

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, SEPTEMBER 24, 2007
7:00 PM

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

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Clinton E. Bryan, III, Chris Walker, and Gene T. Brooks.

Other staff present: Town Attorney Paul S. Messick, Jr., Alice F. Lloyd, Clerk, and Planner David Monroe.

APPROVAL OF AGENDA

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

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Minutes of July 23, 2007 regular meeting and July 30, 2007 special meeting. Subject to spelling, name and address modification to be given to Ms. Lloyd.
2. Approval of NCDOT Bridge Maintenance Agreement.
3. Approval of request by Potterstone Village Community Association for additional stop signs, subject to recommendations by Chief Collins.

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

Vote Aye-5 Nay-0

A COPY OF THE BRIDGE AGREEMENT WITH NCDOT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

REGULAR MEETING AGENDA

CITIZENS MATTERS

Bill Clancy, 110 Springdale Drive, stated that there had been several close calls at the intersection of Springdale Drive because someone had chosen to take the barrier down on Springdale. He said there was a recent event where a resident had attempted to follow a vehicle that had nearly caused an accident, and that vehicle had run a stoplight to get away. He said the barriers were rotted to the point of having no structural integrity. Mr. Clancy said he had reported the incident to the Police and had talked with Mr. Monroe, and wanted to discover what could be done. He said he had nailed the barriers together, but the wood had deteriorated to the point that the nails would not hold.

Mr. Clancy said they all knew why the barriers were there, but people continually moved them so they would not be inconvenienced. He asked the Town Board to put up new barriers or reinforce what was there until improvements could be approved by NCDOT and carried out. He said he should not have to spend his time putting the barriers back in place or trying to repair them. He provided the Board with pictures of the barriers to emphasize their condition. He added that speed continued to be a problem on Springdale Drive, and quoted from the current Law Enforcement handbook regarding the penalties for removing or damaging barricades, and said he believed that fit this case.

Commissioner Cotten stated he hoped they could move that along, noting it had been delayed long enough. He said if it wasn't for emergency vehicles needing access, he would suggest something more permanent. Mr. Clancy said he agreed, noting a cable used to be there but had been removed, adding he did not know why. He suggested a sign should be erected that alerted people that it was illegal to move the barriers.

Commissioner Walker stated he agreed with Mr. Clancy. Commissioner Bryan said he was in agreement as well.

Commissioner Cotten asked if Mr. Poteat could address this issue within the next few days, including erecting a sign as suggested. Attorney Messick replied that could be done. Mr. Clancy stated that the safety of the people in his neighborhood was his primary concern.

Commissioner Baldwin stated that the Board certainly understood Mr. Clancy's frustration and thanked him for the photos.

Commissioner Brooks said the barricade needed to be repaired or replaced, it needed to be done as quickly as possible, and signage needed to be erected as well. He said it needed to be done in such a way as to allow emergency vehicles to have access. Commissioner Brooks said Springdale Drive would eventually be opened, but not until the improvements had been done. He said there were still several issues to be addressed by the developer, and once those were done the situation should improve, including the issue of speeding.

Mr. Clancy stated that speeding was a big issue, and many people in his neighborhood walked. He said it was just a matter of time before someone was injured or killed.

Commissioner Walker stated he lived near Mr. Clancy and he had seen the same car he referred to speeding by his house. He said they needed to go to the homeowners association to get the word out to the whole neighborhood.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the construction/repair of the barricade and to put up signage.

Vote Aye-5 Nay-0

Temple Richmond, 25 Creekside Drive, shared thoughts regarding a recent newspaper editorial entitled "Land in the Balance." She said the editorial noted what drew people to live in North Carolina, specifically its natural resources and wide open land. But, she said, they had lost over one million acres of natural and rural areas to development over the past ten years. Ms. Richmond said the State was losing 277 acres each day of such natural or agricultural land to the development of homes, shopping centers and industry.

Ms. Richmond said that money spent on conservation and preservation was an investment, and called attention to various areas of the State now being preserved. She said land would never be as cheap as it was today, and an investment now would pay dividends for generations to come. She said preservation of land was important in their area today because of the challenges with maintaining decent water quality. Ms. Richmond said that was relevant because of the additional development recently proposed. She provided some web sites where information could be accessed regarding her points, and also how grants might be obtained by non-profits to begin preservation or restoration campaigns.

Ms. Richmond said in regard to creating income streams for the people of Pittsboro and Chatham County, such preservation and restoration campaigns could play a part. She said people were not looking for the same old shopping centers and entertainment facilities, but were looking for unique experiences. She said another point she wanted to make was that the Department of Commerce had a program that helped small towns develop and revitalize their downtown areas to make the most of its historic properties. She said the program was called the North Carolina Main Street Center, and it offered counseling and guidance but not grants. She added that there was a lovely atmosphere to Pittsboro and it should be capitalized upon, and it would be a tragedy to ignore that.

Mayor Voller asked Ms. Richmond to submit her research for the record.

INFORMATION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

OLD BUSINESS

MATHENY ACCESSORY DWELLING SPECIAL USE PERMIT

Planner Monroe said the Planning Board had found that the application was complete and satisfied the necessary requirements for a Special Use Permit and recommended approval.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve the Matheny Accessory Dwelling Special Use Permit as recommended by the Planning Board.

Vote Aye-5 Nay-0

ECHEVERRY DAY CARE SPECIAL USE PERMIT

Planner Monroe stated that the Planning Board had found that Mr. Echeverry's application was complete and satisfied the underlying requirements for a Special Use Permit and recommended approval.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the Echeverry Day Care Special Use Permit.

Commissioner Baldwin asked had the State permit been received. Mr. Monroe said they had received the pre-license approval, but were awaiting this Board's approval in order to obtain the final permit.

Commissioner Brooks amended his motion, accepted by Commissioner Bryan, to modify the motion to grant approval of the Special Use Permit subject to receipt of the required State permit.

Vote Aye-5 Nay-0

CONSIDERATION OF REQUEST BY CHATHAM PARK INVESTORS TO REZONE TRACTS OF LAND ON EUBANKS ROAD FROM R-A2 TO MUPD FOR 64 CROSSING AT EUBANKS ROAD

Planner Monroe stated that at the public hearing, there was discussion regarding access to the Danek family's property. He said an amendment to the application had been proposed which defined that access and the rights adjacent to them. He said Patrick Bradshaw, attorney for the Danek's, had counter-proposed with their preference for that access.

Mayor Voller stated it appeared that DOT had previously worked out an arrangement with the Danek's where 14 acres had to be forfeited to DOT for the 64 Bypass. Patrick Bradshaw stated the Danek's had lost between 14 and 15 acres of land through a taking for the 64 Bypass and the realignment of US 64. He said at that point, they had inquired of DOT whether they would be able to obtain a driveway access to their property on 64 Business, and had learned that they did not have sufficient frontage on the uncontrolled access portion of 64 Business to obtain a driveway permit. He said the Danek's had been told by DOT that they would need at least 100 feet of frontage on 64 Business that was not controlled access in order to receive a driveway permit.

Mr. Bradshaw said at that point, the Danek's had approached the property owners of a parcel between theirs and acquired from them a small parcel of land that gave the Danek's that 100 feet

of access. He said that was the small one-acre piece of land to the south as you looked at the map.

Mayor Voller asked had a recombination plat been done. Patrick Bradshaw said he did not believe so, adding the two properties still had separate tax I.D. numbers. Mayor Voller said he believed a plat had been done. He said when the Danek's had sold the property for 64 Bypass to DOT, they had received a good dollar price. Mayor Voller said he believed they had been compensated because they were not going to get access, noting he believed all of the people along that stretch had sold knowing it was subject to no access. Mr. Bradshaw said he did not know if anyone knew the answer to that. He said he did know that once his clients had been left by the taking with no remaining uncontrolled access on 64, that after consulting with DOT they had specifically acquired additional property that was owned by the same people who were now seeking the rezoning so that they would have sufficient frontage on 64.

Mr. Bradshaw said since the public hearing two weeks ago both parties had been in discussion, and provided the Board with several handouts. He said the first document was the proposed conditions for zoning approval that would satisfy what his clients believed were the essential elements of preserving access to their property. He said the second document was a response he had received to that from Ms. Perry, Attorney for the developer on this project, suggesting some revisions to those conditions. He said the last document was a proposed compromise between those two versions of proposed conditions.

Copies of the handout from Mr. Bradshaw:

CONDITIONS TO MASTER PLAN APPROVAL FOR
SIXTY-FOUR CROSSING AT EUBANKS ROAD
PROPOSED BY CHATHAM LAND AND TIMBER MANAGEMENT LLC

1. The pedestrian and vehicular access easement across Sixty-Four Crossing will be at least 60 feet wide, will provide access between Eubanks Road and the parcels having Chatham County tax parcel numbers 7307 and 75458 and will connect to those parcels between 400 and 600 feet south of the northeast corner of Area B of Sixty-Four Crossing.
2. The easement for the shared access on US 64 Business will be centered on the boundary between Sixty-Four Crossing and the adjoining parcels to the east, will be at least 60 feet wide and will extend at least 200 feet from US 64 Business along the common boundary between Sixty-Four Crossing and the adjoining property to the east, subject to approval by the NC Department of Transportation.
3. Easements between Sixty-Four Crossing and the owners of the parcels having Chatham County tax parcel numbers 7307 and 75458 will be perpetual, will benefit Sixty-Four Crossing and the parcels having Chatham County tax parcel numbers 7307 and 75458, will serve the benefited properties for any lawful uses to which those parcels

might be put, now or in the future, and will be provided at no cost to the owner of the property benefited by the easements.

4. The Town will not consider or act upon any proposed plans or designs for roadway improvements or deviations from the Town's road width standards for Sixty-Four Crossing unless the owners of the parcels having Chatham County tax parcel numbers 7307 and 75458 have received ten (10) days prior written notice of the proposals and the time and location of the consideration or action.

Page #1

Conditions to Master Plan Approval for Sixty-Four Crossing at Eubanks Road

- (1) The pedestrian and vehicular access easement across Sixty-Four Crossing will be 60 feet wide, will provide access between Eubanks Road and the parcels having Chatham County Tax Parcel Numbers 7307 and 75458 and will connect along the eastern boundary.
- (2) The easement for the shared access on US 64 Business will be centered on the boundary between Sixty-Four Crossing and the adjoining parcels to the east, and will be at least 60 feet wide, subject to approval by the North Carolina Department of Transportation.
- (3) Easements between Sixty-Four Crossing and the owners of the parcels having Chatham County Tax Parcel Numbers 7307 and 75458 will be perpetual, unless terminated by all parties, will benefit Sixty-Four Crossing and the parcels having Chatham County Tax Parcel Numbers 7307 and 75458, will serve the benefited properties for any lawful uses as allowed in Sixty-Four Crossing to which those parcels might be put, now or in the future, and will be provided at no cost to the owner of the property benefited by the easements, subject to Chatham Land & Timber Management, LLC, paying maintenance and construction costs.
- (4) A separate agreement addressing specific issues related to these accesses, including but not limited to, shared cost, maintenance, signage and cross-access, shall be recorded in a separate document.

Page #2

Proposed Compromise of Sixty-Four Crossing Conditions

- (1) Use Danek proposal
- (2) Use Danek proposal
- (3) Use Applicant proposal modified as follows:

Easements between Sixty-Four Crossing and the owners of the parcels having Chatham County Tax Parcel Numbers 7307 and 75458 will be perpetual, unless terminated by all parties, will benefit Sixty-Four Crossing and the parcels having Chatham County Tax Parcel Numbers 7307 and 75458, will serve the benefited properties for any lawful uses as allowed in Sixty-Four Crossing to which those parcels might be put, now or in the future, and will be provided at no cost to the owner of the property benefited by the easements, subject to Chatham Land & Timber Management, LLC, paying maintenance and construction costs.

(4) Use Applicant proposal

(5) Use paragraph 4 from Danek proposal

Page #3

Mr. Bradshaw said there were four discrepancies between the last version that he had proposed and what Ms. Perry had proposed. He stated they were

- Should the location of the Danek's access on their boundary to Eubanks Road across 64 Crossing be specified.
- Regarding the right-in/right-out that the parties had now agreed should be shared, should the length of that shared access driveway be specified.
- Should the uses of the Danek's property be limited by this approval.
- Should the costs of construction and maintenance be shared.

Mr. Bradshaw said he was proposing in his compromise that the Town Board accept paragraph 1 of the proposal made on behalf of the Danek's. He said the only difference between the versions was that his said that the connection to the easement of Eubanks Road would be located between 400 and 600 feet south of the northeast corner of Area B of 64 Crossing. He said the applicant had said they would not agree to where that connection point should be because they did not know exactly how the site plan for their property would lay out. He said because of that, they would agree to leaving a 200 foot area along the boundary where that access was to be located.

Mr. Bradshaw said in the second paragraph, he was requesting that the Board use the Danek's proposal, noting the only difference was that they were suggesting that the shared access driveway be 200 feet long along the shared boundary. He said the parties had agreed that the driveway should be centered on the boundary and that it should be at least 60 feet wide. He said they were asking the Board to specify that it also be at least 200 feet long.

Mr. Bradshaw said in paragraph three, he had supplied a marked up version of the applicant's proposal, and suggested using the applicant's language as modified with his markups. He said the applicant had inserted a phrase which he had crossed out, because the effect of that language would be that the Danek property could only use these connecting easements if it were being used for the same purposes that the 64 Crossing property was being used for. He said right now the Danek property had the same existing zoning as the 64 Crossing property, and in order for them to have the same uses it would have to be rezoned. Mr. Bradshaw said his proposal was that the easements be able to be used for whatever purposes any of the properties could be legally used for. He asked the Board to keep in mind that the right-in/right-out drive would be on the boundary of the property, and 64 Crossing would also be utilizing an easement on the Danek property.

Mr. Bradshaw said lastly, they had discussed back and forth as to whether the easements should be provided at no cost to the Danek's, and the response from the applicant was that they would agree to that concept if language was included about sharing maintenance and construction costs. He said the applicant had also added a new paragraph four which said that the specific agreements related to issues such as shared costs, maintenance, signage, and cross access would be recorded in a separate document. He said it was his proposal that language at the end of

paragraph three be struck out that said “all of the cost issues be deferred and negotiated between the parties pursuant to the applicant’s paragraph four.” So, he said, they were suggesting using the applicant’s paragraph four.

Mr. Bradshaw said in paragraph five, he suggested that before the Town took any action on approving road design or variation from the Town’s road standards for 64 Crossing, that the Danek’s receive at least 10 days written notice of that.

