

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, October 14, 2013  
7:00 PM

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

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Commissioner Farrell.

**ATTENDANCE**

Members present: Mayor Randolph Voller, Commissioners Pamela Baldwin, 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, Parks Planner Paul Horne, Engineer Fred Royal, Finance Officer Mandy Cartrette and Chief of Police Percy Crutchfield.

**CONSENT AGENDA**

Manager Gruesbeck said he was advised this evening that Tracy Lynn may not be willing to serve as a Town representative on JOCCA's board of directors so he asked that it be removed from the consent agenda.

Commissioner Fiocco stated he had submitted the following corrections to the September 23, 2013 minutes: Page 6, second paragraph from bottom: change the period after "health" to a comma; Page 8, fourth paragraph: delete the first use of the word burden and change "put" to "put's"; Page 10, after Mr. Devinney's comment that it was going to move her water onto him, add, Commissioner Fiocco asked Mr. Royal if the work was going to change drainage patterns to which Mr. Royal replied no; Page 13, Commissioner Concerns, first paragraph, last sentence change "District" to "Division" and fifth paragraph, last sentence change "entrance to" to "appearance of".

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the consent agenda with the corrections listed above and removing item #2 from the consent agenda.

The Consent Agenda contains the following items:

1. Approve minutes of the September 23, 2013 Regular Meeting with the following corrections: Page 6, second paragraph from bottom: change the period after "health" to a comma; Page 8, fourth paragraph: delete the first use of the word burden and change "put" to "put's"; Page

10, after Mr. Devinney's comment that it was going to move her water onto him, add, Commissioner Fiocco asked Mr. Royal if the work was going to change drainage patterns to which Mr. Royal replied no; Page 13, Commissioner Concerns, first paragraph, last sentence change "District" to "Division" and fifth paragraph, last sentence change "entrance to" to "appearance of".

Motion carried 5-0

2. Appoint Town of Pittsboro Representative to Joint Orange Chatham Community (JOCCA) Action Board of Directors. (Item removed from agenda)

Motion carried 5-0

3. Approve Resolution honoring S. Ellis Hankins

Motion carried 5-0

4. Authorize Mayor to send letter of support to International Institute of Municipal Clerks to hold their annual conference in Greensboro, NC.

Motion carried 5-0

## **REGULAR MEETING AGENDA**

Commissioner Fiocco said we need to add an item that is not listed on the agenda – the Land Use Ordinance Amendment, which should precede the rezoning. He said one of the items in the rezoning states it is in compliance with the Land Use Plan. This modification would need to be in place for that statement to be accurate. He asked it be added as Old Business #2 and that Item #2 be moved to #3.

Motion to approve the regular meeting agenda with the above addition was made by Commissioner Fiocco seconded by Commissioner Turner.

Vote Aye-5 Nay-0

## **CITIZENS MATTERS**

Amanda Robertson – 244 Prince Creek, Pittsboro said she was here to present a petition to Mayor Voller and the Board of Commissioners that reads as follows:

### **Petition to Mayor and Board of Commissioners of Pittsboro**

As residents, business operators, farmers, non-profit employees and board members of the greater Pittsboro area who work, live or shop in Pittsboro and/or will be affected by the proposed 7120 acre, 55,000 resident Chatham Park Development, we are asking you to do the following before approving this development: 1. Slow down the review process; 2. Bring in outside independent planning experts with experience evaluating similar large planned developments and

3. Keep the review process open to the public and seek community stakeholder input into all aspects of the review and revision of proposed development plans. (She handed the petition to Mayor Voller)

Ms. Robertson read the following prepared statement:

I have attended several commissioners meetings over the last several months. A couple of these were open to the public where the public was able to share thoughts and concerns about the Chatham Park proposal. She stated several others were members of the community spoke during the "Citizen's Matters" portion of the agenda. At many, if not all of these meetings, residents requested that you all obtain the participation of experts in helping guide this process. She stated individuals who can bring their knowledge to bear to protect our town, our vision, our philosophy, and our way of life. She further stated individuals who have experience in similar, large planned developments and in modern practices of sustainable design. You have had many members of our community offer assistance, including Elaine Chiosso, Brooke Massa and John Alderman, among many others.

She said at the working meeting held Saturday morning, August 24, 2013, I spoke with you, Mayor Voller, afterward. I asked you if you all intended to bring in experts to help guide this review and planning process, as had been requested by so many in our community, and also recommended by Fred Royal and his team in their planning review of the master plan. This was an impressive presentation that brought to light many concerns, considerations, and recommendations. You asked that I submit names to you of individuals who I might recommend to participate in a newly formed subcommittee. This subcommittee was created at this meeting, and consisted of two Town Commissioners.

She proposed tonight that you reform membership of this subcommittee to include members of your town board, as currently, but also include members of the community. She proposed one goal of this committee should be to better identify the process for reviewing and guiding the development of a master plan for Chatham Park. This should include such things as researching and identifying the experience evaluating similar large planned developments, and are available to work with the town moving forward. This group would be responsible for preparing a cost estimate for employing these individuals, to be paid for by Chatham Park.

She said other responsibilities of this subcommittee would be to identify channels to better include the public, such as and including a design charette that builds on the Southwestern Shore Assessment. Through involving the community, you can identify the vision and philosophy of the Town of Pittsboro that can better define the vision and philosophy of Chatham Park. This can be used to guide further development requirements of the master plan.

She said as a member of the Pittsboro Matters community, and board, I believe I can speak on behalf of all of our members when I say that we believe together we can make Chatham Park an example for the country about what sustainable planned development can look like. It can be something truly amazing which we'll all be proud of. Please let's take the time to do this right. Thank you.

John Alderman – 244 Redgate Rd, Pittsboro – said he wanted to focus on one aspect of conservation associated with this development stream buffers. Mr. Alderman went over the following power point presentation.

**Petition to Mayor and Board of Commissioners of Pittsboro**  
As residents, business operators, farmers, non-profit employees and board members of the greater Pittsboro area who work, live or shop in Pittsboro

# Stream Buffers

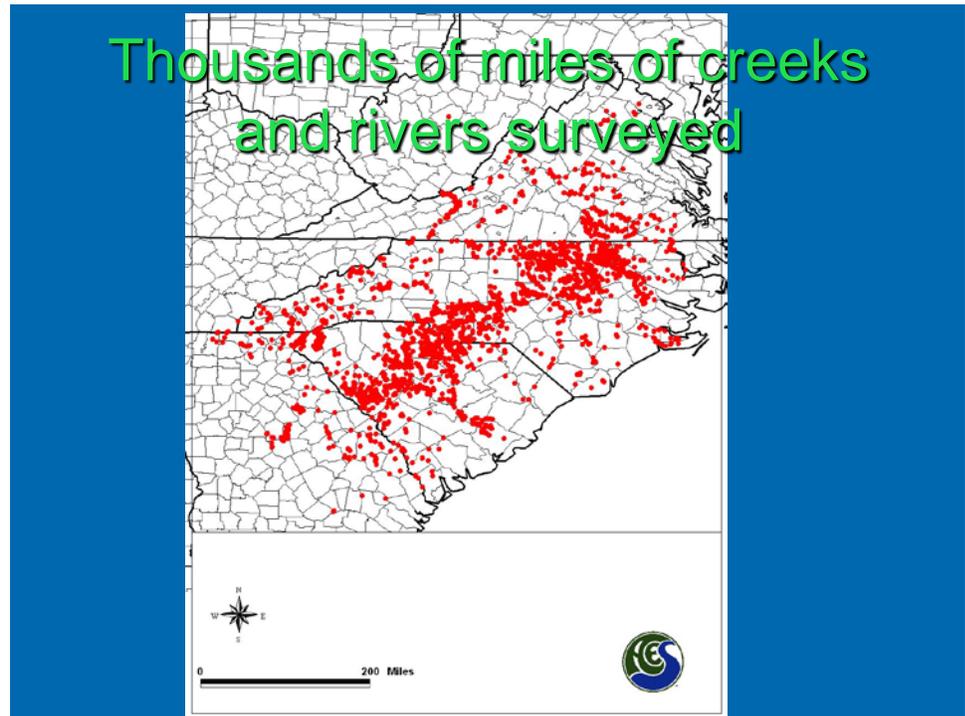
by

**John M. Alderman, President  
Alderman Environmental Services, Inc.  
Pittsboro, NC**

**14 October 2013**



Some of the areas where he has worked:



