

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
DECEMBER 12, 2005
7:00 P.M.

Mayor Nancy May called the meeting to order and gave invocation.

ATTENDANCE

Members present: Mayor Nancy R. May, Commissioners Max G. Cotten, Clinton E. Bryan, Jr., Burnice Griffin, Jr., Gene T. Brooks, Chris Walker and Mayor Elect Randolph Voller and Commissioner Elect Pamela Baldwin.

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

ORGANIZATION MEETING

INSTALLATION OF MAYOR AND COMMISSIONERS

Town Clerk Alice F. Lloyd administered the oath of office for Mayor Randolph Voller. Mayor Randolph Voller administered the oath of office for Commissioner Pamela Baldwin and Chris Walker.

PRESENTATION OF PLAQUES

Mayor Voller presented plaques of appreciation to former Mayor Nancy R. May and former Commissioner Burnice Griffin, Jr.

ELECTION OF MAYOR PRO TEMPORE

Motion made by Commissioner Brooks seconded by Commissioner Walker to elect Commissioner Clinton E. Bryan, Jr. as Mayor Pro Tempore.

Vote Aye-5 Nay-0

AGENDA APPROVAL

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the agenda as presented with the deletion of item number three under new business to consider a contract for engineering design services for the 400,000 gal. per day wastewater treatment plant expansion with Diehl and Phillips, Inc.

Vote Aye-5 Nay-0

CONSENT AGENDA

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

- Minutes of November 28, 2005 Board of Commissioners regular meeting.
- Consider a resolution authorizing withdrawals from depositories of the Town of Pittsboro.
- Approve the 2006 Board of Commissioners regular meeting schedule.

Vote Aye-5 Nay-0

A RESOLUTION AUTHORIZING WITHDRAWLS FROM DEPOSITORIES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 215

CITIZENS MATTERS

Wendy Dufour was present representing the Downtown Merchants Association and to remind the Board now that they are still in existence. They will continue to market Pittsboro and they would like to spruce up downtown. They would like to install some planters for flowers and an information kiosk. She stated that they would be coming back before the board with ideas.

Mayor Voller asked about signage for the downtown area.

Manager Hughes stated the NCDOT District Engineer would have to approve the signage and some of the other items because they may be in the NCDOT right-of-way.

OLD BUSINESS

REZONING REQUEST FROM WILLIAM R. FOUSHEE

Consider a rezoning request from William R. Foushee. Mr. Foushee is asking that the northern half of parcel 9751-09-27-4060 (approximately .323 acres) be rezoned from R-10 to C-2. The property is identified as 996 Thompson Street. The southern half of the parcel (fronting on US 64 Business) is currently zoned C-2. Property is located behind Steve Cooper Enterprises/SASCO Rental.

Planner Monroe reported that the Planning Board reviewed the application of Ralph Foushee seeking to rezone the northern half of his property from R-10 to C-2. The southern half of the property is zoned C-2 and is the location of Steve Cooper's business

and Sasco Rental. Although this parcel is a single lot going from Business 64 to Thompson Street, it has two structures and two zoning designations.

After review, the Planning Board concluded that there would be no adverse impacts to the adjoining properties if the site were rezoned. Since commercial zoning exists east, west and south of this site, the Planning Board recommended that the Commissioners approve the request.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the rezoning request from William R. Foushee to rezone the northern half of his property from R-10 to C-2 (9751-09-27-4060). Vote Aye-5 Nay-0

**REZONING REQUEST – THOMAS COCHRAN
PLATINUM HOLDINGS, LLC**

Consider a rezoning request from Thomas Cochran, dba Platinum Holdings, LLC. to rezone parcel 9751-01-27-4143 from O&I to C-2. Mr. Cochran is currently constructing an office building on the site. The parcel is located at 984 Thompson Street.

The Planning Board reviewed this application by Thomas Cochran to rezone his property at 984 Thompson Street from O & I to C-2. Mr. Cochran explained that he had Mr. Foushee's property under contract and hoped to bring the three properties into an integrated commercial development. He noted that the corner of Beck and East Streets was zoned C-2 and that leaves only two rental homes in this block which are not zoned C-2. He further argued that the buffer requirements for C-2 were the same as for O & I and that since the residences fronted on Beck Street his property should not further impact them.

Hearing these arguments, the Planning Board voted to recommend approval of the request.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the rezoning request from Thomas Cochran for property at 984 Thompson Street from O & I to C-2. Vote Aye-5 Nay-0

**RESTRICTING PARKING ON NORTH SIDE OF
WEST STREET**

Consider an ordinance to restrict parking on the north side of West Street from the traffic circle extending westerly 112 feet and on the south side of West Street from the traffic circle westerly 113 feet.

Planner Monroe requested authorization to contact NCDOT about installing a crosswalk at this location.

Mayor Voller stated it is his understanding that the owner of the General Store Café does not want to lose all the parking spaces in front of his property. He does not think we should take away the parking for that business.

Commissioner Brooks stated there is a problem with people making U-turns into the business.

Motion made by Commissioner Brooks seconded by Commissioner Walker to pass the ordinance as presented and in addition that Planner Monroe contact NCDOT to modify the crosswalk.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to table this until further study is done to clarify what needs to be done.

Vote Aye-5 Nay-0

Commissioner Bryan stated going west – no cars should be parked there.

NEW BUSINESS

PRESENTATION OF FY 2004-05 AUDIT REPORT

Presentation of the Fiscal Year 2004-2005 audit by Bobby S. Wood, CPA.

Mr. Bobby Wood and Mrs. Lynda Ward were present. Mr. Wood made a presentation of the FY 2004-2005 audit (a copy of the report is on file in the Town Clerk's office).

CONSIDER AUDIT CONTRACT FY 2005-2006

Consider contract for 2005-2006 audit.

Motion made by Commissioner Bryan seconded by Commissioner Cotten to approve the contract with Bobby Wood, CPA for FY 2005-2006 \$17,310. If we receive federal and state funds over \$500,000, a single audit would be necessary. This would increase the cost by \$1,550.

Vote Aye-5 Nay-0

APPOINTMENT TO RTAC

Consider appointment of Mayor Voller to the Triangle Area Rural Planning Organization's (TARPO) Rural Transportation Advisory Committee (RTAC).

Motion made by Commissioner Brooks seconded by Commissioner Bryan to appoint Mayor Voller as the Town's representative to the Triangle Area Rural Planning Organization's (TARPO) Rural Transportation Advisory Committee (RTAC).

Vote Aye-5 Nay-0

**APPOINTMENT OF ALTERNATE DELEGATE
TO TJCOG**

Appoint an alternate delegate to the Triangle J Council of Governments. Currently Commissioner Walker is the primary delegate with former Mayor May as the alternate. The position is not ex officio and either the Mayor or any Commissioner may serve in this position.

Commissioner Walker stated that he has not been able to attend many of the meetings because they are on the night of his bankers meeting. He stated he would be willing to be an alternate.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to appoint Commissioner Baldwin to be the Town's delegate to TJCOG and Commissioner Walker as the alternate delegate.

Vote Aye-5 Nay-0

SITE PLAN – 3 B 64 BUSINESS PARK

Consider Holt commercial site plan on lot 3B in the 64 Business Park. The plan has been recommended for approval by the Planning Board.

The Planning Board reviewed a revised commercial site plan for the Holt office building proposed for the 64 Business Park (to be located on Lot3B). This plan addressed the issues which had been raised at a previous Board review. The current plan has removed all pavement from the storm sewer easement shown on the south property line. It has, further, removed vehicular conflicts which were present in the previous parking plan. A sewer pump tank is shown located at the southwest corner of the building because it was noted that the floor elevation was lower than the elevation of the sanitary sewer invert on Commerce Court. The pump station will be private and maintenance will be responsibility of the building owner.

Mr. Bracken, the engineer representing the applicant, indicated that there will be landscaping provided on each side of the driveway entrance, in the area between parking spaces at the northeast corner of the building and along the south property line at the frontage.

