

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
DECEMBER 8, 2003
7:00 P.M.

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

ATTENDANCE

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

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

DISPOSITION OF MINUTES

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the minutes of the November 24, 2003 meeting.

Vote Aye-5 Nay-0

CITIZENS MATTERS

Mayor May stated she would like to commend the Garden Club on their work at Town Hall.

Motion made by Commissioner Brooks seconded by Commissioner Bryan that a letter of appreciation be sent to the Garden Club. Vote Aye-5 Nay-0

OATH OF OFFICE

Ms. Janice Oldham, Chatham County Clerk of Superior Court was present to administer the Oaths of Office to the newly elected Mayor Nancy R. May and Commissioners Clinton E. Bryan, Jr., Gene T. Brooks and Max G. Cotten.

A COPY OF THE OATH OF OFFICES ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

ELECTION OF MAYOR PRO-TEM

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

Vote Aye-5 Nay-0

REZONING REQUEST
RICKY SPOON

Mayor May stated the Board is to consider a rezoning request by Ricky Spoon for 165.35 acres of property located generally south of Pittsboro station south, north of Fire Tower Toad and east of US 15-501. Mr. Spoon is requesting a rezoning from the current zoning of RA Residential Agricultural, to R-10, high density residential for 162.7 acres and from R-12 to R-10 for 2.65 acres.

The Planning Board reviewed the request for rezoning presented by Mr. Ricky Spoon at its December 1, 2003 meeting. The application was clarified to more accurately reflect a 2.65 acre parcel fronting on Hwy 15-501 is actually currently zoned R-12. The balance of the land comprises a 162.7 acre parcel entirely in the ETJ and zoned R-A. This application represents a request to rezone all the land to R-10. It was noted that, with one exception (a tract zoned R-12M for a mobile home park), all residential land in the ETJ is zoned R-1, R-A2, or R-A5. Those zones are identified as “transitional areas located on the periphery of the urbanized Pittsboro area”, meaning they are outside the Town limits.

Mr. Spoon advised the Planning Board that he is asking for the rezoning so that when sewage treatment capacity is available in the town he could be first in line for it. He explained the interrelation between his commercial project to the north and his need to provide additional residential development in order to influence businesses being interested in locating in that project. He indicated his intention to petition the town for annexation of this land if it is rezoned.

The issue of connectivity was explored by the Planning Board when Mr. Spoon indicated he was working with the town and Mr. Voller to try to link his two parcels and to allow Chatham Forest to have a secondary entrance. He explained other efforts he had made to achieve another entrance to the property and further indicated it would link to the commercial site and have a signalized intersection of 15-501.

The Planning Board considered the consistency of this application with the Land Use Plan and was told by the Planner that it was inconsistent. The LUP had envisioned half of this land to be used for Thoroughfare Business encouraging commercial and light manufacturing uses that benefit from convenient highway access. The other half of the land was categorized Single Family Residential with the intention it be served by water and sewer.

After further discussion the Planning Board recommended that the application to rezone R-12 and R-A land to R-10 be approved with the condition that the applicant annexes the tract to the Town of Pittsboro.

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the rezoning request from Ricky Spoon for 165.35 acres of land from R-12 and R-A to R-10 with the condition that the applicant request annexation of the tract into the Town limits.

Commissioner Walker stated he is in favor of the request but he has concerns that the Town does not have a policy regarding sewer. He wants to make sure Mr. Spoon is aware of the lack of sewer capacity - he would have to be put on a waiting list.

Commissioner Brooks stated we turned Hunter's Ridge down – he feels it is premature until we find answers to our problem.

Manager Hughes stated the rezoning does not obligate us to provide sewer.

Commissioner Bryan stated he is concerned because he will not be able to do anything with it without sewer capacity.

Commissioner Brooks stated he is not opposed to the development. It is his desire to get more rooftops and he can not support any changes until we have concrete resources for solving of problem.

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

SITE PLAN ROBYN'S DAY CARE

Mayor May stated we have received a request to consider a site plan for Robyn's Day Care located in the general vicinity of the southeast corner of the intersection of US Hwy 15-501 and NC 87.

The Planning Board reviewed this item by referring to the site plan and the planners' memo. Planner Monroe noted that the structure shown on the site plan east of the parcel is the existing day care. The applicant has indicated that if this site plan is approved and the new center built, the existing center will be converted to an After School facility and will be operated under the license of the primary facility.

Attorney Messick had raised a question about whether this parcel fit the definition of a lot since it has no street frontage. The zoning ordinance defines a lot as "a parcel ... with such yards, open spaces, lot width and lot area as required by this ordinance, and having not less than the minimum required frontage upon a street...". However, C-2 zoning district standards do not require either minimum area or frontage. It was concluded, therefore, that this parcel met the standards of the C-2 zone.

The Planning Board recommended approval of the site plan.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the site plan for Robyn's Day Care to include that the drive be paved for the entrance and exit and that drainage conditions be meet.

Commissioner Cotten asked the width of the entrance/exit.

Vote Aye-5 Nay-0

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

PRESENTATION OF AUDIT
FY 2002-2003

Mr. Bobby Wood and Mrs. Lynda Ward were present. Mr. Wood presented the Board with an overview of the audit.

Motion was made by Commissioner Bryan seconded by Commissioner Walker to approve the audit contract for FY 2003-2004 to Bobby S. Wood CPA.

Vote Aye-5 Nay-0

A COPY OF THE FY 2003-2004 AUDIT CONTRACT IS RECORDED IN THE BOOK
OF RESOLUTIONS NUMBER ONE, PAGES

Commissioner Bryan thanked them for the work they do for us.

PLANNING BOARD APPOINTMENTS

Commissioner Cotten stated he would like for the Board to make a variance from policy and extend the current membership for one year and create an ordinance which spells out the duties of a planning board member.

Attorney Messick stated that the current members can serve until a new appointment is made.

Planner Monroe stated it would be nice to have a six member board.

Commissioner Brooks stated he feels there is a large membership on the planning board and it would be more effective if it were smaller.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to table (which will allow them to continue serving) this matter.

Vote Aye-5 Nay-0

Commissioner Brooks stated he felt the board should consist of no more than 6 members.

Commissioner Cotten feels it should be downsized to five members.

ZONING ORDINANCE AMENDMENT
TEMPORARY SPECIAL EVENT SIGNS

After discussion a motion was made by Commissioner Brooks seconded by Commissioner Walker to approve the proposed amendments to Article VI Signs as follows (deleting the twenty five dollars refundable bond):

Amend Section 6.5g as follows:

Off-premises signs except as noted in Section 6.6m.

Amend Section 6.6m as follows:

Temporary signs advertising upcoming special events of civic, philanthropic, educational, charitable or religious nature are allowed provided:

1. They must be registered with the Zoning Enforcement Officer.
2. The applicant must provide the written permission of the owner of the land upon which the sign is to be placed.
3. The size is restricted to six (6) square feet excluding the supporting frame and the overall height shall not exceed four (4) feet.
4. The signs shall not be placed upon a sidewalk nor within the right of way of any street, road or thoroughfare. In no event shall the signs be located within the bounds of Courthouse Square.
5. The signs shall not be displayed earlier than fourteen (14) days prior to the event and shall be removed twenty four (24) hours after the event has occurred, except that if the event shall end on a Saturday, the signs must be removed within forty-eight (48) hours.
6. No more than four (4) such signs advertising the identical specific special event shall be allowed throughout the Town.
7. No more than one (1) temporary sign shall be allowed per site.

Commissioner Brooks said he would like to see if the State could put their signs in order – they are falling over, etc.

Vote Aye-5 Nay-0

AMENDMENT – WATER SERVICE AGREEMENT
CHATHAM PARTNERS LLC AND POLK-SULLIVAN LLC

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve the amendment to water service agreement between Town of Pittsboro and Chatham Partners LLC and Polk-Sullivan LLC which moves the construction start date from December 31, 2003 to March 31, 2004. The completion date of December 31, 2004 does not change.

Vote Aye-5 Nay-0

A COPY OF THE AMENDMENT TO THE WATER SERVICE AGREEMENT BETWEEN THE TOWN OF PITTSBORO, CHATHAM PARTNERS, LLC AND POLK-SULLIVAN LLC IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

CHATHAM COUNTY JOINT
TRANSPORATION ADVISORY COMMITTEE

Mayor May reported the board needs to consider nomination to the Chatham County Joint Transportation Advisory Committee. Chatham County is establishing this committee to foster a comprehensive, cohesive, and representative approach to transportation planning and execution.

Commissioner Cotten stated he feels it should be a member from the Town Board or the Mayor.

Commissioner Brooks stated he would like to nominate Commissioner Walker.

Commissioner Walker stated he would have to withdraw because of commitments to other boards.

Motion made by Commissioner Cotten seconded by Commissioner Walker to appoint David Monroe to serve as the Town representative on this committee.

Vote Aye-5 Nay-0

MAJOR THOROUGHFARE PLAN &
CORRIDOR PLAN (15-501 BYPASS)

Mayor May stated the Planning Board wanted the Town Board to review their correspondence to NCDOT concerning the Major Thoroughfare Plan and the Corridor Plan (15-501 Bypass).

Motion made by Commissioner Brooks seconded by Commissioner Cotten to send a letter to NCDOT endorsing the north/south connectors concept and that we do not make recommendation on where to put it.

Vote Aye-5 Nay-0

WEB PAGE

Mayor May reported the board has been requested to consider the establishment of a web page for the Town of Pittsboro. The web page would likely contain a listing of each department with contact information, photos of representative areas (Courthouse, downtown area, Town Hall, etc.), listing of Board of Commissioners, Planning Board, Mayor's Message, special events, meeting notices/agendas/minutes. Related links, Pittsboro info. Page will be developed by Stacey Rogan, the webmaster for the Town of

Apex. Fee for developing web site will be approximately \$1200.00 to \$1500.00. A monthly charge of approximately \$8.00 for web hosting will also be incurred. Funds of approximately \$3000.00 are still available under Governing Body professional services line item.

Commissioner Bryan thinks it is an excellent idea.

Commissioner Cotten stated he did not want his name (e-mail) and phone number on it.

Vote Aye-5 nay-0

Commissioner Brooks advised Manager Hughes that several months ago the board made it a policy whereas, if they requested a letter be sent to someone a copy of the letter be included in the next agenda packet.

MAJOR THOROUGHFARE

Motion made by Commissioner Cotten seconded by Commissioner Bryan to have Mr. Jamal Alavi come before the Town Board.

Vote Aye-5 Nay-0

COMMISSIONER CONCERNS

Commissioner Brooks stated some of the older sidewalks need some maintenance done to them. He would like for the Public Works department to identify some of the worst places and get them cleaned up with the weed eater. He does not want anyone to get hurt.

Commissioner Bryan stated for the public works department to check at the areas where they flush hydrant and repair the areas where the water run off has dug holes.

Commissioner Brooks thanked everyone who worked the Christmas Parade.

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

Vote Aye-5 Nay-0

Nancy R. May, Mayor

ATTEST:

Alice F. Lloyd, Town Clerk