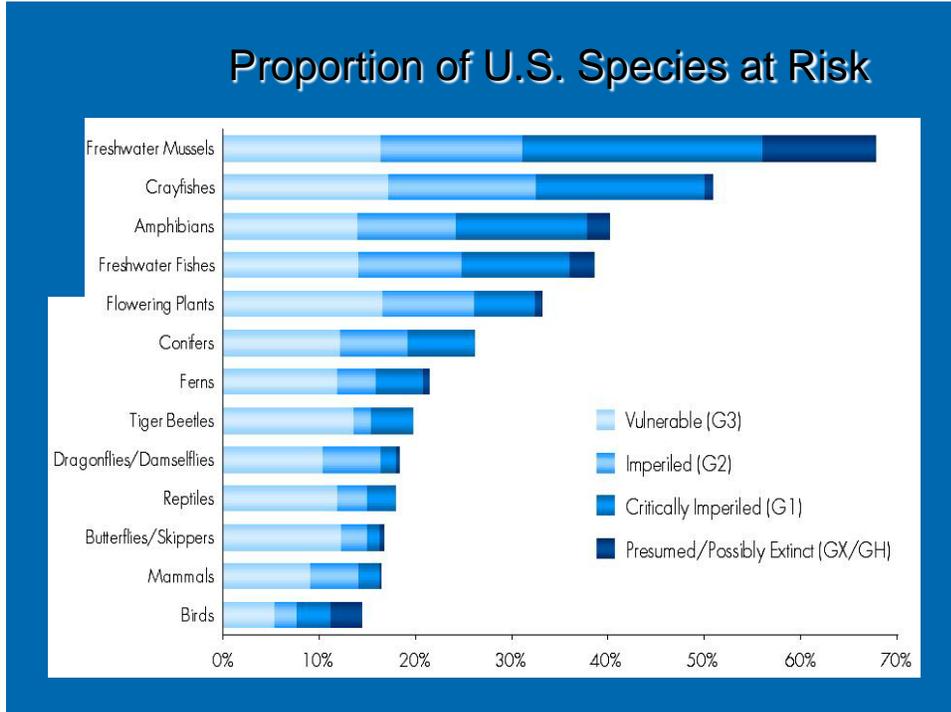
He has worked with many different habitats.



He has worked with many different species.



This is what he is most concerned about. This is a twenty year old graph.



Just to show you what type expertise you need.

## Luna B. Leopold's opinion:

“ordinary ephemeral(s) . . . Under natural conditions played a role in keeping both sediment and runoff distributed or divided among many small channels, each of which played its part in delaying movement of flood peaks, providing channel storage and slowing the average speed at which water was delivered to the larger stream channel.”

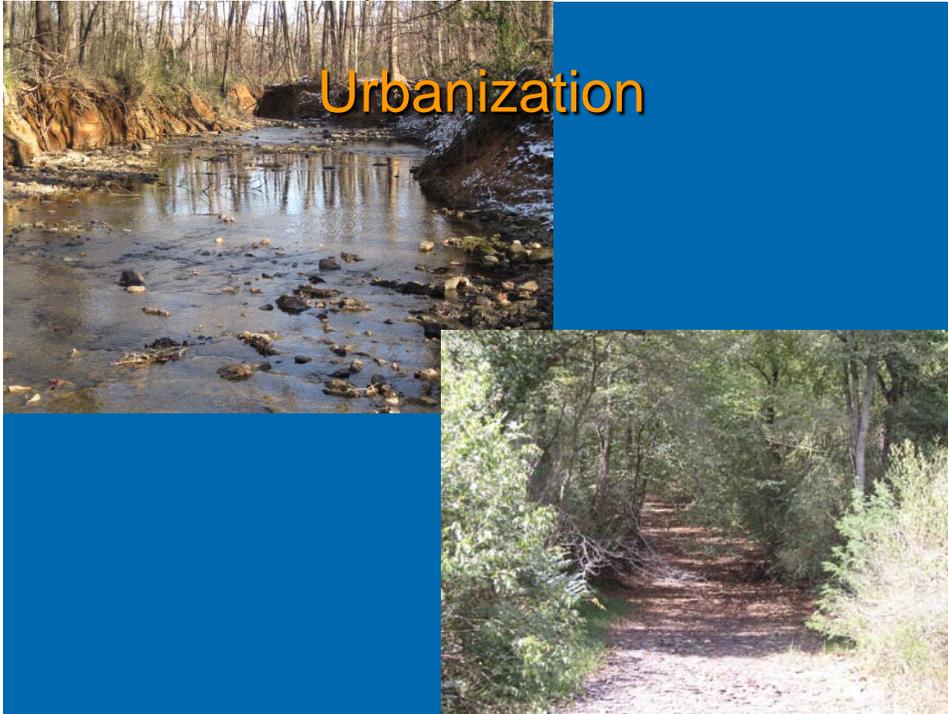
This is a picture of rock creek in 1964. It is much worse now. The spring network was destroyed by development. It is also an example of the type trash he sees in our rivers & streams.



If curb and gutter is in place it is in direct conduit to our rivers and creeks. Don't allow curb and gutter in these developments.



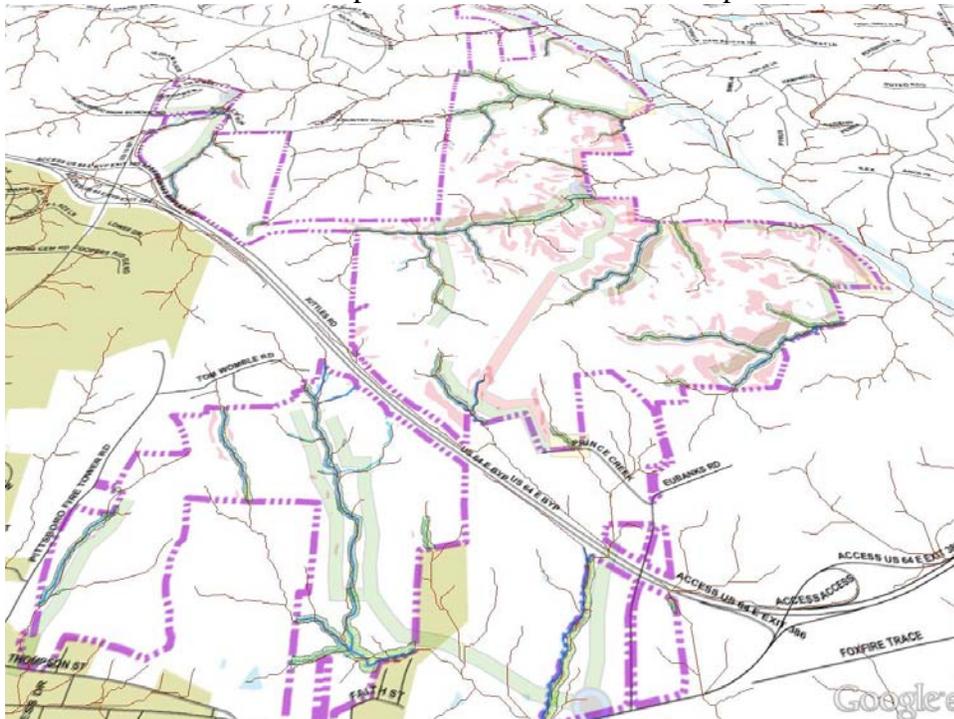
Stream was 10 feet wide 20 years ago it is now close to 30 feet wide all because of urbanization.



## Stream Buffers

- Help maintain groundwater resources
- Help to maintain stream reach micro-climates
- Provide food resources to aquatic species
- Help to release water to streams during drought periods
- Help to capture and process sediments, nutrients, and various pollutants from surrounding landscapes
- Provide habitat for hundreds of riparian plant and animal species
- Help to maintain stream bank stability
- Provide numerous other services

This is something he sent the board in the last night or so. He said you need to make Chatham Park provide so you can put it on the website all the GIS layers so people like him and others don't have to go through having to overlay GIS & Goggle Earth. He said the red and green areas are sewer lines that are not presented in Chatham Park's presentation to the board.