With that information, the Planning Board recommended approval of the site plan.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the site plan on lot 3B in the 64 Business Park.

Vote Aye-5 Nay-0

**COMMERICAL SITE PLAN
MAIN STREET STATION**

Consider Main Street Station commercial site plan. Main Street Station is to be located on the old Ice and Fuel property. The plan has been recommended for approval by the Planning Board.

Planner Monroe stated the Planning Board recommended approval subject to the following conditions:

- No activity shall occur on the property north of Salisbury Street;
- A minor subdivision must be submitted and approved before submittal of Phase 2 development plans;
- If Phase 2 development is proposed before the moratorium is lifted, evidence of conveyance of ownership must be provided to the town;
- The proposed fire hydrant must be relocated or eliminated;
- A lighting plan must be approved by the planner prior to issuance of a building permit; NCDOT must approve the driveway prior to issuance of a building permit;
- Detail of the timing on installation of the landscaping must be provided to the planner;
- Enclosing the dumpster area is required.

Mayor Voller asked about the stormwater situation. He wanted to know if they had a problem and if it backs up to the North who is responsible him or the town.

There was discussion about a crosswalk being installed.

Commissioner Baldwin stated she would like to see a signal light installed here.

The Board authorized Planner Monroe to contact NCDOT about the installation of a traffic signal light and/or crosswalks in this area.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the commercial site plan subject to the conditions recommended by the Planning Board which are:

- No activity shall occur on the property north of Salisbury Street;
- A minor subdivision must be submitted and approved before submittal of Phase 2 development plans;
- If Phase 2 development is proposed before the moratorium is lifted, evidence of conveyance of ownership must be provided to the town;
- The proposed fire hydrant must be relocated or eliminated;

- A lighting plan must be approved by the planner prior to issuance of a building permit; NCDOT must approve the driveway prior to issuance of a building permit;
- Detail of the timing on installation of the landscaping must be provided to the planner;
- Enclosing the dumpster area is required.

Vote Aye-5 Nay-0

COMMERICAL SITE PLAN – BELLEMONT STATION

Consider Ricky Spoon commercial site plan at Bellemont Station. Site is adjacent to the Lowe’s Home Improvement Center. The plan has been recommended for approval by the Planning Board.

The Planning Board reviewed this site plan for Outparcel D of Bellemont Station. The Planning Board voted to recommend approval of the site plan with the condition that Mr. Spoon and the Lowe’s representative agree in writing on the distribution of the assigned capacity. Following the meeting, discussions with the principals has resulted in an agreement to share the 12,000 gallons of capacity equally.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the commercial site plan for Bellemont Station (Outparcel D) subject to the Planning Board’s recommendation that Mr. Monroe receive a signed copy of the agreement about wastewater capacity (6,000 gallons each).

Mayor Voller stated the gray water may be available some day for irrigating landscaping.

Manager Hughes stated it is possible, but we have not completed research.

Vote Aye-5 Nay-0

A PROPOSAL SITE PLAN FOR BELLEMONT STATION – OUTPARCEL D IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 216

FLOOD DAMAGE PREVENTION ORDINANCE

Consider Flood Damage Prevention Ordinance policy.

In order to qualify for the National Flood Insurance Program the town must update our current Flood Damage Prevention Ordinance and provide for some development controls in the floodplain.

Planner Monroe stated there are two basic options to begin the discussion:

- Allowing construction in the floodplain but requiring that the bottom of the first floor be constructed higher than the Base Flood Elevation identified on flood maps; or

- Prohibiting construction in the floodplain.

If the first option is elected there are several other options which must be considered (such as how high above adjacent elevation construction should be in the Special Flood Hazard Areas; prohibiting manufactured homes and recreational vehicle parks in the floodway, etc.). If the second option is selected, subsequent limits fall naturally into place.

The Planning Board had a month to study this issue. It was reported that both Chatham County and Siler City prohibit construction in the floodplain. Siler City does allow previously approved projects to proceed as approved and applies the prohibition to newly submitted plans; in addition, existing structures may be expanded as long as the expansion is not greater than 50% of the old floor area and new construction is elevated above BFE.

The newly defined floodplains affect about 2% of the landmass of Pittsboro's jurisdiction (town limits plus ETJ).

With this information, the Planning Board voted to recommend that the Commissioners adopt a policy prohibiting new construction in the floodplains.

Commissioner Walker stated he likes what Siler City has done.

Mayor Voller asked if we have any houses that actually flood in town.

Manager Hughes stated the house on 15-501 south at the bridge and a couple of houses on Oakwood Drive.

Motion made by Commissioner Bryan seconded by Commissioner Walker to use the option of prohibiting construction in the floodplain as Siler City has.

Vote Aye-5 Nay-0

Manager Hughes stated the wastewater plant had some mechanical problem with basin two during the month of November.

Manager Hughes stated he has enjoyed working for the Town.

COMMISSIONER CONCERNS

Commissioner Walker and Bryan thanked Mr. Hughes for his services to the citizens of this town and for pointing them in the right direction.

Mayor Voller also thanked Mr. Hughes for his service to the Town.

Commissioner Bryan welcomed Commissioner Baldwin and Mayor Voller.

Commissioner Cotten reported that Chatham County has adopted a policy of \$81.00 for Town residents to use the recycling center, effective July 1, 2006.

Commissioner Brooks stated first he wanted to inform the folks that are here about the budget, he does not know what we would have to do to make the water pay for itself, but it would probably be more than 100% increase.

For a lot of people living here that would be a burden. A situation has been brought to his attention that has been going on for several years concerning Charles Wolfe. Mr. Wolfe developed the property where 1st Bank and Dollar General are. At the time of the development the Town was attempting to get a grant for the sidewalk (which was a condition of his development). He thinks the amount he is being charged is a mistake, he was only supposed to pay 20% of our cost. Mr. Wolfe has had a lot of health problem in the last few years. He would like to do whatever it takes to get this matter settled.

Manager Hughes stated he has tried to get in touch with Mr. Wolfe numerous times over the last two years and that he has not returned one call.

Commissioner Walker asked if we could put a hold on the civil suit until we come to a full resolution.

Charles Wolfe stated that Ms. Pruitt explained to him that she would continue to work on enhancement funds to install the sidewalks. Less than a year later she told him that he would only be responsible for 20% of the cost and she was fired within a week.

He wanted to know why he should pay anything. He proposed to have a hold on the suit until January 15 and he will pay 20% of \$14,000. He has been having some personal issues.

Attorney Messick stated this matter should be discussed in closed session.

CLOSED SESSION

Motion made by Commissioner Bryan seconded by Commissioner Walker to go into closed session pursuant to GS 143-318.11(3) to consult with the attorney (6) to discuss personnel.

Vote Aye-5 Nay-0

Motion made by Commissioner Bryan seconded by Commissioner Walker to go out of closed session.

Vote Aye-5 Nay-0

ADJOURNMENT

Motion made by Commissioner Cotten seconded by Commissioner Bryan to adjourn.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk

**MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
SPECIAL MEETING
TUESDAY, DECEMBER 20, 2005
7:00 PM**

Mayor Randolph Voller called the meeting to order.

ATTENDANCE

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

Others present: Manager David Hughes, Clerk Alice F. Lloyd and Attorney Paul S. Messick, Jr.

CLOSED SESSION

Motion made by Commissioner Bryan seconded by Commissioner Walker to go into closed session pursuant to GS 143-318.11(3) to consult with an attorney, (5) to consider the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease, (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual.

Vote Aye-5 Nay-0

Motion made by Commissioner Walker seconded by Commissioner Bryan to go out of closed session.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to authorize Manager Hughes and Mayor Pro Tem Bryan to contact Mr. Russell to set up meeting with him about being Interim Manager and if he is not interested to get back in touch with Mr. Samuel Misenheimer.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Cotten to authorize Attorney Messick to reach a resolution with Mr. Wolfe regarding the lawsuit, upon payment of \$5,000.

Vote Aye-5 Nay-0

Commissioner Walker stated he would not be in attendance at the January 23, 2006 meeting due to a conflict with work.

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