

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
JULY 25, 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., and Gene T. Brooks. Commissioner Chris Walker 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 Bryan seconded by Commissioner Cotten to approve the agenda as presented. Vote Aye-4 Nay-0

**CONSENT AGENDA**

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

- Minutes of the July 11, 2005 Board of Commissioners meeting.  
Vote Aye-4 Nay-0

**CITIZENS MATTERS**

None

**PUBLIC HEARING**

Motion made by Commissioner Bryan seconded by Commissioner Griffin to go into a public hearing. Vote Aye-4 Nay-0

**REZONING HEATH WILLIAMSON  
FROM R-10 TO C-2**

**Conduct a public hearing for a rezoning request by Heath Williamson. The property is parcel number 7850, PIN 9741-87-7618, located at the corner of E. Salisbury Street and Small Street directly north of the Pittsboro Ice and Fuel property. Mr. Williamson is requesting a change in zoning from R-10 to C-2.**

**PUBLIC COMMENTS:**

Patty Blanton - 129 N. Small Street

I have lived on Small Street across from this lot for 20 years. My main concern with rezoning this property and Mr. Williamson's proposal to pave it as a parking lot is that there is a creek that runs through this property and it has for a long time. As it is, I think that it is not a wise thing to do to consider paving over this because it is so special.

Bob McConnaughey - 129 N. Small St.

I would like to thank our planner, Mr. Monroe, and our commissioners for encouraging neighbors to comment on proposed changes in our local community zoning. My family has lived across the street from the lot for 20 years.

Recently, the National Association of Realtors published 7 "smart growth" policies that they saw as key to revitalizing urban areas of all scales:

*Two of the National Association of Realtors policies that are especially relevant to this evening's hearing are:*

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| <ol style="list-style-type: none"><li>1. Increase public parks and green spaces of all types in urban and suburban settings. Build sidewalks bordered by street trees to connect people with green parks. Increase livability through green space.</li><li>2. Don't rely on cars – encourage walking and biking as a way of keeping the town connected. Emphasize pedestrian oriented development.</li></ol> |
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I would like to point out some implications of the proposed rezoning:

1. Perhaps MOST importantly, if the lot was rezoned commercial (at this time all the lots that border it are zoned residential, the day care center's commercial use permit is "conditional") then the lot is subject to being used for any and all commercial uses, no matter how unsuited to the

neighborhood or Pittsboro they might be. The subject lot is across the street from the proposed commercial complex. Regardless of the mini-mall's eventual design, the lot proposed for rezoning is not an integral part of Mr. Williamson's commercial plans, as his earlier versions of the plan have shown

2. Traditionally the east side of Pittsboro between Thompson and Salisbury has been a residential district; two blocks are within the historic district. Despite attempts to change its character, folks have continued to move into the area as both renters and homeowners, wanting to live as members of a neighborhood. For instance, five of us who live in four houses along Small Street stock and maintain the food supply at CORA, the county food bank. East Pittsboro remains a vital community. Again, just using Small Street as an example, residents include: a physician; research analysts working in epidemiological research at the National Institute of Environmental Health Sciences; user support staff at WDL (formerly EMJ America) Systems here in Pittsboro; a teacher; a professional musician and a sales representative for microbreweries. Quite a diverse group on two blocks alone! Long time residents of Pittsboro may have noticed the landscaping and building improvements that have taken place along Small Street over the years, including restoration of Pittsboro's original "General Store". (This is NOT to slight other lovely yards and homes in East Pittsboro, it's just that I best know Small Street and the changes in its landscape.)
3. There are already problems with runoff and flooding within the subject lot and surrounding yards. We've seen what's happened to Eastgate Shopping Center in Chapel Hill where a parking lot was built over a small creek, which has flooded several times. After the last flood, cars were floating in the Eastgate lot. One reason the lot has remained a green space is the creek running through it which often floods after stretches of heavy rain, a problem which paving would certainly worsen. Turning the lot into an acre of parking lot also is environmentally and aesthetically unsound, at a time when concern over loss of greenery and trees has become a local, regional and global concern
4. Loss of green space which serves as a local community focal point. I've mowed, done some planting and helped maintain the east side of the creek for the last four years, stepping in for Bobby Goins, who'd taken care of the lot ever since the abandoned Brant Cotton home burnt down in 1986 – It was Bobby rather than whoever owned the lot who also finally disposed of the remains of the house a couple of years after the fire.. The lot that's up for rezoning is, really, the only easily accessible parcel of green space on the east side of Pittsboro, that's near downtown. It has

become an informal “pocket park.” Over the last 20 years, neighbors who have invested a great deal already in the quality of Pittsboro's life have maintained the largest portion lot, that which is west of the creek, in the absence of any work by the owners.

5. Large increases in traffic flow on Thompson, Salisbury and Small Streets beyond the capacity of the roads; and there would be impact on current foot traffic patterns which include many who are walking for exercise, parents pushing strollers, people walking dogs as well as to people walking to the Lowes and Food Lion shopping centers.
6. Light pollution at night; noise pollution at all times. Those of us in the neighborhood are already familiar with the late night unscheduled “concerts” that we'll hear coming from the car wash. Pittsboro already has had problems with noise and vandalism in other parking lots at night. Problems with night light would increase far beyond the problems that the lighting at the former Ford dealership parking lot or Kerr Drug store have created.
7. This summer's been very hot so far. A one-acre paved parking lot will increase temperatures in our neighborhood. In 1969 when Chapel Hill was still a small college town, there was a difference of 10 to 14 degrees between the town center and points 10 miles out in the countryside around the town depending on the season. Last week, I measured the temperatures in the field and, for comparison, in the Lowes Food parking lot and on our covered front porch that faces east. Saturday afternoon (7/23/05), at 4:00: the air temperatures were 89 on our front porch; 95 shade; 103 sun; 114 at Lowes. Today (7/25), just before noon the temperature on the ground was 89 under the trees, 108 in the sun and at Lowes was over 122.
8. Possible health effects of increased air pollution from automobile exhaust, especially on children at the day care center, with asthma being a particular concern.
9. “Dumb growth” is a serious disease that can destroy the health of a neighborhood, town and region. Poorly planned growth is almost never reversed. Once there's a parking lot next to us, it's not going to revert back to green space.
10. The 80,000 sq feet in old Chatham Mill, where, among other businesses, the Chatham Marketplace coop will open soon, will be used for many of the same type of uses that Mr. Williamson wants to bring into his 30000+ sq ft project.

11. Before I saw the details of Mr. Williamson's plans, I was optimistic about the possible uses of the old Ice House lot. The idea of a nicely designed multi-use building combining restaurants, retail and office space would have potential, if it were built in a way that respected both the character of Pittsboro as well as the homes and lives of its neighbors. If the scope of Mr. Williamson's plans for the Ice House property were scaled down a bit and respected the "look and feel" of Pittsboro and our neighborhood, many of us would welcome reuse of the Ice House lot. He'd benefit from a good deal of community support and good will. When I called Mr. Williamson to ask about his intentions for the "park" behind the day care center, he told me that he intended to use it as a "buffer" to protect his investment in the retail and office space he wants to build on the ice house lot – not the parking lot indicated in his sketches. Mr. Williamson believes that 80 parking spaces will be required just for employees! He's told both Dan Clower and me that, without this mall, Pittsboro will die. Regardless, this is a project that, starting with the possible rezoning, will have major effects on daily living in the neighborhood. And the parking lot would likely kill our neighborhood. The surest way to kill small towns is to drive the residents out!

So questions remain: How could Mr. Williamson's plans best be modified in order to promote "appropriate growth" in Pittsboro? I think it could be a win/win situation, if he works with the town planner and his potential neighbors so that his project fits more neatly into the neighborhood. I was heartened by my discussion with Pittsboro's planner, Mr. Monroe, and I'd hope the town council and Mr. Williamson pay him heed too.

Again, I'd like to thank all concerned for encouraging comments. I especially appreciate this opportunity, because the last time our neighborhood was rezoned, in the early 90s, it occurred without the great majority of homeowners in the area being aware of the event.

Pittsboro's home page on the internet says:

"Residents of Pittsboro embrace small town values of respect for one another and a strong sense of community. Its people are a diverse group of artists and farmers, merchants and students, and it is home to the North Carolina Zen Center. It supports software developers, bio-fuel research and production, antique shops and art galleries." I'd like to hope that stays true.

I'd like to remind our commissioners and neighbors and Mr. Williamson of Joni Mitchell's words "They paved paradise and put up a parking lot"

Dan Clower - 50 N. Small Street.

My main concern is that this property is really part of the drainage system of Pittsboro and there is a good possibility that the land, at some point in time, could be used for something educational, some type of park or something on that order. I am most concerned about my property, especially the lower part along Salisbury Street where there is the possibility of flooding. I have no flood insurance; I can't get flood insurance because I am not in a floodplain and so any damage from flooding such as structural damage, sinking or whatever, I'd have to pay for it at the expense of someone else who's built across the street. I'm also concerned about the added possibility of termites. Also the cost to the taxpayers on roads that would be traveled, they're so wet as it is already. I'm concerned with the future of this property, what would go in, what would be the possibility of an unknowing buyer purchasing that property and not realizing it was going to flood and he'd be at a complete loss.

Obviously this is part of a complex that Mr. Williamson wants to connect with the Ice & Fuel property and I really want to stress the dangers to life on this property being developed. So many people use Salisbury Street, there's no sidewalks, poor lighting, and now the traffic with this, there's people walking dogs, myself included.

The property in question is a natural drainage site. I think Pittsboro is about to the point where they control drains pretty much where it's not going in people's houses and so forth and so, therefore, this is what I request and I hope you consider my statements. Thank you.

Betty Bonfanti - 247 Thompson Street.

I live on Thompson Street and I don't think we should have any such thing near the area. You put out pavement on there, it's hot, it's going to make such a mess. Let's go back. We have such a beautiful wooded area; we don't need that kind of stuff.

Liz Cullington - 390 Rocky Hills Road.

I live in the Pittsboro ETJ but I used to live on Thompson Street so I am very familiar with this neighborhood. I am opposed to this rezoning. I've been to plenty of zoning hearings for the town and the county and I hear that what most applicants try to do when there are people willing to split off one lot or add a business use is to communicate with all the potentially affected neighbors and to make sure that either they don't object or the impact on them can be minimized and developers are usually willing to change their plans to accommodate neighbors concerns. This project seems to have proceeded in the exact opposite direction, even to a point where the most adjacent residential neighbor is being punished for not selling his property to Mr. Williamson by having a new plan

presented that will drive him from his home. In fact, in looking at the latest plan I had to question whether an outdoor concert stage is allowed under Pittsboro's current zoning; I would really think it is not a listed use. Such a feature would have excessive noise and would impact neighbors much farther away who have not been privy to this plan. I believe this should require some kind of additional Commissioner notification other than putting in a commercial development on commercial zoning in just a site plan.

It is my understanding that Mr. Williamson's initial proposal only involved the Ice & Fuel property, not the back lot that is the subject of this hearing. The original proposal seems more appropriate as much of the property along 64 is commercial and it's a much better location. However, the additional tract that Mr. Williamson wants to have rezoned to commercial is surrounded 100% by property that is either zoned residential or which is currently used for low traffic, low impact use (such as the extra long area of the day care center and the unused back property of the Ice & Fuel lot).

Since I moved to Pittsboro, for the last 25 years the Ice & Fuel back lot has experienced a few truck trips a week from Brian Green's storage business (which is no longer there) and now receives none. Plus, up until now, the quiet, green residential nature of this area and the area surrounding this particular lot in question has been maintained by their own crew. The effect has been to encourage people to stay or buy into this residential area and I believe that it would be what some would call an unconstitutional taking of the people's major financial asset, their homes or rental property that they own if the town approves an ugly, inappropriate and stranded parking lot on this property.

In addition, once zoned commercial, this could be turned into another use that could be more disturbing to the area in terms of noise, traffic, etc. Mind you this property is too small to be zoned commercial on its own because of the stream which should have a vegetated buffer. I'm terribly opposed to instead paving over the stream and can't believe you would approve a project because a stream runs under a building to the south.

Mike Day - 5401 Valinda Drive, Chapel Hill.

I have been to the house of Mr. Bob McConnaughey many times over the last few years and seen the land across from his house flood when it rains. It is a floodplain. I know that some sort of commercial development on the icehouse property would be appropriate, just the intensity of this project seems out of scale to what you need. We have zoning and I have seen it time and again throughout North Carolina small towns, they have something that needs to be preserved and it somehow gets rezoned and that zone doesn't mean anything every time someone wants to turn around.

Pete Hinton - 298 E. Salisbury Street.

I have lived here 20 years also. Like Bob, I am worried about light pollution; if we keep on like this we're going to have all the charm of Jersey City here. I also feel like as soon as they build that someone's going to widen the streets and put in sidewalks and I'm going to be contributing my front yard to this guy.

Julie Smith who is just beside me, her lot is just adjacent to the area they plan on paving over; her area is so low already that she's not even on city sewer because they'd have to pump it up into. She'd have to put in a pump, which she can't afford; she's below the level of the water lines.

Another question comes immediately to mind, I'm sure many of you remember when Kerr Drug was approved as a one story building, it came in as a 40 foot tall one story building. We were played for suckers on this one, let's not do that again. I mean there are thoughts that come to my mind, I'm not opposed to doing something right sometime but I don't want to toss this town just wide open, it's a short term gain and a long term loss. How much do you put this wealthy guy over the locals, you're talking about people that live here. Thanks.

Glenna Grider - 236 Thompson Street.

I agree with what people have said. I am concerned with the loss of green space in Pittsboro where I moved four years ago for a reason-to come to a town where the lifestyle of the people that live in the community seemed to be valued. A loss of green space within the town impacts that greatly. On a more practical note are the issues of drainage that people have brought up. I can stand on my deck in a rain storm and see the water run from Small Street on the lot and from Salisbury, and it pools in that area. There have been a number of times in heavy rain where the creek has flooded and come up into my fenced in back yard. Loss of the pooling area to pavement worries me. I know it's a technical thing that can be plotted out by engineers to decide how the drainage would work, etc. but it needs to be carefully considered.

Lanelle Davis – 344 Thompson Street

I live on the corner of Thompson and JA Farrell Streets. The thing that I would like to say is that it concerns me that we are about to go about the business of taking a chunk here and rezoning this to a commercial property because, as other people have said, where does it end? Particularly on Thompson Street, we're book ended. From this side we've got development and on the other side we've got development and the folks who live in the center here are getting squeezed from both sides. It's got to stop somewhere.

I'm not anti-growth and I think that if this property were to be developed in scale it could be a real asset to our community. Let's keep the business where the businesses are; 64 is a corridor, 15-501 and Hillsboro, but not Salisbury. Once you start you can't go back, it's like trying to put toothpaste back in the tube, you just can't do it. So I would like to say I think it's a bad idea to have this property over here commercial for a parking lot.

**RENEWAL OF FRANCHISE AGREEMENT WITH  
PUBLIC SERVICE COMPANY OF NORTH CAROLINA**

**Conduct a public hearing concerning a renewed franchise agreement with the Public Service Company of North Carolina, Inc. (PSNC). PSNC is the provider of natural gas for the Town.**

PUBLIC COMMENTS:

NONE

Motion made by Commissioner Cotten to go out of public hearing and forward rezoning request from Heath Williamson to the planning board and to put approval of agreement with PSNC on the next agenda.

Vote Aye-4 Nay-0

**OLD BUSINESS**

**MERIT PAY**

**Consider a possible resolution to amend the 2005-2006 Budget to provide for merit pay.**

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the resolution to amend the 2005-2006 Budget to provide for merit pay.

Vote Aye-4 Nay-0

**A COPY OF THE RESOLUTION PROVIDING FOR MERIT PAY FOR CERTAIN EMPLOYEES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 134**

**INVESTMENT POLICY**

**Consider a possible resolution establishing a policy for investment of Town of Pittsboro funds.**

Commissioner Walker was unable to be present and submitted the following letter:

Dear Mayor and Commissioners:

I am sorry I am unable to attend tonight's meeting. In my absence I have prepared this statement in support of our current bid system for the Town's CD's.

I am of the belief that we as Commissioners should continue to allow non-Pittsboro banks to bid on the CD's. Competition typically will breed higher rates and thus higher returns for the tax payers of Pittsboro. Yes, as I have stated in the past, my employer First National Bank & Trust Company is one of the Banks that bids on the CD's. The most recent bid won by First National Bank & Trust Company will produce an extra \$1300 plus for the Town over the next highest bidder. This extra \$1300 is being produced in just 60 days. If First National Bank continued to win bids by a quarter of one percent throughout the year this would translate to roughly \$8,000 more than the next highest bidder. However, there is no guarantee that would occur. That is why we bid each time the CD's are up for renewal. All Pittsboro Banks are given the opportunity as well as First National Bank & Trust Company of Siler City. I have and will continue to state that other Bank's in Chatham County should be given the opportunity to bid.

Commissioner Brooks stated at our last meeting that we should keep our money local to support the business in the Town of Pittsboro. I have no problem with that statement. I try to support our local businesses myself. But, we should not single out a particular industry. Our Town does not purchase its insurance coverage from local insurance agents. Why, because the cost is higher. Our Town has not purchased vehicles from our local car dealers in quite a long period of time. Why, because the cost is higher.

If we are going to set a policy that states we need to keep our money local to support local businesses then we should be consistent with our policies. If the Town is allowed to go out of town to save money for the tax payers then we should go out of town to make money for our tax payers.

I am in favor of our current bid system whether we are discussing the Town's CD's, insurance or automobiles. We should try to save dollars whenever possible and we should maximize our investments whenever possible. We are charged with the fiduciary duty of handling our tax payer's money. Limiting our options is not the answer. Tax dollars and rates are at stake.

Chris Walker

Motion made by Commissioner Brooks seconded by Commissioner Cotten to invest the towns funds in local banks within the corporate limits of Pittsboro in the following manner:

- That said financial institutions within the Town should have seven business days after being notified to submit a bid;
- That the Town accept the best bid;
- That if the Town does not receive a minimum of 3 bids from local financial institutions that the bid be open to any licensed bank within the State of NC to bid on it.
- That they be written bids.

Vote Aye-4 Nay-0

### **REVISED SITE PLAN – BELLEMONT STATION LOWES HOME IMPROVEMENT**

**Consider a revised site plan for Bellemont Station (Lowes Home Improvement).**

Motion made by Commissioner Brooks seconded by Commissioner Griffin to approve the revised site plan with the following conditions recommended by the Planning Board:

- A Soil Erosion, Sediment Control Plan must be submitted and approved prior to obtaining a grading permit and a building permit;
- A Stormwater Management Plan must be developed and approved;
- The Stormwater Management Plan must demonstrate the adequacy of the pond according to Sections 5.5.10 and 5.5.11 and incorporated details as required in Section 5.5.12 and 5.5.13 of the Zoning Ordinance;
- A detailed Lighting Plan must be developed and approved;
- NCDOT must permit the entrance/exit plan;
- Utility plans for water and sewer must be developed and approved by the state and the town.

Commissioner Cotten asked if this change would eliminate some of the parcels. He was told it would not.

Vote Aye-4 Nay-0

**A COPY OF THE SITE PLAN IS ON FILE IN THE TOWN PLANNER’S OFFICE.**

## NEW BUSINESS

**Consider a possible contract with Hydrostructures, Inc. for a sanitary sewer evaluation study of the Credle Street Basin as proposed in the Supplemental Grant Application submitted to the North Carolina Rural Economic Development Center.**

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve a contract with Hydrostructures, Inc. for a sanitary sewer evaluation study of the Credle Street Basin as proposed in the Supplemental Grant Application submitted to the North Carolina Rural Economic Development Center.

Vote Aye-4 Nay-0

**A COPY OF THE PROPOSAL FOR SSES SERVICES CREDLE STREET IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 135-137**

Manager Hughes announced Chief Clapp's retirement and invited them to a retirement party on August 25, 2005 at S & T's Soda Shop from 11:30-1:30.

Commissioner Brooks stated he felt the board needed to discuss what type police department they would like for Pittsboro and the expectations of the police department.

Commissioner Cotten stated he would put his thoughts in writing.

Manager Hughes stated the general statues provides for the Town Manager to hire the police chief.

## COMMISSIONER CONCERNS

None

## 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