

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
JUNE 24, 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 Max G. Cotten, Chris Walker and Gene T. Brooks. Commissioner Clinton E. Bryan, Jr. and Burnice Griffin, Jr. were absent.

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

DISPOSITION OF MINUTES

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the minutes of the June 10, 2002 meeting.

Vote Aye-3 Nay-0

PUBLIC HEARING

Motion made by Commissioner Brooks seconded by Commissioner Walker to go into a public hearing.

Vote Aye-3 Nay-0

SUP – CURTIS ALSTON

Mr. Curtis Alston is requesting a SUP for an Accessory Building in the Front Yard.

PUBLIC COMMENTS:

NONE

SPEED LIMIT/TRAFFIC CONTROL WITHIN
WILLOW SPRINGS SUBDIVISION &
CHATHAM FOREST PHASES 1 & 2

PUBLIC COMMENTS:

NONE

WATERSHED AMENDMENT

A prepared statement from Commissioner Cotten follows:

June 21, 2002

Max G. Cotten

133 Pittsboro Elementary School Pittsboro, NC 27312

Position Statement Amendment to Town of Pittsboro Watershed Ordinances

Since the June 10th regular meeting of the Town Board of Commissioners, I have spent considerable hours reading the NC General Statutes, minutes of the Town of Pittsboro (1978-1990), regulations and materials obtained at the meetings I attended as a result of this research. I am convinced that adoption of the amendments Watershed Protection Ordinances of the Zoning Ordinances of the Town of Pittsboro on May 28, 2002, was proper and in accordance with federal and state mandates, law and regulations.

Other reasons for maintaining the amendment are:

1. Pittsboro is completely in a watershed impacting a federally controlled body of water;
2. Though some areas inside the corporate limits will be impacted by the amended Ordinance the Extraterritorial Jurisdiction will be the most impacted;
3. The amendment describes the procedures developer(s) must follow and give in review of site plans;
4. The amendment will mandate certain expenditures by developers. However, the effect of this on total economic development can only be a conjecture at this point;
5. Unless developers follow guidelines now some future Board of Commissioners will be faced with taking corrective measures costly to all citizens. We must not forget the developers can pass a portion of cost on to customers. The Town cannot except in the form of taxation.

PUBLIC COMMENTS:

Linda Jacobs – stated the Board should consider not passing the 10/70 plan. Ms. Jacobs stated that the State does not need to run the Town’s business.

Debra White – defer at this time.

Patrick Bradshaw introduced himself as a local attorney who has represented many clients on Zoning and land use matters in Chatham County. Mr. Bradshaw maintained the following: proposed amendment to the Watershed Ordinances was cumbersome, had typographic errors, would be difficult to administrate, made references to the Neuse River Basin Rules which are not applicable in our area, was not consistent with the County of Chatham Land Use Plan which calls for high-density development to take place around existing towns, would preclude the development of multi-family dwelling from being eligible for 70% impervious surfaces and that the Special Use Permit required to utilize the “10/70” watershed protection option would place an undue burden on property owners and land developers.

John Blair went over a chart he had prepare for presentation to the Board. After his comments he stated he would provide them in writing to the Mayor and Board. Mr. Blair was in opposition to the 10/70 plan.

Motion made by Commissioner Cotten seconded by Commissioner Walker to go out of public hearing. Vote Aye-3 Nay-0

Commissioner Brooks stated he would like for the tape to be made available to Commissioner Griffin and Commissioner Bryan so they may be made aware of public comments.

CITIZENS MATTERS

NONE

SUP – O. A. KELLER

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the Special Use Permit for O. A. Keller to operate a Day Care Center in the R-10 zoning district with the following changes:

11. ...with a term of 12 months....
12. ...Administrator, was adopted by.....

Vote Aye-3 Nay-0

Number of Buildings	1
Number of Parking Spaces	37
Impervious Surface	35,407 square feet
Maximum Height	35 feet

3. Watershed Management A detailed watershed protection plan which shall included impervious surface calculations and a monitoring plan to assure compliance with the maximum impervious surface area allowed herein shall be approved by the Town Manager prior to issuance of a Zoning compliance certificate, if required by applicable regulations.

4. Storm Water Management A stormwater management plan sufficient to collect and detain the first inch of rainfall runoff from the entire project area shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The developer shall construct stormwater management control measures sufficient to serve the entire project area prior to issuance of a Certificate of Occupancy.

5. Fire Flow -Afire flow report indicating adequate design must be approved by the Chatham County Fire Marshal and Town Manager prior to the issuance of a Zoning Compliance Certificate. Adequate fire flow shall be demonstrated prior to issuance of a certificate of occupancy. The final plans shall indicate the fire department connection for the sprinkler system as well as adequate access for pumper trucks.

6. Lighting Plan Approval- All lighting shall meet shoebox type lighting standards. All parking lot, street, walkway, under-canopy lighting shall be sodium vapor daylight corrected. Lighting design shall be designed not to spill over on to adjacent residential property and shall not exceed 0.3 foot- candles.

7. Utilities and Access Easements Easement documents as required by the Town, if any, shall be recorded prior to issuance of a Zoning Compliance Certificate.

Stipulations Regarding State the and Federal Government Approvals

8. Permits. Any required State or Federal permits associated with use or encroachments agreements, from applicable State Agency must be provided upon request of the Town Manager prior to obtaining a Zoning Compliance Certificate.

9. Parking areas, Sidewalks and Walkways. Pedestrian conveyances shall be installed in accordance with ordinances and policies of the Town, including the approved Town of Pittsboro Sidewalk Network, where the development is located within a mile of an existing or proposed sidewalk or walkway.

10. Utilities

(a) The developer shall demonstrate availability of adequate water distribution systems and wastewater collection lines to serve the property and plans for provision of the same shall be approved by the Town Manager prior to issuance of a zoning compliance certificate. Such plans shall be in conformity with applicable Town specifications then in effect.

(b) The developer shall pay all fees and charges, as required by the Budget Ordinance, prior to receiving a Zoning Compliance Certificate.

(c) All plans for underground utilities including water distribution, wastewater collection, gas, electric distribution communications, cable television shall be approved by the respective utilities involved prior to issuance of a certificate of zoning compliance.

Stipulations Related to Landscape Elements

11. Landscaping/Screening all required screening and buffers shall be in place prior to issuance of a certificate of occupancy. Existing vegetation may be used to fully or partially fulfill the landscaping and buffer requirements of the Town as required in Article VII of the Zoning Ordinance. The extent to which the same can be used shall be determined by the Town manager prior to issuance of the zoning compliance certificate. A letter of credit in the amount of \$1,500.00 with a term of 12 months shall be submitted to the Town prior to issuance of a zoning compliance certificate to insure that this requirement is met.

Miscellaneous Stipulations

12. Solid Waste Management Plan. A detailed solid waste management plan, including recycling and management of construction and yard waste, be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The final plans shall include a detail of proposed service areas and respective access drives. This plan shall include the location and proposed use of containers for refuse and recyclable.

13. Detailed Site Plan The detailed site plan, as modified by the Planning Board and the Zoning Administrator, was adopted by the Town Board of Commissioners on June 10, 2002.

14. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

15. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

16. Non-Waiver Nothing contained herein shall be deemed to waive any discretion on the part of the Town as to further development of the applicant's property and

this permit shall not give the applicant any vest right to develop his property in any other manner than as set forth herein.

BE IT FURTHER RESOLVED , that the Board of Commissioners of the Town of Pittsboro hereby approves the application for a special use permit in accordance with the plans and conditions listed above.

This the 24th day of June, 2002.

KIWANIS – PLAYGROUND PROJECT

Ms. Megginson was present and stated (as of today) they needed \$8,651 to complete Phase I of the Playground project. She presented the following:



PITTSBORO KIWANIS PLAYGROUND
FINAL COST SUMMARY and Project Status Report, page 2
June 19, 2002

Fundraising to complete Project:

Fund RAISED as of June 19, 2002: \$22,122.00

Pledges in place as of June 19, 2002: \$ 6,000.00
[Includes \$4,500 from United Way, \$1,000 from Town of
Pittsboro, and \$1,500 from private individuals]

Fund spent as of June 19, 2002: (\$ 4,880.00)

TOTAL AVAILABLE as of June 19, 2002:	\$23,242.00
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Funds needed to COMPLETE Phase I: **\$11,622.00**

Funds needed to COMPLETE TOTAL PROJECT: **\$31,362.00**



PITTSBORO KIWANIS PLAYGROUND

FINAL COST SUMMARY and Project Status Report, June 19, 2002

Site Survey & Mapping:

(provided pro bono by ABSOLUTE SURVEYING, INC of Pittsboro (\$2,714)
COMPLETED

Site Preparation:

Grading, Tree removal, Landscaping, back filling, & gravel parking area
[as per Piedmont Conservation Council Site Plan - COMPLETED] \$ 4,880
Fill material (soil) donated by LUCK STONE, INC. (\$2,500)

Playground:

Fencing	5,000
Equipment & Installation	17,220
Safety Padding & Concrete	21,140
Concrete Path & Benches	2,795
Picnic shelter & tables	4,100
Drinking Fountain	3,899
Total Remaining Costs	<u>\$54,154</u>

Recommended PHASED Installation of Project:

[NOTE: Some costs increase due to loss of bulk purchasing and additional time required for installation]

PHASE I: [Ready for contract 6-25-02; only for amount of funds available]

Supervised installation of Two-Deck Climber,
Swings & Infant Deck. PLUS FENCING.
[does not include handicap access] \$34,864.00

PHASE II: [Must be completed within a reasonable time to meet handicap access requirements; minimum 1 year]

Supervised installation of Playhouse & Spring Riders
Benches, tables, picnic shelter, & fountain added in
this phase. Completion of Handicap Access by
installing walking path to connect all play area

19,740.00

TOTAL COST FOR PHASED INSTALLATION: **\$54,604.00**

Commissioner Cotten stated he would be opposed to using fees collected from developers for recreation fees for the project.

Commissioner Walker stated he would like to find this money to get at least Phase I underway.

Motion made by Commissioner Walker to approve \$8,500 (this does not include the \$1,000 previously approved) out of recreation funds, seconded by Commissioner Brooks.

After discussion Commissioner Walker amended his motion that the dollars come from the general fund balance of excess funds for the fiscal year, Commissioner Brooks agreed to the change.

Vote Aye-3 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the site plan for Pittsboro Playground Project with the safety cushion under equipment.

Vote Aye-3 Nay-0

SUP – CURTIS ALSTON

Motion made by Commissioner Brooks seconded by Commissioner Walker to refer to the Planning Board for consideration and recommendation.

Vote Aye-3 Nay-0

SPEED LIMIT/TRAFFIC CONTROL WITHIN WILLOW SPRINGS SUBDIVISION & CHATHAM FOREST PHASE 1 & 2

Motion made by Commissioner Brooks seconded by Commissioner Walker to instruct the Town Manager to develop appropriate Ordinances for traffic control and speed limits for the July 8, 2002 meeting.

Vote Aye-3 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker that the Ordinances include a speed limit of 25 mph.

Vote Aye-3 Nay-0

64 EAST BUSINESS PARK

Mayor May stated we have received a request from 64 East Business Park – Mr. Dan Deacon and Mr. David Valentine for an extension of the preliminary plat. The preliminary plat was amended and approved by the Planning Board to eliminate one cul-de-sac and increase acreage of subdivision.

Motion made by Commissioner Walker seconded by Commissioner Brooks to extend the preliminary plat for 64 East Business Park for one year.

Vote Aye-3 Nay-0

BUDGET AMENDMENTS FY 01-02

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the Budget Amendments for FY 01-02 as presented.

Vote Aye-3 Nay-0

A COPY OF THE APPROVED BUDGET AMENDMENTS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

SURPLUS PROPERTY

Manager Montgomery has requested the Board to declare a 1994 Caprice Classic surplus property and instruct Town Manager to dispose of it in accordance with NC GS 160A-270(b) Public Auction – Personal Property.

Motion made to declare a 1994 Caprice Classic surplus property and instruct the Town Manager to dispose of it in accordance with NC GS 160A270(b) Public Auction – Personal Property.

Vote Aye-3 Nay-0

FY - 2002-03 BUDGET ORDINANCE

Manager Montgomery prepared the FY 2002-03 Budget Ordinance as requested by the Board.

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the Budget Ordinance for FY 2002-03.

Commissioner Brooks stated he has concerns and is opposed to raising water and sewer rates and the solid waste fee. He would also like for more board members to be present.

Commissioner Brooks further stated that Police budget uses a very large portion of ad valorem tax revenue \$554,933.00 with the Police budget being \$533,223.

Commissioner Walker stated the size of the Police Department was a concern he had also. He would feel more comfortable if at least four members of the board voted on the budget.

Commissioner Cotten asked where will we get the difference for these items.

Commissioner Brooks stated we could use the fund balance.

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

Motion made by Commissioner Walker seconded by Commissioner Brooks to adopt an interim budget until four of the five Commissioners are present at the July 8, 2002 meeting.

Vote Aye-3 Nay-0

REQUEST FROM MORNING SONG WORSHIP CENTER

They are requesting to hold a yard sale on the premises of the Community Building on July 13, 2002.

After much discussion a motion was made by Commissioner Walker seconded by Commissioner Brooks to deny this request. Based on concerns of liability.

Vote Aye-3 Nay-0

COMMISSIONER CONCERNS

Commissioner Brooks stated sidewalk repair needed to be made from PTA Thrift Shop to Dr. Wilson's Office – there is a hole in the pavement always to the dirt.

Motion made by Commissioner Cotten seconded by Commissioner Walker to adjourn.

Vote Aye-3 Nay-0

Mayor

ATTEST:

Clerk