

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**MEETING**  
**OCTOBER 07, 2004**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Northwood High School Auditorium, Northwood School Road, located in Pittsboro, North Carolina, at 6:30 PM on October 07, 2004.

Present: Chairman Tommy Emerson; Vice Chair, Carl Outz; Commissioners Margaret Pollard, Bunkey Morgan, and Bob Atwater; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 6:30 PM.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

- Chairman Emerson invited everyone present to stand and recite the Pledge of Allegiance after which Commissioner Atwater delivered the invocation.

**PLANNING DEPARTMENT**

- Keith Megginson, Planning Director, reviewed the guidelines for the public hearing on Briar Chapel.

**OATH**

- The Chairman administered the oath to those in attendance who wished to make public comments.

**Gray Styers** stated that he represents Newland Communities; that this proposal had come before the Board in a prior modified form and was defeated; that in the Compact Communities Ordinance there were boundaries drawn but there was a small tip that did not make its way into the language of the ordinance; that it was omitted in error; and that this amendment will require all portions to be subject to the ordinance. He distributed a map and entered all of his exhibits into the record. (Exhibits 1-22)

**Joe Frazier**, 4 Fearrington Post, Pittsboro, NC, stated that the proposed development already includes close to 1400 acres. He asked why an additional thirty acres is needed; that the thirty acres are across a major four-lane, 55 MPH highway; that this community should be compact and walkable; that even with a pedestrian operated traffic light, this area would not be walkable. He asked how a compact community can cross a four-lane major highway stating that this area would look like a strip mall; and that it does not fit the definition of a compact community in Chatham County.

**Mitch Barron** stated that he represents Newland Carolina, a division of Newland Communities; that Newland is one of the largest community builders in America; that they look forward to presenting how Newland can make a positive contribution to Chatham County; that there has been much revision

and discussion; that this community is proactive and responsive; that it is designed to provide a wide range of homes and amenities; that for those in Chatham and others; that it is designed to pay more than its fair share with regard to services; that it is environmentally sound and will provide tax revenues; that he is very proud of the plan for Briar Chapel; that they will create a community that folks are proud to call home; and that development of the project included experts in their field.

**Grey Styers** stated that the information provided is extensive; that this area extends from Andrews Store Rd. to Manns Chapel Road; that this is an undeveloped parcel; that they cannot give any guarantees, however, they are willing and have made many promises; that Newland has the resources and experience and reputation for constructing and developing quality areas throughout the country; that one characteristic of Newland developments are the neighborhood parks; that they understand what it takes to contribute to communities; that they are walkable with greenways; that they are environmentally sensitive; that there is a town center on 15-501; a village green with a smaller commercial component; that there is a community design section in the CCO; that the town center at build-out would have retail and office space as well as residential within walking distance; that it is like a collection of neighborhoods with varying lot sizes and home types; that there are both large and small parks; that there is also a 66 acre county park; that there are gazebos, fountains, playgrounds, etc.; that there are interconnecting walkways and greenways; that the pedestrian map allows foot traffic throughout the development; that all streets have at least one sidewalk; that there are several civic amenities; that the civic amenities are situated at the outside of the development to aid in access; that there are different types of affordable housing options scattered throughout the developments; that Newland will propose an additional impact fee of \$2,000 per lot; that the total contributions of land and fees are over \$11.4 million; that there will also be library, EMS, water tank and traffic improvements will add an additional \$4.2 million; that Newland was required to provide a fiscal impact analysis; that the Tischler study and an independent study was done of student generation rates; that all studies indicate between .32 and .44 student generation rate; that Newland used .40; that Tischler said it was probably high; that the annual net surplus to Chatham County at expanded service levels was \$906,000 after build-out; that the economic development analysis indicates that there will be 2,400 new jobs at build-out; that a complete traffic study was completed of all roads and intersection; that Newland will add improvements valued at \$2.0 million to facilitate traffic and pedestrian walkways; that at full build-out the level of service of traffic will be better than what it has been in the past; that there is over 900 acres of preserved open space; that the development is in compliance with the Compact Communities Ordinance with regard to watershed and preservation of wetlands; that the wastewater treatment facility is at the center of time and meets all standards set by the division of water quality; that there are three irrigation ponds; that 98 years of data were examined to determine appropriate storage levels; that they do not have to irrigate for up to 110 days; that the Division of Water Quality standards for spray irrigation are surpassed by Newland to insure the nitrate spray is at drinking water quality; and that they are confident there will be no contamination to surrounding wells.

He stated that the request does comply with the Compact Communities Ordinance; that it fulfills the following sections: Section 6.1: Location; Section 6.2 Size; Section 6.3 Residential Density; Section 6.4 Maximum Built-upon Area; Section 6.5 Maximum Commercial Area; Section 7.1 Water Provisions; Section 7.2 Wastewater Treatment (General Design Standards, Location, Ownership and Sizing, Operation and Management, Financial Guarantee, Public Filing of Documents); Section 8.1 Stormwater—Guiding Principles; Section 8.2 Stormwater Management Plan; Section 8.3 Stormwater Controls; Section 8.4 Maintenance and Upkeep; Section 8.5 Financial Guarantee; Section 8.6 Public Filing of Documents; Section 9.1 Riparian Buffers; Section 9.2 Perimeter Buffers; Section 9.3 Viewshed Buffer; Section 10.1 Passive Open Space; Section 10.2 Active Recreation Facilities; Section 11.1 Impact Assessment (Transportation, Environmental, Fiscal); Section 11.2 Impact Mitigation; Section 12.1 Performance Standards; Section 12.2 Streets; Section 12.3 Housing; Section 12.4 Appearance; and Section 12.5 Green Buildings.

A Planning Board member asked about a pedestrian overpass on Highway #15-501.

Mr. Styers stated that they looked at several options and that he feels confident that the pedestrian controlled signaling would provide a safe passage for foot traffic.

**Mustaf Raman** stated that he is a traffic engineer with Parsons Brinckerhoff. He stated that they examined traffic mitigations and reports originally submitted by Newland; that some of the basic assumptions were already defined; that the key findings were that TIA did a good job analyzing the intersections and defined any improvements needed to the intersections; that the growth projections of 6% for 10 years was reasonable projections; that the daily traffic report was incomplete and needed to include traffic on two lane roads; that more traffic analysis was done on secondary roads; that the capacity calculations show that there are widening needs on Manns Chapel and Andrews Store Roads; that they relied on NCDOT data in their calculations; that for the most part the other technical questions they had were revised by the developer; that the only concern they have with regard to traffic is the widening on the secondary roads; that they also pointed out the need for street connectivity between neighborhoods; that they also highlighted the needs for pedestrian and bicycle connection; and that they hoped to see more connections across Highway #15-501 and Andrews Store Road.

Dr. Goldstein stated that the environmental assessment can be viewed in two ways: as a whole and by addressing its concerns.

**Mr. Murati** stated that this project had to comply with Compact Communities Ordinance and State Environmental Policy Act; that they used fifteen parameters to evaluate the project; that all but four have been addressed to satisfaction; that Newland has made revisions based on feedback; that stream buffers are a concern; that they believe section 9.1 of the Compact Communities Ordinance because there are limits to the impacts of stream buffers; that there is one area with an intermittent stream in the town center that overlaps a parking lot and one building footprint; that archeology is another area of concern; that the state historic preservation office requires surveys of areas before construction; that Newland proposes to move historic sites if necessary and is contrary to North Carolina State Historic Preservation Office; that protected species in Haw River watershed; that there are approximately 3,300 feet of perennial streams that may be good habitat to protected mussel species and fish; that natural heritage areas are of concern as well; that if any area is in the inventory of natural heritage areas, the Compact Communities Ordinance requires written documentation why the area is not used as open space; and that section 10.1 is not in compliance; and that the developer's consultants identified the Bennett Mountain area as one that should be protected.

**Paul Tischler** stated that at build-out, the fiscal impact will be a surplus; that they concluded that the market study was reasonable; that the average home value is \$317,000; that the additional voluntary impact fee and value of land improvements and donations increase the surplus; that there were some instances where credits were not reflected; that the findings of the fiscal study is that the County's current structure is inadequate to cover service requirements without voluntary contributions from the developer; that without these that this development would result in a deficit; that the pupil generation rate used by the developer is reasonable; that the life cycle of the dwelling is used to determine the student generation rate; and that there will be a percentage of children that do not go to public schools.

**Jody Minor**, 795 Arthur Teague Road, Siler City, NC, stated that he was representing the Chamber of Commerce; that he is president of the Chamber Board; that the Board of Commissioners has a resolution from the Chamber in support of the development; that many small business owners have been forced to close and face difficult times; that many small businesses are linked with retail and housing; that on behalf of the business community, he urges the Board to approve this development to

help small businesses and others.

**Anne Hedgecock**, 835 Redbud, Pittsboro, NC, stated that the County is growing but having a hard time meeting the needs of its growing population; that the property tax burden is being spread across a thin population; that a development of this size and nature will help alleviate the tax burden; that the County has had to look for new ways to fund services; that only developments that will contribute in the long term and make significant impact are large well-funded developments; that Briar Chapel will make contributions on all level and service areas; and that improvements will be made to services without raising taxes. (Exhibit 23)

**Chris Walker**, 27 Hillcrest Drive, Pittsboro, NC, stated that he is a commissioner with the Town of Pittsboro and banker in Siler City; that jobs are hard to come by in Chatham; that Chatham does not have the infrastructure to support industry; that as students graduate they are forced to go outside the County to find work; that he encourages the Board to look at the job creation that is projected in the short and long term surrounding this development.

**David Seed**, Woods Charter School, Cole Park Plaza, Highway #15-501, Pittsboro, NC, stated that he is representing the Woods Charter School located in Cole Park Plaza; that Woods is a public school and is located in Cole Park Plaza and has 202 students; that class size is 12-20 students; that they receive the same operating funds; that there are two chief differences about their school; that traditional public schools get direct funds to build schools; that 20% of their operating costs must go for rent; that the generous gift that Briar Chapel has pledged for the charter school has made it a chance that they may have to own their school; that the Woods Charter School offers only college prep; that with less money they have a 100% college placement rate; that they consistently perform at a higher level compared across the State and County; and that their environment is representative of Chatham County; and that they are grateful for the opportunity to have a home of their own.

**Bob Esau**, 80 Bluff Trail, Pittsboro, NC, stated that this is a great fix for Chatham County; that they have always talked about planned communities; that he is the owner of Friendly Ford; that his business has been struggling; that in order for his business to grow, planned communities such as this are needed.

**Bob Lewandowski**, 448 East Road, Pittsboro, NC, stated that he represents the Chatham County Library Board; that Newland is being good corporate citizens; that the 10,000 square foot facility will serve the needs of the Briar Chapel community; that the Library Master Plan recommended a new library in Northeast Chatham and expansion of the Pittsboro Library; that neither of those projects took into consideration the population increases due to large developments; that the type of people moving into this area demand greater social services; and that he implores the Board to look more closely at the request.

**George Lucier**, 628 Redbud, Pittsboro, NC, stated that he is a former chairman of the Planning Board; that in his opinion, the Briar Chapel application meets the Compact Communities Ordinance requirements with the exception of a couple of places; that he was impressed with density and watershed and mix of housing; that the draft lighting ordinance and stream buffer ordinance solve problems; that the proposal did not meet the Compact Communities Ordinance with regard to three areas; that the peer review requirement is very important; that it can only work when it is rigorous and independent; that discussions between the peer reviewers and the developers should be public; that he questions the integrity of the process; that he recommends that there be a revision to the way that the peer review process is completed; that this should be done in public and give the process credibility; that he asked about the recreational opportunities; that Chatham County spends considerably less on recreation than the state average; and that he recommends that the developer should pay the recreation fee on land

controlled by the homeowners association, but that they should be afforded relief on County controlled land. (Exhibit 24)

**John Graybeal**, 3396 Alston Chapel Road, Pittsboro, NC, stated that he is assisting two other attorneys in representing Chatham Citizens for Effective Communities; that he questioned the length of the peer review statement; that there are two important components; that he questioned the independence of the peer review process; that he questioned whether Chatham County could support a development with home prices in the range of \$317,000; that he questioned the validity of the student generation rate; and that he is concerned that perhaps the student generation rate may underestimate the actual number of students that will be entering.

**Greg Soloman** asked what year the school impact fee data came from and how they calculated how many children it generated.

**Rita Spina**, 12 Fearington Post, Pittsboro, NC, stated that Chatham County is between a rock and a hard place; that Chatham Citizens for Effective Communities has been looking at this in the larger framework of Chatham; that the County is one of the fastest growing one hundred counties in the country; that she asks the Board to look at what is at the table right now; that they question what the fiscal impact will be on County services with paid and volunteer staff; that Chatham Citizens for Effective Communities estimates that the total number of residents in northeast Chatham would be 9,060 residences with a population of 20,960 people using Briar Chapel's estimates and nearly 26,000 people using Chatham Citizens for Effective Communities' number; that the impact on the workload for staff of the governments of Chatham County and the Town of Pittsboro; and that they ask for an estimate of the total fiscal impact. (Exhibit 25)

## **RECESS**

The Chairman recessed the meeting until Tuesday, October 19, 2004 at 6:30 PM in the Northwood School Auditorium. The motion carried five (5) to zero (0), and the meeting was recessed at 10:37 PM.

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Thomas J. Emerson, Chairman

ATTEST:

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Sandra B. Sublett, CMC, Clerk to the Board  
Chatham County Board of Commissioners

**\*\*(All exhibits are stored in the supply closet of the Office of the Clerk to the Board.)**