Mr. Alderman said here are two examples of why you need help. He asked how they are measuring the buffers because he don't see answers.

Commissioner Fiocco said he can answer those two questions. The buffer width is by ordinance. Ordinance requirements are from top of bank and it is a horizontal measurement so it is not taking into consideration vertical change. But if it's 100 foot it is a 100 foot horizontally measure.

Mr. Alderman said these are the kinds of things we need to make sure that Chatham Park has in their plan. There are scores of these kinds of issues he has seen in their plan. It is not clearly written in their plan.

## You need help!

Just two example:

1. Chatham Park currently proposes that buffers are measured from mid-channel of a stream.

Reality check: Think about buffer widths as streams increase in size.

2. How are buffers measured? Horizontally or along the ground? Makes a big conservation difference.

Chatham Park's Master Plan is full of these kinds of problems. Get experts to help you and CP correct these kinds of issues!

Mr. Alderman said so in other words there is a lot of work that needs to be done. Buffers are just one area. Stormwater Management, etc., etc., etc.. He has not seen accurate planning in the document. He has worked with projects as large as Charlotte's outer loop, Buckhorn Reservoir, the list goes on and on. All huge projects he has seen he has not seen the type of sites you see associated with those kinds of projects.

Mayor Voller asked Mr. Culpepper if he wanted to speak now. Mr. Culpepper said no sir. It was just clear that information was not correct. They have to follow the town regulations for where to measure a buffer. The buffer is measured at the stream bank. They don't need to reiterate everything that the town already has in their ordinances.

Oakley Bennett – 314 Chatham Forest Drive, Pittsboro – Mr. Bennett said he was present again to bring up the point of speed tables on Chatham Forest Drive. He just wants to keep that in the fore front.

He said it is a continued issue with people speeding through there. It has nothing to do with opening up Springdale Drive. This is normal traffic that has been going up and down Chatham Forest Drive.

Mr. Bennett said he could propose that the town put up stop signs that might be cheaper than speed tables. He has the stop signs so they could make the cul-de-sacs three way stops. If you look at Chatham Forest Drive, Lesley Court would be a good point for a 3 way stop and where Cynthia Lane comes in would probably be another good spot for a stop. He said the balance of those cul-de-sacs have stop signs so the only stop signs that would be needed are the stop signs on Chatham Forest. He doesn't know if that would be more feasible than having speed tables put in.

Mr. Bennett said he doesn't know if we need to get someone to do a traffic analysis or what the board needs to do to consider that. He said he would like for you to approve putting stop signs on Chatham Forest or for you to put speed tables on your next projected project for next year or for Powell bill money expenditures. He thanked the board for the job they are doing.

Mr. Bennett said the second thing he wanted to bring up to Pittsboro Matters group is that thirteen years ago when he moved to Chatham Forest they were constructing Phase I of his neighborhood. He said Potterstone Village wasn't thought about. It was still May's Farm and Powell Place wasn't here yet. He asked them where they were when those neighborhoods were being developed. He said he hasn't seen any of you at the town meetings he has been to in the past. Those neighborhoods went through two different phases. Now Pittsboro has money to do things they want to do.

He said the people that run businesses here now have people that buy things. He said do you know how long it took for these developments to come where they are now – it took 13 years. So these 55,000 people is not something that is going to happen overnight. It is going to be in phases and each phase will probably have to be approved by the engineer, board and others that have control over this.

Mr. Bennett said so being a Pittsboro resident he wants to see growth. He wants to see our town have the money to have nice things i.e. develop new parks that would never have happened if the developments were not here to provide a tax base. He is not against what they do (Pittsboro Matters). He likes their movement. It is just that the things you presented (Mr. Starkweather) we act like it is going to happen overnight it's not going to happen overnight.

Mayor Voller said we are a large community of people in town, in the county and in the ETJ. Everybody has a vested interest in this. Not just this proposed development but our town and community. Mayor Voller said even though Mr. Bennett wants growth he is against fracking.

John Wagner – 210 Jessamine Lane, Pittsboro – Mr. Wagner said in response to what was just said it is not going to happen overnight but it is going to happen way too fast. You have had all the arguments about why the current plans aren't going to work.

He is interested in addressing the Board. Mr. Wagner said he has worked them all in meetings agonizing over where the benches should go downtown, how to beautify the town and what kind of crosswalks we should have. He has watched you decide who should adopt the left over K-9 dog. He knows you all care about Pittsboro. He has also watched you deal with people that had conflicts with the awareness that sometimes you have to step on toes and you have done it with tact, consideration and thought.

But this development is not stepping on toes it is stumping on a community. It's trashing the eco system. He asked the board to slow down, bring in some people and make it a planned development instead of a rushed development.

Jeffrey Starkweather – 590 Old Goldston Road, Pittsboro – Mr. Starkweather said since he was directly referred to in a previous input he would like to respond very quickly. He has been spending a lot of time since this is one of the massive projects ever. It is the biggest in NC history. Looking at this development what you do at the beginning in setting this plan in motion determines the next thirty years. So what we do now during the review process and how ever long that takes is the most important time this board, this community is going to spend on this development.

Mr. Starkweather read the following prepared statement: I come before you this evening as a friend and supporter of the Mayor, town board and staff. But just like brothers and sisters can get into little spats between each other but still are there for each other when it counts, so too can the residents speaking out about this development and the town board and staff have a spat but be there for each other when it counts. Now is the time that counts.

I am here to give a detailed, 8-page response I have prepared that addresses the Comments the town subcommittee recently submitted to the Chatham Park developer.

I am not here to discuss any legal issues regarding open government. I have already presented what I considered to be the clear and definitive opinion of the leading expert in this state, David Lawrence, author of the School of Governments guidebook for local governments on the application of the open meeting to specific situation of board subcommittees.

But let me first apologize publicly to Mayor Randy Voller concerning the e-mail I sent the town manager concerning the open meeting issue that was printed in the Chatham News last week. I mistakenly implied that residents were only allowed three minutes to speak as one-way inputs to the board as required by land use laws. In fact, Mayor Voller has always been extremely generous in giving folks whatever time they need. However, that does change the larger point the public hearings are an extremely ineffective methods of obtaining real citizen input into complex land use matters.

I also want to thank Commissioners Fiocco and Baldwin for their obvious hard work in working with the town staff, fire district and school system in preparing this subcommittee detailed “comments”.

Now before I get into any specifics, I would to make one critical point.

**While I do not speak for Pittsboro Matters, I am very proud to be an active participant in this growing grassroots citizen organization. Pittsboro is a unique form of citizen advocacy concerning a major and controversial land use issue. It is a diverse group of town, ETJ, and Chatham residents, businesses, farmers, and non-profit board and staff members. What makes it unique is that we are neither for nor against this development. Instead, we are offering an unusual gift to the town in terms of citizen advocacy – we want to help engage a diverse cross-section of our community’s residents and stakeholders in a cooperative and collaborative process with the town and developers. We want to use this public input process to make sure this becomes the most sustainable, prosperous, and equitable master planned community possible. We want to help make Chatham Park a development that not only does not destroy what we all love about Pittsboro and Chatham**

**County, but actually enhances our existing town and local businesses and the quality of life of all residents, regardless of race, land ownership, income or wealth.**

Now in light of that mission, I want to emphasize that our passionate desire for conducting all the review having a totally transparent process for the review of this Chatham Park proposal is not just because we are passionate about open government, which, of course, we are, but because that is the best way for the town to approve a development that has the support of area residents but also will help create a development that reflects the diverse and creative character of the town and its people.

The “comments” resulting from this current closed door sub-committee process provides a clear example of the importance of open government. As you know I have a little experience with planning matters in this county. In addition, I am a retired attorney who has represented citizens and advocacy groups on land use issues in this county. I also served six years on the county planning board and had two years of professional planning education in the 1970s. Still, I had trouble completely understanding the rationale, expected result and implications for a number of the proposals presented by the subcommittee. It would have helped if there were sub-committee minutes to read. I would expect town board members who did not attend the subcommittee meetings would experience the same problem. Clearly, from the town e-mail correspondence I reviewed, so did the representative of the developer. Of course, the developer’s representative was given the opportunity to meet with town manager to clarify these comments, but the public was not.

This is just one example why such deliberations should be conducted in open meetings – you get better and more knowledgeable decision-making.

Just like many of us have read everything the town and the developers have produced, I hope after you take this opportunity to read and study my detailed response, since both raises important questions and concerns about the proposals contained in the comments, but also lists a number of important issues area residents have told us they want considered before this massive project is approved. We also hope there will be an opportunity for the public to ask questions about the subcommittee comments and discuss what has been recommended by the citizens in my response. I am certainly open to meeting with whole board in an open meeting or any individual board member to answer questions about the response I will be providing you this evening.

Up until this development Treyburn in Durham County was the largest master planned community in the history of North Carolina. But it is more than 2,000 acres smaller and contains 35,000 less residents than planned for Chatham Park. And Treyburn was not built within the ETJ of an existing small town.

Thus, the task of reviewing such a proposal confronts the town with complicated planning and development issues for which it clearly does not have the expertise or experience to deal with adequately.

As I wrote in my response, there are many excellent proposals put forth by the subcommittee in their comments. At the same time, however, they raised complicated legal and practical questions concerning how the proposed changes in the process and standards will work. Moreover, this board made a commitment a year ago when it approved a new land use plan that they would utilize a formal citizen input process and design charette to implement recommendations of the Southwest Shore Assessment in the overall design of this development. This clearly was not done. Additionally, the authors of this assessment were of the opinion that the proposed land use plan submitted to the town ignored their recommendations.

These and many other complicated technical aspects of this development cry out for the town to employ legal, planning and other technical experts to review and give advice concerning both the process of review and the substance of the proposed master plan. Employing such experts should be the top priority of the town board NOW.

In conclusion, we are offering to work cooperatively and collaborative with the town on this review and design process. Please say yes to this our offer.

Jeffrey presented the following to the Board:

### **Questions and concerns about the town subcommittee's "Comments" for Chatham Park Summary of Contents**

1. The town board needs to be in compliance with the land use plan that calls for citizen input and a design charette to implement the recommendations of the Southwestern Shore Assessment. Your comments do not address this.
2. It is difficult to follow and understand the rationale or implications of these comments without having heard the subcommittee's deliberations or read the written minutes of those discussions.
3. A two year delay for approval of area plans and other elements would appear to require a revision of the PDD. It is again difficult to understand exactly how this works; including the legal status during the interim period, as well as the legal status should the developer fail to meet deadlines. It appears we desperately need outside planning and legal expertise to advise the town on such a two-step approval process.
4. These comments provided no provision for requiring a working farmlands plan.
5. Traffic impact analysis for small areas plans is a step forward, but we need a transportation plan and traffic impact analysis for the entire project, along with the requirement that the developer finance a peer review. This also would require a revision of the PDD which currently prohibits traffic impact analysis.
6. The entire project should also include environmental and fiscal/financial impact analysis and developer financed peer reviews.

7. Increase the overall minimum open space and natural habitat requirements. Utilize the citizen input and design charette process outlined in number 1 above to develop detailed open space, river and stream buffer, and protected conservation area requirements and definitions.
8. The developer should be required to provide a marketing financing and an internal financing analysis (i.e. expected expenses, revenues, and current and future investments over the 30-year life of the project's implementation) for the entire project before a master plan or rezoning approval occurs. Again, the developer should be required to finance a peer review.
9. The developer should be required to provide an economic and business development and recruitment strategic plan and analysis. The town should employ the same developer financed peer review consultant as in number 7 above.
10. Utilizing independent experts and a formal citizen input process the town needs to develop detailed design standards to be incorporated into a development agreement for the entire project. These design standards should encourage new concepts and flexibility through the use of performance measures.
11. The developer should be required to provide a detailed affordable housing plan that spells out how the affordable residences will be financed, administered, maintained and kept affordable. This plan should be peer reviewed by local non-profit and citizen affordable housing advocates.
12. The town board should have final say on what open space and amenities are allowed to be "private" versus public.
13. The developer should be required to submit a plan for how they will support, promote and sponsor cultural activities, the arts and recreation in their development and our/the existing town. This plan should address both programming and facilities.
14. The developer should be required to provide a sustainability plan with measurable objective standards they intend to achieve and be monitored on, since they have promoted Chatham Park as a sustainable master planned community here and elsewhere.
15. The developer should be required to provide details in their vision statement concerning the character of the community they intend to create. This should include the environmental, physical, design; social, economic and quality of life community character they intend to promote and develop. Also, they need to be required to define subjective vague terms like "quality design," and "preserve critical environmental resources" listed in the master plan proposal, as well as statements listed in the promotional slides they presented to the town, and describe their general vision of how they would implement those visions.

16. The developer should be required to address how they will design their community to be economically, racially and socially integrated, not only within new residences within the development but also with the existing town.
17. The developer should be required to present a plan for minimizing displacement of long-time residents and local businesses due to increased property values, property taxes and rents caused by the development.

**Detailed responses to the subcommittee comments below  
(Topics numbered as above summary contents)**

1. Process is not in compliance with the approved Pittsboro Land Use Plan, which promises the town will “*work with the developers of Chatham Park to develop an area plan with a public process and design charette that builds on the Southwestern Shore Assessment (October 2008.)*”

Thus, before the town even considers detailed revisions for the master plan or additional information to be required from the developer, pursuant to the Planned Development District (PDD), the town should be employing planning and environmental consultants to assist with conducting a design charette. The task of that charette would be to implement what would be essentially a conservation community that most likely would provide significantly different spatial land use and density configurations than what has been presented by Chatham Park Partners. (See *Growing Green, Putting Conservation into Local Plans and Ordinances*, by Randall Arendt, Island Press, 1999 and *Conservation Communities: Creating Value with Nature, Open Space, and Agriculture*, Edward McMahan, Urban Land Institute, 2010 and *Developing Sustainable Planned Communities*, Urban Land Institute, 2007.

As one example, buffers and conservation zones shall be as defined in the manner presented in the *16 Questions the Pittsboro Board of Commissioners Should Ask Chatham Park Investors* presented to the town board on August 22, 2013 by the Haw River Assembly. Chatham Citizens for Effective Communities and Friends of the Rocky River.

2. General comment: There are some excellent ideas here but it is a little hard to know exactly how they would operate without having been present, as we had requested, to hear the rationale for these proposals. Nor is the rationale provided in the text. Likewise, missing is a clear explanation of how these suggestions would operate and what they would mean, especially in relation to the existing PDD and a development agreement.

[NOTE: How can the remaining members of the town board and the public adequately assess these proposals without having heard the discussion that led up to them or how the developer orally responded and the discussion/deliberation/debate that ensued among the members of the subcommittee? As of this writing neither the town manager nor town board has still not answered my written questions about how this process will continue to

operate, but the town manager indicated in his e-mails to that Chatham Park representative that he is willing to meet with him, go behind closed doors to answer the developer's questions about these comments. Moreover, the e-mail correspondence between the town manager and the developer representative offered Chatham Park the opportunity to choose to provide its response to these comments behind closed doors to the subcommittee. So far, no minutes have been provided to the board or public of these subcommittee meeting discussions and deliberations.]

3. The delay in the development agreement for two years makes sense, but it appears to only apply to public facilities when it needs to include everything required of the developer in an overall development agreement, including items such as design standards, affordable housing plan, sustainability measures such as LEED-Neighborhood Development objectives, low impact design, etc. The town needs to make sure all the stated subjective outcomes promised by the developer in return for greater density and flexibility are objective measurable standards contained in a final development agreement. In addition to the fact that Pittsboro area residents have serious objections to the design and population projections for this town, what happens if Chatham Park Partners do not meet the two year deadline? Stating that approval of additional elements will not be "unreasonably withheld," does appear to meet the test of objective, measurable standards raised by town attorney Paul Messick at the town's work session. Also, it seems that what has been proposed muddles the difference between a rezoning and a development agreement. If the project is rezoned, but the developer does not meet the additional elements deadline and the deadline is not extended, what will the status of this property be?

Normally, a development agreement is a negotiation between the town and the developer. This seems more like a conditional use permit. Is there going to be another development agreement about all the other aspects of the project?

Most development agreements would usually provide some community benefits for residents of the town that is approving these documents, such as funding completion of the town's parkway system to match and connect seamlessly to those of Chatham Park or funding a performing arts center in downtown Pittsboro and steps to minimize displacement of long-time residents and of local businesses due to rising property values, rents and property taxes.

Additionally, there is no requirement during this two-year period that a formal citizen input process be undertaken by or with Chatham Park Partners in designing the elements necessary to be included in the development.

It appears the town needs to obtain expert legal advice on development agreements made with major master planned communities from nationally recognized land use law firm to make sure to deal with all potential contingencies and unintended consequences which only experience with similar development in other communities could provide.

Finally, if I am reading these comments and proposals correctly, substantially revision of the PDD will be needed requiring a formal public hearing process.

4. There is still no requirement that the development will promote or set aside public land for working or urban farming.
5. There is proposed a requirement for a traffic impact analysis for small area plans and a master transit plan. That is a strong step in the right direction. But there should be a master transportation plan for the entire project, including integrated transit, walking, and biking elements for the entire development, as specified in the action steps of the approved Pittsboro Land Use Plan, as follows: *“Determine specific alignment of proposed roadway improvements within Chatham Park.”* Moreover, the section of the PDD section that prevents the requirement of a traffic impact analysis should be repealed and Chatham Park should be required to provide such an overall transportation plan and traffic impact analysis to be peer reviewed by outside consultants paid for by Chatham Park Partners, similar to what was required by the county for Briar Chapel.
6. It is not clear why all of the excellent requirements for small areas plans are not being required for the overall development and included in the development agreement and master plan. Similar to master transportation plan and traffic impact analysis proposed as a requirement of the developer above, along with the developer paying for a peer review, that same requirement should apply to an environmental and fiscal impact analysis for the entire project. These two were required by the county for Briar Chapel. However, I would propose that the fiscal impact analysis be expanded to include a financial impact analysis that would include issues such as jobs provided, skills and training required for those jobs, local business impacts, increases in existing property values, etc.
7. Chatham Park should commit to a much higher percentage of overall open space and specified number of preserved natural habitat. Nearly half of Irvine Ranch’s total acreage was preserved as protected habitat. Likewise, Irvine and Columbia’s residential villages preserved 29% and 38% of those areas as open space respectively. Of course, these details would be derived from the design charette for implementing the Southwest Area Conservation Assessment.
8. Before proceeding with the rezoning or approval of a conceptual master plan, Chatham Park Partners should be required to provide a marketing and financial plan that demonstrates that there is a demand for 55,000 population RTP like-development, specifies the expense, revenue and profit projections over the length of development period (30 year), and what resources/investment they currently have available to finance this massive master planned community and their proposed investment strategy. Given that they are essentially planning the future of Pittsboro, there should be nothing proprietary about their marketing plans, finance plans, financial resources, profit projections and investment strategy.

[NOTE: Reston, Virginia was originally developed by wealthy developer Roger Simon, who was financed by Gulf Oil. Three years into the project, Rouse was ousted by his

finance, Gulf Oil, “assumed management of the town...because of fear that the whole project was nearing bankruptcy.” Did this negatively impact the development? Clearly, as the following passage points out: “Gulf’s subsidiary, Gulf Reston, abandoned the innovative design of Lake Anne and filled the high- and medium-density corridors with more typical suburban garden-apartments complexes and town-house clusters.” *Suburban Alchemy: 1960’s New Towns and the Transformation of the American Dream*, by Nicholas Dagen Bloom, (Ohio State, 2001), page 26. Also, in 1978 Gulf sold Reston to a subsidiary of Mobile Oil. They further altered the original approved plan when they “abandoned the idea of village centers build around thematic leisure activities and switched from the sophisticate styles pioneered at Lake Anne to more conventional designs for garden apartments and town houses.” Ibid. Here, the town was told that Chatham Park Partners will not run out of money because they are backed by the richest man in North Carolina, Jim Goodnight. The town has received oral or written commitment as to what type of financing Goodnight will commit to this project or that he even endorses the proposal as submitted to the town.]

9. The developer should be required to present a proposed economic and business development strategy, including the nature of the businesses, industrial, commercial retail establishments they plan to recruit, the types of jobs in terms of skills, qualifications and pay and benefit expected, how they intend to give preference to the local workforce, their strategies for encouraging local businesses, and sources of supplies, equipment, resources locally.
  
10. Design standards are not mentioned here but should be developed in conjunction with input from outside experts and citizen charette and other forms of direct citizen engagement. Such standards can incorporate fully or in part the requirements of industry accepted standards such as LEED-NC, low impact design, transect, green building standards, ecological hydrology standards as used initially in the Woodlands new town and recommended by local biologist John Alderman. A more recent popular design standards approach that can be used in conjunction with the above standards is entitled “community character,” developed by planning professor Lane Kendig and recommended by former UNC Planning Dept. dean David Godschalk in *Community Character: Principles for Design and Planning and Practical Guide to Planning Community Character* (Island Press). A number of neighboring cities such as Greensboro and Winston Salem have incorporated this element into their land use plan.

Based on the legal analysis of national known master planned community and land use law expert Daniel R. Mandelker, the current PDD and proposed master plan likely could be legally challenged as unconstitutional vague. He outlines procedures for developing such design standards in his *Designing Planned Communities* which can be downloaded at <http://landuselaw.wustl.edu/BookDPC/Designing%20Planned%20Communities.pdf>.

11. We appreciate the inclusion of requiring an affordable housing plan. However, the town needs to be specific as to what this plan requirement needs to be in light of the unfortunate experience with Briar Chapel. The plan needs to include a completed

strategy how these homes will be integrated seamlessly throughout the community, provision for affordable rental and ownership of all housing types in each small area plan, homeowner's fee mitigation, and provision for maintaining affordability, marketing, administrative and legal fees, maintenance and resale.

12. The PDD and proposed master plan currently allows Chatham Park Partners to determine which open space, amenities, recreation, etc. in small area plans is private and which public. Any designation of making such space or amenities should require the approval of the town board.
13. There is no requirement that the developer support, promote or sponsor cultural, arts and recreation programming and facilities in the development and existing town, particularly downtown. This was a critical element provided by the developers of both Reston and Columbia new towns and something vaguely promised in the Chatham Park promotion materials. For example, their promotional slide show, found on the town's web site, promises they will build community by fostering and promoting the arts and recreational activities. They should provide a formal strategy for how they plan to do that, including specific facility and funding commitments.
14. Chatham Park also states they will be promoting a sustainable community. Chatham Park Partners should be required to present a sustainability plan for Chatham Park, including alternative energy, energy and water conservation, water quality protect, zero waste strategies, etc. The town should work in conjunction of local and area sustainable experts, including local university resources, to develop measureable sustainable targets that should be part of the Chatham Park Sustainable Plan and strategies for ongoing measurement and developer accountable for pragmatic efforts at achieving these measurable goals. Again, see *Developing Sustainable Planned Communities*, Urban Land Institute, 2007, as well as numerous on-line sustainable community development tools. For a complete review of this subject, see *How Green is My City? Sustainability Assessment and the Management of Urban Environments*, by Dimitri Devuyt (Columbia University, 201).
15. We also appreciate inclusion of a required vision statement. However, the town needs to spell out the elements that such a vision statement should include. The town also should require the developer to define any terms they use in this statement, such as "exceptional design," "preserve critical environmental resources," "open space amenities," or "quality design." They also need to be required to provide same general vision on how they plan to implement each of the values they list in their visions statement.

This vision statement should also include some specific description of the community character, including social, environmental, cultural and physical design and land use elements. For example, what exactly will be the nature of the urban mixed use development areas and the residential villages with local civic and commercial centers? Will residential village all be similar or are their different types or themes proposed. I would recommend that Chatham Park Partners be required to address the issues raised in

community character design standards, referred to above in number 10 above, as part of their vision statement.

16. The developer needs to be required to address how they will design their community to be economically, racially and socially integrated, not only within new residences within the development but with the existing town. For example, there is the issue of private amenities and often expensive homeowner association duties as opposed to making most amenities public and free or fee based where necessary but provision for reduced fees for lower income families. Another example is making sure every residential community has a similar mix of different styles and housing options, including cost, square footage and provision for affordable residential units. Another related issue is making communities walkable and transit available for those without cars.
17. There is no mention here of strategies for minimizing displacement of long-time residents due to rising property taxes, rents and other costs of living or displacement of local businesses through unfair chain store competition and/or rising property values and rents in downtown Pittsboro. Obviously, this is just as much, or more, a responsibility of the town board and staff to address these issues. But Chatham Park should be required to develop their strategies in collaboration with the town to address this critical issue. See *Creating Equitable, Healthy, and Sustainable Communities: Strategies for Advancing Smart Growth, Environmental Justice, and Equitable Development* from the EPA, February 2013 at <http://www.epa.gov/smartgrowth/pdf/equitable-dev/equitable-development-report-508-011713b.pdf>

Dee Reid – 590 Old Goldston Road, Pittsboro – Ms. Reid said she has already expressed her deep concerns about closed process on the review, she sent them in an email. She wants to say ditto to a lot of the comments said tonight. But there is one thing she wants to add. She wants to underscore the challenge at hand, the magnitude and complexity of the challenge at hand.

Chatham Park has the potential of being a fantastic asset to our community. But this is the largest most complex development ever proposed in the history of our state. So it is understandable why there is so much animosity around it. So much uncertainty even on your part about what the correct process is for going forward.

No, it's not going to happen overnight but the toughest decisions are going to happen up front and you'll never have more leverage than you have right now when you are being asked to grant the rezoning.

Ms. Reid thanked the board for what they have done so far, she is concerned about the process. She is not concerned about the board because she knows they have the best intentions at heart. The problem here is that no one in the state of North Carolina has done this before.

We are one of the smallest towns in North Carolina and are facing one of the biggest historic development challenges. That is a pretty serious matter and she knows you are taking it seriously and she appreciates the excellent work you have done so far. There are some really good comments in the comments although they had to request them to see them.

She said staff did an extraordinary job. But if you continue to make this an internal process and rely on your staff the daily important work of this town will come to a halt and will not be able to give the attention to this potentially gold standard development that we all deserve to have given to it.

Ms. Reid said she wanted the board to think about the concerns of the developers and more deeply the concerns of the people. She said she hopes we have just begun the process and that it is we – all of us – would be involved in it.

Elaine Chiosso – 1076 Rock Rest, Pittsboro – Ms. Chiosso thanked the board for taking input and for slowing the process down some from where it was a couple months ago. She said she really does appreciate that.

It feels like there is at least a window they have here. As it has been said earlier, the beginning is the very important part of the process. She would like to mention a few things she thinks should be added to the suggestions from the subcommittee.

When we look at what's needed for expertise about this land. As has already been mentioned you have this incredible gift of the Southwest Shore Assessment. It has not been used. The Town's LUP suggests it be studied and that citizens be involved in it. However, you do it, this is an incredible opportunity to take this information and use it. She said she is here as the Keeper of the Haw River Basin in Bynum, NC.

She said the summary of the reports reads: this report has examined the important open space features on the southwest shore area with particular emphases on the landholdings of Preston Development Company. As mentioned previously one of the major significances of this tract is its contiguous nature of its unfragmented habitat. The top conversation scenario would preserve this contiguous wildlife habitat as an undeveloped natural area. However, the conversation of this entire area is highly unlikely. Therefore this conservation assessment recommends a series of conservation hubs and corridors that will protect most of the significant natural areas in the southwest shore and allow for wildlife passage. These areas have been outlined in detail in the previous section. A map is provided.

Ms. Chiosso said she would beg the board to set up a process to look at this now. With what Preston Development has shown so far is not the best thing to do.

She stated that although she focused earlier on wildlife, etc. but it also important to discuss water. She said no attention has been paid yet to what will happen to water quality, where the drinking water is going to come from, where the wastewater is going to go and how the stormwater is going to be managed.

Ms. Chiosso wanted to encourage the board to insist on an environmental impact statement on this entire project. Not just pieces of it, but for the project as a whole so that then you can get experts in to do a peer review. That is a great process and it's used all the time and should be used right here.

She stated these are pretty much the most important things she feels need to take place at this point. She asked that they please use the Southwest Shore Assessment.

Kathy Mabell – 64 Juleann Lane, Pittsboro – Ms. Mabell said she agrees with the majority of the concerns voiced tonight in concern of the Master Plan.

She said a lot of these are broad sweeping comments but she is going to personalize it with what is going on at her house.

She stated she moved to Pittsboro three years ago at the bottom of the recession and was hoping that her property value would not go down too much. She brought the property in part with the understanding that the zoning around her house was residential.

Ms. Mabell said but now the Master Plan proposes to make the property that is contiguous to hers mixed use. She has looked at the Master Plan and her understanding from the map is that now adjacent to her home a cemetery, crematorium and small stores can be built. She would really like to know that her home will retain its value. She is pretty fearful of that.

She said someday she is going to want to sell her house and she is afraid that is going to be pretty tough if there is a cemetery, crematorium or convenience store right up the hill from her.

She feels that when she brought her home in a way she made an implied agreement/contract with the Town of Pittsboro. She pays her taxes, obeys the speed and she thought the Town had an implied agreement with her. She thought the zoning around her house was stable and didn't expect it could change.

Ms. Mabell said she hopes whatever happens with the development that other homeowners like her won't have the switch flipped. She doesn't think it is fair. She would ask for an exemption from this sort of change.

Also, she is concerned about costs to property owners. She hasn't heard a word about it or read about it in the newspaper. Are her property taxes going to go up so that a development she doesn't favor and that won't benefit her can go through? She sure hopes not.

Ms. Mabell thanked the board for listening.

Robin Lyons – 96 Hamamelis Lane, Pittsboro – Stated her story is personal. She moved here five years ago from Manhattan and Cary had no draw on her. She appreciates the board listening to residents. She has read the Southwest Shore Assessment and it is a wonderful document.

Ms. Lyons said she has a number of concerns to share today. And they are well covered by this document.

Undeveloped wilderness will be adversely affected by this development.

The buffers of the bodies of water will be affected. They include Lake Jordan, Haw River, Robeson Creek, Stinking Creek and all the intermittent and perennial streams.

The Riparian buffers in the report range from 50-1,000 ft. This report is very specific for the reasons for the buffers and they seem entirely reasonable.

Wildlife corridors are essential for wildlife to travel through existing forests.

Staff must be in place to monitor the invasive plants to keep them under control.

Preston Developer and Chatham Park should be required to landscape primarily using native plants.

The Redbud community in which she resides was designed to line in harmony with nature.

Ms. Lyons said Chatham Park could be an opportunity for a successful environmentally friendly habitat for people and wildlife with the Board's leadership.

She asked that they slow down the process, bring in experts and follow the recommendations of the excellent work done by the workgroup who wrote and developed the Southwest Shore Assessment and involve the community.

She said the decision the Board makes now will affect our community for years to come.

Carol Hewitt – 424 Johnny Burke Road, Pittsboro – Ms. Hewitt stated you all have neighbors and she hopes they are good neighbors. When they moved here 31 years ago they moved into an old farmhouse. They had really great neighbors. They initially purchased the lot where the farmhouse was and little by little they were able to acquire the farm that went with it.

Ms. Hewitt said as she looks to the back of her property now they have a very large new neighbor. The new neighbor is in a hurry now because they are in a bit of a pickle because they have bought a lot of land. It is not public knowledge who the investors are.

She asked what the hurry is – that is her main question. Why the hurry?

Ms. Hewitt said we didn't ask them to spend a bunch of money and now they come back and say they are in a hurry. They have to get this money back.

She said we as a community get to decide how we want to play this out. She thinks we should take our time with this. She said she would be happy to help in any way she can.

Amy Tiemann – 2540 Seaforth Road, Pittsboro – Ms. Tiemann said these have really been fantastic comments. She supports a lot of the input given tonight especially environmental concerns. The things the Haw River Keeper was saying need a lot of attention.

She talked about the prospective she had in Chapel Hill. She said Pittsboro is not Chapel Hill and she knows that.

She said they lived in a PUD community in Southern Village for 13 years and loved it there. But when they wanted something entirely different and they wanted to build their dream home they purchased 17 acres in Pittsboro.

She said she loves Chapel Hill for what it is and Pittsboro for what it is and celebrates the difference.

She said this is a big undertaking. She asked the Board to please take the time you need with the input of the public in the process and get the best experts you can find. Chatham Parks should pay for the experts the Town hire.

Maryphyllis Horn – Creekside Circle, Pittsboro – Stated she hears everyone say slow down. She wants you to slow down too and stop. She is really not for this. There is so much wildlife here and so much forestry area.

Ms. Horn said she hears people constantly complaining about the deer eating their azaleas and roses and she keeps saying they were here first and you have to expect that.

This town is a breath of fresh air. If this goes through we are going to lose a lot of that.

She said we would lose all the wetlands if it gets approved. We can't be without the forest land and water. They are very important resources.

Ms. Horn said if all the forestry is cut down we will no longer be Pittsboro we will be Cary. She would say nix the plan and leave it beautiful as it is now.

Mark Hewitt – 424 Johnny Burke Road, Pittsboro – Said he has seen development in surrounding towns and what happens is the downtown dies. Many of us feel like that will happen here.

He said he is concerned about the way the development is going to happen.

Commissioner Farrell said he appreciates Pittsboro Matters submitting their concerns as well as others. He thinks we should get a list of volunteers to work with the committee.

Commissioner Fiocco said that he and Commissioner Baldwin worked with staff to review the plan and internalize a lot of the comments they hear at the public hearings. One of the main features of the comments they submitted back to the developer for consideration were two-fold. In that is that within two years of approval of the rezoning, prior to development at a level of beyond 1% of the residential and 5% of the commercial that they would institute a myriad of plans.

All addressing what we are here talking about tonight. Environmental concerns, affordable housing concerns, and public art concerns (we are a community of arts so how do we incorporate that in the plans).

Commissioner Fiocco said one of the ideas is that for two years we hire experts, we bring in people, involve the community and we take that time to do exactly what you are describing.

He said that is before the developer for their consideration now.

Commissioner Foley said she feels so fortunate to live in a community where people feel so passionately about their community. She grew up here and lived in other places which made her realize just how unique it is here.

Commissioner Foley said they are more than Commissioners. They are members of this community and they care a lot about how things happen. She does feel that community involvement is so important.

She feels like with all of us involved in this we will come up with something that will be a model for other communities across the country.

Commissioner Baldwin said she appreciates all the comments. She said she have lived in Pittsboro 50+ years so she know Pittsboro well.

Commissioner Baldwin said she sits here to represent Pittsboro to make sure it is a place that people love to live and that they are happy here. That is very, very important to her otherwise she would not be here in this capacity.

She stated that she and Commissioner Fiocco worked extremely hard on this and they are trying to do what would be better for Pittsboro, its residents and the community in general.

She said they don't take what they do lightly at all. They are encouraged to hear the opinions of Pittsboro Matters and any others. They always appreciate receiving input from the community. She wants everyone to keep in mind they do care as much about Pittsboro as everyone else does.

Commissioner Turner thanked them for their hard work. She said she agrees with Commissioner Farrell's suggestion of volunteerism. She thinks that is a great idea and should be something the Board considers.

She said she has lived here seventeen years because she didn't want to live in Chapel Hill any more.

Mayor Voller said after he listened to all those comments. It reminds him of how far we have come since the day he walked in here 18 years ago. There is a whole new set of people here. He was talking with his wife today about how many people are no longer with us since we started the process.

He said it reminds him how far we have come because at that time the Town didn't have any coordinated development back in 1996. Nothing was happening here and they were told when they came here why are you going there nothing ever happens.

Mayor Voller said he chose Pittsboro because he thought it seemed like a wonderful place that he feels should bring in other people. It is built on its culture and history and it appealed to him.

Mayor Voller said no one asked for this project to come to us. Therefore we are in a very difficult spot. There is a single entity that desires to develop property. They have brought it and they have certain rights that come with it.

Now we are tossed into a situation that is very complicated and complex. It is not as simple as bringing in a couple hundred houses in Chatham Forest and Potterstone Village. It does remind him of Powell Place although that it is a much smaller development.

Because the good people that set here at that time really ruse the decisions they made especially Commissioner Brooks. Because they didn't actually get all the agreements and development plans the way they wanted it at that time and nobody truly understood that making an agreement on wastewater allocation would stick the town in a rough spot, none of what they want to repeal.

Mayor Voller said there is not a lack of board members receiving comments from the public. They have received many, many emails. He said we are going to have to work together and get things done.

## **OLD BUSINESS**

### **ABC BOARD UPDATE (JIM NASS)**

Mr. Nass said on behalf of him, and board member Ned Kelly (in attendance) and the ABC staff he would like to give an update and present a check.

He said the board really wants to thank Commissioner Fiocco. He is the liaison from the Town Board to the ABC Board. His attendance and input has really helped them be successful over the last couple of years.

Mr. Nass said earlier this year he gave a report on their performance audit. That report was excellent (thanks to staff and the financial officer). He said instead of being on the last page they are now on the front page.

Mr. Nass said they just received the result of their financial audit last month. And again they had an excellent audit. He said in fact when the auditor presented the audit report results to the Board they got a very rare thing which was praise for how they handled an internal financial matter he updated you all on earlier this year.

Currently they are doing well in the term of revenues. Revenues are up between 20-30% each month and their cost is nowhere near up to that amount. He said their mixed beverage sells

(restaurants, other establishments) shows the kind of growth we are having locally in Pittsboro. They have undertaken rehabilitation of the office, storage and bathroom.

He said the board will start working on a strategic plan over the next month.

Mr. Nass presented the town with one check in the amount of \$8,405 for the 4<sup>th</sup> quarter of last fiscal year. Mr. Nass said in addition to that the board last month voted to distribute an additional \$25,000 to the Town.

The Board thanked them for all their hard work.

Commissioner Fiocco said Mr. Nass and Mr. Kelly are doing a fantastic job and you can see that in the revenues we receive. But more than that when you go to the meeting and see how they interact with staff and how staff interacts with them. You can see that everyone is on the same page, on the same team.

### **LAND USE PLAN ORDINANCE AMENDMENT**

Planner Bass stated this an adjunct to the proposed rezoning of property owned by Chatham County. This would involve a change to the Future Land Use Map.

He said the current plan reflects the proposed mixed use project Westmoore. The planning board sent a positive recommendation to amend the Future Land Use Map for the property in question.

A public hearing was held on this matter on August 26, 2013.

Mayor Voller said when Westmoore was approved it was approved as a MUPD. The County now wants to downzone the property, correct. Planner Bass said you can say that.

Mayor Voller said what is the town losing in the exchange here in terms of agreed to easements, others items that were to run with the land when we actually approved that Master Plan.

Mayor Voller said it was negotiations with property owners having to do with that pond and other elements dealing with the HOA that they seemed to have worked out.

Planner Bass said he thinks it was more of a handshake deal. He is unaware of any legal documentation that was associated with the approval of that Master Plan.

Attorney Messick said the time has run out on Westmoore. Mayor Voller said so you are saying it is no longer vested. Messick said yes.

Attorney Messick said this is not giving up anything it is just changing the plan.

Commissioner Fiocco said right now we are not dealing with zoning. We are dealing with a Land Use Amendment. He can see that there is a lot of logic in creating an amendment to the plan that is specific to Institutional right next to the Community College so in that regard. He

thinks the LUP previously was being more reactive to an existing project by designating it as mixed use because there was a project on the books called Westmoore Planned Development, known as the Steele Property. So he thinks the amendment makes sense.

Commissioner Foley wondered if the County would use some of the property for student housing.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve An Ordinance Amending the Land Use Plan of the Town of Pittsboro.

Vote Aye-5 Nay-0

### **CHATHAM COUNTY GOVERNMENT REZONING (REZ-2013-04) (STUART BASS)**

Planner Bass reported that a public hearing was held on this in August 26, 2013. He said the Planning Board had a positive recommendation for the proposed rezoning.

Mayor Voller said he thinks the Board heard the comments made at the hearing and ultimately the Town would like to be partners with the County in terms of planning on this after the initial rezoning.

Commissioner Fiocco said he thinks one of the things they did was to invite the county to apply for conditional zoning and they have declined that invitation. As Mr. Bass stated through the site plan development and review he thinks it can address some of the issues that concerned him from the zoning perspective. That was the acknowledgement that our water and sewer master plan looks at this property as a way to provide sewer to properties further north and west for economic development.

Commissioner Fiocco said he thinks through the site plan process clearly any development on the property should acknowledge and recognize that and contribute to the extension of that master plan. He agrees the site plan can be the vehicle for assuring we grow according to our master plan.

Commissioner Fiocco stated he thinks the Ag center would be great to be in Pittsboro.

Commissioner Farrell said he know we had several concerns at the public hearing regarding the lake on Ashford Drive, what is the buffer off the waterway right there? Can we expand that? What is our maximum buffer off that is it 50 or 100 feet.

Planner Bass stated there is a sizeable percentage of floodplain there which can't be developed at all. At places he knows the floodplain is bigger than our required buffers would be. But that is something we can look at in the site plan as well.

Commissioner Fiocco said he suspects when they submit the first site plan that it will be a low density project therefore the buffer will probably be 50 ft. if it is in a perennial or intermittent

stream. Only as development expands and creates a condition where it is a high density project would the buffer expand.

Commissioner Fiocco said it will be an interesting conversation about stormwater. Because they may do things in their initial plans that satisfies the low density requirements but as future development comes along it maybe (from a master plan perspective of the property) appropriate to set aside land for a stormwater device here closer to the project itself in preparation for higher density development in the future. Otherwise they would do a more expensive proposition in the future or limit the property to low density completely.

Mayor Voller said on the schematic they have is this connecting to the bridge going to the scouts building which is the old highway.

Planner Bass said he thinks that was their intent.

Mayor Voller stated he was hoping the Town could communicate with them that we would like to have that connectivity, especially with the greenway and pedestrian master plan. It should be constructed wide enough for cyclists and people walking so you have that connectivity to the college. In fact it was meant to carry cars at one time.

Mayor Voller said he thinks it would be helpful if the communications was that the town would like to entertain some sort of joint small area plan with them. This is great and he thinks we know this development is going to help the town. But it would be great to move forward with the rest of the property in terms of what it can do. It is the definition of smart growth. We want to know what's going on and he thinks the board would like to participate.

Commissioner Fiocco stated he said something a moment ago that he shouldn't have as if the Ag Center was a part of this discussion. It was not a part of this rezoning although the County has stated clearly that is their intent. It doesn't have to happen as part of this rezoning they need to make the decision independent of any representation of that intent.

Mayor Voller stated so he guess if the board feels rezoning this to an O & I use, it is something you feel is in the best interest of the Town. We all know it was rezoned to a MUPD by the Steele's before.

Mayor Voller said he would hope that we would communicate some message back to the County that would incorporate some of these comments so we can move forward with the County.

Attorney Messick said there is an ordinance in the agenda packet for approval.

Motion made by Commissioner Baldwin seconded by Commissioner Foley to approve an Ordinance Amending the Zoning Ordinance of the Town of Pittsboro for Chatham County Government and that staff send a letter to the County about issues raised here regarding cooperation with the county in reference to this particular project.

Vote Aye-5 Nay-0

## NEW BUSINESS

1. Waste Water Treatment Plant (WWTP) emergency generator replacement

**Action recommended: Approve the Ordinance Amending the Capital Budget for the Credle St. Rehabilitation Phase III and IV Project.**

2. Wastewater Allocation Request Chatham County (Stuart Bass)

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the request from Chatham County for an allocation of 4,750 gallons of wastewater with the condition that the site plan for the project be submitted within one year of this allocation date and the allocation remains valid thru the site plan period of validity or the Certificate of Occupancy whichever is greater.

Vote Aye-5 Nay-0

**Action recommended: Approve the request.**

## CAPITAL PROJECTS REPORT

### MANAGER'S UPDATE ON CAPITAL PROJECTS

#### **PROJECT: Hillsboro St Water Main Transmission Line Replacement Project**

**UPDATE:** NCDOT contractor – ST Wooten paved Hillsboro Street. The Town contracted to add “angle” parking stripes in the downtown area of Hillsboro Street. An NCDOT/Wooten contractor will be adding additional stripes/white lines on Hillsboro Street.

#### **Park Street/Thompson Street Storm Water System Improvements**

**UPDATE:** Storm water control in the swales along parts of Park Street (generally between Hillcrest Drive and Circle Drive) and Thompson Street (generally between Chatham Forest Drive and Fire Tower Road) have been challenging during high-energy rain storms. Staff has met with the contractor to establish proper storm water control measures in these areas and should begin work by October 28, 2013.

#### **PROJECT: Soil Erosion/Sedimentation and Storm Water Ordinances for New Development**

**UPDATE:** Staff has been working on language for the ordinances and will place the documents on the October 28, 2013 agenda. A public hearing will be held for Storm Water Ordinance on October 28, 2013.

#### **PROJECT: Annual Town Audit**

**UPDATE:** The auditors will be in the office during the week of October 21, 2013 in preparation of the audit sent to the State by December 1, 2013. The auditors will be making a presentation of the audit in advance of the audit's submission to the State.

**PROJECT: Waste Water Treatment Plant - Generator Replacement Project**

**UPDATE:** October 14, 2013: The lowest bid arrived \$12,533 over the existing \$98,659 budget, based on the Rural Center grant. The overage can be assumed from the existing Water Treatment Plant (WTP) budget. The Rural Center indicates that funding remains available. The Board made a decision on this tonight.

**PROJECT: East Street Sidewalk Extension**

**UPDATE:** Staff secured statement of qualifications from two (2) firms to survey the property where the sidewalk extension is anticipated for construction on East Street (from Chatham Business Center to Town limits). Staff has selected one of the firms Summit Engineers (Cary, NC). Staff is seeking approval from NCDOT for their approval of the cost proposal.

**PROJECT: Energy Audit at Water Treatment Plant (WTP) and Waste Water Treatment Plant (WWTP)**

**UPDATE:** Waste Reduction Partners (WRP) completed an audit of WTP and WWTP facilities on August 27, 2013. There is no cost to the Town for this service because it is funded by the State. WRP is looking at electric usage, water efficiencies (e.g. "non-revenue water"), water loss and other possible system improvements. WRP will submit the report to Town Staff for review by early November. The WWTP report arrived on October 11, 2013.

**PROJECT: Haw River Raw Water Intake**

**UPDATE:** The Town received a letter from DENR stating that the maximum withdraw capacity could be 8.91 MGD. However, the Town may not need this amount from the Haw River exclusively (see Agenda "FYI" item regarding Jordan Lake Partnership update).

**PROJECT: Waste Water Treatment Plant Capacity Expansion**

**UPDATE:** Staff received feedback DENR on the Town's ability to increase WWTP capacity from .75 MGD to 1.249. We will be bringing a proposed process and recommendation for the application to the Board in the near future.

**PROJECT: NC 87 Sidewalk Extension**

**UPDATE:** Staff is soliciting engineering bids for design work.

Mayor Updates

- EDC

- RPO
- Solid Waste
- Fairground Association
- PMA/Downtown

Commissioner Concerns

FYI -

1. Letter from Chatham Economic Development Corporation (EDC)
2. Memo: Financial Summary
3. Memo: Estimated Unrestricted General Fund Balance
4. Memo: Jordan Lake Partnership Allocation Application
5. Memo: Alpha Install Grant Update
6. Memo: Powell Bill Balance

Mayor Voller said he would like to go into closed session with the Attorney.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to take a five minutes break.

Vote Aye-5 Nay-0

Motion made by Commissioner Turner seconded by Commissioner Baldwin to go back into regular session.

Vote Aye-5 Nay-0

**CLOSED SESSION**

Motion made by Commissioner Fiocco seconded by Commissioner Turner to go into closed session pursuant to GS 143-318.11(a)(3) to consult with the Attorney on a matter.

Vote Aye-5 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Turner to go out of closed session.

Vote Aye-5 Nay-0

**ADJOURNMENT**

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to adjourn at 10:15 p.m.

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, NCCMC  
Town Clerk