

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MARCH 14, 2005
7:00 P.M.

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

ATTENDANCE

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

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

AGENDA APPROVAL

Motion made by Commissioner Walker seconded by Commissioner Brooks to approve the agenda as presented with the exception of taking item #2 off the consent agenda and place it as #1 under old business, Mr. Dan Deacon has requested that his rezoning request be removed at this time, that item #3 under new business be moved to item #1 and that the agreement with John Blair (Pittsboro Volunteer Fire Department) be added as new business. Vote Aye-5 Nay-0

CONSENT AGENDA

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

1. Minutes of February 28, 2005 Board of Commissioners regular meeting.
Vote Aye-5 Nay-0

CITIZENS MATTERS

NONE

OLD BUSINESS

Consider an ordinance establishing a project budget for the environmental assessment for the Haw River and Spray Field wastewater discharge.

Manager Hughes stated the purpose of the project budget is to account for the contracts that the board approved; it does not include a notice to proceed.

Commissioner Cotten stated he would be agreeable if it was only the Haw River discharge option.

Manager Hughes stated he can not authorize a notice to proceed until the site is approved by the Board.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve the project ordinance budget for the Haw River and Spray Field wastewater discharge.

Vote Aye-5 Nay-0

**PROJECT ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES
NUMBER ONE, PAGE 7**

MORATORIUM

Consider a possible one year extension of the moratorium concerning major residential subdivisions.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to set a public hearing on a moratorium on residential subdivisions for March 28, 2005.

Vote Aye-5 Nay-0

JOHN BLAIR REQUEST FOR TEXT AMENDMENT

Consider a request by John Blair for a zone text amendment to Article XIV Regulating Development in the Major Transportation Corridors. Mr. Blair is asking for elimination of the requirement to submit a site plan for consideration of a rezoning.

Planner Monroe stated Mr. Blair spoke at the Planning Board meeting and stated the requirement places an unfair burden on property owners in the corridors and his suggestion is simply to process applications as they come in.

Planner Monroe stated he countered that in this case that may not be the best avenue for the town to take. The intent of the MTC is to exercise great care in the types of uses that are placed on properties and the way those properties are developed. The way lots develop is clearly a site plan issue, but the types of uses is a zoning issue. If the site plan submittal is removed the town has to consider **all** uses in a requested district.

Given the care the overlay district asks the town to exercise it doesn't make sense to remove the first threshold of care that is in the toolbox. In the interest of protecting the intent of the ordinance it would not be a good idea to eliminate the site plan requirement.

Planner Monroe further stated that the Planning Board voted unanimously to recommend that the Commissioners deny Mr. Blair's request.

Motion made by Commissioner Cotten seconded by Commissioner Walker to accept the recommendation of the Planning Board and deny the request.

Commissioners Brooks stated we should consider land ownership patterns and current development, we already have that type growth – we have mixed use all the way to the bypass. It becomes difficult to market having to do a site plan. He would be in favor of the zoning change to make it easier.

Commissioner Walker stated both sides have valid reasons. He came prepared to ask the board to table this until another meeting.

Commissioner Cotten stated he felt this would further weaken our ordinance.

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

Motion made by Commissioner Walker seconded by Commissioner Cotten to table this until a future date – until the board has had time to further study this issue.

Vote Aye-5 Nay-0

FINAL PLAT – 64 BUSINESS PARK

Consider a Final Plat for the 64 Business Park.

Planner Monroe stated the Planning Board reviewed the documentation submitted by Dan Deacon in conjunction with his final plat. There was some discussion of the orientation of buildings on the 64 frontage and of the restrictive covenants. Mr. Deacon indicated that there will be no metal buildings, that he is seeking more attractive structures than that. The Planning Board recommended that the Commissioners approve the Final Plat for the 64 Business Park and that the plat not be recorded until Mr. Deacon has provided: 1) a financial guarantee in the amount of \$41,500; and 2) a written guarantee to maintain Commerce Court and the water and sewer lines for a period of one year.

Planner Monroe stated he has received the financial guarantee in the amount of \$41,500 and a written guarantee to maintain Commerce Court and the water and sewer lines for a period of one year.

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve the final plat for 64 Business Park. Vote Aye-5 Nay-0

A COPY OF THE FINAL PLAT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 33

FINAL PLAT – PHASE 5B CHATHAM FOREST

Consider a Final Plat for Phase 5B of Chatham Forest.

Planner Monroe stated the Planning Board reviewed the documentation submitted by Mr. Voller in conjunction with the final plat for Phase 5B. It found that approximately 82.5% of the required work had been completed. Sidewalk installation, paving (the base course is installed), and seeding are all that remain to be done.

The Planning Board recommended that the Commissioners approve the Final Plat for Phase 5B of Chatham Forest and that the plat not be recorded until Mr. Voller has delivered a Letter of Credit in the amount of 125% of the cost of the remaining work.

Planner Monroe stated that Manager Hughes has requested that we require that repairs be made to the curb in the round-a-bout on Lily McCoy Lane be added as a condition of approval.

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve the Final Plat Phase 5B of Chatham Forest with the conditions that the Town be provided a Letter of Credit in the amount of 125% of the cost of the remaining work and that the repairs be made to the curb in the round-a-bout on Lily McCoy Lane.

Commissioner Brooks asked if the water tank is on line.

Manager Hughes stated everything has been done except installing the pressure reducing valve and to get power running to the tank.

The Vollers are working on grading the shoulders.

Vote Aye-5 Nay-0

**A COPY OF THE FINAL PLAT PHASE 5B CHATHAM FOREST - IS
RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 34**

REZONING REQUEST – J. A. WEBSTER, JR.

Consider a rezoning request by James A. Webster. Mr. Webster is asking for a change in zoning on five contiguous parcels from R-15 to R-12.

The Planning Board reviewed the request from Mr. Webster. After discussion it was concluded that rezoning would not lessen the enjoyment of adjoining parcels nor would it adversely affect their value. It was concluded that any development there would increase the traffic but it was felt that there would not be a serious impact on traffic if development were to occur.

The Planning Board voted unanimously that the Commissioners approve the rezoning request.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the rezoning request from J. A. Webster, Jr.

Vote Aye-5 Nay-0

RESOLUTION – PAYMENT IN LIEU OF TAXES

Consider a possible resolution requesting a contribution in lieu of taxes on real property from Chatham County.

Mayor May stated she was in a meeting with Mr. Morgan and that he said the county would be willing to pay \$5,000 a month of the lease for the spray field for five years with no strings attached.

Mr. Morgan said they would not go for payment in lieu of taxes.

Commissioner Cotten stated Mr. Morgan can not speak for the whole board.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve the resolution requesting payment in lieu of taxes and that a copy of the resolution be mailed to each Commissioner.

Commissioner Walker stated we have a benefit being the County seat. He will vote against this.

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

A RESOLUTION PETITIONING CHATHAM COUNTY BOARD OF COMMISSIONERS FOR PAYMENT IN LIEU OF TAXES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 35

WATER CONTRACT/CHATHAM COUNTY – NULLIFICATION

Consider a possible resolution requesting the nullification of the agreement between the County of Chatham and Town of Pittsboro concerning the water plant and water service.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve a resolution providing for nullification of agreement between County of Chatham and Town of Pittsboro regarding water and to send a copy of the resolution to each County Commissioner.

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

**A COPY OF RESOLUTION IS RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGE 36**

APPOINTMENT PITTSBORO MEMORIAL LIBRARY

Consider a possible resolution for the appointment of Trustees for the Pittsboro Public Library.

Commissioner Cotten stated Pittsboro has nothing to do with the Library now, shouldn't Chatham County be appointing trustees.

Manager Hughes stated appointing power was never transferred to the County.

Mayor May stated maybe we can get that changed later.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the appointment of Jean Reeves – 2 year term; Edward S. Holmes – 4 year term and Judith Peterson – 6 year term.

Vote Aye-5 Nay-0

**RESOLUTION NAMING OR APPOINTING TRUSTEES FOR THE PITTSBORO
PUBLIC LIBRARY IS RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGES 37-38**

NEW BUSINESS

PRESENTATION OF FY 2003-2004 AUDIT

Presentation of June 30, 2004 audit and consideration of audit contract for 2005 audit.

Mr. Bobby Wood and Mrs. Lynda Ward were present. Mr. Wood apologized for the audit being late. He stated he went from a staff of six to a staff of three within 45 days.

He summarized that the general fund was in good shape but the water fund could have some potential serious problems because of the decrease in revenues without the reduction in expenditures.

Manager Hughes stated the deficit in the water fund was discussed during budget time. We only raised the 20% to accommodate approximately a part of the loss.

Commissioner Cotten stated when the bonds were refinanced the Board agreed to set aside \$35,000 per year to help retire the bonds earlier.

Mr. Wood stated that we do not have the extra funds to set aside. But it would be in restricted fund balance.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the audit contract with Bobby S. Wood, CPA for the fiscal year ending June 30, 2005 for \$16,888 and in the event a single audit would be necessary an increase in the amount of \$1,500 would be necessary.

Vote Aye-5 Nay-0

SOLID WASTE

Solid waste presentation by Mr. Robert Holden, Solid Waste Manager for Chatham County.

Mr. Holden was not present. Commissioner Cotten went over the changes proposed by Chatham County which is recorded in the Book of Resolutions Number One, Page 39-40.

CHATHAM HOSPITAL PRESENTATION

Presentation by Woody Hathaway, Administrator for Chatham Regional Hospital, concerning proposed hospital construction.

Mr. Woody Hathaway was present and made a presentation about the proposed hospital construction.

After the presentation a motion was made by Commissioner Brooks seconded by Commissioner Walker supporting the proposed hospital construction.

Vote Aye-5 Nay-0

CROSSWALK – PITTSBORO BAPTIST PRESCHOOL

Consider crosswalk improvements at Pittsboro Baptist Preschool.

Planner Monroe stated Chief Clapp had suggested the best location for the crosswalk would be west of the driveway of the parking lot and to place two pedestrian crossing signs.

Commissioner Cotten asked if we would need to do an ordinance.

Attorney Messick stated it was not necessary.

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve Chief Clapp's recommendation.

Vote Aye-5 Nay-0

The Board would like police presence on Salisbury Street between the stop signs to deter people from stopping and gunning it.

AMENDMENT TO AGREEMENT WITH JOHN BLAIR

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve the amendment to the agreement with John Blair (Pittsboro Fire Department).

Vote Aye-5 Nay-0

AN AMENDMENT TO AGREEMENT WITH JOHN BLAIR/PITTSBORO FIRE DEPARTMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 41-42

COMMISSIONER CONCERNS

Commissioner Brooks stated during heavy rain periods he is not sure the swale is going to hold the water run off at the Community Building. He would like staff to check that out.

Commissioner Cotten stated it has always been a problem there.

Commissioner Cotten stated revisions need to be made to the moratorium in his opinion. It needs to be reworked.

After discussion it was the consensus of the board it would be better to advertise the more extreme changes because you can not add to the ordinance once it has been advertised. The Board agreed that it will be 365 days and it will be residential and non-residential.

ADJOURNMENT

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

Vote Aye-5 Nay-0

Nancy R. May, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk