

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
OCTOBER 10, 2005
7:00 P.M.

Mayor Pro Tem Clinton E. Bryan, Jr. called the meeting to order and gave invocation.

ATTENDANCE

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

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

AGENDA APPROVAL

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the agenda as presented with the exception that item #2 be removed from the consent agenda and placed on the regular agenda (Approve a resolution to make appointments to the Parks and Recreation Advisory Board).

Vote Aye-5 Nay-0

CONSENT AGENDA

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the consent agenda with the modification above.

- Minutes of the September 26, 2005 Board of Commissioners meeting.
Vote Aye-5 Nay-0

CITIZENS MATTERS

None

OLD BUSINESS

**DISCUSSION CHATHAM COUNTY EMERGENCY MANAGEMENT
ORDINANCE**

Reconsider approval of the Chatham County Emergency Management Ordinance.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to rescind the ordinance approved at the last meeting.

Attorney Messick advised that neither Commissioner Cotten nor Commissioner Brooks could bring this matter back up at this time since they voted against it at the last meeting.

Therefore there is no motion.

Commissioner Brooks stated he did not like the attitude demonstrated at the last meeting. He does not think it is good business.

NEW BUSINESS

**COMMERCIAL SITE PLAN
64 BUSINESS PARK**

Consider a commercial site plan for Lot 4 Highway 64 Business Park. Lot 4 is located on Commerce Court just east of the Pitt Stop Restaurant.

Planner Monroe stated the plan was found by the Planning Board to satisfy zoning regulations for parking, lot coverage, setbacks, lighting and stormwater management.

Although no landscaping is depicted on the plan (or required in the district), Jay Johnston indicated there would be hedges planted on the north side of the building and that landscaping would be provided to define the driveway. They are planning to erect a metal building with split face block walls on the north and east sides.

They will be served by a privately owned pump station.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve the commercial site plan with the Planning Board recommendation that a soil erosion control plan be approve before releasing a building permit.

Vote Aye-5 Nay-0

A COPY OF THE COMMERCIAL SITE PLAN IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 172

**COMMERCIAL SITE PLAN
PROPERTY OWNED BY PITTSBORO FIRE DEPARTMENT**

Consider a commercial site plan for 5.67 acres currently owned by the Pittsboro Volunteer Fire Department. Property is adjacent to Horton Middle School. Plan is for approximately 40,000 sf of medical offices and a 2,000 sf coffee shop.

Planner Monroe stated this item is brought to the Board with the consent of the Volunteer Fire Department.

The Planning Board closely examined the site plan for the proposed medical/office park on the property currently owned by the Volunteer Fire Department. During the course of discussion it was determined that the plan consists of 19,200 square feet of medical/dental offices, 21,200 square feet of general offices and a 2,000 square foot coffee shop.

The Board looked at the stormwater issue. There were a number of concerns expressed principally because of the lack of detail concerning the volume of run off created by impervious surface and the proposed capacity of the detention pond. Mark Ashness of the C.E. Group explained that they share the same concerns about making sure the pond has adequate capacity and sufficient design to prevent excess stormwater from creating a standing water problem on Mr. Crutchfield's property across Sanford Road. He said they normally develop that kind of detail with construction drawings and said his client had no problem making town approval of that facility a condition of approval of the site plan.

There was also a lot of discussion about the location of the pond and its proximity to the Horton School drive and the sidewalk on Sanford Road. The Planning Board insisted it needed to be enclosed for safety purposes. Mr. Ashness indicated his client agreed and they were working on details to tie that visually to architectural elements of the buildings they are planning.

The Planning Board determined that the buffer proposed on the south and east property lines was not adequate to satisfy the zoning ordinance and asked that an opaque buffer be provided up to a height of three feet in addition to what is currently shown on the plan.

John Anton discussed a meeting that was held with neighborhood residents and also the issues raised in Mr. Sullivan's letter to the Board. He suggested that rotating the building housing the Coffee Shop so that it would be parallel with the road would resolve the majority of the residents' concerns. The Planning Board concluded that it would be best to have the coffee shop located on the north end of the rotated building and to provide some vegetative buffer for the patio area.

The Planning Board recommended approval subject to the following conditions:

- The town must approve the design of the stormwater detention facility which shall be designed according to Sections 5.5.11, 5.5.12, and 5.5.13 of the zoning ordinance;
- The detention pond must be enclosed;
- Buffer details must be increased to satisfy the zoning ordinance;
- NCDOT must approve the driveway design and determine if turn lanes are necessary;

- A second hydrant must be located further south on the property;
- A minor subdivision must be completed to create three lots;
- The lighting footprint must be approved by the town.

Commissioner Cotten stated he seems to recall an easement on the property to take the water away from the water tower if it should overflow.

Planner Monroe stated there is an easement on the property along the back property line.

Manager Hughes stated that the drain line has not been installed.

Commissioner Cotten stated it occurs to him it might be expeditious to address that issue while the construction is going on and perhaps build a swale or terrace.

Mark Ashness, CE Group, stated they will have storm drain in the upper parking lot and it wouldn't be difficult to coordinate something with the Town to get that overflow pipe tied into their drainage system.

Commissioner Walker stated sometime ago this property had a reservation of sewer assigned to it.

Mayor Pro Tem stated that matter will be addressed after this.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve with the Planning Board's recommendation and that a drainage solution be worked out.

Vote Aye-5 Nay-0

Todd Roper spoke on behalf of his clients and stated this project and a project on Industrial Drive are related, John Anton & partner have contracts on both properties.

The Fire Department is going to sell the property for over a half million dollars. For this to work both properties have to work together one can't go without the other.

The Fire Department has a 20,000 gallon reservation and they are requesting that the balance not used by the Office Park & Coffee Shop (which will use about 5,000 gallons) be transferred to the Cooper Harris Property on Industrial Drive.

According to Mr. Roper this transfer will benefit the Fire Department, the Town and the citizens of Pittsboro with the development of commercial buildings.

Commissioner Walker stated he agreed with comments from Mr. Roper.

Motion made by Commissioner Brooks seconded by Commissioner Walker to agree to transfer up to 15,000 gallons per day of wastewater capacity to the property on Industrial Drive subject to the following:

- All the paperwork be forthcoming.
- The project on Industrial Drive be on “go” within thirty six months or the capacity reverts back to the town. That we have an agreement on each tract.
- That the developer has twelve weeks in which to get the paperwork that the present owner is in agreement with the transfer and conditions to the Town.

Commissioner Bryan stated he is in favor of this, but asked if it wasn't moving pretty fast.

Commissioner Brooks stated he agrees it is fast, but we need to expand our tax base.

Vote Aye-5 Nay-0

Commissioner Brooks thanked all the fire department members present for their work.

PARKS & RECREATION COMMITTEE

Approve a resolution to make appointments to the Parks and Recreation Advisory Board.

Commissioner Brooks stated he does not know of anything that has caused as much excitement as the “Y” and he would like to wait to see how the “Y” works out. He would like to study it a little more.

Commissioner Cotten stated the YMCA is a membership organization. Citizens have completed the applications to serve on the committee about eight months now. When we start applying for grants we need to have this committee in place.

Commissioner Walker agreed with Commissioner Brooks. He said he met with Mr. Murray (local director). He stated the YMCA stands for Young Men Christian Association and he does not think we could find a better organization to help with that need.

Commissioner Cotten stated we need to start planning for Pittsboro.

Commissioner Brooks stated he agreed with Commissioner Cotten we do need planning, but he would like to see what the “Y” has to offer our citizens.

Commissioner Griffin asked if we could not work with the YMCA.

Motion made by Commissioner Brooks to postpone this item for at least six months; seconded by Commissioner Walker.

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

PRESENTATION BY DAVID MONROE

Presentation by Town Planner, David Monroe, to review recent legislative changes to planning and land-use management statutes, Senate Bill 814 and Senate Bill 518.

Senate Bills 518 and 814 codified changes to the General Statutes governing zoning ordinances, subdivision regulations and actions by the Board of Adjustment. Some of these changes will necessitate action by the town; others simply codify or clarify options the town may choose to exercise. Most of the changes take place January 1, 2006 in order to give municipalities and counties time to amend their ordinances.

The following changes are made to zoning regulations:

- The notice requirement for zoning map amendments that affect more than 50 properties owned by at least 50 different people is simplified by allowing publication of notice of public hearing at least ½ newspaper page in size twice instead of four times.
- Posting notice of public hearing on the site proposed for rezoning becomes mandatory; our ordinance allows it as an alternative form of notice.
- The definition for qualifying a valid protest petition is simplified by adding the option of calculating 5% of the owners in a 100 foot buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. It also clarifies that vacant positions on the Board of Commissioners and members excused from voting shall not be counted as “member of the Town Board” when calculating the ¾ majority. It also simplifies the protest provision by limiting its application to zoning map amendments.
- It allows a person who has signed a protest petition to withdraw his or her name at any time prior to a vote on the proposed amendment. Further, the Board of Commissioners may require that all protest petitions be on a form prescribed and furnished by the town.
- It allows the ordinance to provide density credits or severable development rights for dedicated rights of way.
- It codifies the Board of Commission members and advisory board members may not vote on ordinances or recommendations if they have a “direct, substantial, readily identified financial interest in the outcome of the decision”.
- It allows specific conditions to be proposed by a petitioner or the town or its agencies reviewing a conditional use permit, special use permit or conditional zoning but only those conditions mutually approved by the town and the petitioner may be incorporated into the permit.
- Prior to adopting or rejecting any zoning amendment the Board of Commissioners must adopt a statement describing whether its action is consistent with the comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest. It does not mandate that zoning

be entirely consistent since the plan may be outdated or exceptions may be appropriate, but it does require that inconsistency to be identified, considered and explained. This statement is not subject to judicial review.

- A statement analyzing the reasonableness of a proposed rezoning must be prepared as part of all rezonings to special/conditional use districts, conditional zonings and other small scale or spot zonings. The statement must be available for inspection at the time of publication of notice of public hearing.

Revisions to the Board of Adjustment include the following:

- It allows an alternate member to serve temporarily or to fill a vacancy.
- It clarifies that “special exceptions” is limited to modest modification of zoning standards but may not include variances in permitted uses.
- It allows conditions to be imposed on a variance but they must be reasonably related to the circumstance that gave rise to the need for a variance.
- It clarifies that vacant positions and members disqualified from voting shall not be considered “members” for purposes of calculating the requisite 4/5 vote.
- Case law requiring the impartiality of Board members for quasi-judicial decision making is codified.

Subdivision regulations are subject to the following revisions:

- It allows municipalities to combine zoning, subdivision and other development related ordinances into a single ordinance (unified development ordinance) to consolidate procedures and administrative provisions.
- It allows different review procedures for sketch plans and preliminary plats. It also codifies case law that held that decisions can be based only on those standards explicitly set forth in the ordinance. Additionally, it requires that if an ordinance uses standards for approval the require judgments, the ordinance must provide adequate guidance standards for making that judgment.
- It modernizes enabling language to improve readability.
- It requires that the ordinance provide a range of types of performance guarantees from which developers may choose.
- It extends routine enforcement options available for zoning enforcement (such as denying building permits) to subdivisions instead of limiting enforcement to criminal citation and injunctive relief.
- It allows the use of pre-sale and pre-lease contracts for developers before a final plat has been approved and recorded. It contains very specific conditions which would attach to such contracts (including full disclosure and allowing a buyer to terminate).
- It includes minor language changes in the definition of subdivision.

The requirements for adopting or renewing moratoria have been changed as follows:

- A clear statement of the problems or conditions necessitating the moratorium and what course of action, alternative to moratorium were considered by the town and why those alternative courses were not deemed adequate.

- A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to the imposition of the moratorium.
- An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to the imposition of a moratorium.
- A clear statement of the actions, the schedule for those actions proposed to be taken by the town during the duration of the moratorium to address the problems or conditions leading to the imposition of the moratorium.

The provisions related to moratoria became effective September 1 but do not affect moratoria in effect unless and until they are considered for renewal.

Commissioner Cotten stated he still is concerned about our zoning ordinances not being up to date. He feels we should take money out of fund balance and get started on this project.

Planner Monroe stated at the very least we have to make these changes and there are some other changes staff can prepare before we get professional help.

VOLUNTARY WATER CONSERVATION

Consider enacting voluntary water conservation measures. By enacting these measures the Town is asking citizens to conserve water in the following manner.

Outdoor water conservation measures include:

- Irrigate only when plants need water. Do not apply more than one inch of water per week.
- Avoid watering of impervious surfaces.
- Lawn watering should be limited by residences with even numbered addresses watering on Wednesdays, Fridays, and Sundays and residences with odd numbered addresses watering on Tuesdays, Thursdays, and Saturdays.
- Hand-held, hose-end watering devices are unrestricted.
- Watering by low-volume drip irrigation is unrestricted.
- Use compost with existing soil to create a favorable plant environment. Mulch landscape to retain moisture.
- Limit vehicle washing to minimum necessary.
- Use a broom or other non-water using devices to clean horizontal surfaces (such as sidewalks, decks, patios, driveways, or street and parking areas).
- Limit filling of swimming pools.
- Always use spring-loaded shut off valve, pistol-grip type hose nozzles.

Indoor water conservation measures include:

- Check for leaks in toilets and faucets and repair them immediately.
- Use shower for bathing and/or reduce the depth of water used for a tub bath. Take short showers.
- Do not keep faucets running while shaving, brushing teeth, or rinsing dishes.
- Install water-saving plumbing fixtures.
- Wash only full loads in clothes washers and dish washers or vary the water level setting to match the load if it is less than full.
- Do not use the toilet as a trash basket. Make every flush count.

No action was taken on this item because of the recent rains.

STAFF REPORTS

Manager Hughes reported that the bids were opened for the water reuse project. The pipe portion came in at 1.1 million and the storage tanks came in at \$260,000. There was no bidder for the main work for plant renovation.

Commissioner Brooks stated he felt it would be a mistake to downsize the size of the pipe. We need to approach the County and 3M and ask them to pay the difference; it is a benefit for both of them for the pipe to stay the size it was first bid at.

Manager Hughes stated he would like to hold out on contacting them until he finds out what the total project cost are going to be. Then he will bring it back to the Board to be worked out.

Commissioner Cotten stated if bids come in higher than the grant he will not vote for it.

Planner Monroe stated clearing/grading for the Lowes site started today.

COMMISSIONER CONCERNS

Commissioner Cotten stated when the ramp was removed on Hillsboro Street it created another problem; it does not comply with the Americans with Disability Act. He would suggest that the space be use to construct a pedestrian ramp. He just wanted the Board to think about it.

Commissioner Brooks stated Bob Knight brought him a letter today stating how he feels about some of the politics and growth. He will have copies made for the Board. He would like to read his conclusion which reads as follows: I have come to accept growth in Chatham County and that real growth is just beginning. He likes the idea of having developers pay for infrastructure needed for that growth. He is not real excited about River Oaks or any of the others, but we simply cannot provide the citizens of this community the things the State is requiring us to; especially in the area of water and

wastewater unless we get some help in paying for them and that is one reason why he has supported some of these things.

The Board commented that the Public works department had done a good job removing the ramp on Hillsboro Street.

The Board agreed that we need to revisit our yard debris policy.

CLOSED SESSION

Motion made by Commissioner Walker seconded by Commissioner Brooks to go into closed session pursuant to GS 143-318.11(3) to consult with an attorney employed or retained by the public body to preserve the attorney-client privilege between the attorney and the public body.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Griffin to go out of closed session.

Vote Aye-5 Nay-0

ADJOURNMENT

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

Vote Aye-5 Nay-0

Clinton E. Bryan, Jr.
Mayor Pro Tem

ATTEST:

Alice F. Lloyd, CMC, Town Clerk