

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
MONDAY, JUNE 12, 2006  
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Rev. Tripp Harman, Pastor, Pittsboro Baptist Church gave invocation.

**ATTENDANCE**

Members present: Mayor Randolph Voller, Commissioners, Pamela Baldwin, Clinton E. Bryan, Jr., Gene T. Brooks and Chris Walker. Commissioner Max G. Cotten was absent due to having surgery.

Other staff present: Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe, Chief of Police David Collins, Water ORC Frank Efird and Utilities Director John T. Poteat.

**AGENDA APPROVAL**

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

Vote Aye-4 Nay-0

**CONSENT AGENDA**

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

- Minutes of the May 22, 2006 Board of Commissioners meeting.
- Request to rezone 1.93 acres owned by Jimmy and Sandra Perkins at 29 Old Rock Springs Cemetery Road from R-12 to C-2. Set public hearing date for June 26, 2006.
- Request to rezone 45.09 acres at the northeast corner of Russet Run and Highway 15-501 from R-A2 to C-2. Set public hearing date for June 26, 2006.

Vote Aye-4 Nay-0

**CITIZENS MATTERS**

Commissioner Walker asked the Board to approve Friday, June 16, 2006 (the opening day of the College World Series) as “Benji Johnson Day” in the Town of Pittsboro. Benji is a member of the UNC Chapel Hill Baseball Team and the first Pittsboro resident to appear in the College World Series taking place in Omaha, Nebraska. His parents are Bennie and Elsbeth Johnson.

Motion made by Commissioner Walker seconded by Commissioner Brooks to authorize staff to prepare a Resolution Honoring Benji Johnson and declaring June 16, 2006 "Benji Johnson Day".  
Vote Aye-4 Nay-0

**RESOLUTION HONORING BENJI JOHNSON IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 428**

**PUBLIC HEARING**

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

**PUBLIC HEARING PROPOSED FY 2006-2007 BUDGET**

Manager Misenheimer presented the following breakdown:

General Fund Services Departments:

Governing Body	\$ 24,700.00
Administration	214,506.00
Planning	133,756.00
Police	791,122.00
Fire Department Contract (10% Increase)	184,755.00
Public Bldgs. & Grounds	88,968.00
Street Maintenance	192,304.00
Powell Bill Street	111,988.00
Sanitation Contracted Services	324,700.00
Recreation Department	67,800.00
Total General Fund Services Expenditures	\$ 2,149,049.00
Total General Fund Services Revenues	\$ 2,149,049.00

Enterprise Fund Departments:

Total Water and Sewer Utilities Expenditures	\$ 1,931,850.00
Total Water and Sewer Utilities Revenues	\$ 1,931,850.00

Manager Misenheimer stated the proposed budget does not include a tax increase, or an increase in the water and sewer rates.

Manager Misenheimer stated he would like for the board to look at some of the fees as we update the land use plan, and possibly increasing fees on January 1, 2007.

Public Comments:

None

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

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the budget as presented with the addition of the life insurance as presented (2 times the annual salary up to \$150,000).

Vote Aye-4 Nay-0

Commissioner Cotten submitted the following regarding tonight's meeting:

TOWN OF PITTSBORO  
BUDGET 2006-2007  
POSITION PAPER  
OF MAX G. COTTEN

I. Recommendation

- A. All employees (other than Manager) should be given a COLA (cost of living adjustment) of four percent (same as Social Security).
- B. Employment of full time finance officer. Degree in accounting plus strong background in governmental accounting as a minimum. Prefer Certified Public Accountant.

II. Comments/Questions

A. Comments:

1. Did not find the following:

- a. Lease of property for spray field. \$96,000
- b. Hobbs Upchurch Contracts \$392,433
- c. Set-a-side for early retirement of debt per resolution \$35,000
- d. Residential Solid Waste fee currently \$144.00 is not mentioned in budget message.

If the Town expects to pay these items, they must be budgeted.

III. General comments

- A. Budget for pavement resurfacing is inadequate. Use of Powell Bill funds for salaries is questionable.
- B. Republishing ordinances and citizens surveys should be omitted.

- C. I am concerned about the mention of River Oaks Projects and Fire Tower Road sewer line in budget message though no specific budget figure is proposed.
- D. I fear revenue projections for both the General Fund and Enterprise Fund are too optimistic.

Mayor Voller asked that Commissioner Cotten's comment regarding a Finance Officer be addressed because others of you have expressed the same issue.

Manager Misenheimer stated a Finance Officer will have to be added in the future. He is looking at using some grant monies to fund that position.

Manager Misenheimer stated next year the budget process will be started sooner and we will be able to hold work sessions on the budget.

Manager Misenheimer stated we currently have an Investment Policy.

Commissioner Brooks stated he would like to see us set aside money for the Capital Reserve Fund and he would like to see Department Heads at work sessions next year.

## **OLD BUSINESS**

### **WHITE MOUNTAIN PRELIMINARY SUBDIVISION PLAT**

#### **White Mountain preliminary subdivision plat.**

Planner Monroe reported that at 1:45 pm today he received a report from the Whitteds' from the Sungate design group who has conducted a study of water flow which indicates a substantial increase in runoff from the proposed subdivision. Typically, the board has tabled an item if information is received at the meeting.

Planner Monroe stated that Sungate has done a good job on their report but as the letter states they were not allowed onto the Wieler property.

Samir Bahho stated there will not be erosion, the water will flow in the pond and east – water has to go its natural way.

At the Planning Board meeting the members received a copy of the Commissioners May 8<sup>th</sup> meeting, a summary of the presentations at the public hearing and all correspondence received since the hearing. Just prior to assembling the packets a letter was received from Attorney Morphis. The packet included responses to the issues raised at the hearing. These responses were made by Samir Bahho, engineer for the project, and Jeff Vaughn of Agri-Waste Technologies and they directly answered Mr. Morphis' expressed concerns. In addition, Attorney Bradshaw presented the Board with a response to Mr. Morphis' letter. (A copy is recorded in the Book of Resolutions).

He presented a response to Attorney Morphis' letter. After reading and hearing the responses by Mr. Bahho, Mr. Vaughn, Mr. Bradshaw and himself, the Board felt that all the issues raised had had responses submitted from experts. It was satisfied that the previous problem with notification had been corrected.

The Planning Board voted unanimously to recommend that the Commissioners approve the White Mountain Subdivision with the condition that a Soil Erosion, Sediment Control Plan be developed, submitted, reviewed and approved.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve White Mountain Subdivision with the condition that a Soil Erosion, Sediment Control Plan be developed, submitted, reviewed and approved.

Vote Aye-4 Nay-0

**INFORMATION SUBMITTED BY CATHLEEN & TURNER WHITTED IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 429-434**

**ADDITIONAL INFORMATION REGARDING WHITE MOUNTAIN IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 441-463**

#### **ZONE TEXT AMENDMENT**

**Zone Text Amendment to consider updates, changes in uses, and mandated revisions.**

Commissioner Walker stated this is such a long document, he would like to hold a special meeting to review it.

Mayor Voller asked about the status of the Flood Ordinance and stated he would like to see items that were approved since he started in January to be completed.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to schedule a work session within the next 30 days.

Vote Aye-4 Nay-0

#### **NEW BUSINESS**

#### **CONTRACT – TJCOG**

**Contract for planning services with Triangle J Council of Governments to update Land Use Plan.**

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the Contract with TJCOG.

Vote Aye-4 Nay-0

**A COPY OF THE CONTRACT WITH TRIANGLE J COUNCIL OF GOVERNMENTS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 435-440**

**COCHRAN – COMMERCIAL SITE PLAN**

**Cochran commercial site plan. The property is located immediately east of the offices for Platinum Custom Homes and is on the site of the business formerly owned by Steve Cooper.**

Planner Monroe stated the Planning Board reviewed a revised site plan which resolved the issues raised during the review of the original plan on May 1<sup>st</sup>. Issues which had been identified regarding poor location of dumpster and conflicting turning movements at a drive through window were eliminated by moving the dumpster, extending the drive through to Thompson Street and dropping the idea of the drive through. In addition, Mr. Cochran pledged to provide improved landscaping on his sites.

With these revisions, the Board recommended that Commissioners approve the site plan with the condition that a recombination of lot lines be submitted to and approved by the Planner.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the Cochran commercial site plan.

Mayor Voller asked about a pedestrian conveyance between the two streets. Mayor Voller asked Mr. Cochran about some financial participation in the future for sidewalks.

Mr. Cochran stated it would be a problem with easements.

Mr. Cochran stated he would be willing to look at this matter.

The Board agreed that the staff negotiate the sidewalk situation.

Vote Aye-4 Nay-0

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

**BB&T – COMMERCIAL SITE PLAN**

**BB&T commercial site plan. This proposed project is located in the southwest corner of Highway 15-501 and US 64 By-pass on Tract 3 in Powell Place.**

Planner Monroe reported that at the Planning Board meeting they reviewed a revised site plan for the BB& T bank site. This property is at the northwest corner of the intersection of US 64 by-pass and hwy 15-501. The first time the plan was reviewed it was presented with no relationship to any other parcel in Powell Place and a number of questions were

raised about how it integrated into the development plan and infrastructure design of the remaining parcels. This plan was reviewed along side plans for Tracts 2 and 2A (which comprise Phase One of the Commercial Plan for Powell Place). In this review a number of changes were cited as necessary. All of those changes have been made on the plan presented tonight. The Planning Board recommended approval with conditions; all of these conditions have been met on this plan.

Conditions:

- The PIN number and deed book reference on page C-1 refer to a Tract 3 of 1.5 acres. These same references appear on subsequent pages associated with Tract 2A. This should be corrected.
- Note 21 on page C-2 and note 2 on page C-3 should be modified to require that the contractor also notify the Town of Pittsboro for utility location 48 hours prior to any digging.
- Note 14 on page C-2 should be modified to also require coordination with the Town Planner prior to erecting any sign.
- Note 24 on page C-2 should be modified to require submission of “as built” drawings to the Town of Pittsboro Planner.
- The water line location and connection point should be reconciled with the Village Center site plan.
- A note should be added to the Soil Erosion Plan to indicate maintenance of the construction entrance.

Commissioner Walker asked about the type screening that would be used. He stated that some types of screening create safety issues for the employees and customers of the banks. Someone can be hiding in/behind them.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the commercial site plan for BB&T.

Commissioner Baldwin asked about the traffic signal that is suppose to be at Powell Place/Lowes.

Planner Monroe stated the contract stated that Powell Place and Lowes would have to pay for it – they have paid for it and he was told by NCDOT that it would be installed by the end of the year. The turn lanes may be installed sooner. The reason for the delay is because of the type metal poles the light will be placed on.

The board suggested that a letter be prepared and sent to Senator Hackney and Atwater to see if we can get this done sooner.

Commissioner Brooks stated he has been through Powell Place, (he was very supportive of Mr. Perry) but he is very disappointed at the development. He promised a small Meadowmont but it does not look like it to him. Progress has been awfully slow.

Vote Aye-4 Nay-0

**A COPY OF THE COMMERCIAL SITE PLAN CAN BE FOUND IN THE TOWN PLANNER'S OFFICE AT TOWN HALL**

**HOLMES OIL – COMMERCIAL SITE PLAN**

**Holmes Oil commercial site plan. This proposed project is located at the northwest corner of Powell Place Lane and Highway 15-501 on Tract 2 in Powell Place.**

Planner Monroe reported the Planning Board reviewed the commercial site plan for the Holmes Tract in Powell Place. Mr. Holmes proposes to build a convenience store/gas station with a drive through window (for coffee and sandwiches) and a carwash. The Boards' discussion focused on the issue raised and obtained responses at the meeting from Ray Watson of the John R. McAdams Company (engineer for the project). After going through each of the points Mr. Watson and Mr. Holmes agreed to all the changes proposed.

The Planning Board voted to recommend approval of the plan with the conditions listed below:

- The right turn in/turn out proposed on Powell Place Lane. The inbound lane poses no concern, but the outbound lane would encourage u-turns on Powell Place Lane. There is no constructive need for this right exit given the proximity of the westerly exit shown. A potential u-turn in this entrance is counter productive and potentially dangerous.
- The dumpster area depicted on the south side of the building should be thoroughly screened. It will represent the first impression of the site from Powell Place Lane and it is not inviting.
- The purpose of the drive through window should be more clearly defined. It would appear that this drive thru is associated with a restaurant use. This could result in a greater parking requirement but would most certainly require higher impact fees for water and sewer Capacity Recovery calculations. This should be corrected.
- Note 8 on page C-3 indicates this drawing is a reproduction not to scale. Submission requirement demand scaled drawings. This should be corrected.
- Note 11 indicates an illuminated site identification sign is required. The Town Planner must permit this sign before it is erected.
- Note 18 requires maintenance and provision of "As Built" drawings. These should also be submitted to the Town of Pittsboro and the note should be modified to so indicate.
- Note 19 indicates that departures from the specifications or drawings should be submitted to Powell Place for review; such drawings must be submitted to the Town of Pittsboro for its review and approval. The note should be modified to so indicate.
- Note 21 requires contractors to notify "On Call" 48 hours prior to any digging. This note should be modified to include the Town of Pittsboro in the notification.

- Note 28 requires that all roadwork conform to NCDOT construction and material specifications. This note should be modified to require submission to and approval by the Town of Pittsboro.
- The flood hazard note on page C-3 should be updated to reflect the most recently available data from FEMA.
- The Conceptual Grading/Clearance Plan (page C-4) will have to be developed in to a full scale Soil Erosion Sediment Control Plan with a construction entrance and details for its maintenance.
- A lighting plan will have to be developed and approved by the Town Planner.
- A sign plan will have to be developed and approved by the Town Planner.

Planner Monroe stated a revised set of drawings were prepared for this meeting with the changes reflected. If the Board wishes to affirm the Planning Board recommendation two conditions should be stated:

- A building permit will not be released until a Lighting Plan has been developed, submitted and approved by the Planner;
- A building permit will not be released until a Soil Erosion, Sediment Control Plan has been developed, submitted and approved by the Town and the Department of Environment and Natural Resources.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the commercial site plan for Holmes Oil with the conditions that: a building permit will not be released until a Lighting Plan has been developed, submitted and approved by the Planner; and that a building permit will not be released until a Soil Erosion, Sediment Control Plan has been developed, submitted and approved by the Town and the Department of Environment and Natural Resources.

Vote Aye-4 Nay-0

**A COPY OF THE COMMERCIAL SITE PLAN IS ON FILE IN THE TOWN PLANNER'S OFFICE AT TOWN HALL.**

Mayor Voller asked what type gas station would it be and if they are planning on selling E85 and/or biodiesel.

Mr. Holmes stated it would be an Exxon Station and they will be carrying E85 (one of the first stations around) as well as biodiesel.

**2006 CLEAN WATER BOND RESOLUTION**

**2006 Clean Water Bond Resolution – NC Rural Center.**

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adopt the resolution.

Vote Aye-4 Nay-0

**2006 CLEAN WATER BOND RESOLUTION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 464**

**DISCUSSION – COUNTY/HARNETT COUNTY WATER SERVICES**

**Discussion of county’s agreement for water from Harnett County.**

Mayor Voller stated the County is currently looking at spending 32,000,000 to connect to Harnett County’s water serve. He would like for the board to send a letter to Mr. Horner and the Commissioners to consider Siler City, Pittsboro and Goldston. The municipalities within the County can benefit from infrastructure improvements to their system.

Commissioner Brooks stated the Board has opposed this type arrangement before, but he would like for our Board to engage in discussion.

Manager Misenheimer stated they get Economic Development Funds for this type project.

Commissioner Brooks stated he would like to send a letter to the County Commissioners regarding getting water to the residents of Old Sanford Road.

Motion made by Commissioner Brooks seconded by Commissioner Walker to send a letter to Chatham County regarding the water agreement with Harnett County and regarding water lines to Old Sanford Road.

Vote Aye-4 Nay-0

**SIDEWALKS**

**Discussion/updates of sidewalk project along 15/501 and access for pedestrians at Chatham Mills/Marketplace.**

Mayor Voller requested that this item be on the agenda and submitted emails received regarding a sidewalk along 15/501 and Chatham Mills/Marketplace.

The Board felt that Chatham Mills/Chatham Marketplace should be asked for contribution to fund sidewalk improvements along 15-501.

The Board discussed the position of the current entrance/exit to Chatham Mills.

Planner Monroe stated the driveway is where NCDOT approved its location.

Commissioner Brooks asked that DOT be contacted to do a traffic study in the area.

Manager Misenheimer suggested that it be a high priority request.

Commissioner Brooks made a motion seconded by Commissioner Bryan to contact the proper people at NCDOT to do a study on the safety of the driveway into Chatham Mills/Chatham Marketplace.

Commissioner Baldwin asked that it be required that they connect to Chatham Forest to make it more accessible. The Board agreed that they should vote on the current motion first.

Vote Aye-4 Nay-0

There was discussion of bike and pedestrian access. A motion was made by Commissioner Brooks seconded by Commissioner Walker to send a letter to Mr. Roberts to ask that he meet with Mr. Voller to work out a solution.

Vote Aye-4 Nay-0

**COMMENTS REQUESTING ACCESS FOR PEDESTRIANS AT CHATHAM MILLS/MARKETPLACE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 465-482**

**PAVEMENT CUT POLICY**

**Updates of utility companies/development entering r-o-w and cutting utility lines (develop policy to recover damages and expenses caused by contractors, etc.).**

Mayor Voller stated what brought this up was that Time Warner cable hit a gas line in Chatham Forest, after they were told they could not dig until the lines were located. He would like for the Town to develop some type of no cut policy and implement a fine.

Commissioner Brooks asked that we ask Triangle J what other places do in these situations.

Motion made by Commissioner Brooks seconded by Commissioner Walker to ask Triangle J for assistance in this matter.

Vote Aye-4 Nay-0

**LYLE ESTILL**

**Discussion of Biodiesel and Piedmont Biofuels and consideration to adopt a resolution supporting NC General Assembly initiative to utilize alternative fuels (i.e. biodiesel and ethanol).**

Lyle Estill was present to let the Board know that he has a biodiesel processing facility where Inco/Alloys previously was. They use chicken fat and vegetable oil for production. He would like to offer the Town staff a tour of the facility. He stated he has been well received by the Town.

Manager Misenheimer asked if he had tried to get grant funding for the process.

Mr. Estill stated he did not want to use grant funding.

Staff Reports/Manager updates

- 3M project/reuse lines
- Meeting w/NC Rural Center – grant update
- Toll Brothers/River Oaks project

FYI

- Letter to Time Warner Cable
- Letter on White Mountain Subdivision

MPO in regards to RPO – Chatham County has been invited the County to be a member, there is a vacant seat on the MPO board for Pittsboro.

Commissioner Brooks thanked Billy Hughes for his comments regarding grey water lines.

### **COMMISSIONER CONCERNS**

Public Hearing proceedings memo-Commissioner Gene Brooks

Commissioner Brooks stated he would like for us to have some procedures for public hearings. After discussion the board agreed to have Attorney Messick prepare a procedure for public hearings and present it back to the board.

Attorney Messick will draft two different types of procedures for public hearing for the next meeting.

Commissioner Brooks would like to encourage them to present their opinions in writing also.

Memos per Commission Cotten – regarding budget and agenda items

Following item was submitted by Commissioner Cotten. His position paper was included during the budget discussion:

To: Mayor Randy Voller  
Subject: June 12, 2006 meeting  
Date: June 6, 2006

Due to my having invasive surgery on my left eye I will not be able to attend the meeting.

This memo is intended to inform you of my opinions on issues which are/should be on the agenda. The issues are:

White Mountain Development

I continue to be concerned about the wells and septic tanks proposed. However, due to the status of our sub-division ordinance, I do not believe we can turn down the proposal.

Hobbs, Upchurch contracts

In my opinion approving these contracts with one motion and without discussion was a great error and could cause real serious problems. I therefore, respectfully request this item be placed on the agenda as reconsideration of the motion to approve the contracts with a goal to reverse approval.

Budget for 2006-2007

Though the legal deadline for submission of budget is June 1<sup>st</sup> I feel strongly that the budget should have been given to Commissioners no later than May 15. A work session could have been conducted prior to public hearing.

Since I will not be attending the meeting June 12<sup>th</sup>. I have prepared a position paper which I request be included in the minutes either by reference by you or reading by someone.

Please call me if you have questions about this memo or budget position paper.

cc: Commissioner Baldwin  
Commissioner Brooks  
Commissioner Bryan  
Commissioner Walker  
Manager Misenheimer  
Alice Lloyd, Clerk  
Paul Messick, Attorney

Commissioner Walker wanted to thank the Town Staff (Police) and Fire Department for all their assistance during the explosion of the gas line in Chatham Forest. He would also like for Mr. Monroe and Chairman Hoyle to get more input from the Fire Department at the developments proposed since they will have to service them.

Chief Griffin was present and stated that Mr. Monroe calls him about each development.

**ADJOURNMENT**

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

\_\_\_\_\_  
Randolph Voller, Mayor

ATTEST:

\_\_\_\_\_  
Alice F. Lloyd, CMC, Town Clerk