

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
MONDAY, JULY 24, 2006  
7:00 P.M.

Mayor Pro Tem Clinton E. Bryan, Jr. called the meeting to order and Rev. Melvin Rodgers of The Minister Alliance gave invocation.

**ATTENDANCE**

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

Other staff present: Town Manager Sam Misenheimer and Planner David Monroe.

**AGENDA APPROVAL**

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the agenda as presented. Vote Aye-5 Nay-0

**CONSENT AGENDA**

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

- Minutes of the July 10, 2006 Board of Commissioners meeting. Vote Aye-5 Nay-0

**CITIZENS MATTERS**

None

**OLD BUSINESS**

**ZONE TEXT AMENDMENT**

**Zone text amendment.**

Planner Monroe stated the following changes were agreed upon in the Work Session:

- Item 31- College will not be deleted from the MUPD district.
- Item 34 – Hospitals, nursing homes will not be deleted from R-12.
- Item 51 – Repair of office and household equipment will not be deleted from the MUPD district.

Item 52 – Outdoor theater will not be deleted from C-2, C-4 or MUPD districts.  
Item 53 – Upholstery and paper hanging will not be deleted.

In addition it was agreed the following items would be examined by the Planning Board and recommendations will be brought to the Commissioners:

A redefinition of “Amusements” will be developed.  
Miniature golf courses will be introduced into the commercial districts.  
The concept of “Orphanages” will be examined.  
Landscape requirements for commercial districts will be examined.  
The process by which rezoning requests are handled will be examined to consider the creation of a Technical Advisory Committee and consideration of its input by the Planning Board prior to conducting a Public Hearing.

Commissioner Brooks asked Planner Monroe if he addressed the issue of indoor shooting range.

Planner Monroe stated that will be referred to the Planning Board for their review at a future meeting, it can not be changed until the public is made aware.

Commissioner Brooks requested that the MTC be reviewed regarding the intent of the MTC. He does not see that the MTC is as extensive as we have been discussing it is. He does not see anything within the MTC that correlates to the MUPD.

Commissioner Brooks stated when you read the purpose and intent of the ordinance, which sets up your goals and objectives if it is well written it will state what you hope to accomplish. (Article 14). He thinks we need to talk about that some more because the latter verbiage might possibly be in conflict. He would like to see that worked out before we precede dealing with the public using this.

Manager Misenheimer stated what we can do then is to recommend that issue to the Planning Board for recommendation.

Commissioner Brooks added and that it then comes back to the Town Board for discussion.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the amendments as listed above and refer the five items mentioned above to the Planning Board for discussion.       Vote   Aye-5   Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker that the MTC Ordinance be reviewed by the Planning Board again regarding its goals and purposes and that they review the rezoning/site plan issue and bring it back to the Town Board for discussion.

Vote   Aye-5   Nay-0

**LEASE AGREEMENT WITH CHATHAM COUNTY SCHOOLS  
PITTSBORO ELEMENTARY SCHOOL ROAD**

**Revised park lease agreement with Chatham County Schools located at Pittsboro Elementary School Road.**

Manager Misenheimer stated this has been going on for awhile. That is why it is listed under Old Business. The Attorney for the School System has reviewed the lease prepared by Attorney Messick. Attorney Messick would recommend approval tonight for a 20 year term lease which would hopefully allow us time to make long term improvements to the facilities and ultimately to persuade the School System and the County to convey the property to the Town. The School Board also has this on their agenda tonight for approval.

Motion made by Commissioner Walker seconded by Commissioner Brooks to approve the park lease agreement with Chatham County Schools located at Pittsboro Elementary School Road contingent upon the School Board's approval of the same agreement.

Vote Aye-4 Brooks/Bryan/Baldwin/Walker  
Nay-1 Cotten

**LEASE AGREEMENT WITH CHATHAM COUNTY SCHOOL IS RECORDED  
IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES**

**SURVEYING & MAPPING WWTP EXPANSION**

**Proposal to provide surveying and mapping for proposed WWTP expansion.**

Richard Bullock prepared the following Understanding of the Project:

The following is an understanding of project and fee estimate for the surveying and mapping for the proposed WWTP expansion. Adam Kiker, PE, Hobbs-Upchurch and Associates (HUA) and I have discussed the scope and limit of survey. Adam has also indicated a sense of urgency for this project. In order to help facilitate his schedule, I would need to start right away and work through the next two weekends. I am very interested in working with the Town of Pittsboro and I am prepared to rearrange my current schedule to get this done.

Understanding of Project:

The Town of Pittsboro (Town) is expanding their waste water treatment facility and needs to acquire land from John E. Booth Farms, LLC (Booth) east of the existing site on Taylor Road, north of Roberson Creek. The Town has contracted with HUA as the consulting engineer for the project. The size of the proposed property is approximately 14.25 acres as determined by HUA during their design process for the proposed expansion. The new parcel is to be divided out from the existing Booth tract which is

approximately 27.47 acres. The final property lines are to be determined by the Town and HUA.

Boundary and Subdivision - The existing Booth tract was formerly owned by D.C. Holler Lumber Company, Inc when it was annexed into the Town in 1988 as shown on a plat recorded in plat slide 88-118 which contained 30.216 acres. The parcel has since had two parcels granted out; the first is a 1.735 acre parcel was conveyed to the Town of Pittsboro on October 20, 1989 as recorded in deed book 549 page 259. It is located directly east and adjoining the existing WWTP facility, the second is a 1.01 acre parcel conveyed to the Pittsboro Community Cemetery on November 2, 1999 as recorded in deed book 810 page 783. It is located along the east side of the Booth tract and is now a part of the cemetery.

It is understood that the new parcel will come out of the remaining portions of the Booth tract as described above. The plat will be prepared in accordance to recordation statutes GS 47-30 and will be recorded at the direction of the Town. Review and recording fees are not included.

- FEE: \$4,200.00 Lump Sum

Topography and WWTP Planimetrics - The proposed design survey area is 14.25 acres as delineated from a shape in a cad file provided by HUA. There are several sanitary sewer lines crossing the tract and it is boundary on the south by Roberson Creek and on the east and west by un-named tributaries to Roberson Creek. It is understood that there are no wetlands, soils or environmental buffers as a part of this survey. The banks of Roberson Creek and the un-named tributaries will be surveyed; however, any buffers based on the survey shall be determined by a qualified engineer or environmental professional.

The design survey will also locate features and other improvements in the existing WWTP at critical locations as directed by HUA. Acreage will not be determined, however, a budget of one field day and one office day has been assigned.

The design topo will be provided to HUA for their use and to determine the geometry of the proposed property purchase.

- FEE: \$7,412.5 Lump Sum (based on \$450 per acre at 14.25 acres, plus on field day at WWTP)
- Total FEE: \$11,612.50 Lump Sum

Schedule:

It is estimated that a minimum of 8 continuous field days and 6 office days (3 overlapping with the field days) are required to complete to design portion of this

project. Weekend and overtime have been factored into the proposal due to the time constraints.

If Notice to proceed by Friday, July 14, 2006 – delivery to HUA is July 25, 2006. (I will begin this weekend)

If Notice to proceed by Monday, July 17, 2006 – delivery to HUA is August 7, 2006 (due to pre-existing vacation at the end of July)

Responsibility of the Town of Pittsboro:

- Notice to proceed
- Access to the Booth Tract
- Approval of new property lines

I will have my certificate of insurance sent to you in PDF format via email. Please let me know if there is anything else that you need.

Thank you for your time and consideration.

Richard Ellis Bullock, Jr. PLS  
North Arrow Surveying & Mapping, PLLC  
224 East Street, Suite E  
Pittsboro, NC 27312  
1.919.749.9318

Manager Misenheimer stated North Arrow Surveying as the Board knows has done a lot of work in Pittsboro and Chatham County. Would like for the Board to approve contract so the work can be done.

Commissioner Cotten stated he is greatly concerned about the procedures we are following on this thing. According to his notes we requested an appraisal of this property; he wanted to know if the report has been received yet.

Manager Misenheimer stated this survey is being prepared to get the appraisal. Have to have the boundaries and property description to get an appraisal.

Commissioner Cotten is not totally convinced that locating a sewer plant within the Town limits is the best way to go for Pittsboro. He thinks we have reached a point where we need to involve the citizens. He is very concerned that it appears we have abandoned the reuse plan that was approved, designed and approved by the state after 18 months. We paid out \$150,000 for its design. Is that correct?

Manager Misenheimer stated that was incorrect. He has a summary before the Board tonight but the 3M project, which is a part of the reuse project is full speed ahead. (Handed out tonight)

Commissioner Cotten stated he is quite concerned he is hearing and reading conflicting things. It appears to him that we don't have the money to construct one in town and at the other location.

Manager Misenheimer stated Hobbs & Upchurch will be at the next meeting to give a time line of the projects.

Commissioner Cotten asked Manager Misenheimer if he contacted other local surveyors to do the study.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve a contract with North Arrow Surveying and Mapping, PLLC.

Vote Aye-4 Brooks/Bryan/Walker/Baldwin  
Nay-1 Cotten

**A COPY OF THE CONTRACT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES**

## **NEW BUSINESS**

### **APPOINTMENT TO PARKS AND RECREATION COMMITTEE**

#### **Appointment to Parks and Recreation Committee.**

Manager Misenheimer stated this is something we should consider at another meeting. It is required that it is advertised and he would recommend that it be tabled. Advertising will be done next week.

Motion made by Commissioner Cotten seconded by Commissioner Walker to table this until the next meeting.

Vote Aye-5 Nay-0

### **CHATHAM YMCA – PARTNERSHIP AGREEMENT**

**Proposal to consider partnership agreement with Chatham YMCA to provide recreational programs and services to Town of Pittsboro, and to provide collaboration support of PARTF Grant Application for Powell Place Park – Sarah Carr, Chairman of Pittsboro Parks and Recreation Committee.**

Manager Misenheimer stated Sarah Carr is present and will make a presentation.

Sarah Carr stated she wanted to thank the Board for recognizing the need to improve recreational opportunities for our citizens by creating the Parks and Recreation Advisory Board of which she is the Chairperson. She is present tonight to talk about a partnership

with Chatham YMCA/Powell Place Park. The Town of Pittsboro, Parks and Recreation Committee and East West Partners will work together to write this part of the grant.

The following are some important points of the request:

1. Powell Place land (approximately 10 acres) will be conveyed to the Town of Pittsboro used for matching PARTF grant.
2. Town of Pittsboro Parks and Recreation Advisory Committee, East West Partners and the Chatham YMCA will work together to write and submit a PARTF grant proposal as a collaborative effort.
3. PARTF Grant will be used to establish Multi-Purpose Park for the use of Pittsboro Residents.
  - o Playing fields
  - o Walking track
  - o Tot-Lot playground
  - o Pavilion
  - o Bath house
  - o Parking
  - o Basketball courts
4. Park would be managed and scheduled by the YMCA.
5. Town of Pittsboro would oversee General Maintenance (i.e. mowing grass, emptying trash, etc.)

Ms. Carr stated currently there are no facilities that can address so many needs within Town or the ETJ area.

They will be requesting a \$500,000 grant.

Commissioner Brooks stated Mr. Roger Perry had indicated that he was going to dedicate 10 acres for a school, is this the same ten acres?

Commissioner Walker stated it was the same 10 acres. Commissioner Cotten stated the school could not use it because it does not meet the size requirements.

Commissioner Brooks asked if the YMCA would be responsible for the maintenance and supervision or would the Town.

Sarah Carr said the Town would be responsible for maintenance of the site and supervision would also be by the Town.

Commissioner Brooks wanted to know what the supervision by the Town would entail.

Manager Misenheimer stated the condition of the grant would require that we would maintain and have perpetual responsibility for the property in a public park forever.

Commissioner Brooks stated he is for it but knows it would be a burden on the Town of Pittsboro. We would have to hire someone to clean it up. We will also have to have law enforcement to help protect the citizens using the facilities.

Commissioner Brooks stated he hopes the Parks & Recreation Committee will develop rules reference protection of the site. He would recommend the YMCA has a similar policy for their facilities already. I would like that to be carried over to this facility. Especially for the safety of children (because of the society we live in).

Commissioner Cotten asked when the deadline for the application is.

Manager Misenheimer stated the end of the year but we need to get it completed a couple of months ahead of time.

This collaborative effort for the PARTF grant will result in a well managed and well maintained multi-use recreational park for the residents of Pittsboro at little or no cost to the Town.

Commissioner Baldwin stated she felt that it should be stated the park would be managed and scheduled by the YMCA and the Town.

Manager Misenheimer stated the next step is to enter into a contract with the YMCA. The park will be conveyed to the Town of Pittsboro.

Commissioner Cotten stated he would like to do some more research there are some legal aspects to this that bothers him.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to table this until the next meeting. Vote Aye-5 Nay-0

### **ANNUAL MEMBERSHIP – CAPE FEAR RIVER ASSEMBLY**

**Proposal request to consider annual membership with “Cape Fear River Assembly, Inc”.**

Motion made by Commissioner Cotten seconded by Commissioner Brooks to deny the request.

Commissioner Brooks asked what exactly the Cape Fear River Assembly, Inc. is

Manager Misenheimer stated to the best of knowledge it is similar to what we have here in Chatham County the Haw River Assembly.

Vote Aye-5 Nay-0

## COMMISSIONER CONCERNS

Possibility of putting in speed calming devices on Oakwood Drive – Commissioner Walker.

Cindy and Bob Schwin were present. Commissioner Walker stated that he has not had time to read the report presented tonight. He don't think speed bumps are that great, he feels we need to get together with some of the residents of that neighborhood and some other town folks to see what can be done. It is not the only street in Pittsboro that people speed on. There are a lot of issues that need to be dealt with on this. Would like small group to study the issue.

The Board agreed to this.

Sarah Carr said she lives on Salisbury and they had the problem and the Town installed stop signs, it helped some but some people just run the stop signs.

There were discussions about rumble strips. Philip Culpepper suggested that someone contact John Whitson in Morrisville, they have a traffic calming policy and commission.

Mayor Pro Tem Clinton E. Bryan, Jr. stated he would like to recognize Mr. Marty Clayton, Progress Energy representative.

Staff Reports/Manager updates

- Submittal of 2005/2006 Powell Bill Report
- Updates of Land Use Comprehensive Plan
- Monthly report – Town projects/report from Hobbs Upchurch & Associates
- Handicapped ramp project complete/update on parking spaces
- Notice of flushing hydrants
- Updates on Community Building improvement projects

## ADJOURNMENT

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

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk