

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 27, 2006
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Rev. John Simons, St. Bartholomew's Episcopal Church gave invocation.

ATTENDANCE

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

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

AGENDA APPROVAL

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the agenda as presented with the addition under new business "Addendum to Interim Management Contract".
Vote Aye-5 Nay-0

CONSENT AGENDA

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the consent agenda.

- Minutes of the February 13, 2006 Board of Commissioners meeting.
- Reappoint Commissioner Cotten as the town's representative to the Chatham County Solid Waste Advisory Committee.

Vote Aye-5 Nay-0

CITIZENS MATTERS

Charles R. Devinney – 443 Oakwood Drive – wanted to know why in-town residents are going to be charged \$81.00 to use the recycling centers. It bothers him because his tax dollars paid for the centers. He doesn't see how the future growth is going to affect taxes and water and sewer.

He knows that nobody has contacted the Fire Dept. (he is not speaking for the fire department) regarding these big developments to see what their needs will be as far as equipment/manpower for the future to serve all these big communities. He wishes

someone would take hold of this before it is too late. Especially these big developments, they have had no cooperation from any of the developments. When they ask about location of a facility to help us with land – no one would help them.

It is not just that developments are happening in town but outside of town too.

His taxes this year are the highest it has ever been in his 40 years of living here. He thinks the ones that have been living here for years are going to have to pay the price.

Commissioner Cotten stated it looks like it is a done deal as far as the solid waste fees are concerned. They have started issuing decals for out of town residents. In town residents will have to pay \$81.00 before they can receive a decal.

Mayor Voller stated he told them he thought it was a bad idea. It will encourage people to potentially dump something they would not normally do. People have finally started using the recycling center.

Charles Devinney asked with the large developments coming on has the board thought about what's going to happen to the political system in Pittsboro. We have an at-large system now – which means one large subdivision can come in here and run for every seat on the board and control it and the rest of us won't have any say so at all. Is the Board going to tackle this issue?

Mayor Voller stated he is sure this will come up during the revision of the land use plan process. He feels that growth should be in the towns in Chatham County.

Ricky Spoon – 2475 Red Bud, Pittsboro - would like to address some of Charles Devinney's comments. Mr. Devinney used to be the Mayor and that he (Mr. Spoon) says the Town is 5-10 years behind where we ought to be now; he respects that – he used to have the job but he doesn't have it anymore. He would also like to respond about none of the developers helping/wanting to do anything about the fire station. About a year ago the piece of property next to Horton School that John Blair sold to the Fire Department. The fire department got 20,000 gallons of sewer – he stated he asked the Fire Chief if they wanted to put the fire station on his property to come talk to him – there was 20,000 gallons of sewer that was not going to be transferred from that property. Next thing he knows he reads in the paper that 20,000 gallons have been transferred out here across from the Pitt Stop. Then they sold and now they don't have any land at the bypass or anywhere.

He has just been approached by Carolina Brewery out of Chapel Hill. It is a nice place. He has been to see it in Chapel Hill. The restaurant is nice. It is locally owned and operated and they want to come down here. They are going to use 7,000 gallons of sewer; they have offered him a substantial amount of money for the out parcel next to Lowes. What does he tell them? – he can't tell them a thing.

Mr. Spoon does not agree with Mr. Devinney's implication about developers. He has been trying to work with this town for 3 years. He is frustrated – the town will soon be having a hearing on the moratorium, is it going to be extended? He is not going away. He is going to come before the Board once a year asking for sewer to make this place better.

Look at Powell Place, he said, it has 200,000 gallons of sewer – which they connived and got from the board or the former members of this board (this is his opinion and has been his opinion). Powell Place has been shut down because they agreed to build a light at the intersection across from Lowes. A representative from Lowes went to talk with a Powell Place representative and was told they didn't really care about the stop light and for them (Lowes) to pay for it. After they got 200,000 gallons of sewer and stopped all developments including his across the street.

But by hook and crook he got 15,000-16,000 gallons to build the Lowes. Now Powell Place is shutdown – they only have 4 houses built there. They can not get anymore building permits until they get that light because DOT got involved.

All that he was approved is to build the 14,000 sq. ft. building with 6,000 gallons of sewer.

Mr. Spoon stated he signed a lease for the Town to spray on over 600 acres of his land – he had to spend another \$100,000 redoing the loan. Now the Town has a place to spray the sewer.

Mayor Voller stated no way do we want to stop a good development in Town. There are a lot of complicated issues involved.

Commissioner Cotten asked Mr. Spoon if the land he mentioned has been approved by the State for a spray field.

Mr. Spoon stated he could not answer, the Town will start paying him the \$8,000 a month in June, he hopes it is ready by then.

Commissioner Cotten stated someone needs to answer that and he doesn't think the land will pass the State.

Commissioner Cotten stated he hopes we will be able to cancel the contract before June.

Commissioner Baldwin stated since the matter with Powell Place has come before the Board it needs to be clarified as to whether it is shut down or not.

Planner Monroe stated NCDOT has requested that Chatham County Building Inspection suspend the release of building permits and C/O's to Powell Place until East West Partners has signed a contract to guarantee the state will reimburse them for work they want to do at the entrance. As of Friday Chatham County was not issuing permits.

Planner Monroe stated he spoke with Attorney Patrick Bradshaw and Bryson Powell and they were baffled that this had occurred. They are doing diligence to get the situation solved.

Commissioner Brooks stated when we annexed the area where Powell Place is we ran sewer out there. It was one of the two industrial parks we had here. Most folks know if we don't get some business here, he doesn't know how people are going to be able to pay taxes on their homes. Mr. Devinney was talking about his property taxes. Commissioner Brooks said he owns a modest home and his property taxes are now more than his monthly retirement check from 30+ years of teaching.

When River Oaks came in they will be paying 6.5 million dollars for sewer. When Buck Mountain came along they paid for the line and we don't have a penny in it and that is going to solve some of our water bill problems. We have to remember when the State shut down Townsend's they were subsidizing every water uses in this Town. They are now buying 10 percent of what they were buying.

A long time before we voted on River Oaks, he wrote an open letter to citizens of this Town and ETJ asking for input, asking if they wanted River Oaks because it was so big. No one called or spoke to him about it. The environmental activist put so much pressure on the Division of Water Quality that they have given us a fit. They call Roberson Creek a poster child for the environmental movement. Because of State action on Roberson Creek we have procedures to follow. We have to do what they say. We are in a dilemma if we don't get some business growth in here. He doesn't know what we are going to do, we can't pay for all the things the State wants us to do and the County, if we don't get some business growth in here.

We are getting money from the people coming. We are not giving away the farm. Not trying to withhold sewer, if we had it we would give it Mr. Spoon.

We have an agreement with 3M to sell them gray water. We are trying to solve some of these problems.

Commissioner Walker said going back to Powell Place we have been chastised for allowing Powell Place to reserve 200,000 of sewer capacity. In turn they prepaid half a million dollars of the capital recovery & access fee. We took that 500,000 plus some and put it into our sewer lines in Town. We are in a difficult situation and are working to solve it.

Interim Manager Misenheimer stated the Environment Assessment are required that have to be done are coming full circle now. Will be having a work session soon on this. Pittsboro is not the only Town in NC dealing with this.

There was a discussion about the Industrial Park on 64. The State helped pay for the road to go into the park, the County paid for sewer and the Town paid for water into the park.

Charles Devinney stated several people were interested in the property but we could never get the owner to give us a good price.

Mayor Voller stated it would be nice to have a bus stop out where Lowes is.

Ricky Spoon stated he didn't see a problem with it, he would talk with the owner of Lowes.

PUBLIC HEARING

Motion made by Commissioner Walker seconded by Commissioner Brooks to go into a public hearing. Vote Aye-5 Nay-0

Conduct a public hearing to consider amendments to the Zoning Ordinance which include changes to the Table of Permitted Uses, clarifications to the MUPD standards, and various changes mandated by new legislation adopted by the Legislature of the State of North Carolina.

PUBLIC COMMENTS:

Thomas "Snuffy" Smith – 530 Sanford Road. With the change residences above businesses will be allowed in the downtown. He would encourage the board to approve this. Downtown is small and he doesn't expect chain stores to locate there. It will help keep Mom & Pop operations downtown. He is for this change.

Charles R. Devinney – 443 Oakwood Drive asked if this change is trying to put people living downtown.

Motion made by Commissioner Walker seconded by Commissioner Bryan to go out of public hearing.

Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Brooks to refer this to the Planning Board's April meeting and that the 126 items that are to be changed have

red lines changes from the current document and that the staff make footnotes to the changes that are required by State Law.

Vote Aye-5 Nay-0

OLD BUSINESS

There was no old business.

NEW BUSINESS

FEE STRUCTURE – STREET CLOSINGS

Consider a resolution to adopt a fee structure to recover costs incurred for street closing petitions.

Planner Monroe stated we do not have a fee for petitions for street closings. The advertisement has to run for four consecutive weeks and the adjoining property owners must be notified by certified mail, this is relatively costly and taxpayers should not pay for this.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve a resolution adopting a fee structure for street closing petitions.

Vote Aye-5 Nay-0

A RESOLUTION TO ESTABLISH A FEE FOR PETITIONS TO CLOSE A STREET IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 33

INTENT TO CLOSE A PORTION OF OLD LOCKVILLE ROAD

Consider a Resolution of Intent to permanently close a portion of Old Lockville Road in the town of Pittsboro.

Motion made by Commissioner Walker seconded by Commissioner Brooks to schedule a public hearing for March 27, 2006 on the closing of a portion of Old Lockville Road.

Vote Aye-5 Nay-0

A RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF OLD LOCKVILLE ROAD IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 34

PETITION TO CLOSE OLD LOCKVILLE ROAD IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 35

CHATHAM COUNTY AFFORDABLE HOUSING PROPOSAL

Consider Chatham County's affordable housing proposal to form a partnership in effort to support water and wastewater utility capacity designation.

CHATHAM COUNTY AFFORDABLE HOUSING TASKFORCE

January 3, 2006 – Chatham County BOC:

1. Approved the basic proposal – will seek partnership with the Town of Pittsboro.
2. Designated 1.1M Briar Chapel contribution to support the proposal.
3. Agreed to provide funding as feasible to proceed as Briar contribution comes in. (Initial Briar contribution of \$100,000 – approximately May -06)

4. Designated Mrs. Amy Powell, Director, CC Habitat for Humanity, to act as Chatham County Agent – Manager/Developer

January 22, 2006 Joint Meeting – Pittsboro BOC and Chatham County BOC

Goal:

Establish parameters and form a Partnership with Pittsboro.
(sewerage, water, land – options/use, density, open space, connectivity, etc.)

FORWARD:

- a. Contact land owners; negotiate price/options. 4 parcels depicted on map.
- b. Obtain land owner permission to proceed with environmental review, land appraisal, boundary and topographical surveys, soils evaluation, etc.
- c. Conduct bid process for services.
- d. Begin discussions with NC State, UNC Planning for comprehensive design assistance for overall development.
- e. Develop in phases – phase 1 is envisioned to be approximately 30 units on X acres. (4 or 5 phases for full development over 15 years)

NOTES:

1. CC will own the property and gift in parcels to Habitat for revenue leveraging.
2. All expenditures will be pre-approved by the CC BOC and all payments will be processed by the CC Finance Officer.
3. Units will be developed primarily by Chatham Habitat for Humanity. We are discussing some affordable units at 80% median income to transition Potterstone Village and Habitat for Humanity.

Amy Powell, Executive Director, CC Habitat for Humanity – stated funds are available from Briar Chapel and they would like to use them in Pittsboro where there is a need for affordable housing. The Committee is requesting that the Board endorse the concept. The project will be quite large and they will be able to have different types of affordable housing.

Commissioner Brooks stated we don't have any sewer available for any project. He does not have a problem endorsing the concept. He wanted to know if the project would be piece mealed or one large project. There would still be a lot involved that would have to be met before they can start.

Planner Monroe stated it would probably be in Phases.

Amy Powell stated it would be a couple years out before they break ground.

Commissioner Cotten asked if Chatham County has approved a Resolution and if so, he can not find it.

Attorney Messick stated we could prepare a resolution that stated: “Resolved, that the Board of Commissioners of the Town of Pittsboro supports the efforts of the Chatham County Affordable Housing Taskforce to establish an affordable housing project in the Town of Pittsboro, and pledges to carefully consider any proposal or application submitted by the Task Force.”

Motion by Commissioner Brooks seconded by Commissioner Walker to approve a Resolution Supporting the Efforts of the Chatham County Affordable Housing Taskforce.

Vote Aye-5 Nay-0

A RESOLUTON SUPPORTING THE EFFORTS OF THE CHATHAM COUNTY AFFORDABLE HOUSING TASKFORCE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 36

NC RURAL WATER ASSOCIATION

Consider a resolution to request assistance from N.C. Rural Water Association to conduct a water and sewer rate study analysis.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve a Resolution Proving for Request to NC Rural Water Association for Study of Water and Sewer Rate Schedule.

Vote Aye-5 Nay-0

A RESOLUTION PROVIDING FOR REQUEST TO NC RURAL WATER ASSOCIATION FOR STUDY OF WATER AND SEWER RATE SCHEDULE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 41

PARKS AND RECREATION ADVISORY COMMITTEE

Introduction of newly appointed Parks and Recreation Committee members.

Ms. Sarah Carr, Chairperson of the newly formed committee was present. She reported that they had met and introduced the other members present: Rouse Wilson, Julie Cummins, Chuck Gillis, and Max Cotten. Andrew Allden who is not present tonight is also a member of the Chatham County Recreation Committee and they feel that will be a help to them – that the Town/County can work together.

CHATHAM COUNTY/COUNTY SCHOOLS – LEASE

Authorize Interim Town Manager to develop a proposal with Chatham County and Chatham County Schools to develop an agreement for improvements to the tennis courts and basketball courts.

Motion made by Commissioner Brooks seconded by Commissioner Walker to instruct Mr. Misenheimer to contact the County.

Commissioner Cotten stated he would like for this matter to go to the Parks & Recreation Advisory Committee at their March 14, 2006 meeting.

Commissioner Brooks withdrew his motion and Commissioner Walker withdrew his second.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to send this matter to the Parks and Recreation Advisory Committee at their March 14, 2006 meeting for consideration.

There has been a meeting with the School Board set up.

Vote Aye-5 Nay-0

ADDENDUM TO INTERIM MANAGEMENT CONTRACT

Motion by Commissioner Brooks seconded by Commissioner Walker to approve the addendum to Interim Management Contract.

Vote Aye-5 Nay-0

AN ADDENDUM TO INTERIM MANAGEMENT CONTRACT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 42

TOWN MANAGER APPLICANTS

Commissioner Cotten stated he has requested the procedures for selection of a permanent manager be placed on the agenda.

SUGGESTED PROCEDURES FOR SELECTION OF PERMANENT MANAGER

1. Copies of all applications to be furnished each Commissioner.
2. Each Commissioner select one applicant and assumes responsibility for:
 - a. Verification of information in selected application.
 - b. Contacting references and Chairman/Mayor of current employer or immediate past employer.
 - c. Determine expected salary.
 - d. Determine date applicant would be available if selected.
 - e. Interview applicant if feel necessary.
 - f. Prepare written summary of findings and submit to Ms. Lloyd by _____.
3. Ms. Lloyd assigns control number to each summary and distributes copies of summaries to Mayor Voller and all Commissioner by _____. See item five (5) for reason for control number.

4. Schedule an event to which public is invited to meet applicants on _____/
5. Select permanent Manager during regular meeting on _____. The control number assigned by Ms. Lloyd will be used during discussion which must be in open session.

Interim Manager Misenheimer stated that this information should be held in strict confidentiality. Some applicants would not apply if they felt you would contact their current employees.

Commissioner Walker stated he would not call an applicant's current employer without asking the person.

Attorney Messick suggested a committee.

The Board agreed that each Commissioner would get a copy of all the applications and come back to the next meeting to discuss.

Mayor Voller asked Commissioner Cotten if he had anything else.

Commissioner Cotten stated he hoped he is involved in the final selection process and is not shut out like he was before.

Mayor Voller stated it is his understanding that each Board member will look at all the applications – come to the next meeting and go from there.

The Board agreed.

FYI

- C/D rates
- Status report for engineering alternatives and environmental assessments
- Department updates

COMMISSIONER CONCERNS

None

ADJOURNMENT

Commissioner Brooks thanked the public for coming and sitting through the meeting.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk