

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, MARCH 27, 2006
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Rev. Jerry Sanders Pastor, Solid Rock Baptist Church gave invocation.

ATTENDANCE

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

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

AGENDA APPROVAL

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

Vote Aye-5 Nay-0

CONSENT AGENDA

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

- Minutes of March 13, 2006 Board of Commissioners regular meeting.
- Ordinance amending the 2005-2006 operating budget.
- Memorandum in support of Local Government Cable Franchising.
- Donation of surplus computer equipment to Habitat for Humanity

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE FY 2005-2006 BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 2-3

MEMORANDUM OF SUPPORT OF LOCAL GOVERNMENT CABLE FRANCHISING IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 62-63

CITIZENS MATTERS

NONE

PUBLIC HEARINGS

Motion made by Commissioner Bryan seconded by Commissioner Walker to go into a public hearing. Vote Aye-5 Nay-0

REZONING REQUEST – RICKY SPOON

Consider a rezoning request from Ricky Spoon. The site is a 24 acre portion of lot #9752-00-15-7164. It is south of the Lowe’s Home Improvement site and east of Lloyd Cooper’s property fronting on Hwy 15-501. Mr. Spoon has requested a change from R-10 (High Density Residential) to C-2 (Highway Commercial).

PUBLIC COMMENTS:

Ricky Spoon, 2475 Red Bud – stated he is asking for a rezoning to this property. He has talked to a hotel developer to go out here (this is a couple of years away obviously because of the amount of sewer it will need). He has also talked to a couple of veterinary clinics, doctors’ office and people like that. He hopes the market will allow at some point and time a residential development of some kind – something like Powell Place has got, like their townhome community and maybe a small apartment complex.

Mr. Spoon stated his biggest worry is he is trying to get from obvious heavy retail to come up the hill at some point and time put a rock entrance where it leads nicely into the residential area. He is trying to have some type transitional area.

Jeffery Starkweather – 590 Old Goldston Road - Before he address this issue he wanted to quickly touch on one point he would like for the Board to think about on doing a public hearing. This has come before the County for some time.

The way that process (Pittsboro has not in the past dealt with a lot of development issues) currently works is you announce the rezoning/conditional use request in the legal section of the newspaper, nobody reads that. They have several weeks before a public hearing, which is the only hearing you are going to hold and then it goes to the Planning Board and comes back to the Board of Commissioners.

He would like for the Board to think about the idea of at least possibly changing that whereby the initial meeting would be where the applicant presents what he is proposing, where people can ask questions; then it goes to the Planning Board and comes back for the Public Hearing. Currently when the public hearings are held the public and Commissioners don’t know enough about the development to make the public hearing meaningful.

In light of that, he is not here to oppose or support development. He has a couple of questions he would like the Board to think about when you are considering this.

1. He understands this land was a part of a large parcel of land that was about 14 months ago rezoned from RA to R-10 and now a portion of it is being rezoned to C-2. He thinks we need to be careful about piece meal zoning.
2. We are in the process of considering revising our land use plan. He thinks there is a question about the market need at this point, giving all the land we have that is commercial, to be rezoning something commercial. We have Powell Place directly across the way which 45% is commercial, including a hotel. We have Moore's Ridge a 65,000 sq. ft. development, the Business Park on 64, Pittsboro Place, and 40,000 sq. ft. of office space on 15-501 South of the Courthouse. We need to be looking, as a part of our land use process, where it makes sense and what type commercial we should have.
3. If you look at the list of uses in a C-2 district, it has an incredible number of uses, including automobile parking lots, he thinks we have more than enough automobile parking places as you enter town from various directions. We ought to be looking toward having more conditional use type zoning when you are doing particularly a large scale commercial property so that the Town and the citizens have some say in exactly what goes into that property. Might want to look at going to conditional zoning.

REZONING REQUEST – VAN FINCH

Consider a rezoning request from Van Finch. The site is a .33 acre property located at 46 Hwy 87N. The applicant requests consideration of a change from R-12 to C-2.

PUBLIC COMMENTS:

Van Finch – 100 Hibiscus Court, Apex, NC – stated he purchased the house (located behind Ronny's Quick Shop) in December 2000. The house was built in the late 40's. The tenants that have lived there have complained about traffic and the traffic noises. It has been a problem for people using it as a residence. That is why he is requesting the change in zoning.

CLOSING A PORTION OF OLD LOCKVILLE ROAD

Consider a petition to close a portion of Old Lockville Road.

PUBLIC COMMENTS:

Randall Jarrell – 705 Sanford Road – stated his property backs up to Old Lockville. He would like the property marked. He would also like to know the additional property he will get and that it be marked properly.

MORATORIUM

Reconsider a moratorium on the approval of subdivisions and non-residential development. The current moratorium expires on April 15, 2006.

Planner Monroe went over the chart below:

Project	Flow	Build Out
Current Tributary	420,000 gals	
Paper Flow		
Chatham Forest	20,000	2-3 yrs
Potterstone Village	31,750	2-3 yrs
QuikLube	420	---
Pittsboro Medical/Office Pk	5,000	1 yr
Pittsboro Place @ Industrial Dr.	15,000	2 yrs
64 Business Park	8,000	2-3 yrs
Lowe's et. al.	17,000	2 yrs
Powell Place	<u>200,000</u>	6-7 yrs
Total	717,170 gals	

This number represents the current tributary flow plus the flow committed by contract or to approved projects. Although Powell Place has a 200,000 gallon reservation, only 17,160 gallons have actually been drawn against that at this time.

The Town's commitments have slightly exceeded 90% of the permitted capacity that is the reason for invoking a moratorium.

The term of the moratorium is guided by the actions the town is taking to resolve the problem of insufficient capacity.

- The Town has executed a contract with Diehl & Phillips to prepare construction drawings for Phase 1 Wastewater Treatment Plant construction. The term of the contract is 180 days so drawings should be complete by September 2006.
- The drawings will be submitted to the state with a request for express review (60 days).
- It is anticipated the permit will be issued by January 2007.
- It is hoped construction will begin in May 2007.
- Construction should be completed between May-November 2008.

PUBLIC COMMENTS:

Steve Carr – 433 West Salisbury Street – stated he owns a commercial building (Edwards Antiques) and he would like to place an eating establishment there. But the capacity limit of wastewater is 1,800 gallons during the moratorium and that would limit seating to 45 seats. He would request that some type of arrangement be made to increase the 1,800 gallons per day cap. He wants to keep downtown vibrant.

Lothar Voller – 157 Chatham Mill Road – He is one of the owners of Voller Realty and Construction and he started Chatham Forest on 1997. In 1999 the moratoriums started it has been going on about seven years and not much has been done. It is now 2006 and all of the stakeholders in Pittsboro and its ETJ deserve a resolution. He proposes the following for consideration:

1. Work with the town planner and planning board to create a district centered at the courthouse and radiating outward in all directions that would allow and encourage development in the downtown/historical district. (Approximately 5,000 to 10,000 gpd)
2. Reserve some capacity for municipal projects. For example, the new judicial center.
3. Allow for some capacity to be reserved for existing projects and their revisions and modifications. For example, Mr. Spoon's project, Potterstone Village, Powell Place, Chatham Forest.
4. If a project is submitted requiring only water with septic fields allow for the review, design and installation of sanitary sewer that could be utilized, when capacity is available. (This will save the town the cost of extending lines to these communities in the future.)
5. Encourage and provide incentives for the design and installation of re-use lines (purple pipe) in new communities.

Ricky Spoon – 2475 Red Bud – he is in favor of keeping downtown vibrant. He would encourage the board to do something special for Mr. Carr. He is all for it.

Motion made by Commissioner Brooks seconded by Commissioner Brooks to go out of public hearing.

Vote Aye-5 Nay-0

Randall Jarrell – 705 Sanford Road stated he works for a wastewater management company and he would be willing to help with design.

Betty Marsman – Roberts Streets – stated the fumes from the plant are horrendous. She has called in the State about the smell; they told her that they do not have any regulations in place to set distances between homes and a wastewater treatment facility. Her house is

approximately 350 yards from the plant. In the summer the smell is so bad you can't breathe or go outside. The smell is so bad that it got in her closet and she had to send her clothes to the dry cleaners, which was very expensive.

Ms. Marsman stated the Town came out and flushed the line – but they have not yet found a solution for the problem. If the Town is going to expand at the current location she is going to give the Town a fight on this issue. There are other places that a wastewater treatment plant can go. She is offended by it – it's in a black community and she doesn't think it is fair. It's like putting a toilet in their back door.

Interim Manager Misenheimer stated that it is a wastewater treatment plant and it does have some odor.

Mayor Voller stated he visited the plant the other day.

Motion made Commissioner Brooks seconded by Commissioner Bryan to send the rezoning request from Ricky Spoon to rezone a 24 acre portion of lot #9752-00-15-7164; it is south of the Lowe's Home Improvement site and east of Lloyd Cooper's property fronting on Hwy 15-501, Mr. Spoon has requested a change from R-10 (High Density Residential) to C-2 (Highway Commercial); the rezoning request from Van Finch to rezone a .33 acre property located at 46 Hwy 87N, the applicant requests consideration of a change from R-12 to C-2 and a moratorium on the approval of subdivisions and non-residential development to the Planning Board for recommendations.

Vote Aye-5 Nay-0

AN ORDINANCE CLOSING A PORTION OF OLD LOCKVILLE ROAD

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve An Ordinance Permanently Closing a Portion of Old Lockville Road.

Vote Aye-5 Nay-0

AN ORDINANCE PERMANENTLY CLOSING A PORTION OF OLD LOCKVILLE ROAD IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 4-5

OLD BUSINESS

SELECTION PROCESS FOR TOWN MANAGER

Consideration of hiring process for the selection of Town Manager.

Commissioner Cotten stated he feels we should address this matter and determine certain

procedures we will follow. He stated he appreciates the information Attorney Messick provided. He stated he tried on February 27 to launch this but it got sidetracked.

The Board asked Attorney Messick for guidance.

Attorney Messick stated the board could establish a screening committee to narrow down the applicants and they need to establish a salary range – it could be done with the whole board or three members from the board.

Attorney Messick stated they would need to have a special meeting.

It was the consensus of the board to set a Special Meeting for Thursday, April 6, 2006 at 7:30 pm in the Town Board Room.

It was discussed that at this meeting it will be narrowed down as a board and then the interview process will begin.

Commissioner Walker asked if there is a way we could legally do a criminal background check on applicants or do we have to ask them if they would consent to it.

Attorney Messick stated it would be best to do them on the final applicant selection, because of the cost to do these background checks.

Commissioner Baldwin asked if the Police Department should do them.

It was stated that they may be able to.

NEW BUSINESS

STORM WATER MANAGEMENT WETLAND

The North Carolina Cooperative Extension Service has requested consideration of permission from the Commissioners to construct a storm water management wetland on a portion of the unimproved right of way of Rectory Street adjacent to RAFI.

Planner Monroe stated Ms. Karen Hall, Extension Associate with NC State University has requested that they construct a storm water management wetland on a portion of the unimproved right of way of Rectory Street adjacent to RAFI.

The former pond which is adjacent to Little Creek (which drains to Robeson Creek), presently receives stormwater runoff from about 24 acres surrounding the area. Given

that Robeson Creek is a Total Maximum Daily Load watershed for Total Phosphorus and that the North Carolina Division of Water Quality has recommended a reduction in Total Phosphorus from non-point source urban inputs like stormwater, NCSU has identified this area as having excellent potential for treating stormwater and helping reduce pollutant loads from stormwater through the installation of a stormwater wetland.

A portion of the stormwater wetland is located on right of way designated as an extension of Rectory Street.

Planner Monroe stated this would be done with no cost to the Town.

Commissioner Cotten stated a waterline goes up Rectory Street where Ms. Hall is talking about. He doesn't see prospect of development in this area. Wanted to know if they had funds to build a bridge over it.

Commissioner Walker asked if this was approved should the street be closed.

The board discussed concerns about erosion at the Rescue Squad building and would like it all to be tied together.

Commissioner Baldwin stated it seems to her that we should not abandon the right of way.

Motion made by Commissioner Baldwin seconded by Commissioner Brooks to allow them to construct a storm water management wetland on a portion of the unimproved right of way of Rectory Street, that the Town retain the right-of-way and that the banks be stabilized from 64 to Little Creek at the proposed wetlands.

Vote Aye-5 Nay-0

CONTRACT – IN-WATER SERVICES COMPANY, INC.

Consideration of request to approve contract with In-Water Services Company Inc. to conduct cleaning of raw water intake.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the Quotation #2005-1075 from In-Water Services Co., Inc. in the amount of \$19,311.00 and that the funds come from the enterprise fund balance.

Commissioner Baldwin asked about getting on a maintenance program.

Interim Manager Misenheimer stated that item would be considered at budget time.

Vote Aye-5 Nay-0

COPY OF THE QUOTATION FROM IN-WATER SERVICES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 64-65

**PARKS AND RECREATION ADVISORY BOARD
RECOMMENDATION**

Recommendation from the Parks and Recreation Advisory Board to pursue immediate roof repair of the Community Building, reflecting the historic nature of the building, and to pursue an estimate on restoring the building to a usable condition.

Interim Manager Misenheimer stated funds were budgeted for the roofing project. He stated that we have a dance group that uses the building on a regular basis and they will be told they can't use it for a while.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the roof repair at the Community Building using metal roofing and that the gutters be replaced. That at least three bids be received.

Vote Aye-5 Nay-0

**PARKS AND RECREATION ADVISORY BOARD
RECOMMENDATION**

Recommendation from the Parks and Recreation Advisory Board for authority from the Town Board to accept funds, in particular from Active Chatham, for clean-up and bridge(s) installation at Town Lake Park, and to endorse the concept of creating a continuous loop trail.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to accept funds, (which are to be paid to the Town), from Active Chatham, for clean-up and bridge(s) installation at Town Lake Park, and to endorse the concept of creating a continuous loop trail.

Vote Aye-5 Nay-0

**PARKS AND RECREATION ADVISORY BORD
RECOMMENDATION**

Recommendation from the Parks and Recreation Advisory Board for the Town Board to explore an extension of the lease agreement with the Chatham County Board of Education for a 30-year lease, request funding assistance from Chatham County, and secure funding for the complete replacement of tennis and basketball courts.

Commissioner Cotten stated this is a three step process.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the three step process: 1) to explore an extension of the lease agreement with the Chatham County Board of Education for a 30-year lease, 2) request funding assistance from Chatham County, and 3) secure funding for the complete replacement of tennis and basketball courts.

Commissioner Brooks asked that the Parks and Recreation Board communicate with County Commissioner Tommy Emerson about funds available from Goldkist.

Mayor Voller stated that Dr. Hart has stated she is open to modifying the lease. Mr. Alden who is on our Parks and Recreation Board stated that the County Recreation board unanimously approved money for the Town and it is coming.

Commissioner Cotten stated the money would have to be funded during the budget process.

Commissioner Bryan stated we need some provisions in place for yearly maintenance.

Vote Aye-5 Nay-0

“KIDS WALK TO SCHOOL”

Consideration of request to develop a grant application in developing a “Kids Walk to School” project with Smart Growth Alliance.

Mayor Voller stated he wanted to get this to the Board for information and later discussion.

Commissioner Brooks stated he was personally in favor of the mission – he walked to school as a boy. He has some problems with this. The Town tried to get crossing guards on 64 but because of liability issues, etc. it did not occur.

He does not know why you would have to spend \$30,000 to encourage parents to get their children to walk to school. He has a lot of concern about safety for children with the recent introduction of Jessica’s law. We need to really study this. He would not vote for it if there was any tax dollars involved.

Commissioner Walker asked if they were a 501.3c entity. This should be included in the items to be researched.

Motion made by Commissioner Brooks seconded by Commissioner Walker to send this item to the Parks and Recreation Advisory Board for study and recommendation.

Vote Aye-5 Nay-0

COMMISSIONER CONCERNS

Planner Monroe stated he has received three proposals for the update to the land use plan.

Mayor Voller stated he has been attending meetings with Toll Brothers and 3M and have had a positive outcome.

Mayor Voller stated Toll Brothers proposal includes a force main, a force main only benefits them – so we are looking at other options.

Interim Manager Misenheimer stated we have the best interest on the Town in mind.

Ricky Spoon stated he offered to pay his share which is a sufficient amount.

Commissioner Brooks stated the street light has been placed on JA Farrell Street. He stated we need to do some planning before we reach the 5,000 population count (regarding infrastructure). We need to work on this before the census nail us.

Commissioner Brooks stated we are not to get into debates with the public during public hearings. The Board has asked questions of the presenters. Public Hearings are an opportunity for the public to speak out.

Commissioner Brooks stated he has very little interest in following the county (Jeffery Starkweather comment). We need more business around here and we have to be careful about closing the door on any business.

Commissioner Brooks stated in regards to Ms. Marsman's comment – the sewer plant was there in 1961 and that was the most logical place to put it because it had to go into Robeson Creek.

Commissioner Cotten reminded the board of the Solid Waste hearing on the 10 year Comprehensive Plan on April 5th at 6:30 in the Dunlap Classroom. He said we may just as well start writing a letter to the citizens, because the fee goes into effect May 1. Siler City and Goldston approved it.

Commissioner Cotten requested that the copy of the information he provide the board regarding a second not being required is included in the minutes.

A COPY OF THE INFORMATION PROVIDED BY COMMISSIONER COTTEN IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 66

Commissioner Bryan asked if the board didn't reserve wastewater capacity for industrial development and if so, would it not work for this restaurant. Is there anyway we could get him capacity.

Commissioner Walker stated he does not know the answer – maybe East West Partners would give up some for this project.

Mayor Voller asked Attorney Messick what type policy we had regarding conflict of interest. He is part owner of Voller Realty and Construction and his father owns Morris Rowland Construction.

Attorney Messick stated we basically have no rules except what the state allows. If you could be impacted by a decision you make, in the past the board has asked to be removed from matters. Some exceptions are made for banks/physicians, etc.

Mayor Voller would like that information submitted to each board member.

Commissioner Brooks stated that in the past if there were an item that you or family members would benefit from – you would ask to be excused.

Mayor Voller stated he signed an invoice for payment to Rowland Construction Company for work that was done before he became Mayor. He would request that if we received any more invoices from his father’s company that Commissioner Bryan is asked to sign it.

The Board agreed.

FYI

- Update of NC Rural Water Rate Study
- April 26, 2006 NCLM Regional Meeting in Southern Pines

ADJOURNMENT

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn.
Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk