

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
APRIL 22, 2002  
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.

Others present: Manager Hugh Montgomery, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr. and Jim Hinkley.

DISPOSITION OF MINUTES

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve the minutes from the Joint Meeting with Chatham County Board of Commissioners and the regular meeting on April 8, 2002.

Vote Aye-5 Nay-0

PUBLIC HEARING

Motion made by Commissioner Bryan seconded by Commissioner Cotten to go into a public hearing to for the following:

- Permanent closure of Haughton Avenue.
- An Ordinance to Amend Article V, Section 5.5.10 – High Density Option and to establish a Special Use Permit for application of the 10/70 development option.
- An Ordinance to extend a Moratorium for the introduction of new Residential Subdivisions in the Town of Pittsboro.

PERMANENT CLOSING OF HAUGHTON AVENUE

PUBLIC COMMENTS:

NONE

AMENDING ARTICLE V, SECTION 5.5.10 – HIGH DENSITY OPTION  
AND ESTABLISH A SUP FOR APPLICATION OF THE 10/70  
DEVELOPMENT OPTION

PUBLIC COMMENTS:

NONE

EXTENDING THE MORATORIUM FOR NEW RESIDENTIAL  
SUBDIVISIONS IN THE TOWN OF PITTSBORO

PUBLIC COMMENTS:

NONE

Motion made by Commissioner Cotten seconded by Commissioner Bryan to go out of public hearing.                      Vote    Aye-5    Nay-0

CITIZENS MATTERS

Ken Hoyle – 51 Bynum Road – stated the through no fault of the Town - the construction company working on the 15-501 north bypass has cut his water line numerous times and he has concerns about all the mud getting in the water line and he is not aware of anyway to flush out the lines so therefore it is getting in his washing machine, water heater, etc..

Mr. Hoyle asked Manager Montgomery if he was correct in thinking he noticed that in the new line there would be a flush off valve placed there.

Manager Montgomery said no, there is a 2” blow off on Hearne Hill Rd. but there is not a blow off or fire hydrant on Bynum Rd.

Mr. Hoyle stated that absence of them on Bynum Rd., he feels they should be considered because of the quality of water and fire protection. He would like a to see a fire hydrant as well as some way to blow the line off.

Commissioner Brooks stated three citizens in the area have spoken to him with these concerns.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to install a 2” blow off and see how it works.

Commissioner Brooks said this was not his idea but it was a concern of Mike Smith, WTP Operator, because of fire protection and flushing.

Commissioner Bryan stated we should put in the 2” blow off now and put in a fire hydrant later.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to send a letter to the Governor and the Head of NCDOT and let them know what the Town and citizens have had to deal with because of their vendor.

Vote Aye-5 Nay-0

Mayor May stated Mr. Billy York wanted to compliment John Poteat and Mr. Montgomery for the way they handled the situation each time he called because the line had been broken. Mr. Hoyle agreed.

Commissioner Brooks stated he had concern addressed by citizens Raeford and Ellen Bland at 301 Chatham Forest Drive. The street has never been dedicated, therefore no speed limit signs are installed. Many homes are occupied with families that have children and there is a safety concern. He was told the Police Department has been faithfully patrolling the street but because it is a private drive they can not enforce a speed limit.

Commissioner Brooks stated he would like to see the street dedicated.

After discussion a motion was made by Commissioner Brooks seconded by Commissioner Cotten that Manager Montgomery contact Randy Voller and make him aware of the concerns of residents of Chatham Forest for the public safety and welfare.

Vote Aye-5 Nay-0

## REGULAR MEETING

### WATERSHED PROTECTION AND THE 10/70 DEVELOPMENT OPTION

Dave Lentzer was present to present information and answer any questions the Board may have.

Mr. Lentzer said the key issue is do we want to have a 10/70 program.

Goals of 10/70 program are:

- Removal of retention ponds.
- Improvement or maintenance of current water quality situation in Pittsboro and the ETJ.
- Improvement of awareness of watershed issues in general and making it a high priority when site plans are brought in.
- Allowing flexibility to you in your decision making process and also to developers.
- Maintaining a healthy development community.

Mr. Lentzer went over the significant changes to the proposed 10/70 ordinance since the last submission:

1. The section requiring additional site plan information has been substantially changed. Previously it had asked for a submission of important physical characteristics of each lot. Because that was too vague, the new language specifically sets out what types of information must be presented. The current site plan rules already require a 2-5 foot topographical map and a showing of flood elevations. The 10/70 language adds requirement to show intermittent and perennial waters, general soil types and relative permeabilities (generally so that the Town Board may see where the best drainage areas on a parcel are located) and floodplain boundaries (which may already be required by the flood elevation requirement, but he thought needed to be clarified). Also, the comparative projection of stormwater flow has been made more specific, by setting a specific parameter of a one-inch storm event.

If this information is too difficult to get or is not sufficient to evaluate site plan quality, it may be adjusted at a later date.

- a) Site plans must include all information listed in Article XV, Section 3 of the Town Zoning Ordinance, as well as additional information regarding future water quality impacts.
  - A topographic map showing all perennial and intermittent waters, general soil types with relative permeabilities and boundaries of 100 and 500-year floodplains.
  - A comparative projection, between pre and post-development, of runoff direction and flow volume in a one-inch storm event.
  - An explanation of what measures are in place in the site plan to mitigate water quality impacts, particularly addressing the most recently update Best Management Practices (BMP's) and low-impact development techniques.

2. The penalty section has been shortened and simplified. Instead of the open-ended remedies suggested in the earlier draft, violations and penalties will now be the same as the respective processes in the existing special-use violation language. If penalties are considered too lenient or too strict, they should be changed within the special-use section itself.

#### 5.5.10.5 Penalties for Violation and Remedies Thereof

Violations of approved 10/70 site plans shall be subject to the penalties stipulated for all special-use permit violations in Section 5.3.2.(2) and Article IX of the Pittsboro Zoning Ordinance.

The Watershed Administrator will be responsible for initiating enforcement proceedings, under the guidelines stipulated in Article IX, Section 1.

3. The buffer zone composition regulations were significantly altered. Previously, the ordinance called for a 100-foot perennial water buffer that had an inner 75-foot undisturbed buffer and an outer 25-foot vegetated buffer on the outside. The 50-foot intermittent stream buffer had an inner 25-foot undisturbed buffer and an outer 25-foot vegetated buffer.

The rule changed for buffer zones to match more closely with the buffer zone system used by the state for the Neuse River Basin. In perennial waters now, the “Zone 1” buffer is only 30 feet and must be undisturbed natural vegetation and the “Zone 2” buffer is 70 feet and must be largely undisturbed natural vegetation. Uses in these zones correlate to a table of uses in the Neuse Basin that has been included in this packet. The intermittent buffer zones have kept the same size, but now have the same regulations about composition.

This change reflects research done about maximum buffer quality, which states that undisturbed buffers should extend 75-100 feet, and that the most significant amount of water quality benefit is gained in the inner 25 feet.

Under the previous language, the outer 25-feet might have been planted in turf grass, but now any heavily landscaped vegetation will have to occur completely outside of the buffer.

#### 1) Buffer Zones

- All 10/70 projects must meet the guidelines for 100-foot buffer areas around perennial waters, as stated in Section V 5.5.

- Perennial waters are any defined surface water approximated on the United States Geological Service 1:24,000 scale quadrangle topographic map or the Natural Resources Conservation Service soil survey map, or any defined as such by the Pittsboro Watershed Administrator. In the case of dispute or a lack of clarity about perennial water designation, the Watershed Administrator shall make the final determination.
- The 100-foot perennial buffers must have undisturbed natural vegetation and forest within the inner 30 feet and have undisturbed natural vegetation in the outer 70 feet. Land uses within the buffers will be allowed provided they (I) are classified ‘exempt’, ‘allowable’ or ‘allowable with mitigation’ in the Table of Buffer Uses for the Neuse River Basin, in Section T 15A:02B.0200, page 39 of the North Carolina Administrative Code, (ii) do not have a practical alternative and (iii) minimize soil disturbance and maximize water quality protection. The inner 30 feet shall be considered the equivalent of ‘Zone 1’ in the Neuse River Basin Table of Uses and the outer 70 feet shall be considered the equivalent of ‘Zone 2’ in the Neuse River Basin Table of Uses.

Commissioner Walker stated we are trying to get rid of retention ponds and it sounds like a good thing, but you (Dave) mentioned retention ponds do a pretty good job of removing phosphates , nitrates and other, but you were not sure if we went with this what the change to those aspects are – so that brings up other concerns.

Commissioner Brooks stated he would like study this further before they take action, there may be other factors they may want to digest.

Commissioner Cotten stated the State group has shifted gears and they are holding us responsible for anything that gets in the creek, he thinks that may be a step in the right direction.

Commissioner Walker stated he need to study if further.

Commissioner Brooks – 107 miles of stream we are responsible for – How could this happen?

Commissioner Cotten wanted to compliment Dave on his rewrite of the proposed changes.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to table this matter until the second meeting in May, 2002.

Vote Aye-5 Nay-0

Mr. Jim Hinkley said having a lot of ponds is a safety hazard for children – there is a potential for drowning.

#### EXTENDING THE MOTATORIUM

Manager Montgomery presented the Board with a copy of flows from the wastewater plant.

Commissioner Walker asked Manager Montgomery why he had used a 1998 average.

Manager Montgomery stated it was because that was a pretty wet year and that is what the state used to determine the plant was at 82%.

Commissioner Cotten it needs to be more stringently written.

Commissioner Brooks stated to have the Planning Board look at minor subdivision and wastewater allotment.

Motion made by Commissioner Brooks to send to the Planning Board for their recommendation and that they make the capacity a higher issue and write the ordinance more stringent and to consider infield development inside the city limits and that minor subdivisions not be included seconded by Commissioner Walker.

Vote Aye-5 Nay-0

#### CLOSING OF HAUGHTON AVENUE

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the Resolution Closing Haughton Avenue.

Vote Aye-5 Nay-0

A RESOLUTION TO PERMANENTLY CLOSE THE UNOPENED PORTION OF HAUGHTON AVENUE AS PROVIDED IN THE NORTH CAROLINA GENERAL STATUTES 160A-299 IS RECORDED IN THE BOOK OF RESOLUTIONS, NUMBER ONE, PAGE

#### LETTER OF UNDERSTANDING WITH CHATHAM COUNTY WASTEWATER REUSE PROJECT

Commissioner Brooks said he has concerns about what will happen if we want to get out of this agreement.

Commissioner Cotten state he has a concern about how the rate will be involved. We have never had a customer involved in setting of the rates and he can not vote for this.

Attorney Messick stated they will review the rates.

There were questions are the ownership.

Mr. Lester stated the Town will own the utility and the indebtedness would be held by the County.

Commissioner Cotten stated his major concern is establishing a rate.

Manager Montgomery stated we are not guaranteed any money from this project.

Commissioner Cotten asked what this will do to the monitoring site.

Motion made by Commissioner Walker to approve the letter of understanding as presented. Motion died due to the lack of a second.

Motion made by Commissioner Walker seconded by Commissioner Brooks to approve the second copy of the letter of understanding as prepared by Attorney Messick.

There was concern if there was any way the Town can get stuck.

Attorney Messick said it was not and he thinks the Town will benefit.

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

A COPY OF THE LETTER OF UNDERSTANDING WITH CHATHAM COUNTY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMER ONE, PAGES

#### ENGINEERING AGREEMENTS FOR WASTEWATER REUSE

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the Engineering Agreements with Hydrostructures and Diehl & Phillips, PA for engineering design services associated with the Wastewater Reuse Project.

Vote Aye-5 Nay-0

A COPY OF THE AGREEMENT WITH DIEHL & PHILLIPS, PA AND HYDROSTRUCTURES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

## APPLICATION FOR FUND FROM EPA

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the application for funds from the Federal Environmental Protection Agency associated with the Wastewater Reuse Project.

Vote Aye-5 Nay-0

AN APPLICATION TO RECEIVE FUNDS FROM THE FEDERAL EPA ASSOCIATED WITH THE WASTEWATER REUSE PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

## ENGINEERING AGREEMENT SIDEWALK PROJECT#2

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve an Engineering Agreement for design and engineering services from Hydrostructures, PA for Sidewalk Enhancement Project #2.

Commissioner Brooks stated he would like for the motion to include avoiding the removal of trees on the Sanford Road and if they are destroyed the crape myrtles will be replaced.

Commissioner Cotten agreed to amend his motion and Commissioner Walker agreed to amend his second.

Vote Aye-5 Nay-0

## NATIONAL DAY OF PRAYER

Motion made by Commissioner Brooks seconded by Commissioner Griffin to declare May 2, 2002 as National Day of Prayer in Pittsboro.

Vote Aye-5 Nay-0

PROCLAMATION DECLARING MAY 2, 2002 AS NATIONAL DAY OF PRAYER IN PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE

Mayor May thanked Harold Howard for attending the meeting and for agreeing to serve as an ETJ member on the Planning Board.

CLOSED SESSION

Motion made by Commissioner Brooks seconded by Commissioner Bryan to go into closed session as provided by NCGS 143-318.11(4) to discuss matter relating to the location or expansion of industries or other businesses in the area served by the public body.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Bryan to go out of closed session.

Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Griffin to adjourn at 9:30 p.m.

Vote Aye-5 Nay-0

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Mayor

ATTEST:

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Clerk