Mr. Bradshaw said they had come a long way and reached agreements. He said the Danek’s had requested that the easements be able to be used for utilities, but the applicants had objected to that. He said the Danek’s had now removed that request, explaining that utilities could be brought in from their existing road right-of-way.

Mayor Voller said then currently the Danek’s did have legal access, so this was not about access. Mr. Bradshaw said the issue was that if the applicant’s property was developed first and they obtained a driveway permit from the DOT, then all parties acknowledged that it was unlikely that DOT would also approve a separate driveway permit on 64 Business for the Danek’s property, which would effectively mean they would have no access.

Mayor Voller said it was his understanding that DOT would grant the request if the Town wanted it. Planner Monroe said he believed that was the case. Attorney Messick said that was true, but it was unlikely you want that.

Planner Monroe referred to sheet number 1 under point 2, they were asking for an extended easement 200 feet from 64 Business along the current boundary. He said one of the requirements of the MUPD standards was that there be a 20-foot undisturbed buffer on the perimeter of the project, and putting a road in that undisturbed buffer would be in conflict with the MUPD standards. He said on item 4, the document that contained the application for 64 Crossing had roadway details on it, and if that document was adopted then they would have approved roadway designs. He said he believed Mr. Bradshaw’s intent was something more site plan specific in terms of how those roadway designs would be implemented on the ground.

Mr. Bradshaw stated that as to the buffer, it seemed to him that the 20-foot buffer between the MUPD and the adjoining property was there for the protection of the adjoining property owner. He said the Danek’s were requesting a shared driveway, and they would not complain that the buffer had been breached. As to the roadways being detailed in the plans, he agreed with Mr. Monroe. He said from his discussions with the applicant, the reason they were uncomfortable with specifying where the connecting easement would be was that they saw that road layout as not being “written in stone” and was subject to change in the future. He said his only point in paragraph four was not to the substance of that, but that before any action was taken in the future on road designs or varying the Town’s road standards that the Danek’s receive 10 days written notice.

Mayor Voller asked wasn’t that actually asking for a variance in the Code; that is, the encroachment into the 20-foot buffer. He said he understood Mr. Bradshaw’s point, but they were actually asking for an exception. Planner Monroe said the language was clear as to the

purpose of the buffer, and the fact that the buffer was to the greatest extent practicable not to be disturbed. He said there were opportunities where that buffer could be used for other purposes, but it appeared to him that the 200 feet went beyond a simple connection point, and if that buffer were moved over to the Danek property it was be less intrusive to the MUPD language.

Mayor Voller said that would amount to about a tenth of an acre. Planner Monroe said that was correct.

Phillip Culpepper, speaking for the applicant, Mr. Smith, stated what was before the Board was a rezoning for 64 Crossing. He said the deeds would show that regarding access, that no means of access should be provided to the property from 64 Bypass; and, by execution of the deed the grantor (the Danek's) acknowledged that the plans for 64 Bypass as it affected their property had been fully explained to them. Mr. Culpepper said that left no doubt that the Danek's knew what the terms were when they sold the 14 acres to DOT.

Mr. Culpepper said they had included in their application access to that property, and had suggested that it be 60 feet wide. He said they also agreed that the right-in/right-out should have shared access by all parties if they came to some agreement to the joint access. Mr. Culpepper said they were not a party to the documents submitted by Mr. Bradshaw, and stated their request was as submitted to Mr. Monroe earlier this week. He said they were not attempting to write a contract, but simply to address the access issue to this property. Mr. Culpepper said the property was not landlocked, and repeated that they would agree to a 60-foot access at some location.

Mr. Culpepper said the access points noted in the site plan were enforceable by the Town, so the Town could require him at site plan approval to create those connections. He said when they came forward with utility plans, the Board may want connections with adjacent properties, but that should come at the construction phase. He said the attempt here was to create a one-sided contract that put all the responsibilities on one party, where there was no place to create reciprocal agreements between the two parties. Mr. Culpepper said the zoning document was not the place to conduct those negotiations, but should be a document outside of the zoning request.

Mr. Culpepper said they had done what the Town had requested they do, which was address the access issue. He said they saw no reason to agree to a 200-foot road if it adversely affected their property, adding it would in effect be a taking of land. He requested that as amended by them, the rezoning be approved. He added that in regard to the notification requested by Mr. Bradshaw, he did not believe the Board wanted to begin given extraordinary notification requirements.

Mayor Voller said the access he was proposing was 60 feet in width. Mr. Culpepper said that 60 foot width was in addition to the existing width. Pointing to the map, he said their position was that if only one access point would be granted because of the curbing, then they would grant easement back to that property. He said the Danek's were attempting to use the zoning document to get a contract that spoke as if the access point was in some other location.

Mayor Voller asked Attorney Messick if there was an issue with that. Attorney Messick said the Board was being asked to mediate these access issues.

Mr. Culpepper stated they were not proposing the specific details of the interior road at this time, which was why the cross-sections were not shown. He said it was not fair to expect a development to pay its own way, then turn and ask that they also help pay for the adjacent property.

Mayor Voller said that was presupposing that the other property would ever be developed for that use, noting it could have some other use. Mr. Culpepper stated that 64 Crossing did not create this situation, but had helped to resolve it. He said it had been suggested that 64 Crossing would devalue the adjacent property, but the moment they granted an easement it would increase the value of that property. He requested that the Board approve the rezoning request.

Commissioner Cotten stated the Board needed to look at this from the standpoint of the rezoning, and all other issues could be dealt with later.

Commissioner Baldwin said this was something the two parties needed to resolve outside of the rezoning.

Commissioner Bryan agreed that was correct, noting the Board should not be in the middle of this dispute.

Commissioner Brooks said it appeared to him that when looking at a rezoning the Board should focus on what was the best use of the land, and did the proposed use justify the rezoning. He said he did believe that the Board had some obligation to assure that no one had a landlocked piece of property. Mr. Culpepper said they had shown with their proposal that the Danek's property was not landlocked.

Mayor Voller asked Mr. Monroe if he had any advice on this matter. Planner Monroe replied that the agreement Mr. Culpepper had presented guaranteed the Danek's access through 64 Crossing.

Commissioner Walker said he was at a loss because he had not seen the minutes of the public hearing, but said he did not believe the Board should be in the middle of the access issue. He suggested that the rezoning should be tabled and that a full moratorium should be called. He said he believed the Town needed to be focused on water and sewer issues, and for that reason he would be voting no on this rezoning.

Mr. Culpepper requested that the Board move forward on the rezoning request.

Mr. Bradshaw stated the reason this was relevant to the rezoning was that they were not rezoning it to a general commercial use, but were rezoning it for a mixed use planned development which was required to have a master plan, which the ordinance said had to have an internal transportation system that was integrated with the Town's off-site transportation system and would not devalue adjoining properties. He said all they were requesting was a range of locations where the access could be, noting right now it could be anywhere.

Mr. Culpepper asked Mr. Monroe if their application complied with all standards of the MUPD requirements of the ordinance. Planner Monroe stated that technically they complied with or exceeded the requirements.

Commissioner Cotten stated he still looked at this as a rezoning matter, and the other issues were not now pertinent.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve the MUPD rezoning request subject to the addendum dated September 18, 2007 as submitted to the Town Planner. (Parcel #7307 & 75458 Danek Property)

Commissioner Baldwin said one person had stated there was one parcel, but another had said there were two. Mr. Culpepper said there were two. Attorney Messick said the confusion could be solved by referring to it all as the Danek property. Mr. Culpepper said it was the property to the east bounded by 64 Bypass and 64 Business and to the east of 64 Crossing.

Attorney Messick said there were some technical difficulties with identifying only one parcel number. Mr. Culpepper stated they could add the other pin number to take care of that.

Mayor Voller said then they would add the other pin number to the description as stated by Mr. Culpepper.

Commissioner Bryan said when the Board approved the rezoning for Pittsboro Place, it was conditioned on the movie theater being built and perhaps a bowling alley and other sports amenities. He said he did not know if a site plan had been submitted, and said if 64 Crossing came in with a movie theater that might be a problem, because he did not know if Pittsboro could support two movie theaters.

Mr. Culpepper noted that the property had no sewer capacity assigned to it, but had left an opportunity in the language of the application that individual businesses could be served by septic systems until such time as municipal utilities were available.

Mayor Voller said that was subject to receiving zoning compliance from the Town. Mr. Culpepper said that was correct.

Mayor Voller called for a vote.

Vote Aye-4 Cotten, Baldwin, Bryan, Brooks Nay-1 Walker

Commissioner Walker asked to be excused from the remainder of the meeting due to his health.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to excuse Commissioner Walker due to health concerns.

Vote Aye-5 Nay-0

**DOCUMENTS SUBMITTED ARE RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGES**

Commissioner Brooks stated that they had not had an outbreak of disease due to water in many decades, and they could at least be thankful that they had a safe water supply. He said it would never be pristine again.

NEW BUSINESS

POWELL PLACE CONDOMINIUMS SITE PLAN REVIEW

Planner Monroe stated that the Planning Board had reviewed this application, and the applicant had worked well with the Planning Board to address their concerns and the application had benefited as a result. He said one issue that had been resolved was access to adjacent property owned by Ricky Spoon so that his property would not be landlocked. He said there was a lot of discussion about the proposed retaining wall, and the height had been reduced to 11 feet and Mr. Spoon had found that to be acceptable. Mr. Monroe said some of the buildings had been shifted to the south in order to protect the 20 foot buffer, and landscaping details had been added to the plan. He said the seven dumpster locations would be screened with materials to compliment the buildings. After all questions were answered, he said the Planning Board had recommended that the Board approve the application for the Site Plan with the five conditions as noted here:

- Construction drawings must be developed and approved by Hydrostructures before a zoning permit could be obtained.
- An approved soil erosion sediment control plan must be approved by the State and Hydrostructures before commencement of any grading.
- A design of the wet detention pond must be approved by Hydrostructures.
- A lighting plan must be developed and approved by the Town's Planner.
- Before any units were conveyed the Board of Commissioners must approve and the Register of Deeds must record condominium documents as required by the Town's zoning ordinance.

Mayor Voller asked how tall are the buildings. The response from Mr. Yono was they were two-story buildings. Mayor Voller asked how ingress and egress would work for emergency vehicles, and was there adequate turning radius for a fire truck. For instance, he said, if there was a fire in Unit A, how would they get in and out. Mr. Yono stated they did not have an engineer with them, but he anticipated that the main road bordering Unit A would provide access, but it would appear a fire truck would have to back out.

Mayor Voller said you had a sixteen foot wide road and a right angle turn in coming off the private road. He said if the project was built and emergency vehicles had difficulty accessing the site, then it was a safety issue. He said he did not believe a fire truck could make that turn. The speaker said he could not answer that since he was not an engineer. Mayor Voller said that had to be addressed. He said you could not build this and then discover that a fire truck could not access it properly.

Mayor Voller said on the back end of 64, he wanted to know what the planting plan was. He said he would like to see where the bike racks were located. He then asked about the lighting plan, and Planner Monroe stated the application would be required to comply with the new lighting ordinance recently passed by this Board as well as the requirements of Powell Place.

Mayor Voller said those were the main points, but reiterated that the issue of fire truck access had to be satisfactorily addressed.

Planner Monroe said on the issue of landscaping, the land was heavily wooded but the 20-foot strip of land would remain undisturbed, so there would be a shield between the Bypass exit ramp and the property to be developed.

Mayor Voller said then he would request that the Board consider some sort of tree barrier being installed when the grading began so that the tree roots in that 20 foot buffer were protected. Mr. Yono stated they intended for that 20 foot buffer to have no impacts.

Commissioner Cotten asked if the Fire Department had any input on this site plan. Planner Monroe said they had seen the site plan and offered no objections. He pointed out that there was a stub-out on the far end of the project, and that area at some point in time would likely be developed in a multi-family nature. He said that tract of land was roughly 17 or 18 acres and was identified on the Master Plan as the location for a multi-family area. Mr. Monroe said at some point, then, that road would probably be continued and come back into Millbrook Drive.

Mayor Voller said it may be that the plans were sufficient, but he wanted proper proof of that. He asked if that could be done in time for the next meeting. He said if that was a private road and emergency vehicles had to get in there, who was responsible if they damaged the road. Mr. Yono stated he would anticipate that would be included in the condo costs through association dues.

Mayor Voller said then they would absolve the Town from responsibility for damages. Attorney Messick said the Town was certainly not responsible for private roads, so the condo association or some other entity would be responsible.

Commissioner Cotten asked if they know what the exterior material of the buildings would be. Mr. Monroe replied it would Hardiplank. Commissioner Cotten asked if the units would have a fire wall going all the way up. Planner Monroe said that was required by Code. Mr. Yono said the units would be built with a specially designed wall that had a 1" air space and then 2" of material from the ground floor all the way to the roof.

Commissioner Baldwin said in Planner Monroe's July 9 letter, he had stipulated several issues, including the license issue, and asked had they been satisfied. Planner Monroe responded yes. Commissioner Baldwin said she agreed that the fire truck access was of grave concern, and that had to be addressed before she would consider approving this. She agreed that fire truck access would have to be shown.

Mayor Voller speaker asked to what extent the Fire Department had reviewed the plans. Planner Monroe said they did not have an extended meeting but they had looked over the plans and they had registered no concerns.

Mayor Voller said the applicant needed to come back and lay out how fire trucks would be guaranteed adequate ingress and egress. Commissioner Baldwin agreed. Mr. Yono stated they had a 16 foot wide road, but the radius of the curve was not shown. Mayor Voller said 16 feet was not a very wide road, particularly for a fire truck that was about 10 feet wide.

Mayor Voller requested that the Board table this until the next meeting.

Motion made by Commissioner Baldwin seconded by Commissioner Brooks to table the Powell Place Condominiums Site Plan Review until the concerns noted by the Board were addressed and brought back to the Board at its next meeting.

Commissioner Brooks said that Roger Perry had said that the Powell Place project would be a smaller version of the Meadowmont development in Chapel Hill, which he had developed. He said that development had a school, a UNC medical facility for heart-related issues, shops, and restaurants. He said with Powell Place, all that seemed to come before the Board was housing. Commissioner Brooks said over a year ago they had discussed some of the commercial development, and noted that a bank had been tabled, a convenience store had been tabled, and it bothered him that they continued to talk only about housing at Powell Place. He said he was still looking for the mixed use that Mr. Perry had talked about originally.

Commissioner Brooks said Mr. Perry had been generous with the land, and had offered 10 acres to the school system but they did not accept it, and that was how they got 10 acres for the park. He said he would still like to see the “smaller Meadowmont” that had been promised, noting they needed a stronger tax base and that meant something besides housing.

Planner Monroe noted that the BB&T Bank had obtained its building permit 10 days ago, so they were intent on proceeding with construction of the bank at Powell Place. He said the roadway improvements that were occurring in front of the project right now included a right-in driveway that would be the fundamental point of access for both BB&T and the Holmes Oil Convenience Store and Holmes Oil stated they were waiting on that entranceway to begin construction.

Mayor Voller asked if Commissioner Brooks was suggesting that the Town of Pittsboro was “snookered” on an MUPD. Commissioner Brooks said no, but he was not seeing what he believed was supposed to be a part of Powell Place.

Mayor Voller said this project had been approved somewhere around 2003, and they had gotten approval to come out to 15-501. He asked if the improvements now were a part of that original approval. Planner Monroe said that was a part of the original plan. Mayor Voller said now they were building it five years later. Planner Monroe said the plan was slightly modified when the Belmont Station plan was approved, because additional acceleration and deceleration lanes were added to the east side of the road. He said at that point in time both Lowe’s Home Improvement

and East-West Partners had entered into a contract with DOT to construct the improvements that were there now. He said they had paid for the entire plan and the improvements.

Mayor Voller said Mr. Blakely had provided a breakdown, noting that some land had been contributed to DOT for the right-of-way. Ricky Spoon stated he had donated the land.

Planner Monroe said there was a right-turn in midway between the exit ramp from 64 Bypass and Powell Place Lane, and that was what they were waiting for.

Mayor Voller said true, but they had continued to have access to Powell Place from 15-501 all this time. Planner Monroe said that was correct.

Mayor Voller called for a vote on the motion to table this item.

Vote Aye-4 Nay-0

RIVER HAWK'S RIDGE SUBDIVISION - PRELIMINARY PLAT

Planner Monroe stated this property was owned by John Blair and located on the east side of Town. He said there was an access road that came off of Highway 64, and the project was proposed as a low density residential subdivision. He said no utilities were requested, and that off-site spaces were designated for septic systems because soils on the site were not suitable for treatment of the septic that would be produced. Mr. Monroe said that Hydrostructures had proposed a new system called E-Z Flow for use that required less area, less maintenance, and was less expensive to install. He said it was environmental friendly and would result in fewer trees being removed because the area of the septic fields could be reduced in size. He said this system was approved by the State as well as by Chatham County's Environmental Health Board.

Planner Monroe said the Planning Board had recommended that the plan be approved with six conditions:

- That easement areas for off-site septic areas be clearly defined on the plans.
- Restrictive covenants must be developed to include protection of the septic areas and those covenants must be recorded with the Register of Deeds before final plat approval.
- An encroachment agreement must be obtained from DOT and copied to the town where the septic areas crossed the highway.
- Dot must approve the roadway design before final plat approval.
- The design of River Hawk's Ridge should be such that the water flowing off the road flowed away from the intermittent stream.
- A soil erosion, and sediment control plan must be developed, submitted and approved before any land disturbing activity.

Mayor Voller asked if these were DOT roads. Planner Monroe responded yes. Mayor Voller asked if the Planning Board had asked if the applicant was interested in being annexed, and if so was there any recommendation on annexation. Planner Monroe replied no.

Mayor Voller asked the applicant for his thoughts on providing access to the public lands behind it. John Blair stated they were locked from access. Mayor Voller said he was not really sure, but it seemed reasonable that the public should have some access.

Commissioner Brooks stated that was Duke Forest land that had been turned over to the Nature Conservancy and was now in the hands of the State Park Service, and it came all the way to Highway 64. Mr. Blair said the east end of the access road went into the State park land.

Mayor Voller asked if that was how the public land was accessed currently. Mr. Blair said that was correct.

Commissioner Baldwin said in reference to the E-Z Flow septic system, was there a lot of new subdivisions using this system and was it a proven system. Planner Monroe said this was the first time it had been proposed for their review, so it had not been used to his knowledge in Pittsboro's ETJ. He said it had been used throughout the State and had been approved by the State. He said the State would not agree to allow such a system without thoroughly testing it.

Brian Emerson stated that at the previous Board meeting Jimmy Collins had stated he had previous knowledge of this system and that it was a state-of-the-art system that worked very well. He said that a representative of the Chatham County Health Department had stated that this system worked well in this terrain and with this soil type.

Mayor Voller asked for more details on the E-Z Flow system. Mr. Emerson said you would still have a septic tank at the home, with a pressure pump up to the septic area. He said instead of gravel you would have a pipe going through the center of webbing with Styrofoam-type pellets that absorbed and released effluent.

Mayor Voller said then it flowed through a tank and you were pumping the effluent out into a mass field. Mr. Emerson said that was correct, just like a conventional septic system. Mayor Voller asked what would happen if it failed. Mr. Emerson said the same as if a conventional low-pressure system failed, there will be repair areas.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve project with the recommendations of the Planning Board.

Mayor Voller said he would ask for consideration of an easement, not to put any financial burden on the applicant to build it, to assure access to land around this property.

Commissioner Cotten stated he was satisfied with recommendations.

Vote Aye-4 Nay-0

**PRESENTATION BY JACQUELYN PRESLEY WALLACE, URBAN WILDLIFE
BIOLOGIST, N.C. WILDLIFE RESOURCES COMMISSION REGARDING
THE CHATHAM CONSERVATION PARTNERSHIP AND A PROPOSED
MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF PITTSBORO**

Jacquelyn Presley Wallace said she was representing the Chatham Conservation Partnership, and noted that the Board had been supplied with a copy of the MOU. She provided some background on the Chatham Conservation Partnership, noting its vision was to protect environmentally sensitive areas and to create sustainable development within the County. She called attention to page 3 of the MOU and the printed mission and eight goals outlined there.

Mayor Voller stated the goals were ambitious. Ms. Wallace said they were interested in setting up a partnership to share resources in a non-binding initiative. She said this was being presented to all the municipalities within Chatham County and they were all being asked to sign on. She said there would be a signing ceremony next Wednesday, but municipalities could sign on at any time.

Mayor Voller asked who the Chair was. Ms. Wallace said the Chair of the Working Group was Sara McRae.

Mayor Voller stated that Mr. Monroe had received email updates from the group and had attended some meetings. Planner Monroe stated that was correct.

Commissioner Brooks said he thought it was a splendid idea.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the Memorandum of Understanding.

Vote Aye-4 Nay-0

Mayor Voller asked Ms. Wallace to provide to Mr. Monroe the MOU in electronic format, as well as other information that could be provided to the public. Ms. Wallace agreed to do so.

**APPROVAL OF REQUEST BY NCSU WATER QUALITY UNIT FOR
A "RAIN GARDEN" ON THE COMMUNITY HOUSE SITE**

Karen Hall stated she had been scouring the Town looking for opportunities to treat stormwater on site, and one of those places was behind Pittsboro's Community House. She said there was a new building built just to the west of the Community House, and with that a lot of sloping pavement was added. She said that had resulted in a drain box being installed that ran down behind the Community House and stormwater runoff flowed into a series of ditches. Ms. Hall said that created an opportunity to put in a rain garden similar to the one installed by the basketball courts to treat the stormwater runoff there. She said this particular rain garden would catch that stormwater and treat it before it entered the surface water of adjoining streams. Ms. Hall said they would encroach on only a very small portion of the land behind the Community House, and there would be no expense to the Town.

Commissioner Cotten stated that a lot of that water was coming from Hillsboro Street to the Community House and into the ditch. Ms. Hall said that was true, adding they wanted to capture what was flowing to the ditch but do it from Town property. She said if it was determined that

the ditch was on the adjoining property owner's land then they would contact that person to discover if they were willing to cooperate with them and allow them to extend over and capture that stormwater. Ms. Hall said there was also a lot of water coming down Thompson Street in front of the Community House, and that was beginning to undermine the road because there was no curbing there.

Mayor Voller asked about the opportunity to place rain barrels at the Community House, noting much of the impervious surface was the roof tops. Commissioner Cotten said the inside of the Community House would need a lot of work before that was done. Mayor Voller stated that was true, but rain barrels were not expensive. He asked the Board to consider placing rain barrels on the top of the Community House to help catch some of the water flowing into that area.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to allow a rain garden to be installed behind the Community House.

Vote Aye-4 Nay-0

**CONSIDERATION OF REQUEST BY VANCE REMICK FOR THE TOWN TO
EXTEND 6" WATER SERVICE TO THE GENERAL STORE CAFE**

Vance Remick stated that he did not need the water, he needed the pipe because they were expanding onto the back of the General Store and were being required to provide sprinklers. He said that required that they have a big enough pipe to satisfy the Fire Department. Mr. Remick said he had talked with Tom Bender, the Chatham County Fire Marshal, who recommended this simply because there was not a fire plug on that side of the street anywhere, which was the west side of Sanford Road and the south side of West Street. He said if there was a fire in the area all the roads would have to be blocked because there was no fire plug and hoses would have to be stretched from Chatham Street. Mr. Remick said there may be a line across from the ABC Store, and he would like to have it brought up to his store so he could tap on. He said he was spending about \$35,000 to help protect citizens and others coming to his store, and asked for the Board's help in getting the water line. He said the line would have to be run about 200 feet and a fire plug needed to be installed in order to satisfy the needs as stated by the Fire Marshal.

Mayor Voller asked was it true that the other rehabilitated restaurants in the downtown district did not have sprinklers. Planner Monroe said the only building he knew of that had them was the Main Street Station. Mayor Voller said he knew Mr. Spoon had them in the new Carolina Brewery. But, he said, in the downtown district why was one store being asked to install them but other restaurants were not. Mr. Remick stated it had to do with size, noting they were required only above 5,000 square feet.

Commissioner Brooks asked to have Hydrostructures look into this and give the Board a recommendation. Attorney Messick stated that had been done and a report had been submitted. He said the report proposed to run the pipe up the west side of Sanford Road, but there was not room to do that. He said there was an existing line on the east side of Sanford Road, and there were three or four hydrants within 400 feet of the facility now.

Commissioner Brooks asked what kind of cost would be involved. Attorney Messick said Mr. Poteat had mentioned \$10,000. He added there was also a 6" line on West Street.

Mayor Voller said if there was a 6" line on West Street, how would that impact Mr. Remick. Mr. Remick said there was a line that came across Sanford Road right in front of the ABC Store, and they would take that line up private property and run it straight up to the building, and a hydrant could be placed almost anywhere along there. He said as far as West Street was concerned, it was on the north side, so it would have to come straight across and the line would have to run about 200 feet up to his building.

Mayor Voller asked wouldn't the same safety issues affect other property owners potentially, contiguous or near the General Store, including the Methodist Church, the ABC Store and others. Attorney Messick stated those were already served by the four hydrants currently located there. He said all the citizens were being asked to pay improvements to benefit one.

Commissioner Baldwin said in reference to the memo from the Fire Marshal, why was he requesting it. Attorney Messick said because the Fire Marshal would like to have a hydrant in front of every building in Town.

Mayor Voller asked Attorney Messick to repeat his statement. Attorney Messick said he believed the Town was being asked to pay for this improvement that would only benefit one business. Mayor Voller said conceivably it would benefit other businesses around it. Attorney Messick said he was not sure that it would.

Mayor Voller said he believed a similar argument could have been about every request before them tonight. He said they had just done a massive rezoning that benefited one property owner. Attorney Messick said but the Town was not being asked to provide any improvements to that development. Mayor Voller said but there was still a cost attributable to it. He said he did not know why they would not want to invest in the downtown. Attorney Messick said it was his recommendation that if the improvement was done that it be done at the applicant's cost. Mayor Voller said wasn't Mr. Remick going to have the cost of bringing the water line all the way down to their property? He said all Mr. Remick was asking was to put a hydrant in a better location, not to run a water line. Attorney Messick said he believed they were asking to run a water line.

Mayor Voller asked if Mr. Remick was asking for the Town to provide the water line or asking to move a hydrant. Mr. Remick said he would like to have both, but had to look at the expense of providing some measure of safety to the citizens.

Mayor Voller said infrastructure was the type that a Rural Center grant could pay for. Mr. Remick said he had looked into that, but got the impression it would not be forthcoming. Mayor Voller said it could be shown that these were off-site improvements to benefit the Town by benefiting other property owners.

Mayor Voller asked had Pittsboro ever had a fire in the downtown. Commissioner Brooks said yes, noting there was a big one in the 1920's that wiped out a large part of the businesses downtown.

Commissioner Cotten stated there was another one at a restaurant behind the old Cornwallis Service Station where the Capital Bank is now located. He said he was confused, noting he thought that for grease fires and electrical fires that water was not effective, and if there was a fire in the downtown those would likely be the reasons. Mr. Remick said they also had a suppression system, which would be used in combination with the sprinkler system.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to deny the request for a 6" water line until further research was conducted.

Commissioner Brooks stated he planned to study the issue to a greater degree.

Commissioner Cotten said he stood by his motion, noting that Mr. Remick could bring his request back to the Board at a later time.

Commissioner Baldwin agreed they needed more clarification. She suggested that Mr. Remick, Mr. Poteat and the Fire Marshal meet to discuss this in more detail.

Mayor Voller agreed getting more information was a sound course of action, but advised as the Mayor and the Vice Chair of the EDC that they needed to be trying to do things to promote all of the downtown business owners who would be left behind if the Town was not willing to help. He said otherwise, they would be looking at more shuttered buildings and businesses that could not be successful because of the existing sites. Mayor Voller said he had been approached by many store owners in the downtown, and it always came down to what the Town could do but there was no plan. He called for the vote.

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

CONSIDERATION OF MCGILL ASSOCIATES' RECREATION MASTER PLAN PROPOSAL FOR THE TOWN OF PITTSBORO

Attorney Messick stated there were various materials provided in the packet of materials before the Board. He said three consultants had been interviewed by the Committee on behalf of the Town, and McGill Associates was the recommended consultant at a cost of \$13,500. He said if it was done in conjunction with the County plan the fee would be less, at \$11,000.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin for approval with the condition that they work in conjunction with the County at a cost of \$11,000.

Commissioner Cotten said he had mixed emotions, but would not object too strongly. He said he believed the Town needed to do some preliminary work before they paid \$11,000 to a consultant. He said he had hoped that they would have a Recreation Director on board by now, but added the Recreation Advisory Committee was a devoted group and did great work. Commissioner Cotten said the consultant would undoubtedly draw from that group, yet the consultant would be receiving the funds.

Commissioner Baldwin said if the Recreation Advisory Committee would provide the consultant information, there was no reason for them not to. She said she believed it would be an excellent idea for them to submit to the consultant any information they had.

Commissioner Cotten said he would just like the Recreation Advisory Committee to have the opportunity to look at this.

Commissioner Bryan asked how that effected the \$11,000. Mayor Voller said it did not effect it. Commissioner Bryan said it should.

Commissioner Baldwin said if the Town's Recreation Advisory Committee was going to do a portion of the study, and if it was the same thing the consultant was doing, then certainly the consultant should not charge the Town for the same thing the Recreation Advisory Committee was doing.

Attorney Messick said he did not believe that would be a problem, because he did not think the Recreation Advisory Committee would have that kind of time since they all had day jobs and were doing it for the good of the community. He said he thought they would be glad to provide input to the consultant's work product, but did not believe there would be a duplication of work.

Commissioner Bryan said then he was saying he did not believe there would be any overlap. Attorney Messick said not in terms of any actual work being done. He said the Recreation Advisory Board may have ideas they were willing to share and he hoped the consultant would appreciate that.

Mayor Voller stated the Recreation Advisory Board had been highly successful this year. Attorney Messick said that was correct, noting they had been responsible for over \$900,000 in grants. Mayor Voller said if every board was that successful they would be miles ahead. He said they would be needing someone to administer the funding that would be coming in. He called for the vote.

Vote Aye-4 Nay-0

DISCUSSION OF RESIDENTIAL SUBDIVISION AND NON-RESIDENTIAL DEVELOPMENT MORATORIUM

Attorney Messick said a copy of the existing moratorium ordinance had been provided in the packet, adopted April of 2006. He said it expired in October of this year, and the question was whether the Board wanted to pursue an extension or any modifications. Attorney Messick stated that Commissioner Cotten had some interest in including new developments in the moratorium, adding that it did cover new subdivisions and non-residential development.

Mayor Voller stated he would ask the Board to consider holding a public hearing on this. Attorney Messick said in his opinion a public hearing would be required if the moratorium was to be extended.

Commissioner Cotten suggested extending the moratorium temporarily until they could rework the ordinance. Attorney Messick said he did think the justification needed to be revisited. Commissioner Cotten said there were several things in the ordinance that had not materialized the way they had specified, and he frankly did not believe they would any time soon. He said he had thought the ordinance would be in effect for 540 days, not a year. Mr. Messick said that was true, but it had been adopted last April so it expires in October.

Mayor Voller stated the first moratorium the Board had done was in 1999, and it was now 2007. So, he said, another public hearing was needed to allow everyone to speak as to where they were, why they were there, and where they were going.

Commissioner Cotten asked would a motion be in order to extend it for another six months. Attorney Messick said if the Board wanted to extend it then he would recommend referring it to the Planning Board. He reminded the Board that with the current state of the wastewater system they were probably talking about more than a year. Attorney Messick recommended making a motion to refer this to the Planning Board for development of an extension of the moratorium for whatever period was appropriate.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to refer this to the Planning Board to make recommendations as to extending or modifying the moratorium ordinance.

Commissioner Brooks said when they held the public hearing they needed to have a representative of Hobbs and Upchurch and Hydrostructures to attend. He said at the beginning of that hearing the public needed to know what the Town's situation was, including the loss of the \$6.8 million, and that the Town had been proactive. He said it was important that the public understand, and it was important that experts be available to explain the facts regarding the sewer situation.

Mayor Voller agreed such experts should be available to provide information. He said this meeting should be informational, and not to entertain questions from the audience, adding the presenters could take 30 minutes each. Mayor Voller said the meeting should be held at the Courthouse so that anyone interested could attend.

Commissioner Brooks asked would it be possible to have someone from DENR to attend. Mayor Voller said possibly, and noted all the groups who had been represented in the past should attend.

Commissioner Brooks said he did not believe the public understood what the Board had to deal with, noting the State controlled this. He said engineering reports would be helpful to explain the current situation and what the possible solutions were. He said only very few people understood the situation the way this Board understood it.

Mayor Voller agreed, noting that was why it was important to put the information out in a big public hearing and invite everyone to come. He said if it took two hearings, then so be it. Attorney Messick said whether or not to have a moratorium and the justification for a

moratorium was, he believed, separate and apart from the status of the wastewater situation. He said if the Board did not do the moratorium, they would be faced with more subdivision requests.

Mayor Voller asked when the moratorium officially expired. Attorney Messick stated October 10. Mayor Voller said the Board's first meeting in October was October 8, so at that meeting an extension could be done.

Commissioner Cotten asked when the Planning Board met next. Attorney Messick stated they met on October 1. Commissioner Baldwin asked would they have time to look at this. Planner Monroe said he would put it on their agenda.

Commissioner Cotten repeated his motion: Motion made by Commissioner Cotten seconded by Commissioner Bryan to refer this to the Planning Board to make recommendations as to extending or modifying the moratorium ordinance.

Vote Aye-4 Nay-0

CONSIDERATION OF PROPOSAL TO EXPAND THE TOWN HALL MEETING AREA

Attorney Messick said the Board had considered this several times in the past, and they had received quotes to expand the space by removing a wall and replacing it with an accordion-type movable wall. He said depending on the materials used, the price was somewhat less than \$16,000. He said if the Board was prepared to do that, it was his recommendation to move forward.

Mayor Voller asked for details on the different materials. Attorney Messick said it was tactile versus non-tactile. Mayor Voller asked Mr. Monroe if he had an opinion on whether they needed one versus the other. Planner Monroe responded he had not seen the proposal, but noted there needed to be some kind of physical sound barrier between the two rooms.

Mayor Voller said they needed to open that wall up, and had needed to do it for years. Jim Hinkley noted the Town Board had been talking about doing that for about eight years.

Motion made by Commissioner Baldwin seconded by Commissioner Brooks to approve the proposal to expand the Town Hall meeting area.

Commissioner Brooks said before they did this, they needed to get the Progress Energy blueprints to make sure they were not doing something that was not structurally sound.

Commissioner Bryan asked how many quotes were received. Attorney Messick said only the ones contained in the packet, noting other vendors had been contacted but no other bids were received.

Commissioner Brooks asked how they could meet Mr. Monroe’s needs for soundproofing. Attorney Messick said soundproofing was a term of art, and he believed soundproofing would be difficult. He said the wall may be sound deadening, but likely not soundproof.

Commissioner Brooks said there may be other types, and one may be more sound resistant than another.

Commissioner Cotten said he had originally campaigned for this but had experienced a complete change of heart. He said taking down the wall would not solve their space problem. He said they had two people coming in that would need working space, and suggested the only space for them was in the lobby. Commissioner Cotten said he had offered a solution but the Board turned it down. He said he had hoped the money could be found to expand the building, but they did not have the money then and they did not have it now.

Mayor Voller again offered his original idea, which was to take the Community House and turn it into meeting space. He said the situation needed to be solved sooner than later, and the new Town Manager, Bill Terry, would be conducting a space needs study to determine what other needs they had, including the possibility of leasing space. He said the Board had not taken Commissioner Cotten’s suggestion because they believed they could potentially find some temporary space. He said once Bill Terry came on board they could decide how to move people as needed. Mayor Voller said if they continued to hold meetings in this room then the room needed to be opened up and the wall taken down.

Commissioner Cotten stated they could move to a larger room when they knew they would have a crowd, but he did not see taking down the wall as a solution.

Mayor Voller called for the vote.

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

**CONSIDERATION OF AMENDMENT TO CHAPTER 19 OF THE
TOWN CODE OF ORDINANCES REGARDING THE
PARKS AND RECREATION ADVISORY BOARD**

**CHAPTER 19
TOWN OF PITTSBORO
PARKS AND RECREATION ADVISORY BOARD
(Changes by Commissioner Cotten)
(Suggested modifications by Manager)**

ARTICLE I: IN GENERAL

19.101 **CREATED**

There is hereby created a parks and recreation advisory board for the Town of Pittsboro.

19.102 **MEMBERSHIP**

The board shall consist of seven (7) (eight (8)) members all of whom shall be appointed at large. Five members shall be residents and citizens of the town. Two (Three) members shall be residents of the Town's Extra Territorial Jurisdiction.

A member who has three consecutive unexcused absences shall be replaced by the Board of Commissioners.

The manager or his designee and/or recreation director shall serve as liaison for Board of Commissioners.

19.103 **APPOINTMENT**

Initially, members of the board shall be appointed by the Town Board of Commissioners for terms of two or three years as follows:

- Three members – two year term
- Four members – three year term

Each subsequent appointment shall be for two years.

Members of the advisory board shall be appointed by the Board of Commissioners. Terms shall end on June 30th. Vacancies shall be filled in the same manner as the original appointments except that such appointment shall be only for the length of the unexpired term.

The Board of Commissioners ~~to shall~~ appoint one of its members to be an ex-officio member who will not have a vote. ~~The Chairman shall vote only in case of a tie vote.~~ (already in 19.104)

Page 1901

19.104 **MEETINGS; CHAIRMAN**

The parks and recreation advisory board shall hold meetings at such time and places determined by the Chairman. They shall determine and adopt bylaws, rules and regulations governing its procedure. The advisory board shall appoint one of their members to serve as chairman. The chairman shall only vote in the case of a tie.

19.105 **ATTENDANCE OF BOARD MEMBERS AT MEETINGS**

A board member who, without excuse, misses more than three (3) consecutive regular meetings or a total of four (4) such meetings during the year loses their status as a member of the board. In such cases, the chair will immediately request the Board of Commissioners to fill the vacancy. Absences due to sickness, death or other such obligatory emergencies shall be regarded as excused absences and shall not affect the board member's status on the board. However, in the event of long illness, or other such causes for prolonged absences, the board member may be replaced.

19.106 **QUORUM**

A quorum shall consist of four (4) (five (5)) advisory board members.

ARTICLE II. ADVISORY BOARD FUNCTIONS

19.200 The primary function of the advisory board is to advise and make recommendations to the town manager or his designee and governing board.

Some of the basic functions of the parks and recreation advisory board are as follows:

19.201 To investigate and determine the needs and interests of the community for recreation programs and facilities and make recommendations to meet those needs.

19.202 To inform and interpret the needs of the general public to the governing body and the town manager or his designee.

19.203 To recommend and help secure a comprehensive master plan and other pertinent studies for the Town for the acquisition and development of a system of parks, facilities and recreation programs.

Page 1902

19.204 To recommend and advise on the acceptance of any grant, gift, contribution, or donation made available to the Town.

19.205 To serve as a forum in introducing innovative and new ideas, concepts, programs, policies and procedures.

19.206 To generally work toward a favorable public opinion of, and support for, parks and recreation services through such means as community and neighborhood groups.

19.207 To assist the Town in developing cooperative arrangements with other organizations and private groups. This function will assist in providing new and innovative programs for the citizens of the community.

- 19.208 To advise and assist in the preparation of the parks and recreation department budget.
- 19.209 To assist the Town in recruiting volunteer staff to work with parks and recreation programs and activities.
- 19.210 To assist the Town staff in evaluating recreation programs and activities.
- 19.211 To assist the Town in developing program priorities.
- 19.212 Advise the town planning board on all matters pertaining to recreational planning of the community.

ARTICLE III. **BYLAWS**

- 19.301 The Committee By-laws are made a part of this ordinance by reference and attachment.

Page - 1903

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve.

Vote Aye-4 Nay-0

MAYOR UPDATES

Mayor Voller said there was a big article on biofuels in a local publication, and Piedmont biofuels was receiving a grant from the federal government for expansion. He asked the Board to consider sending them a letter of support.

Mayor Voller said there was a Rural Planning Organization meeting in October and invited everyone to attend, noting some good information had been forwarded to Mr. Monroe. He said the Fairground Association was done with their fair, and would be coming forward to ask for ideas.

COMMISSIONER CONCERNS

Commissioner Baldwin stated that regarding the water situation, some residents of Potterstone Village were very concerned about their water, stating it contained a brown residue and they could not drink it. She said she believed the Board needed to look into that and possibly test the water in some of those homes. Attorney Messick stated he would like to look into that. He said the river was of course affected by the drought so the water was harder to treat, and that might have some bearing on it. He said the chicken plant was also using more water now than it had in the past, so that might be another reason.

Mayor Voller said he would like the Town to conduct a program of testing some of the homes on the front side of the tap coming from the Town's supply and then getting something from the homes' tap to see if it was something inside the homes or something being supplied to them. He suggested the Town should take on the cost of that testing, noting at least six complaints had been received. Attorney Messick said there were likely 20 or more parameters that could be tested for, and each parameter cost about \$25 to do the test, so to test for each parameter would be a sizeable cost.

Mayor Voller said at the least they should be testing at the front side of the tap to determine that the water they were supplying was good. He said he knew they could test for bacteria, but did not know where the 20 items had come from. Mayor Voller said generally you would test for what you wanted to get out of the water by chlorinating it. Attorney Messick asked exactly what would they test for. Mayor Voller said they needed to determine where the brown residue was coming from. He said there had been complaints not only from Potterstone but from Magnolia Trace and Cornwallis Heights. He said they were not getting any reports from the north side of Town, so it may be an issue of location. Mayor Voller said that was why he wanted to try to isolate it and find out was it something coming from the installed pipes or from the old mines, or from somewhere else.

Jim Hinkley asked if that was the section of town where the water was stagnant in the lines, because it was at the end of the lines. Mayor Voller said it may be. Attorney Messick said he was not so sure, but knew there was a connector there.

Mayor Voller asked where the testing was done for the TTHM's at the end of the line. Attorney Messick said there were designated spots, and if you added extra spots the State would presumably have to approve that. So, he said, you could not just go and pick a spot.

Mayor Voller asked if we knew the status of the road between Potterstone and Magnolia Trace. He said one the residents had told him that they thought that Mr. Bright had repurchased it and the road was not actually owned by or dedicated to the Town. He said Mr. Brooks had said tonight that he believed it was owned by the Town. He said he was curious about its status and believed they should look into it, because if Mr. Bright did own that road and built houses there, the people who lived out there were going to be very upset.

Commissioner Brooks said his memory was that it was a dedicated road. Mr. Messick said it was a dedicated road and the Town had wanted to install some gravel there so that emergency vehicles could access it, but the neighbors had complained enough that Mr. Bright had begun to remove the gravel. He said that was the point at which the ownership had gotten cloudy and they had stopped removing the gravel.

Mayor Voller said if it was dedicated then the Town should own it. He said at the very least there should be a sidewalk.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to adjourn at 9:50 p.m.

Vote Aye-4 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk