

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, MARCH 26, 2007
7:00 P.M.

Mayor Randolph Voller called the meeting to order. Melody Troncale, Family Violence and Rape Crisis gave invocation.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Gene T. Brooks and Chris Walker.

Other staff present: Clerk Alice F. Lloyd, Attorney/Interim Manager Paul S. Messick, Jr., Planner David Monroe, Public Utilities Director John Poteat and Chief of Police David Collins.

AGENDA APPROVAL

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the agenda as presented with the addition of item #3 under old business "Appointment of New Board Member to fill vacancy due to the death of Commissioner Bryan.

Vote Aye-4 Nay-0

CONSENT AGENDA

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the consent agenda as presented.

- Minutes of March 12, 2007 Board of Commissioners regular meeting.

Vote Aye-4 Nay-0

SPECIAL RECOGNITIONS

Chief Collins introduced Police Officer Anthony Rosser.

Chief Collins recognized Lieutenant Detective Tom McGinty for receiving his Advanced Law Enforcement Certificate.

Mayor Voller recognized Chief Collins for his graduation from the Law Enforcement Executive Program – Chief Collins wife, father and children were present.

CITIZENS MATTERS

Pierce Cassedy – owns a business on 64 West – Cassedy & Fahrbach – and he is also a member of St. Bartholomew’s Church in Pittsboro. His business tonight concerns the church. He is here to go on public record that they are requesting the Town’s assistance in solving a drainage problem that comes through the cemetery. They have recently tried to upgrade the entrance from Hanks Street into the cemetery for easier access for equipment and hearses. They filled it in and then there were a couple of heavy rains and it was immediately washed out so there is about a 2 foot ravine right there at the gate. He thinks work is already in the process of being done. But he just wanted to make an official request for the Town’s assistance.

Attorney Messick stated a plan is already in the works to correct the problem but the work has not been done yet.

John Poteat stated he will meet with the contractors out there tomorrow to figure out exactly what they plan on doing.

Barbara McTighe – 266 Belmont Road – First she wanted to thank the board for hearing all the different people – both the pros and cons for opening Springdale. She especially wants to thank Commissioner Cotten last week for making all those recommendations, she felt a lot of those were in very good taste and dealt with concerns from both sides who were concerned with traffic and the safety of children and everything else. Her question at this point is when is this going to actually come to fruition where it is taken before a vote; because they have been sitting here week after week hearing it tabled to discuss this and that. A lot of them are very interested to get this opened. This is a concern of her and her neighbors. They would like to see it moved forward at this point.

Planner Monroe stated that at the last meeting an action was taken where the Commissioners asked that this not be placed back on the agenda until NCDOT has responded in writing to the traffic impact analysis that has been prepared by Ramey & Kemp. He stated he has seen a draft summary of that report, but he has not yet seen the entire document. He doesn’t know if that document has been delivered to NCDOT. He has notified them by phone that they can expect it. When they get it they will review it and make a suggestion to the Town and as soon as we receive that it will be back on the agenda. He stated he doesn’t expect it to be more than thirty days.

Mayor Voller advised Mr. Monroe that Mr. Sloan (NCDOT) had contacted his office and said he has received it and they are working on making comments to send back. He spoke with Mr. Sloan last week.

Samir Bahho – 4612 Kaplan Drive, Raleigh - stated Ramey & Kemp is awaiting NCDOT response comments so they can incorporate them into the document and issue the final report.

PUBLIC HEARING

Motion made by Commissioner Brooks seconded by Commissioner Walker to go into public hearing. Vote Aye-4 Nay-0

Windstar Properties rezoning request. This request to rezone applies to an .107 acre portion of a larger tract north of NC 87 By-pass and immediately west of the lower portion of the Southridge Subdivision.

Planner Monroe stated this request is to rezone a small portion of a tract of land that is located on the NC 87 By-pass. When the Town adopted its zoning regulations and zoning map it did not bother dealing with changing any boundary lines and made a decision that outside of Town property would be zoned RA2 and inside it would be zoned something resulting in higher density development. When the highway was constructed this tract of land was bisected by the right of way; part of the tract lies to the south of the highway but the majority lies to the north. It is further bisected by the town corporate limits with the area inside the town being zoned R-15 and that in the ETJ being zoned R-A2. This unusual condition results from the line being a part of the original town boundary that was kite shaped. The applicant is asking that the triangular shaped portion of the tract north of the bypass be rezoned from R-A2 to R-15 to achieve consistency with the balance of the adjoining parcel.

Planner Monroe stated that he has authority to make a boundary correction if there is some doubt about why the boundary is located where it is; but in this case, there is no doubt.

Planner Monroe stated that the Planning Board recommends that it be approved.

PUBLIC COMMENTS:

None

Motion made by Commissioner Walker seconded by Commissioner Brooks to go out of public hearing. Vote Aye-4 Nay-0

OLD BUSINESS

WINDSTAR PROPERTIES REZONIGN REQUEST

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve the rezoning request from Windstar Properties rezoning a .107 acre portion of a larger tract north of NC 87 by-pass and immediately west of the lower portion of the Southridge Subdivision.

Commissioner Walker asked if it were state law because you are talking about one tenth of an acre, if you come across situations like this in the future is there anyway that somebody can have the power to sign off of that little bit of land.

Planner Monroe stated if there is evidence that a mistake was made or that the map is in error as Zoning Enforcement Officer he has that authority. In this case it was obvious that no mistake was made.

Vote Aye-4 Nay-0

AN ORDINANCE REGULATING TRAFFIC IN THE TOWN OF PITTSBORO ON EAST CORNWALLIS STREET

Planner Monroe reported this was brought to the Town as a result of a small change that was made to direction of construction traffic entering in Potterstone Village Phase 2B and 3. The residents of Potterstone objected to construction traffic continuing to use May Farm Road and asked that Mr. Witek (developer) divide this so that some are using May Farm and some are East Cornwallis. The residents on Cornwallis felt they were intimidated by the volume of traffic and the size of traffic given the small width of the street right-of-way and the two ninety degree turns that are required. They asked the Chief if he could come up with something. So the Chief and he brainstormed and came up with this ordinance that would restrict thru truck traffic but would admit truck traffic that was intended to go to a destination.

Mayor Voller asked Attorney Messick if he has looked at the changes he had brought in. Attorney Messick stated he has and he is not sure that will solve the problem because Potterstone owns property that is contiguous to the street and that is the problem.

Mayor Voller stated his question is there are a number of property owners on the north side of the street to that vacant land. He knows that Habitat for Humanity and other groups may want to be building in there. So how do you do this without denying them the ability of allowing trucks to their property. Attorney Messick stated that would be a problem. Mayor Voller asked if he would suggest reworking it and bringing it back again. Attorney Messick stated he does not know how you can prohibit truck traffic on one side of the street and allow it on the other. Attorney Messick stated you either don't allow it on either side or don't worry about it.

Attorney Messick said that this would allow an exemption for trucks doing business with individuals on East Cornwallis in the event that there is development on the north side of Cornwallis then he thinks we will have the same problem whether it is Habitat or Potterstone. He is not sure how you can solve one and not the other.

Mayor Voller stated obviously the trucks can come in through Potterstone Village. He asked if the reason for this request is because the people didn't like the truck traffic so they directed them to come down the other road. Planner Monroe said that was correct. Who directed them. Planner Monroe stated Mr. Witek did on behalf of the Homeowners Association of Potterstone Village.

Commissioner Walker asked if we could "un-direct them"? Planner Monroe stated he has asked them to stop. Commissioner Walker stated there are residents here from Chatham Forest. He doesn't like truck traffic himself but when you move into a

neighborhood that is under construction you just have to deal with it until it is finished. His opinion is to go to Mr. Witek to see if he could get them to stop. Planner Monroe stated he has already redirected the drivers to continue using May Farm Road.

Commissioner Walker stated if there is no legal way we can change it without causing controversy that would be the best way to handle it, in his opinion.

Commissioner Brooks stated if you extended East Cornwallis Street far enough east you run into a large tract of land that is zoned industrial (if he is not mistaken) all that area that abuts Potterstone on (where the old railroad bed was) and at some point we are going to have to find ingress and egress for that property. Right now there is no other because there is no bridge across the creek on Industrial Drive, the only access that he knows of would be down East Cornwallis so at some point we are going to have to find a way to deal with that. Commissioner Brooks stated the road is not designed to handle anything but the homes – not construction nor industrial traffic. Mayor Voller stated that area is going to get paved at some point as a part of the reuse water line.

Mayor Voller stated he did not think it would be wise to limit access to peoples property. He feels we should do what Commissioner Walker suggested and contact Mr. Witek.

Commissioner Cotten stated we are talking about two different issues here. This one is to address an issue that is existing now. Those others will have to be addressed as they start developing with different ordinances. He feels that in the interest of safety of people on East Cornwallis that we need to go ahead and adopt this ordinance and he is going to make that motion.

Motion made by Commissioner Cotten to adopt the Ordinance Regulating Traffic in the Town of Pittsboro on East Cornwallis Street as prepared by Attorney Messick, seconded by Commissioner Brooks.

Commissioner Walker asked Attorney Messick to repeat what he had stated earlier.

Attorney Messick stated first we must understand streets are built for vehicular traffic and unfortunately Cornwallis Street is not designed to accomplish the type traffic it is being faced with today or likely to be faced in the future. So there is a problem as to what to do with East Cornwallis, it will have to be dealt with at some point. If the complaint was traffic accessing Potterstone by way of East Cornwallis, if you try to eliminate that problem it seems to him there is no way to allow property on the north side of East Cornwallis to get access. What is good for one is good for the other. What this ordinance says is that between 15-501 and East Cornwallis not going to serve someone that is there, is not allowed.

Commissioner Baldwin stated basically if this is not approved if Mr. Witek decides again to send traffic through there, there would be no alternative other than he said he was not going to do it. Is that not right? Commissioner Cotten stated that is right, that is the reason he made the motion.

Attorney Messick stated it is a public street and any member of the public can use the street.

Commissioner Walker stated it is enforceable by law, if it is adopted. Attorney Messick stated it would be enforced by the Police Department.

Commissioner Walker stated he has mixed emotions about this. He understands the people on East Cornwallis he would like to see if we can get one more attempt with Mr. Witek, monitor the situation and then if it doesn't improve come back to the board.

Vote Aye-2 Brooks/Cotten
Nay-3 Walker/Baldwin/Voller

Motion made by Commissioner Walker seconded by Commissioner Baldwin that the Board review this matter within 60 days, if what we asked for tonight doesn't work that we revisit an Ordinance.

Vote Aye-4 Nay-0

Motion made by Commissioner Walker seconded by Commissioner Baldwin to take a ten minute break.

Vote Aye-4 Nay-0

Motion made by Commissioner Walker seconded by Commissioner Baldwin to reconvene the meeting.

Vote Aye-4 Nay-0

APPOINTMENT OF NEW BOARD MEMBER TO FILL VACANCY

Commissioner Cotten stated he would defer this to other members because they requested it.

Motion made by Commissioner Walker seconded by Commissioner Brooks to appoint Clinton E. Bryan, III to replace his father Clinton E. Bryan, to fill the remaining term of his seat that expires in November, 2007.

Commissioner Baldwin asked if he had spoken with Mr. Bryan. Commissioner Walker stated he said he would do it.

Mayor Voller asked Commissioner Cotten if he had any comments because this was at odds with what he said at the last meeting. Commissioner Cotten stated he thinks that is the reason why he was requested to put it on the agenda this time. It was tabled at the last meeting and therefore he felt obligated to bring it back up. He does not have any strong feelings either way, but he still feels like if we are going to fill it that it be with a member of his family, he thinks he said that last time too.

Mayor Voller stated there are six meetings left before filing.

Commissioner Walker stated Mr. Bryan, III has given him no indication whether he will consider running for reelection or not, but he would replace this father's seat until his term is up.

Mayor Voller stated he would stand by what he said at the last meeting. So we have three different opinions but we have a motion on the floor. He would either rather interview candidates or put someone that has run for office in the past.

Vote Aye-4 Nay-0

NEW BUSINESS

STREET PAVING REPAIRS: N. HILLCREST AND HORTON SCHOOL ROAD

Attorney Messick stated we have received the following quotes for the repairs.

Wooten

HORTON SCHOOL ROAD	240 L.F	\$11880
NORTH HILLCREST	670 L.F	\$17085

TURNER

HORTON SCHOOL ROAD	Total price	\$23265
NORTH HILLCREST		

Turners bid included \$11,000 for asphalt repair before they resurface. I request \$35,000 and I will get each company to fill out a bid sheet to be sure each one is bidding the same work.

John Poteat stated that this price would only repair about 240 feet of Horton School Road. They have patched it a lot.

Commissioner Cotten asked Mr. Poteat what the thickness would be. Mr. Poteat stated 2 inches and about 4 inches on some of the turn offs.

Commissioner Cotten asked if North Hillcrest would be resurfaced or replaced.

John Poteat said he is thinking it is replacement – he would have to check with Wooten to see if they are going to go in there and replace the whole street, that is what they discussed, but he doesn't know if this quote reflects that or not because he doesn't have anybody here. Turner is planning on filling in the potholes with four inch thick base and then paving on top of that. Replacement is always better.

Commissioner Cotten stated he would not be receptive to filling potholes and paving over them after driving on that street.

Motion made by Commissioner Brooks seconded by Commissioner Walker to authorize repairs the streets up to \$34,265. Vote Aye-4 Nay-0

RECREATION ITEMS

DRAFT INTERLOCAL AGREEMENT FOR RECREATION DRAFT MEMORANDUM OF UNDERSTANDING FOR TENNIS COURTS

Attorney Messick stated at the last meeting it was discussed about the contract we had for repairs to the tennis courts in the amount of \$122,000 and that we had anticipated getting about half of that from the County. He checked with the finance office and they indicated there were problems with using the County's impact fee for this type of project, but they would be willing to entertain that sort of thing about the first of the year. They would not pay until they had something in writing. So the Interlocal Agreement is a step to having a relationship with the County and Town as far as recreation is concerned it is very general it is not about anything in particular, hopefully there will be more than one occasion to deal with that. The memorandum of understanding is the specific document in reference to the tennis/basketball courts request for reimbursement. It is before the board for consideration.

Commissioner Cotten asked Attorney Messick if he got any sense of timeline as to when the County needed this. Attorney Messick stated they are working on the budget now.

Commissioner Cotten stated he would like to make a motion that it be referred to the Park and Recreation Advisory Board for review and recommendation, because it will impact on what they do (seconded later by Commissioner Walker).

Attorney Messick stated the Parks and Recreation Board would like to receive input from the Board when they are making a decision.

Commissioner Brooks stated he was prepared to make a motion to accept both of these tonight, however he is willing to wait and let the Recreation Committee have their input. Commissioner Walker stated he feels pretty much the way Commissioner Brooks does they are pretty generic in terms, but if Commissioner Cotten wants to run it by the Parks and Recreation Board that is fine with him.

Mayor Voller asked if there is any time sensitivity to this, he knows the County has said they want to pay the \$60,000 they have committed to, but there is some problem with the way the recreation fees can be spent. Attorney Messick stated sooner would be better.

Mayor Voller asked when the next Parks and Recreation Meeting were. Attorney Messick stated it will be after the next Board meeting.

Commissioner Cotten's motion was seconded by Commissioner Walker.

Vote Aye-4 Nay-0

DRAFT RECREATION FEE FOR RESIDENTIAL SUBDIVISIONS

Attorney Messick stated this is a proposal from the Interim Manager's office to consider the possibility of collecting Recreation Impact Fees through the Town of Pittsboro. As you know residential subdivisions in some cases have the obligation to dedicate certain areas for recreation type purposes. The current ordinance allows for a formula to be used this proposal would give the option more clearly to the town in terms of charging the fees instead of dedication of land, which he thinks will enhance the Town's recreation fee revenue and in anticipation of future developments we are going to have increased recreation demands and you would probably be able to somewhat pay for it through other than general fund revenues which will cause property tax increases, this would be a tool to be able to do that.

Motion made by Commissioner Brooks to send the draft recreation fee for residential subdivisions to the Planning Board for consideration and then conduct a public hearing, seconded by Commissioner Walker.

Vote Aye-4 Nay-0

Staff Reports/Manager updates

- Tennis courts – Attorney Messick stated the tennis courts are ready and he has seen a few people playing. They are to start paving the basketball courts in the morning. Commissioner Walker asked about whether break away goals were included. John Poteat stated he did not think so, but we could do a change order because there are a couple more changes that they need to discuss with the Recreation Board. Commissioner Walker asked if he would do that. Mayor Voller stated so the Board would know they went out to look at it today he asked John to advise the board. Mr. Poteat stated after we finish with the total plan HydroStructures has agreed to volunteer engineering services for putting an overall plan for the whole area. (Kiosk, landscaping, shelter, etc.) And they had some ideas about having three courts instead of two courts, there is a way you can do three courts instead of two, he wanted to run this by the recreation board. All of this can be done after the court has been paved. Commissioner Cotten asked him not to forget a light switch for turning the lights off at night. Mr. Poteat stated it was on a timer it can not be turned on after 10:15 pm. Commissioner Cotten stated the ones on the basketball court are running all night. Mr. Poteat stated those type lights will have to be replaced. Mayor Voller stated the other thing they wanted to do was install a parking lot at the tennis court and probably look at windbreaks about the court.
- Kiwanis Park – Attorney Messick stated the trees have been cut and it looks good. Mr. Poteat stated he found out why the fence has not been put up yet, Johnny Blackmon is saying there are four additional trees that have been struck by lightning and will die. Lee Sullivan was saying that he donated his services to take the fence down so if we wanted to go ahead and get those trees taken down now we could save money. Or we could wait until they actually die to have them cut. Commissioner Cotten stated he would trust

Johnny's recommendation his self. Mr. Poteat stated that would be an additional \$1700 for four trees. Commissioner Brooks stated there is no need to put the fence back up until the trees are cut. Attorney Messick stated there may not be any trees left. Commissioner Brooks asked him if he felt the Kiwanis Club would have a problem with that. Attorney Messick stated taking them down no, paying for them yes sir. John Poteat stated we get a lot of complaints now about lack of shade because of dead trees. He is sure we will get more complaints. Attorney Messick stated you are going to be criticized either way.

Motion made by Commissioner Walker seconded by Commissioner Cotten to take the additional four trees down for \$1,700 quote submitted by Blackmon Tree Service.

Vote Aye-4 Nay-0

Commissioner Walker stated if there is a Garden Club in Town maybe the Parks and Recreation Board can get in touch with them and they can plant some small trees at sometime. Maybe there are some developers or other businesses in Town that are willing to help with that. Plant some trees for the future.

- Walnut Grove sewer easement – Attorney Messick stated this is a problem that has been expressed to the Town for many years. If the trees are in the sewer right-of-way they do not affect the sewer right-of-way. John received a bid for Tyndall Tree Service for approximately \$450.00 to remove the trees. It is his opinion that the trees are on private property and the Town should not be cutting the trees on private property. Mayor Voller asked if there was ever a street to go there to Cedar. Attorney Messick said he does not know anything about it. Mr. Poteat stated these are two different easements – the one Mr. Messick is talking about is a sewer easement the one the Mayor is talking about is a water easement. Commissioner Brooks stated all an easement is, is permission to cross someone's property they still own the property, personally he doesn't think we should do it. He sympathizes with them but we can't start cutting on private property.

Mayor Updates

- EDC – Mayor Voller stated they are very close to hiring a director.
- RPO – Mayor Voller stated he knows they are working on getting the stop light at Lowes and someday soon we will have one. Planner Monroe stated the lane paving and stop light was bid out on the 16th and they expect it to be completed in September 2007.
- Solid Waste
- Fairground Association – Mayor Voller stated the Fairground Association has been talking with the County about putting a center in over there. They are trying to do a rural center and some other buildings over there. Commissioner Brooks stated he believes there is a cemetery over there that they don't know about, he thinks it was supposed to be used for the people at what they use to call the "poor farm" on the Goldston Road. He has read that in some

document. Melody Troncale – stated she read in the newspaper that they were requesting \$75,000 from Chatham County and that is no way near enough. She was told that request was just from Chatham County not the total cost.

- Clyde Fest – Mayor Voller stated Clyde Fest will be held on April 28, 2007 and asked that a resolution be prepared for the next meeting. Commissioner Brooks asked that cones be put out so that we don't have the same problem as we had last year from the people at the cemetery.
- PMA/Downtown – Mayor Voller stated March 29, 30, 31 is our big land use public meeting. He is going to be talking with downtown merchants to get their input.

Attorney Messick stated Congressman Bob Etheridge will be here on April 9, 2007 from 10-11 am, at Town Hall.

Mayor Voller asked if the letters had been sent to Mr. Etheridge and Mr. Atwater. It was discussed at the last meeting. Attorney Messick stated it had not, but he would get it out.

Commissioner Concerns

PROJECT GRADUATION

Commissioner Baldwin just wanted to stress the land use public input sessions that will be held on March 29, 30 and 31, 2007. This is very important.

Commissioner Cotten asked if they were going to take any action on Project Graduation or wait until the next meeting.

Commissioner Brooks stated we have always made a contribution to it.

Motion made by Commissioner Brooks seconded by Commissioner Walker to send a \$200.00 donation.

Commissioner Baldwin would like to send more, \$500.00 would be nice because project graduation is very important. Commissioner Walker stated other business and individuals are contributing. Commissioner Baldwin said how about \$250.00. Commissioner Brooks amended his motion and Commissioner Walker amended his second to change the amount of the contribution to \$250.00.

Vote Aye-4 Nay-0

FYI

- Litter Sweep Roadside Cleanup – Mayor Voller asked Joe (Chatham Record) to put this in the paper.
- Land Use Plan Advisory Group, TJCOG Workshop – March 29, 30, and 31.

Mayor Voller asked what the board wanted to do with the information they received from Ms. Badrock. Commissioner Brooks stated she has a lot of good ideas, the problem is the first part of her letter to him (Mr. Messick is more than anything else doing us a favor by acting as interim Manager) he thinks we need a program that moves ahead as quickly as common sense dictates if you get to more involved it is going to take to long. We could send out a letter to the citizens we have the website to encourage them to write, but he would not like getting into meetings and things about this because we need to move on with this. We need to get her authorized or somebody to get started on the search. Even though we are paying Mr. Messick, I am sure it is costing him money, he is doing a good job but he would like to get on with it. He doesn't want to rush into hiring anyone. We need a streamlined process as possible.

Mayor Voller is very much in favor of using a personnel firm. We are probably going to have to raise the horizon of what we are going to pay, we are going to have to pay more than we have in the past.

Commissioner Cotten stated she called him on the telephone last Friday afternoon and what he understood her to say was she was getting together a proposal to bring to the next meeting. Attorney Messick said that was the plan. Commissioner Cotten said what she was doing was asking questions like to email that was sent to them. Mayor Voller stated everyone has the questions let's just answer them and let her bring a proposal back to the board.

Commissioner Walker stated he would say for her to bring on a proposal.

Mayor Voller stated if the board will authorize him he will get her to get us a proposal to us ASAP so that everyone can look at it.

Attorney Messick stated he felt her proposal would be more specific if you can answer some of the questions she is asking you.

Commissioner Brooks stated he received this information today and he feels that she should be starting on page two of three.

Mayor Voller stated he would tell her to talk with each Board member tomorrow and then we will move ahead with this.

ADJOURNMENT

Motion made by Commissioner Walker seconded by Commissioner Brooks to adjourn.
Vote Aye-4 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk