

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, JUNE 26, 2006
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Jan Nichols, Sheila Warner and Andrea Batsche, SGI, USA from Chatham County gave invocation.

ATTENDANCE

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

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 Cotten to approve the agenda as presented.

Vote Aye-4 Nay-0

CONSENT AGENDA

Commissioner Cotten requested that items 4 & 5 be removed from the consent agenda and placed as items 2 & 3 under old business for discussion.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the consent agenda removing items 4 & 5 (Budget Ordinance Adoption 2006-2007 Fiscal Year and Project Ordinance concerning the Toll Brothers/River Oaks Project).

- Minutes of May 15, 2006 Board of Commissioners special meeting.
- Minutes of June 12, 2006 Board of Commissioners regular meeting.
- Budget Amendments 2005-2006 Fiscal Year Revenues/Expenditures.

Vote Aye-4 Nay-0

FY 2005-2006 BUDGET AMENDMENT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 13-15

CITIZENS MATTERS

None

PUBLIC HEARING

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

REZONING REQUEST JIMMY & SANDRA PERKINS

To consider a request from Jimmy D. and Sandra W. Perkins to rezone property located at 29 Old Rock Spring Cemetery Road from the current R-12 to C-2.

Planner Monroe stated The Perkins have requested a rezoning of property they own at 29 Old Rock Spring Cemetery Road from R-12 to C-2. The property is located next to Powell Place.

PUBLIC COMMENTS:

Sandra W. Perkins – owner of property – 131 Holly Berry Lane, Sanford, NC – stated they are requesting that the property be rezoned from R-12 to C-2. It is surrounded by commercial property.

Mayor Voller asked what they were planning to do if the rezoning happened.

Attorney Messick advised Mayor Voller he could not ask the property owners that question. They are requesting a rezoning only.

Karen Campbell – 1601 Hillsboro St., declined to speak, the property owners had answered her questions.

REZONING – AMERICAN ASSETS CORPORATION

To consider a request from American Assets Corporation to rezone property located at Highway 15-501 and Russet Run from the current RA, Residential Agricultural to C-2, Highway Commercial.

Planner Monroe stated because this property is located within the MTC Overlay District they must submit a site plan for their rezoning. They are requesting a change from RA to C-2.

Jan Nicolas – 148 Fairview Road – has concerns about the rapid rate of development in this area. There is no stop light at the Lowes Home Improvement yet. Think there should be an assessment of what is happening in the corridor.

Joe Dye

Commissioner Baldwin asked what time was the traffic study done. Northwood High School traffic is already a serious issue during the beginning and ending of school not to mention special events.

Bradley Reynolds – John R. McAdams – stated they included the school expanding an additional 200 students in the future. The study was conducted at the heaviest time of time in the am and pm. He stated they have to comply with the Town and NCDOT comments.

Commissioner Walker asked about the time.

Mr. Reynolds stated it was 7-9 am and 4-6 pm.

Mayor Voller stated that there is already problems with traffic coming off Russet Run.

Commissioner Brooks said it does not appear that special events are addressed.

Manager Misenheimer referred to page 30 of the Impact Analysis.

Brandon Puckett – stated he was here in case of questions.

Nancy Reichle – 194 Hamlet Grove Drive – Director of Carolina Living and Learning. They have 15 autistic adults living there. The University bought this place because it was a residential area. She has serious concerns about this proposal. They have a work farm on the site for the adults living there. There is a concern about traffic. Between 7:40 and 8 am traffic is extremely bad going into Northwood High School (without a second entrance to the school). She has safety concerns for the high school students, residents of the center and staff. They have a staff of 50. The ratio is 1 staff person per 2 residents. The program opened in 1990. Feel this will have a negative effect on residents of their facility. Not in favor of the development.

Ray Johnsen – 201 Eaglewood Drive, Chapel Hill – the Carolina Living and Learning is a wonderful teaching facility, one of the best in the world. His son resides there. Noise bothers people with autism. He hopes the Board will give it a lot of consideration. People from all over the world come out to train on how to take care of autistic children. He against the development.

Gary Simpson – 421 Russet Run – he is a neighbor of Carolina Living and Learning and a 6 year resident. He choose the location because of the amenities that are there. Don't want the property rezoned. He is a friend of Carolina Learning Residents. Thank the board for the opportunity to provide input.

Mayor Voller stated that Luck Stone has a new pervious asphalt/concrete. Wanted to know if they are willing to look at new ways of technologies that are available for low impact development.

Mr. Belk stated they are aware of the new technologies.

Efrain Ramirez – 250 Town Lake Drive – stated he travels that way every morning. He don't know why the intersection was designed that way by NCDOT. There is a tremendous amount of traffic going in and coming out of the high school. Need to consider how the whole area is going to be developed. Look at the type of buffering requirements there are. The buffering at the backside of Lowes Home Improvement is ugly. Need to find someway to buffer off these buildings. Don't know how many more spray fields we need in Chatham County.

Theresa Marsh - 140 Marshall Road – stated it is a nightmare out there (at the school intersection); she is surprised a child has not been killed out there.

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

Commissioner Baldwin asked for clarification as to whether she could vote on this item because her daughter has done work for CLC and she knows what it is all about.

Attorney Messick stated only if you would receive financial gain by voting on it.

Motion made by Commissioner Walker seconded by Commissioner Cotten to refer the rezoning request from Jimmy and Sandra Perkins to rezone 29 Old Rock Spring Cemetery Road from R-12 to C-2 to the Planning Board for recommendation.

Vote Aye-4 Nay-0

Motion made by Commissioner Walker seconded by Commissioner Cotten to refer the rezoning request from American Assets Corporation to rezone property located at Highway 15-501 and Russet Run from the current RA to C-2 to the Planning Board for recommendation.

Commissioner Brooks stated he felt the Town had a moral obligation not to even look at this request. Others have been waiting in line for services. He is a retired teacher from NHS and there is a lot of traffic there at the beginning of the day, when school lets out and when they have special events. He don't know if we can not send it to the Planning Board legally but that is his feelings.

Attorney Messick stated the Board does not have a choice but to send it to the Planning Board for recommendation.

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

Commissioner Brooks told Mayor Voller that he could vote to break the tie.

Mayor Voller stated the Town is going to be working on a land use plan and he don't feel this should go before the Planning Board yet.

Mayor Voller voted no which made the vote Aye-2 Walker/Cotten
 Nay-3 Baldwin/Brooks/Voller

Commissioner Walker stated he coached a couple of autistic children baseball.

Commissioner Walker stated the Mayor is asking for a moratorium of rezoning in town and the ETJ. If you are doing to do it for one you have to do it for all.

OLD BUSINESS

PUBLIC HEARING RULES

Proposed rule change for Public Hearings – submitted by Attorney Paul Messick.

After discussion motion was made by Commissioner Brooks seconded by Commissioner Walker to table this until the next meeting and to see what other municipalities do.

Vote Aye-4 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to take a 5 minute recess.

Vote Aye-4 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to go back into the meeting.

Vote Aye-4 Nay-0

2006-2007 BUDGET ORDINANCE

Budget Ordinance Adoption 2006-2007 Fiscal Year.

Commissioner Cotten stated he realizes we should adopt the ordinance tonight but he is concerned about some items in the budget ordinance.

- \$144.00 solid waste fee on the tax bill – thinks it should be included in the tax or by other revenues. A citizen complained about the \$144 and felt it was unfair because they couldn't even roll their trash can out. One cent on his value would amount to \$144.
- The Legislature is in session talking about taking away franchise taxes from municipalities and give us back some of the sales tax money.
- He had hoped the water & sewer rate study would have been done for Enterprise Fund. The minimum charge is unfair. These are the reasons why he is going to vote no.

Manager Misenheimer stated if the Legislature makes changes we would have to make some budget amendments. He budgeted very conservatively.

Motion made by Commissioner Walker seconded by Commissioner Brooks to approve the FY 2006-2007 Budget Ordinance.

Vote Aye-3 Walker/Brooks/Baldwin
Nay-1 Cotten

2006-2007 BUDGET ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 16-22

PROJECT ORDINANCE – TOLL BROTHERS/RIVER OAKS

Project Ordinance concerning the Toll Brothers/River Oaks Project.

Commissioner Cotten has concerns about how we get the money from Toll Brothers. He is not sure it complies with Government auditing. He would like for them to at least advance what we have approved (the three contracts with Hobbs & Upchurch). Toll Brothers are land rich but their stock were \$17 per share in March. He is afraid the money may not be there when we need it. We have obligated ourselves with these contracts and they are going to request payment each month.

Commissioner Brooks stated Commissioner Cotten made a valid point, but he don't know what we can do.

Manager Misenheimer stated he had spoken with Bobby Wood and Lynda Ward about the way this was handled and this is what they suggested. He stated Hobbs & Upchurch will be tracking monies spent also. We have a monthly meeting with them; we are doing our due diligence.

Commissioner Walker asked what the turn around time is.

Manager Misenheimer said minimum of 30 days.

Mayor Voller stated if the contract is going to be amended; maybe we could request a bond or letter of credit.

It was the consensus of the Board to authorize the Manager to negotiate a bond or letter of credit.

Motion made by Commissioner Walker seconded by Commissioner Brooks to approve the Project Ordinance with Toll Brothers/River Oaks.

Commissioner Brooks asked that it also include that Manager Misenheimer contact the company to see if they would provide a bond or letter of credit for the project.

Vote Aye-4 Nay-0

PROJECT ORDINANCE TOLL BROTHERS/RIVER OAK IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 23

NEW BUSINESS

RESOLUTION OF MEMORY FOR JACK P. JUSTICE

Consider a memorial resolution for Jack P. Justice.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve A Memorial Resolution for Jack P. Justice.

Mayor Voller stated Mr. Justice was a good man – that is how he got here.

Vote Aye-4 Nay-0

MEMORIAL RESOLUTION FOR JACK P. JUSTICE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 487

NAMING OF PRIVATE ROAD – DEEGAN DRIVE

Request for consideration for name of private road.

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the private road name of Deegan Drive (hwy 87 bypass).

Vote Aye-4 Nay-0

**POWELL PLACE COMMERCIAL PHASE 1
VILLAGE CENTER**

Consideration of Powell Place Commercial Phase 1: Village Center.

Planner Monroe reported this plan has been reviewed by the Planning Board. It was presented at the same time the BB & T and Holmes Oil development plans were. At that meeting he raised thirteen issues which the Planning Board agreed should be addressed. Each of those items has been addressed and the plans have been revised to reflect the changes. (See memorandum from Don Belk)

With regard to item two (the large parking area in front of the grocery), Mark Moshier of Graham Associates indicated to the Planning Board that, while that is a large area, they are unable to market the site to any of the chains without providing substantial parking in front of the building. Alternative siting for the building location was discussed and considered. Each of the alternatives presented obstacles. In the end, the Planning Board reluctantly agreed that, in order to attract a grocer, such parking was necessary. The appearance of the lot has been softened by a substantially improved landscaping plan proposal.

All of the concerns considered by the Planning Board have been addressed. The Planning Board recommended approval of the plan with the following conditions:

- A Soil, Erosion, Sediment Control Plan must be developed and approved before any grading;
- A Sign Plan must be developed and approved before erecting any signs;
- A lighting Plan must be developed and approved before the building permit is released.

Mayor Voller stated he would like to see a place for bike racks and motorcycle parking.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve Powell Place Commercial Phase I: Village Center with the conditions from the Planning Board that a Soil, Erosion, Sediment Control Plan must be developed and approved before any grading; a Sign Plan must be developed and approved before erecting any signs; a lighting Plan must be developed and approved before the building permit is released and that some bike racks and motorcycle parking be incorporated in the plan.

Vote Aye-4 Nay-0

MEMORANDUM FROM DON BELK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 483-486

EXTENSION OF BELLEMONT RIDGE DRIVE TO OLD WATER TOWER ROAD

Consider the extension of Bellemont Ridge Drive to old town Water Tower Road.

Planner Monroe stated this item is brought before the Board to facilitate discussion of the idea if extending the pavement on Bellemont Ridge road to the west to connect to the paved access to the old water tower. This would allow access to both towers from Hwy 15-501. The reason for the need for the discussion is that the underlying right of way for the proposed road extension is half on Town property and half on Voller Realty property. Mayor Voller asked that this be placed on the agenda.

Motion made by Commissioner Brooks to approve.

Attorney Messick stated all that the Town needs is a driveway to the tank and we should have enough right of way for that.

Voller Realty will build a road on their property and the Town property.

A lot of erosion has taken place and he doesn't expect it would ever be opened up.

Mayor Voller stated Voller Realty use is not intended to be for Water Tank Road.

Attorney Messick asked why the Town needed to do this if all the Town needed was access to the tank.

Commissioner Brooks withdrew his motion.

After much discussion a motion was made by Commissioner Walker seconded by Commissioner Brooks to table this matter until an engineering study of the area could be done and that Ricky Spoon is included in the discussion.

Vote Aye-4 Nay-0

Commissioner Brooks stated there use to be a problem with water running over the tank damaging property and asked that be looked at. He stated there is a historical street through there and he asked Mayor Voller if his company would put in some historical markers there. Mayor Voller stated they would be opened to do that. He further stated that one of the Hill brothers house was the Bellemont House.

PARTF GRANT

Consider recommendation to approve filing applications for PARTF Grant Funds for park projects to be located on properties to be conveyed to Town by 3M Corporation and Powell Place Development.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the PARTF Application for grant funds.

Commissioner Cotten stated he has some misgivings about this.

Vote Aye-4 Nay-0

EAT SMART, MOVE MORE GRANTS PROGRAM

Consider supporting “Eat Smart, Move More...North Carolina Community Grants Program 2006-227 RFA” – funding assistance to support improvements at Town Lake Park – Marissa Jelks, Chatham County Health Department.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the Eat Smart, Move More...North Carolina Community Grants Program 2006-227 RFA.

Vote Aye-4 Nay-0

TOWN LAKE PARK

Consider proposal to construct and install information kiosk at Town Lake Park – Marissa Jelks, Active Chatham/Chatham County Health Department.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the proposal to construct and install information kiosk at Town Lake Park by Active Chatham/Chatham County Health Department.

Vote Aye-4 Nay-0

Staff Reports/Manager updates

- Update on ordinance regulating opening structures, pipes, trees and issuance of permits on Town maintained streets (Ch. 23 Sec. 301, pg. 2302/2303) Manager Misenheimer stated we have the authority to charge for damages incurred.
- Staff training for eCivis grant support – June 29, 2006 – Manager Misenheimer stated we have a eCivis grant training with Chatham County on June 29, 2006.
- Community Building roof and building repairs update – Manager Misenheimer reported that 3M has agreed to donate the shingles. Mr. Tony Auliss has left him a message and he did not get to return the call yet. Commissioner Brooks asked Manager Misenheimer if he had got in touch with the Gregory heirs. Manager Misenheimer stated no, but he has that on his to do list.
- Tennis court/basketball court lease agreement w/Chatham County Schools – Manager Misenheimer stated the Attorney's are working on this. Attorney Messick has been out of town.
- Update on NC Rural Center Grant Application – meeting on Tuesday, June 27. Manager Misenheimer stated he would be meeting with the Rural Center about a \$500,000 grant – that will be finalized tomorrow.
- Recreational funding. Manager Misenheimer stated Charlie Horne advised the County has included recreation funding for the Town. It is based on a calculation rate.
- Mayor presented a handout of the NCDOT TIP Projects 2007-2013 for Pittsboro which includes:
 1. US 15-501 proposed Pittsboro by-pass, two lanes on a multi lane right of way.
 2. US 15-501N (Hillsboro Street) widening to provide continuous turn lane with curb, gutter and sidewalk on west side from Lanius street to SR 1599 (Rock Springs Cemetery Road).
 3. NC 87 widening by adding two feet to each lane from US 64 bypass to SR 1516 (Old Graham Road).
 4. US 15-501S (Sanford Road) widen bridge over Robeson Creek.
 5. US 15-501S (Sanford Road) widen to provide continuous turn lane from Robeson Creek to NC 87.
 6. NC 87-NC902 widen bridge over Robeson Creek.
 7. US 64 Business install traffic signal at JA Farrell Street.
 8. US 15-501N (Hillsboro Street) install traffic signal at Park Drive.

Planner Monroe stated these improvements are recommendations from the technical advisory committee.

Commissioner Brooks stated the Town has sent a letter in the past to Chatham County asking them to help the citizens on Old Sanford Road get water.

Commissioner Brooks stated he would like to send a letter to them stating we have no desire to take over the area and that we are glad they are doing it.

Commissioner Cotten stated while we are talking with them about 3M – lets look at the whole ETJ area and determine who is going to provide the services and collect the money. Commissioner Cotten also mention water on 902.

Commissioner Baldwin stated we should talk with them about purchasing water from us instead of going to Harnett County.

Manager Misenheimer explained that Chatham County uses a different processing than we do and they do not mix.

Commissioner Brooks stated the water line from Sanford comes to Charlie Brooks Road which is across from Chatham Church Road.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to cooperate with Regional Planning, but that we get the residents on Sanford Road water as soon as possible.

Vote Aye-4 Nay-0

ADJOURNMENT

Motion made by Commissioner Brooks seconded by Commissioner Cotten to adjourn at 9:25 p.m.

Vote Aye-4 Nay-0

None of the Commissioner Concerns were discussed.

Commissioner Concerns

- Scheduling of “work sessions” for review of Zoning Ordinance Amendments
- Discussion of Town Policy regulating the usage of biodegradable paper bags under Town Code Chapter 11,203.1 – concerning refuse collection
- Special meeting of Chatham County Community Leaders and CCCC Chatham County Advisory Committee on Monday, July 10 at 5:00 PM (Regular Town Board meeting date)

FYI

- Letter from Jerry Porter, NCDOT, regarding traffic light warrants study at Hwy 64 and J.A. Farrell Street.
- Copy of resolution honoring Benji Johnson.

- Copy of letter to Pittsboro Volunteer Fire Department regarding water supply to proposed sub-station on Old Graham Road
- C/D quotes
- Letter to Charlie Horne/County Commissioners – Request for financial assistance water and wastewater capital improvements

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk