

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
MAY 14, 2001  
7:00 P. M.

Mayor Charles R. Devinney called the meeting to order and gave invocation.

ATTENDANCE

Members present: Mayor Charles R. Devinney, Commissioner Gene T. Brooks, Clinton E. Bryan, Jr., Ethel F. Burns, Max G. Cotten and Burnice Griffin, Jr.

DISPOSITION OF MINUTES

Motion made by Commissioner Burns seconded by Commissioner Bryan to approve the minutes of the April 23, 2001 regular meeting and the January 26, 2001 closed session minutes.

Vote Aye-5 Nay-0

CITIZENS MATTERS

Ms. Betty Marsman stated she feels the citizens of Pittsboro do not have input into planning decisions the Town makes. She feels we should look at other ways of making sure citizens are aware of what is proposed. Maybe the developer should be required to take the responsibility of getting information to citizens of Pittsboro. Maybe a meeting could be held on the proposed development site.

Mayor Devinney thanked Ms. Marsman for her concerns and advised that we do the state requirement which is to notify each adjoining property owner and public the legal notice in the newspaper. He further stated they would look into the matter further to see what else they can do.

Ms. Cindy Edwards – Pittsboro Merchants Association wanted to thank the Board for supporting them during their festival.

REPORT FROM PLANNING BOARD CHAIRMAN

Mr. Neil Flynt, Planning Board Chairman, reported that they are very close to having the Land Use Plan Update ready for presentation to the Board.

### Land Use Plan Concerns:

- The major concern about the land use plan among the board members was the costs of implementing the plan.
- For the near future, the board recommends that the land use plan be based on 3 to 5 years.
- The planning board should look at growth in non-watershed areas.

### Planning Board Concerns:

- Recommend having a working session before each planning board meeting.
- Receive information packages as early as possible so members will have more time to study and evaluate the information. They would like to receive the information at the same time as the Town Board does.
- Recommend that any member that misses 3 (three) consecutive meetings or 4 (four) meeting in one year be replaced.

### Recommendation to Town Board of Commissioners:

- Need for a zoning compliance inspector to insure compliance with approval of the site plan.
- A performance bond to be submitted with the site plan. Since the certificate of occupancy are issued by the County before the site plan has been completed.
- The amount of the bond would be based on the percentage of the total cost of the job.
- Change comparable development fees to those of other surrounding town and cities.
- Look for additional resources, such as help from the federal government for assistance with Roberson Creek and town sewer.
- Eliminate all R10 zoning inside the town limits.
- Have an ordinance review and enforce non-compliance.

The Planning Board feel they have come up with an updated acceptable Land Use Plan that will provide guidelines as we grow in to the future.

We are the only community in the state with a traffic model as provided by NCDOT Department Of Statewide Planning.

Commissioner Burns stated the Planning Board has done an excellent job and it has taken a lot of work.

Ms. Jenny Sowell was present as a representative of the Raleigh Regional Office of Division of Water Quality – NC Department of Environment and Natural Resources to provide clarity into the availability of permitted Wastewater Treatment Capacity.

Ms. Sowell answered the board questions.

## COPIER CONTRACT

Manager Montgomery stated the Pleasants Office Systems has made a proposal to buyout Pittsboro's current copier contract (approximately 9,700) and provide a new copier at a lower monthly rate than we are now paying.

Under the conditions of our present lease we are afforded some 1,500 copies per month, \$350.00/month, after which a \$0.025 per copy charge is added to the monthly cost, usually \$35.00/month. We currently have to purchase toner for the copier at an annual cost of \$200.00.

An additional benefit to the Town is unlimited access to copies made at Pleasant Office System located in the Courthouse Square. Thus far we have printed 50 copies of the Zoning Ordinance and 25 copies of the Subdivision Ordinance. The annual mailing of water quality information will determine additional 2,000 copies.

Town Manager Recommendation: The current copier is just over three (3) years old and it works ok. The proposed machine is represented to be more efficient and will be serviced by a local company. Access to the service of Pleasants Office System for copying at no additional cost is a big plus. If Pleasants will purchase our existing copier lease contract, the existing copier becomes the property of the Town of Pittsboro, and provides monthly saving, he would recommend approval of the contract following review by Attorney Messick.

This item was brought before the board because it is a multi-year budget item.

Motion made by Commissioner Burns seconded by Commissioner Brooks to look into this further.

Vote Aye-5 Nay-0

## MAY 28, 2001 MEETING

Motion made by Commissioner Burns seconded by Commissioner Cotten to cancel the May 28, 2001 meeting.

Vote Aye-5 Nay-0

## SCHEDULE PUBLIC HEARING COMMERCIAL SUBDIVISION – 64 EAST BUSINESS PARK

Motion made by Commissioner Burns seconded by Commissioner Bryan to establish a public hearing for June 11, 2001 for a Commercial Subdivision to be known as 64 East Business Park.

Vote Aye-5 Nay-0

## BUSINESS LICENSE REQUEST

The Town Clerk has received an application from Chatham Arms Company (gunsmithing and retail). Our current business license ordinance requires that the Town Board approve such an operation because she can issue a license. Manager Cornatzer approved the operation. It is a home occupation business.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to authorize the Town Clerk to issue the Business License to Chatham Arms Company.

Vote Aye-5 Nay-0

## REZONING REQUEST RICHARD AND DELLA WAITE

Mr. & Mrs. Waite are requesting to rezone property from C-2 and R-10 to a Conditional Use District to a build a Medical Office.

Manager Montgomery stated the Planning Board discussed this matter at their last meeting. The site plan contained the prerequisite as provided in Section 15 of the Zoning Ordinance. Mr. Hedgecock provided insights into the drainage situation on the property and that as much of the existing vegetation as possible would remain to provide for the necessary buffering to adjacent residential property. Chairman Flynt received assurance that additional planting necessary to insure the integrity of the screening requirements. Mr. Hedgecock assured the Board that should additional planting be necessary that they would be put in place. The Planning Board recommended approval of the site plan.

Attorney Messick stated he is somewhat confused about exactly what Mr. Hedgecock is applying for. The property is currently C-2 and R-10. A medical office is permitted as a matter of right in the C-2, but not in the R-10. The parallel conditional use districts provided for in the ordinance track the General Purpose Districts. An R-10 CU District would presumably allow some, but not all, of the uses permitted in the general purpose R-10 District. He does not see how Mr. Hedgecock can use such a classification for a medical office. He would recommend that Mr. Hedgecock request that the R-10 lots be rezoned to a C-2 CU District for the medical office.

Attorney Messick further stated since the thrust of a CU District is that the owner voluntarily limits the use of his property, he would suggest that we make sure Mr. Hedgecock represents the owners and that they agree to whatever conditions there are. If they do not agree, the property should not be rezoned to a CU District.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to rezone the property to C2-CU. Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Burns to approve the SUP without the entrance from Thompson Street and with the "Construction shall begin by 7-1-2001 and be completed by 7-1-2002.

Vote Aye-5 Nay-0

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR RICHARD HEDGECOCK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

REZONING REQUEST –  
MR. AND MRS. ARCHIE GUNTER  
MR. JOHN AND MR. TOM KROMBACH  
MR. WADE BARBER, JR.

Manager Montgomery reported the Planning Board discussed the request from Mr. and Mrs. Archie Gunter – approximately 9.5 acres; Mr. Tom and Mr. John Krombach – approximately 8.8 acres and Mr. Wade Barber, Jr. – approximately 8.8 acres to rezone their property from R-12 to O & I. Since the three requests for rezoning are located adjacent to one another Chairman Flynt instructed the Secretary to the Board to proceed with the discussion in the context of one parcel. He told the Board that at the Public Hearing one person spoke in favor of the rezoning and that a letter was received from an out of state person with land adjacent to the property. General discussion followed about the types of uses that are provided by right and with a SUP. Mr. Joe Faulkner, RLA, explained that the request was for O & I as an effort to provide a transition from residential property to the R-12 as the areas nearer to the intersection with US 15-501 and US 64 by pass develop with more intense commercial activity. The Planning Board recommended an unfavorable recommendation to the Town Board. Voting for the motion was Ms. Marsh, Mr. Hughes and Mr. Hoyle. Voting against the motion was Ms. Bouldin, Mr. Bristol and Mr. Thomas. Ms. Marsman abstained. The Secretary informed the Chairman and Board members that because Ms. Marsman had not been excused from voting prior to the item being considered that her abstaining vote must be counted as an affirmative vote for the motion. Therefore the motion to make an unfavorable recommendation to the Town was approved.

Commissioner Cotten stated he has a problem with O & I period, it is just too broad.

Motion was made by Commissioner Cotten seconded by Commissioner Burns to deny all three requests.

Commissioner Bryan asked if this was the same property that was rezoned and sewer run to the property? He was advised that property is immediately south of this extension of the wastewater collection system. Vote Aye-5 Nay-0

## REQUEST MR. JOHN BLAIR

Manager Montgomery reported the Planning Board discussed this request at their meeting. Mr. Blair had requested to rezone two parcels of property the first zoned O & I and the second R-10. His request is to have the O & I parcel zoned C-2 and the R-10 parcel zoned O & I. Manager Montgomery informed the Board that comments from the public hearing were included in the agenda. Mr. Thomas Smith spoke in opposition to the rezoning request indicating that he did not believe that the types of uses permitted in the C-2 zoning district would be compatible with the current uses. Mr. Smith also explained that the total acreage that the property owners across the street owned more property than what was being considered and that these owners were in opposition to the rezoning. Mr. Blair explained that the request to rezone this property was consistent with his understanding of the Zoning Ordinance and the Land Use Plan. He further explained that the request for rezoning R-10 to O & I contained approximately 1 acre and was designed to buffer the adjoining residential areas from the C-2 requested property. The Planning Board recommended tabling this request until the next meeting. Commissioner Brooks requested that it appear on the Agenda tonight.

Manager Montgomery read the definition of C-2.

Motion was made by Commissioner Brooks seconded by Commissioner Bryan to approve the rezoning request.

Commissioner Brooks stated he can understand people's view but we need to try to get some industry/commercial property going so they can pay some property taxes.

Commissioner Burns asked if C2-CU would be an option and the Town could have control over what go in there.

Commissioner Cotten stated O & I is too broad and he agrees with Commissioner Brooks about industry/commercial development. But he is against this request because it is near a major residential neighborhood and that he respects the Planning Board's request to discuss it further at their next meeting.

Vote Aye-2 Brooks/Bryan  
Nay-3 Burns/Griffin/Cotten

## REQUEST MR. JOHN BLAIR REZONE FROM R-10 TO O & I

Motion made by Commissioner Brooks seconded by Commissioner Burns to go along with the Planning Board's request and have it on their agenda in June.

Vote Aye-5 Nay-0

REQUEST TO AMEND PRELIMINARY PLAT  
CHATHAM FOREST PHASES 3, 5, 6, 7 & 9

Manager Montgomery reported the Planning Board discussed this request at their meeting. Mr. Randy Voller has requested an amendment to the Preliminary Plat for Phases 3, 5, 6, 7 & 9 of Chatham Forest to provide for the connection of Springdale Drive and Fox Chapel Drive. Manager Montgomery introduced the agenda item and indicated to the Board that Public Hearing comments were in the agenda. Mr. Voller presented several maps, which showed how the connection would be made to Springdale Dr. and shown as a gentle curb. Mr. Voller indicated that the Subdivision Ordinance requires such connections from adjoining subdivision and that stop signs would prevent the use of Springdale as a cut through to Thompson Street. Following discussion the Board requested that Manager Montgomery request from NCDOT consideration for a stoplight and the potential need for an acceleration/deceleration on Springdale due to the potential increases in the volume of traffic associated with the connection. The Planning Board gave a favorable recommendation for the amendment.

The board asked about the proposal to connect to Park Drive? Mr. Voller stated he did not own the property. He stated further that he did not have access to the property earlier (that he is requesting the additional connection on).

There was discussion about the water issue.

Motion made by Commissioner Burns seconded by Commissioner Griffin to deny the request.

Vote      Aye-4 Brooks/Bryan/Burns/Griffin  
              Nay-1 Cotten

REQUEST FOR TEXT AMENDMENTS

Manager Montgomery stated we received a request from Mr. Joe Faulkner, RLA to amend Section 5.4 “Table of Area, Yard and Height Requirements” in the O & I zoning district to allow multi-unit residential to have 100’ of frontage with area requirements of 10,000 sf of area for the first two units and then 3,500 sf for each additional unit at a maximum height of forty feet.

Manager Montgomery reported the Planning Board discussed this item at their meeting. Chairman Flynt pointed out that a forty foot high building would necessarily imply a four story building which would necessitate the purchase of a ladder truck for the Circle City Fire Department as North Chatham Fire Department had to do for the Carolina Meadows Development. Mr. Faulkner responded that he was not aware of this potential and was not contemplating a four story multi-family apartment and requested that the height requirement be changed to reflect a maximum height of a three story building. The Board agreed to allow this change and to continue the discussion regarding the request.

Manager Montgomery stated he introduced the requested text change and reviewed the information contained in the agenda. He pointed out his concerns with Section 5.5.3 b built upon area establishes maximum built upon area for all residential development shall be allowed a 24% or 36%. He reviewed the SUP requirements for multi-family development as contained in the Zoning Ordinance.

Mr. Faulkner reviewed with the Board the information he had submitted with the request.

The Planning Board recommended tabling this matter until their next meeting.

Motion made by Commissioner Bryan seconded by Commissioner Burns to table this matter and take it back to the Planning Board for recommendation at their next meeting.

Vote Aye-5 Nay-0

#### REQUEST ROGER & REBECCA SMALL

Manager Montgomery reported the Planning Board discussed the request from Mr. and Mrs. Small at their meeting. Mr. and Mrs. Small requested that Zoning Ordinance Section 5.2.1 "Table of Permitted Use," to allow Group Care Homes in the RA-2 Zoning District with a Special Use Permit and to amend Section 5.3.3.26.b "Group Care Home – Property Separation." was made by Ms. Elizabeth Anderson.

Manager Montgomery was asked to read from the Zoning Ordinance the definition of "Group Home" and "Family Care Home" which is provided in Section 12. Following discussion of the request the Planning an unfavorable recommendation was made to the Town Board.

Manager Montgomery stated we later received a fax from Mr. and Mrs. Small and Ms. Elizabeth Anderson requesting that the Town Board table this matter tonight.

Motion made by Commissioner Burns seconded by Commissioner Cotten to deny both text amendment change requests.

Vote Aye-5 Nay-0

#### AGGRESSIVE PANHANDLING ORDINANCE

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve the Aggressive Panhandling Ordinance.

Commissioner Burns asked if Cindy Edwards concerns from the public hearing were addressed. She was told they were it allows all over town.

Vote Aye-5 Nay-0

AN AGGRESSIVE PANHANDLING ORDINANCE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

FY 2001-2002 BUDGET

Manager Montgomery stated he presented the board with a draft budget tonight and would like to schedule a budget worksession on May 22 or May 24.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to schedule the budget worksession for May 24, 2001 at 7:00 at Town Hall.

Vote Aye-5 Nay-0

COMMISSIONER CONCERNS

Commissioner Brooks stated we are getting right many requests from private pump stations – he feels we need an ordinance so town staff can access private pump stations or to have individual agreements with owners of pump.

Commissioner Brooks requested that Manager Montgomery investigate this and bring it back at the next meeting with a recommendation and that Attorney Messick be consulted.

Manager Montgomery stated he feels Wally Jenkins and John Poteat should also be involved.

PROJECT GRADUATION

Commissioner Cotten stated several agendas ago there was a request for funds for Project Graduation and the Board never acted on it.

Motion made by Commissioner Cotten seconded by Commissioner Burns to prepare a check for \$200.00 for Project Graduation. Vote Aye-5 Nay-0

Thrift Street easements have been prepared.

Commissioner Burns stated when the Town Board and Planning Board met together we need to address Ms. Marsman's concern.

Mayor Devinney stated that he and Manager Montgomery attended a meeting in Burlington and were informed of our impaired streams.

TOWNSENDS

After discussion a motion was made by Commissioner Cotten seconded by Commissioner Burns to extend the pre-treatment program with Townsend until the first meeting in June (June 11). Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Burns to adjourn.  
Vote Aye-5 Nay-0

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Mayor

ATTEST:

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Clerk