

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
JUNE 27, 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., Gene T. Brooks and Chris Walker. Commissioner Clinton E. Bryan, Jr. was absent.

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 Cotten seconded by Commissioner Griffin to approve the agenda as presented. Vote Aye-4 Nay-0

**CONSENT AGENDA**

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

- Minutes of the June 13, 2005 Board of Commissioners meeting.
- Schedule a public hearing on August 8, 2005 for a rezoning request by William Steele III. Mr. Steele's property (9741-05-18-1778) is 96.68 acres and is located immediately west of the CCCC campus. Mr. Steele requests a change in zoning from R-A to MUPD.
- Schedule a public hearing on July 25, 2005 for a renewed franchise agreement with the Public Service Company of North Carolina, Inc. (PSNC). PSNC is the provider of natural gas for the Town.

Vote Aye-4 Nay-0

**CITIZENS MATTERS**

None

**OLD BUSINESS**

**UNITED HEALTHCARE**

**Reconsider changing the current United Healthcare Plan to Alternate A.**

Commissioner Cotten stated he requested that this item be put back on the agenda to be reconsidered. He feels that it is unfair to the employees for the co-payment increase.

Motion made by Commissioner Cotten to continue with the current United Healthcare Plan. Motion died due to the lack of a second.

### **FY 2005-2006 BUDGET ORDINANCE**

#### **Consider the 2005-2006 Budget Ordinance.**

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve the FY 2005-2006 Budget Ordinance.

Commissioner Brooks stated he does not feel we need a land use plan at this time. He would like for the manager to come back to the board before the \$25,000 allocation is obligated.

Commissioner Cotten stated his feelings are the same as last meeting. He strongly opposes the solid waste fee as a fee, he feels it should be a part of the tax instead. He further feels next year we will be faced with a tax increase just to hold on. In his opinion the enterprise fund is a disaster. We are spending access fees and that is not what it is for.

Vote Aye-3 Brooks/Griffin/Walker  
Nay-1 Cotten

A COPY OF THE BUDGET ORDINANCE AND BUDGET ARE RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 51-95

### **NEW BUSINESS**

#### **AMENDED LETTER OF UNDERSTANDING WITH CHATHAM COUNTY 3-M WASTEWATER RESUSE PROJECT**

**Consider an amended Letter of Understanding between Chatham County and the Town of Pittsboro for the 3-M Wastewater Reuse Project. Amendment was requested by Don Evans of the Clean Water Management Trust Fund. The amended LOU spells out the exact mechanism and dates for submittal of invoices.**

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the amended Letter of Understanding between Chatham County and the Town of Pittsboro for the 3-M Wastewater Reuse Project.

It was asked if Attorney Messick had time to review this to make sure it was in order.

Attorney Messick stated he was out of town and he had not reviewed it.

Vote Aye-4 Nay-0

AMENDED LETTER OF UNDERSTANDING IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 73-74

### **FINAL PLAT – CHASE 1-C POWELL PLACE**

#### **Consider a final plat for phase 1-C Powell Place.**

Planner Monroe reported that the Planning Board reviewed the application for approval of the Final Plat of Phase 1C of Powell Place. They found that the plat conformed to the approved preliminary plat. A letter from the applicant's engineer certified that approximately 63% of the required improvements had been completed.

A Letter of Credit in the amount of \$291,004.00 has been delivered to the town. This amount represents 125% of the cost of the remaining improvements.

The applicant has provided a letter guaranteeing the condition of the streets, water and sewer lines for a period of one year from the date of recording the final plat.

Compacted stone base has been installed on the streets in the phase and work has begun on installation of curbs. Opening the phase would not endanger the public health or safety.

The Planning Board recommended that the Commissioners approve the Final Plat with the condition that the plat not be released for recording until mylars for Phase 1A, 1B and 1C are delivered to the town.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the Final Plat for Powell Place Phase 1C with the condition that the mylar for Phase 1C be delivered to the town before recording.

Vote Aye-4 Nay-0

**A COPY OF THE FINAL PLAT FOR PHASE 1C POWELL PLACE IS ON FILE IN THE TOWN PLANNER'S OFFICE**

### **WATER AND WASTEWATER AGREEMENT WITH TOLL BROTHERS**

#### **Consider a possible water and wastewater capacity agreement with Toll Brothers, Inc.**

Mr. Patrick Bradshaw was present and went over a summary of the agreement which was:

- Toll will make advance payments of Capital Recovery Fees and Access Fees up to \$6.8 million to fund the cost of the Town wastewater improvements. (The “Town wastewater improvements” include design and construction of expansion of the existing treatment plant and a spray irrigation field to handle wastewater produced by improvements at River Oaks permitted irrigation fields.) Toll’s obligation to make the payments will be secured by bonds and/or irrevocable letters of credit in favor of the Town. Toll’s credits against Capital Recovery Fees and Access Fees will be transferable to owners of other property within the Town’s water and wastewater service areas.
- The Town will construct the Town Wastewater Improvements in accordance with the Construction Schedule in Exhibit F and will reserve and guarantee water and wastewater capacity sufficient to serve the uses allowed by the River Oaks Master Plan in accordance with the Capacity Schedule in Exhibit B. If the Town falls behind the Construction Schedule, Toll may step in and complete the Town Wastewater Improvements. If that happens, amounts spent by Toll will be treated as advance payment of Capital Recovery Fees and Access Fees, just like the payments of money under the agreement.
- Because Toll has much experience and expertise in utility construction, and because Toll is advancing a large amount of money and has a significant stake in the completion of River Oaks, Toll will have the right to review and approve plans and specifications, contractors, contract terms and bonds related to the Town Wastewater Improvements. Toll’s approval of those items must not be unreasonably withheld or delayed.
- The Town will provide Toll with enough reuse water to irrigate the River Oaks golf course, common areas and recreational areas, subject to availability of reuse water. Toll will accept an average of at least 200,000 gallons per day of reuse water from the Town. If the Town lacks sufficient reuse water for Toll’s irrigation needs, Toll may draw raw water from the Town’s old water intake on the Haw River.
- The Town will assist Toll in obtaining all necessary governmental permits and approvals and off-site easements for water and wastewater improvements and access to the water intake on the Haw River, at Toll’s expense and at no cost to the Town.
- The Town’s obligation to reserve water and wastewater capacity for portions of River Oaks that do not have approved subdivision plats or site plans will expire on the later of 20 years from the date of the agreement or five years from the approval of a subdivision plat or site plan for any other portion of River Oaks.

- If the Town falls behind the Construction Schedule or Capacity Schedule, Toll will be allowed to proceed with the development of River Oaks, even if that means that Toll has to pump and transfer wastewater from River Oaks.
- Toll and the Town both agree to use their best efforts to cause River Oaks to be annexed into the Town.

Commissioner Walker stated he did not have enough time to review the contract thoroughly and that since Commissioner Bryan is absent he would make a motion to table this until the next meeting, seconded by Commissioner Cotten.

Commissioner Walker gave his apologies to Mr. Bradshaw and Toll Brothers for having to table this item.

Aye-4 Nay-0

**FY 2004-2005 BUDGET AMENDMENTS**

**Consider FY 2004-2005 Budget Amendments.**

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve the FY 2004-2005 Budget Amendments. Vote Aye-4 Nay-0

FY 2004-2005 BUDGET AMENDMENTS ARE RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 96-97

**COMMISSIONER CONCERNS**

Commissioner Brooks asked that the public works department check on the intersections and make sure they are safe and to do trimming where necessary.

Mayor May also stated there are yards in town that need mowing.

**ADJOURNMENT**

Motion made by Commissioner Cotten seconded by Commissioner Griffin to adjourn. Vote Aye-4 Nay-0

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Nancy R. May, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk