

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MARCH 22, 2004
7:00 P.M.

Mayor Nancy R. May called the meeting to order and gave invocation.

ATTENDANCE

Members present: Mayor Nancy R. May, Commissioner Gene T. Brooks, Clinton E. Bryan, Jr., Max G. Cotten, Chris Walker and Burnice Griffin, Jr.

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

CONSENT AGENDA

Motion made by Commissioner Cotten seconded by Commissioner Brooks to remove the minutes from the consent agenda to the regular agenda.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

PUBLIC HEARING

Motion made by Commissioner Bryan seconded by Commissioner Cotten to go into a public hearing to consider a rezoning request from Jonathan and Lindsay Starr. The property is located at 320 Fayetteville Street. The front portion of the property is currently zoned C-2 while the rear portion is zoned R-12. The Starr's are requesting that the rear portion be rezoned to C-2 to match the front portion.

PUBLIC COMMENTS:

Catherine Deininger read a prepared letter which read:

The Haw River Assembly would like to offer comments on the application from the Starr family for rezoning the property on the corner of Chatham and Rectory Street from residential to commercial. We are a non-profit citizen organization dedicated to the protection of the Haw River watershed. Our membership and volunteers include many residents of the town of Pittsboro and those living in its ETJ.

The first point I'd like to make is that the Haw River Assembly supports Pittsboro in encouraging smaller "infill" developments within town limits. We think the area around this property that is being considered for rezoning will probably greatly benefit from the attention commercial development of this property will bring.

Our concern is for Little Creek, which borders this property. Little Creek's beginnings are in Town Fork just north of Pittsboro. Little Creek flows south and skirts the center of town, flowing behind the old chicken hatchery where Hill Creek Vet is located, going under 64 West and resurfacing to flow between the Rescue Squad and the Law Enforcement Center before it reaches the property in question. After following past this property it soon joins with Robeson Creek.

Walk Little Creek and you'll see a creek that is already a poster child for degraded urban streams. Past decisions that have ignored the existence of the stream have led to a deeply incised (15 to 20 foot stream banks) streambed that is completely unprotected from storm water runoff. The only stretch of Little Creek between Hwy 64 and 15-501 that doesn't have steep eroded stream banks is along the property that is being considered for rezoning.

We ask that if you decide to rezone this property for commercial development that you make sure to protect Little Creek. Earth moving during construction and increased impervious surfaces for parking will lead to more sediment erosion and stormwater runoff if not prevented by good planning and design. There are many new methods being used (called "Low Impact Development") in sensitive watersheds that handle stormwater on-site so that it infiltrates into the ground instead of running off into streams. Perhaps there is a way that parking for this new commercial area could be located further away from the stream, or that run-off is effectively captured on site. We would be happy to discuss this with you further.

We offer these comments in the spirit of wanting the best for Pittsboro's future. Thank you very much for considering our concerns, and your efforts on behalf of the town.

Catherine Deininger
Stream Steward Project Coordinator
Haw River Assembly

Jonathan Starr - stated they are aware of Little Creek and they are aware of the constraints currently in place to stay back from it. They plan to protect it.

Lindsey Starr stated when they looked at the property Little Creek was one of the things they liked about the property, they consider the stream an asset to the property. They feel it will enhance what they are doing.

Lula Bryant said she would love to see the street that runs to Pittsboro Elementary abandoned completely – never want a street coming through there. She wanted to thank the Town for correcting the flooding problem at her house.

Virginia Morris – present just to listen.

Al Capehart read the following prepared statement:

First, Thank You, for all the long hours you give to Pittsboro in your official elected capacity. I appreciate your time.

I'm Al Capehart. I live at 36 Lockville Street in the Johnson Heights Neighborhood. Little Creek is the neighborhood's northeast boundary.

I'd like to speak on the commercial zoning request for 320 Fayetteville St., "the old chicken plant". Walking to church Sunday March 14, 2004, I noticed the rezoning sign on the property. I was delighted that someone was thinking to do something about that eye sore.

However, I was distressed to learn that the zoning request is to turn the entire lot into commercial property and to close off the direct road option between the Sanford Rd and Hwy 87.

Little Creek is already stressed from the polluted storm water run off from the parking lots of the county school and judicial buildings. The Amoco Station oil laden storm water flows directly into Little Creek, even after the developer had told neighbors there would be a catch basin for the run-off.

Zoning is to protect and make sense in land and water use. It was a mistake to allow the "old chicken plant" in the Little Creek flood plain to start with. Common sense says; don't make matters worse for the benefit of some mythical customers and at cost to the neighborhood's environment.

The existing road right-of-way must be protected for the future road connecting the Sanford Rd and Hwy 87 to mitigate the traffic congestion associated with the Pittsboro Elementary School.

My hope is there can be found some other use for this property that would benefit the new property owners, Johnson Heights Neighborhood and the Community of Pittsboro.

Thanks you for the new sidewalks in the neighborhood.

Al Capehart

John Krombach had submitted a letter which was read by Mayor May, as follows:

In regards to the zoning application on the parcel at 320 Fayetteville St. I see it as beneficial to the town as well as abutting parcels to rezone the parcel to C02. We all know what an eyesore the old plant is, by rezoning, it will make the parcel a lot more useful to the owner and the town.

As for the unopened portion of Fayetteville St., I personally would like to see it open.

Thank you for your time.

John Krombach

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

Vote Aye-5 Nay-0

CITIZENS MATTERS

Commissioner Brooks stated he has been approached by a citizen for the board to discuss the possibility of putting tables in the yard at the Community Building. He would like for it to be on the next agenda.

APPROVAL OF MINUTES

Motion made by Commissioner Cotten to amend the minutes of the March 8, 2004 meeting to include the following regarding Preliminary Plat Bellemont Point Subdivision to read as follows:

Ricky Spoon, Developer and Mark Ashness of CE Group were present but did not make a presentation. The agenda item was not disposed of in manner prescribed by chapter 27 Town of Pittsboro General Ordinances nor Roberts rule of order. The motion died due to the lack of a second.

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the minutes of the March 8, 2004 with a correction under Commissioner Concerns to read Commissioner Bryan asked since there are contaminated wells on 902 (not 87), what is the chance of running water to 902.

Vote Aye-5 Nay-0

OLD BUSINESS

INVESTMENT PROCEDURES

Commissioner Cotten had prepared a policy.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve a policy establishing investment procedures.

Commissioner Brooks stated he would like to keep it in Pittsboro, but he would like a small differential included.

Commissioner Cotten stated he didn't think the policy will mean anything if that is included.

Commissioner Bryan stated he did not think we should go out of town for a small percentage.

Commissioner Walker stated he does not feel we should limit it to in town banks but that we should expand the number of banks. Over the last 2 ½ years if we had went with the in town bank with the highest rate we would have missed over \$12,000 additional interest dollars. The town does not set a restriction that vehicles have to be purchased in town. He feels that we need all the money we can get.

Commissioner Cotten stated the law requires that you purchase vehicles under State Contract.

Commissioner Brooks asked what about keeping the banks in Chatham County.

Vote Aye-2 Bryan/Cotten
Nay-3 Brooks/Walker/Griffin

CONTRACT WITH 3-M

Commissioner Cotten stated he has a problem with the \$1.50 per 1,000 gallons. He referred to the agreement with Chatham County.

Manager Hughes stated the \$1.50 does not include debt service.

Manager Hughes stated they had to have an agreement before they can go much further; their plans are under review at construction grant and loans division.

Commissioner Cotten stated we should make it \$1.96.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the agreement with 3M.

Vote Aye-4 Bryan/Brooks/Griffin/Walker
Nay-1 Cotten

**AN AGREEMENT WITH 3M IS RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGES**

NEW BUSINESS

Presentation by Cindy Edwards concerning efforts of Pittsboro Merchants Association to stimulate business activity. This will also entail a request for the use of a portion of the sidewalks on Hillsboro Street for artist displays during restricted times on one Sunday of each month.

Mrs. Cindy Edwards along with Tony Baker and Thurman Maness were present representing the Pittsboro Merchants Association request. Ms. Edwards had a prepared statement:

Many of the Pittsboro merchants have been hurt by the faltering economy. We depend on customers from outside the county. The bypass around Pittsboro has taken away many of these customers who used to come right through the middle of town and stop to eat and shop. We have also felt a decrease in the level of customers from the Chapel Hill and Durham areas because of the roadwork on 15-501 North.

As a result, a group of about 15 merchants has been meeting for 2 months to talk about ways to increase the flow of visitors to Pittsboro. We have formed as the Pittsboro Merchants Association and would like to work with the Town of Pittsboro to promote our historic downtown.

One of the first promotions that we would like to start is called "First Sundays". This event would take place on the first Sunday of every month from noon to five. We would encourage more merchants and restaurants to be open on the first Sunday of every month. We also wish to invite artists and craftsmen to set up on the downtown sidewalks in front of businesses that are open. The Chatham County Arts Council is now located downtown in the storefront next to Pittsboro Appliance. They have a gallery and will be able to help us find quality craftspeople to display their creations. The merchants would like to be able to set up sidewalk sales in front of their shops. Other merchants will be having a special event that coordinates with these First Sundays. We might occasionally ask for local musicians to perform. And we will be spending advertising money from the Pittsboro Merchants Association budget to promote these events. So we ask for your permission to use the sidewalks for these purposes but only on the first Sunday of the month. In order to insure a high level of quality amount the craftspeople and vendors, The Pittsboro Merchants Association, as sponsors of First Sundays, we wish to be responsible for the selection and placement of artists.

We would also like to work with the Town to find a place for a kiosk or a large display box with a plastic front that would be located in the heart of the downtown. The Town and merchants would have a place to display information and advertise special events such as the Pittsboro Street Fair in October, the annual Holiday Open House that occurs Thanksgiving weekend and First Sundays. We would also be able to post the many fliers for town and community events that end up in all of our display windows. The merchants association would be willing to maintain the display so that the information stays current.

I'd like to mention two other things briefly that would be a great help to us. We would like to be a part of the new website that Mr. Hughes is working on for the Town of Pittsboro. We would like to be able to post our special events there. Also we sure could use some signage out on Highway 64 East and West. We are missing a lot of travelers

who drive right by us everyday and don't even know that we have great restaurants and neat shops and businesses.

Thank you for giving us this time on your agenda. We see this as a partnership between the merchants and the town. We would greatly appreciate your help.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the use of the sidewalks as long as the sidewalks would not be completely impeded on the first Sunday of each month.

Vote Aye-5 Nay-0

CHATHAM MARKETPLACE

Chatham Marketplace has requested a waiver of water and sewer charges for the first 2-3 years of operation.

Attorney Messick stated that is not legal. If you are interested in helping them you can, but you can not waive charges.

Motion made by Commissioner Brooks seconded by Commissioner Walker to deny the request from Chatham Marketplace.

Vote Aye-5 Nay-0

REQUEST FROM CHATHAM ECONOMIC DEVELOPMENT

We have received a request from Chatham County Economic Development Corporation for a contribution of \$2500 for the 2004-2005 budget year.

Motion made by Commissioner Cotten seconded by Commissioner Walker to include it in the 2004-2005 budget.

Commissioner Brooks stated we have 10 more jobs here than we had 10 years ago. He is not going to vote for it.

Vote Aye-3 Griffin/Walker/Cotten
Nay-2 Bryan/Brooks

SEWER REHAB PHASE I

Consider award of a contract to Insituform Technologies Inc for Sewer Rehabilitation Phase I in the amount of \$607,691.50.

Manager Hughes explained what we will be doing.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the contract with Insituform Technologies Inc in the amount of \$607,691.50.

Commissioner Cotten stated the amount of the bid needs to be included in the motion according to the auditors.

Vote Aye-5 Nay-0

REZONING

Motion made by Commissioner Brooks seconded by Commissioner Cotten to refer the rezoning request from Lindsey and Jonathan Starr to the Planning Board for recommendation.

Vote Aye-5 Nay-0

COMMISSIONER CONCERNS

Commissioner Brooks stated NCDOT has been doing a good job around this area.

ADJOURMENT

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

Vote Aye-5 Nay-0

Nancy R. May, Mayor

ATTEST:

Alice F. Lloyd, Town Clerk