subsidize their construction, existing residents as well as new ones.

After discussion the board majority agreed they were satisfied with the way it is in the Master Plan.

For (the way it currently is) Baldwin/Farrell/Fiocco/Turner Against: Foley

5) Private Parks do not equal Public Parks

PRIVATE PARKS AND RECREATION SPACES SHOULD NOT COUNT TOWARD MEETING PUBLIC PARK REQUIREMENTS

As proposed, private parks within Chatham Park would be counted toward meeting public recreation requirements. Private parks are not necessarily open to the public and hence do not meet the needs of the general public. Private parks and recreation facilities are welcomed, but should not count toward meeting the Town's public parks requirement. Morrisville has language in their subdivision ordinances which would be a good model for the Town in clarifying this policy, should the Board of Commissioners feel that it is appropriate.

Amendment submitted today agreed this issue. After discussion the developer agreed to take that provision out.

Commissioner Foley stated she would like to address issues raised by a member of the Planning Board. The board did not agree to that.

Mayor Terry asked if any board member had comments.

Commissioner Farrell stated he is pleased with the buffers and he feels it is an opportunity for Pittsboro and Chatham County to gain this Economic Development. He stated this is a rezoning for the land. That is what the vote tonight is on.

Commissioner Turner stated she echo's what Commissioner Farrell said and she supports the rezoning.

Commissioner Baldwin said this is a good plan. She said when she ran for office, both times, she ran on Economic Development and planned growth and this is planned growth.

Commissioner Fiocco said he had a couple clerical issues to ask the developer to consider. The first has to do with the small area plan. It lays out a path for how the town process will review the small area plans. While he thinks this is a good starting point he feels staff should develop their idea on how to do this. Commissioner Fiocco asked the developer to remove the section.

Mr. Smith said what is in the Master Plan is a suggestion. If the board wishes he can remove it. The Board asked that it be removed.

Commissioner Fiocco said on page 37 it states that open space shall be identified in each Small Area Plan based on the proposed uses. However, the open space provided does not have to be placed in the area covered by that Small Area Plan. He thinks for clarity what they are saying is that not all small areas will by definition contain open space. When small area plans come in with open space for review and approval that do show open space on it will be binding on the applicant. He wants to make sure the content was understood.

Mayor Terry had a prepared list of his concerns:

Comments and Recommendations on the Chatham Park Master Plan of May 2014

1. **Page 2, CPMP.** “Chatham Park is envisioned as a comprehensive live-work-play community that will preserve open space, create parks,...” The Chatham Park Master Plan does not deliver on the visioning promise in its opening sentence. Rather, it asks for the maximum possible density permissible on the foot print of the PDD and provides the absolute minimum of parks and open space required by the Town’s land management codes. The requested density could be acceptable with increased provisions for parks and open space. The minimalistic allocation for parks and open space could be acceptable with a reduction in requested densities that more closely approximates what could have been built under existing land management codes and what was contemplated in the Land Use Plan. Asking for the maximum possible density coupled with the absolute minimums for parks and open space is not acceptable.

Recommendation: Reconvene the meeting of the staff-level negotiating group and the developer, with a view toward reaching a more suitable balance between density and open space/parks. If the Lawrence Group Recommendation of 30% open space plus 10% for parks could be attained, then the current requested densities would be more acceptable. If the proposed allocation of open space and park land cannot be increased, then a 20% across the board reduction in density could be acceptable, bringing the total density down to 17,600 dwelling units and 17,600,000 square feet of non-residential uses. This would still be a development of monumental proportions and might open the door for a negotiated trade offs between density and open space/parks during the small area plan review process.

2. **Page 3, CPMP.** After “Also, a wide variety of housing choices will be provided.” Add the sentence. This will include a commitment that at least 10% of all dwelling units will meet a definition of “affordable housing” to be negotiated and included in the Affordable Housing Plan listed under section X.1.g.
3. **Page 4, CPMP.** As required by the Town’s Zoning Ordinance, the PDD zoning and the PDD Master Plan shall be treated as a single item when acted upon by the Board of Commissioners. I am waiting for the Town Attorney’s opinion as to how we can comply with this provision in light of the fact that the Chatham Park Master Plan is not yet completed and will not be completed for up to two years. If the Town Attorney advises that we can disregard the ordinance and make exceptions when deemed appropriate, I would opt for the exception that we chose to act upon the zoning only and leave the approval of the Master Plan until the Master Plan is done. This course of action seems less objectionable than approving a Master Plan that is not yet written. We could simply approve the rezoning and allow the 5% and 15% of development to begin under our existing land use codes.

Attorney Messick said the Master Plan is complete and you can adopt it when you rezone the property.

4. **Page 4, CPMP.** “(5) Encouraging quality urban design by allowing higher densities when such increases are supported by superior design or the provision of additional amenities; and” As currently proposed, the Master Plan asks for the maximum in

density without any evidence of “superior design” and without any provision of “additional amenities.” (See my recommendation under paragraph 1 above.)

5. **Page 6, CPMP.** Change paragraph VIII (1) to read: The PDD Master Plan ~~may~~ will also include other items or plans ~~that the applicant chooses to include. Several are suggested in this PDD Master Plan for Chatham Park~~ as shown in Section X, ADDITIONAL PROVISIONS.

Mr. Culpepper said this change was a recommendation from the board.

Attorney Messick said this is specifically mention in Section VIII.

6. **Page 8, CPMP. Additional Buffers Along the Haw River.** The CP Master Plan proposes a 250 foot buffer along the Haw River in section 1.1 and a 500 foot buffer in section 1.5. The buffer should be changed to at least 500 feet anywhere along the Haw River. This would be half of what is recommended in the South West Shore Conservation Assessment.

This was already discussed.

7. **Page 9, CPMP.** Change the following sentence to read: This table will be reformatted to match, ~~to the fullest extent possible,~~ the future adopted Unified Development Ordinance ~~but, will retain all uses as listed in this PDD Master Plan.~~

Mr. Culpepper said this came about because of staff comments.

8. **Page 10, CPMP.** Strike out the following text: ~~Areas of Section 1.5 and 4.5 not used as public parks will transferred to and become part of the adjacent section or sections. This revision shall be made at the time of approval or small area plans for these areas. If the plan is to develop these two areas as Town parks, there is no reason to think that the Town would not accept the fully developed and constructed parks from the developer.~~

9. **Page 13, CPMP.** The 400 dwelling unit reduction discussed on this page is not reflected on the Land Use Plan map in section 1.1.

10. **Page 16, CPMP.** I offer the following comments on the last paragraph of this page

- a. It is erroneous to characterize a 3.22 MGD WWTP, or even a 6 MGD WWTP, as a “very large” plant. Plants of this size are, in fact, very small in comparison to other town’s facilities.
- b. A centralized WWTP need not be an impediment to the use of reclaimed water. We already have a reclaimed water line running south to the 3M plant and additional customer connections could be made along this line. If we are successful in completing our 3.22 MGD WWTP, we will have an effluent line

running east from the WWTP to the Haw River that will contain reclaimed quality effluent and, that line can be tapped at multiple locations to feed reclaimed water towers within the Chatham Park footprint.

- c. With respect to the issue of “stranded capacity,” a well conceived plan that incrementally grows our current WWTP from .75 MGD to 1.25 MGD to 2.25 MGD and finally to 3.22 MGD over several years can and would minimize the issue of “stranded capacity.”

11. Page 18, CPMP. On the subject of wastewater treatment technology. While I agree that technology advances in general can occur rapidly and unexpectedly, I believe that it is fallacious to suggest that wastewater technology has been developing and changing at anywhere near the pace of computers, electronics and telecommunications. From my point of view, the WWTPs that I see today are pretty much the same as the ones I maintained at Marine Corps Base, Quantico, Virginia back in the early 1980’s. Head works, bar screens, grit removal, aeration basins, digesters, clarifiers, sludge removal/dispersal/disposal, sand filters and disinfection (UV or chemical). Pretty much the same components that I learned at the US Army Engineer School in 1978-79. To suggest that we should expect quantum leaps in wastewater treatment technology over the next five to ten years is overly optimistic at best. I can see no technical reason to delay the detailed planning and design necessary to move forward with the expansion of the Town’s WWTP.

12. Page 19, CPMP. On the subject of funding water treatment plant expansions. Our utility enterprise fund is currently losing money at the rate of about \$450,000 year. We are not covering our operating expenses, let alone setting aside funds for future capital construction projects. The idea that we could fund a major expansion of our water treatment plant by accumulating capital from new customer connections seems to be overly optimistic.

13. Page 34, CPMP. Add the following paragraph under A. Amounts of Park Land and Open Space to be provided:

(5) The expectation under the Chatham Park Master Plan is that the developer will deliver fully constructed and operational parks to the Town at the developer’s expense. The selection of architects for parks design and the design process will include the active participation of the Town including final review and approval of all park construction plans by the Town. Construction of parks will be accomplished by the developer and at the developer’s expense using the Town approved design and with oversight by the Town during construction.

14. **Page 35, CPMP. (4) Private Recreation Facilities.** I support the Parks and Recreation Advisory Board (PARAB) recommendation that private recreation facilities should not be counted toward satisfying the total requirement for parks facilities to be provided by the developer. For example, club facilities similar to the Chapel Hill Country Club require a high cost initial buy-in and expensive annual dues to be paid by members who then have access to golf, swimming, tennis and other amenities. There is no opportunity for the general public to pay a daily rate fee for one-time use of any of these facilities. Such private clubs should not be counted as public recreation facilities. The swimming pool at Meadowmont was built primarily for the use of Meadowmont residents who can pay for an annual pass; however, anyone can come to the pool and pay a daily use fee to gain access to the pool. This sort of private facility, where there are means of access to the general public should be counted as part of the total parks and recreation facilities requirement. Public access need not be free as long as public access is permitted at a fair market price. This paragraph in the Chatham Park Master Plan should be modified accordingly.

15. **Page 47, CPMP. ADDITIONAL PROVISIONS.** Change paragraph 2 to read,

~~Within two (2) years following final, non-appealable approval of the Chatham Park PDD zoning and Master Plan, Applicant will submit for consideration by the Town a Development Agreement in accordance with Section 160A-400.20 et seq. of the North Carolina General Statutes.~~ As soon as possible, but not more than one (1) year following the final approval of the Chatham Park PDD zoning and Master Plan, the Town and the applicant will begin work on co-authoring a Development Agreement in accordance with Section 160A-400.20 et seq. of the North Carolina General Statutes, with a goal of completing work on the Development Agreement within one year. The Town's efforts in this regard will be primarily conducted by a qualified planning/municipal law consultant to be selected and retained by the Town. The fee for services for this consulting work shall be billed back to the applicant. Any conflict between the Master Plan and the provisions of a Development Agreement, agreed to by the Applicant and the Town shall be controlled by the Development Agreement.

Mr. Culpepper said this will be a joint effort with the town. Mr. Culpepper suggested that it read: The applicant working cooperatively with the town will submit...

Mayor Terry said he would change his recommendation that the Town would prepare the Development Agreement and then give it to the Developer for review.

Commissioner Farrell said he would be fine with the developer preparing the document and submitting it to the town for review.

Commissioner Foley said the consultant, staff and board should be a part of the process every step of the way through the process.

Commissioner Fiocco said he is happy the way it is written.

Commissioner Foley said we should not have developers writing ordinances. Commissioner Fiocco said this is an agreement.

Commissioner Baldwin said she felt it should be a cooperative effort.

Commissioner Turner said she felt it should be a cooperative effort and that she never thought this was something they would do by themselves.

Questions Directed to the Town Attorney

1. Are you satisfied that the current version of the Chatham Park Master Plan meets all of the critical needs of the Town and is in compliance with our PDD Ordinance, or are there unresolved issues that you would like to see resolved before approval of the Master Plan?
2. The PDD Ordinance includes the provision that, "*The PDD and the PDD Master Plan shall be treated as a single item when acted upon by the Board of Commissioners.*" What would be the legal basis for approving this rezoning when all parties agree that the PDD Master Plan is not yet completed and will, in fact, require an additional two years of work to be completed.
3. With respect to the legal concept of "vested rights" of a developer, what vested rights will accrue to the developer upon approval of the rezoning? Do you accept the developer's representation that, after rezoning, the Town will remain in control of the process because we will have an opportunity to review small area plans and disapprove any that we find to be inconsistent with the CP Master Plan? To what extent will the vested rights of the developer limit our ability to require changes in future small area plans?

Attorney Messick stated vested rights in the way you are using it is for site specific plans. There is not a site specific plan involved in this rezoning. The small area plans would presumably be the site specific development plans that will give vested rights. The only vested right the developer will have if you approve the rezoning is this rezoning and this Master Plan for the density of 22,000 dwelling units and 222 million square feet of commercial space.

Questions Directed to key Town Staff Members (Mr. Bass, Mr. Royal, Mr. Horne)

1. Are you satisfied that the current version of the Chatham Park Master Plan meets all of the critical needs of the Town, is in compliance with our PDD Ordinance and is consistent with the Land Use Plan, or are there unresolved issues that you would like to see resolved before approval of the Master Plan?

Planner Bass stated he did not think the Plan was consistent with the ordinance, and that was reflected by the fact that so much material is going to be developed over the next two years, which implies that it does not meet the requirements now.

Mayor Terry said with all due respect for his peer on the Planning Board he does not feel this satisfies or is consistent with the provisions of the land use plan (density, open spaces and other areas)

Commissioner Foley said she feels we have granted this developer a great deal of density and she doesn't think we have gotten enough in return. She doesn't feel we have done enough to protect our drinking water. But if this happens she will jump on board and give it her best.

Commissioner Fiocco said he thinks the Master Plan is a product of a lot of hard work. Working with the developer in a partnership to try to find that balance where we can invite economic development into Town with an applicant who he thinks has shown extraordinary good faith in their negotiations with the Town. He said there are not many applicants in the development business that are willing to accept the conditions that limits their ability to bring development to get a return on their investment until they satisfy the Town's thirteen or fourteen additional elements.

Commissioner Fiocco said they have a good track record for doing developments.

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to approve the Ordinance Amending the Zoning Ordinance and approve the Master Plan for Chatham Park.

Vote Aye-4 Baldwin/Farrell/Fiocco/Turner
Nay-1 Foley

Mayor Terry stated although he has some issues with the Master Plan. Over the last several months he has heard complimentary comments from Mayors, Commissioners, other elected officials and Town Managers that are familiar with working with Preston Development. They said Preston Development is highly respected and responsible corporate citizens in their communities.

Mayor Terry said that makes him feel a little better and he just asked they not disappoint us.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO FOR CHATHAM PARK IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 23-25

CHATHAM PARK MASTER PLAN IS RECORDED IN A STAND ALONE BOOK

CAPITAL PROJECTS REPORT

MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck said he didn't have anything to add to the report submitted with the agenda.

Mayor Updates

- EDC
- RPO
- Solid Waste – No meeting

- Fairground Association
- PBA/Downtown

COMMISSIONER CONCERNS

Commissioner Fiocco stated on June 30, 2014 all seats on the Parks and Recreation Advisory will need to be filled. He asked that staff begin advertising as soon as possible.

Commissioner Baldwin said she will be meeting with Legislators on June 17, 2014 and asked if any Commissioner had any concerns she would bring them up. She also referenced the letter from TJCOG (Emergency Response and Security Planning Committee Phase II Strategic Planning).

FYI -

1. Letter from TJCOG Emergency Response and Security Planning Committee (ERSPC) – Phase II Strategic Planning
2. Annual Water Quality Report: Reporting Year 2013

ADJOURNMENT

Motion made by Commissioner Turner seconded by Commissioner Fiocco to adjourn at 9:48 p.m.

William G. Terry, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk