

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
APRIL 28, 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., Chris Walker, Gene T. Brooks and Clinton Bryan, Jr.

Others present: Interim Manager/Attorney Paul S. Messick, Jr. and Town Clerk Alice F. Lloyd.

DISPOSITION OF MINUTES

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the minutes of the April 14, 2003 meeting.

Vote Aye-5 Nay-0

Motion made by Commissioner Bryan seconded by Commissioner Walker to go into a Public Hearing.

Vote Aye-5 Nay-0

PUBLIC HEARING

ANNEXATION – BRENDAN AND ANN KEARNS

PUBLIC COMMENTS:

NONE

ANNEXATION – RICKY SPOON (PITTSBORO SOUTH)

PUBLIC COMMENTS:

NONE

SPECIAL USE PERMIT – AL & KAREN DAVIS

PUBLIC COMMENTS:

Karen Davis asked the Board to approve the Special Use Permit so that they could continue offering the therapeutic riding program.

Ann Hammack – This program is only one of five programs in the state holding the highest level of certification from the North American Riding for the Handicapped Association. Pittsboro is not the largest town in the world, but it is home to a first-class nationally accredited therapeutic riding program. She would request the Town to approve the special use request.

Gail Thomas – parent of a nine year old with Cerebral Palsy and she has been riding for 2 ½ years and it has been a tremendous help to her – the volunteers are wonderful it is a great program. She would like to see the Board approve the request.

LETTERS IN SUPPORT OF THE SUP FOR AL & KAREN DAVIS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

BIG WOODS, INC. REZONING FROM RA TO R-10 OF 88.4 ACRES

PUBLIC COMMENTS:

Joe Faulkner and Chuck Lewis gave an overview of their request.

The following citizens spoke against the rezoning because of traffic, the number of houses, cutting of trees, the possible increase in their property values and not wanting to be inside the Town limits:

- Melvin Williams – 145 Pittsboro Firetower Rd.
- Annette Williams – 145 Pittsboro Firetower Rd.
- Elaine Rives – 206 Pittsboro Firetower Rd.
- Linda S. Johnson – 365 Pittsboro Firetower Rd.
- Maurice Sanders – 981 Thompson Street
- Robert Combs – 56 Juleann Lane
- Ernest Snipes – 268 Firetower Road
- Emma Snipes – 268 Firetower Road

Susan Hilliard – Thompson Street is not in favor of the rezoning because she has been advised that her property is the prime site for a hotel/motel and to rezone it would make it so she can not sell her property as a commercial property.

BIG WOODS, INC. REQUEST FOR SUP

Attorney Messick went over the plans for the development.

Joe Faulkner stated the development will have 266 units – 30% site would be open space – would provide 30 foot buffer from any lot and it will have two access points.

Maurice Sanders – 981 Thompson Street - he understands growth but he is opposed to this – he does not want Pittsboro getting like Town’s North of us.

John Gilmore – Chairman of Trustee Board – St. Andrews Congregational – they are totally against it – he went over to the cemetery and a line has been cut around the cemetery – it is bumped into part of cemetery area.

Chuck Lewis – they have not been able to find a deed to the cemetery – has not had a survey done.

John Gilmore stated he had a copy of the deed.

Elaine Rives – lived in Chatham County all her life – want to live in the country do not wish to be in city limits.

Annette & Melvin Williams – oppose this because of traffic – totally against it.

Linda Johnson – opposed to this.

REZONING – NORCAL LOT A – FROM R-15 TO C-2
NORCAL LOT B & C FROM R-15 TO O & I

PUBLIC COMMENTS:

The Town had received a letter in support of the rezoning from:

- Holmes Oil
- Myrick Construction, Inc.

The Town has received a petition containing 66 signatures protesting the rezoning. Stating this rezoning will allow business establishments that will devastate property values as well as inflict many other negative attributes to an otherwise nice, safe, quiet neighborhood.

The following spoke against the rezoning request because they did not want a commercial use in the middle of a residential section, it should remain residential, would like to keep a peaceful area, the road is already busy and numerous accidents have occurred at the stoplight – this would add to the problem and the road is extremely busy now:

- Pam Peele – 155 Evergreen Drive
- Pam Woods – 153 Evergreen Drive
- Donna Hardy – 22 Fieldstone Commons
- David Thrift – 8663 Blue Heron Dr., Terrell , NC 28682 (Mother’s property is on Sanford Road)
- Thomas A. Dean – 137 Evergreen Drive
- Satch Bousav – 176 Evergreen Drive

- Sue Robinson – 148 Evergreen Drive
- Steve Graf – 940 Sanford Road

The following spoke in favor of the rezoning:

- Clay Lowder – 1051 Pembleton Hill, Rd., Apex – C-2 on the three corners across the street C-2 & O & I
- Brad Smith – 1105 Greenlla Dr., Apex – proper buffering is possible – Apex has done rezoning like this.

A COPY OF ALL WRITTEN ITEMS SUBMITTED IS ATTACHED TO THE MINUTES OF THIS MEETING.

PLANNING AND ZONING MATTERS

Commissioner Cotten stated we have never referred a request for vested right to the Planning Board for recommendation. Cotten asked if there would be fees for the additional 9,000 gallons.

Attorney Messick said it would be and it is not included in the vested rights.

Commissioner Brooks said at the last meeting he requested an actual visual count of houses within Chatham Forest.

Attorney Messick stated that it was 85 built.

Motion made by Commissioner Bryan seconded by Commissioner Griffin to refer the following requests to the Planning Board for recommendation:

- Al & Karen Davis request for special use permit
- Big Woods, Inc. Application for rezoning from RA to R10 of 88.4 acres.
- Big Woods, Inc. Application for a Special Use Permit for a PUD on 94.19 acres.
- Norcal Enterprises request for rezoning Lot A, R-15 to C-2.
- Norcal Enterprises request for rezoning Lot B & C, R-15 to O & I.
- Voller Realty request for vested right status for Chatham Forest.

Commissioner Brooks asked that the Planning Board receive comments made tonight and that the tape be made available to the Planning Board.

The citizens present were advised that the Planning Board would be meeting on May 5, 2003 at 7:30 p.m.

Commissioner Cotten stated he had a concern with the Voller Realty request being referred to the Planning Board – there is no need to refer it to the Planning Board - it is a matter of fairness.

Motion made by Commissioner Bryan seconded by Commissioner Griffin to amend the motion to refer the first five items listed above to the Planning Board for recommendation.

Vote Aye-5 Nay-0

ANNEXATION – KEARNS

Motion made by Commissioner Walker seconded by Commissioner Brooks to excuse Commissioner Bryan (he owns adjoining property) from discussion on the annexation request from Brendan & Ann Kearns.

Vote Aye-4 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve the annexation of property for Brendan & Ann Kearns effective April 30, 2003.

A COPY OF THE ORDINANCE ANNEXATING THE PROPERTY OF BRENDAN & ANN KEARNS IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES

Motion made by Commissioner Walker seconded by Commissioner Cotten to admit Commissioner Bryan back to the meeting.

Vote Aye-4 Nay-0

ANNEXATION – RICKY SPOON

Motion made by Commissioner Brooks seconded by Commissioner Griffin to approve the annexation request from Ricky Spoon for Pittsboro South effective April 30, 2003.

Vote Aye-5 Nay-0

AN ORDINANCE ANNEXING THE PROPERTY OF RICKY SPOON – PITTSBORO SOUTH IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES

CHATHAM FOREST – VESTED RIGHTS

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve three year vested rights for Chatham Forest.

Attorney Messick stated this would not eliminate them from having to come to the Board for preliminary plat approval.

Vote Aye-5 Nay-0

RICKY SPOON EXTENSION REQUEST

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve a 12-month extension (from May 13, 2003) to Ricky Spoon for the approved special use

site plan for the Pittsboro South Shopping Center project located at the intersection of Highway 15-501 and Highway 64 bypass.

Vote Aye-5 Nay-0

REFUND REQUEST – MARJORIE WILLIAMS

Mrs. Marjorie Williams has been paying for three rollouts at her home per month on her water bill since 1996. When it was researched it was discovered that it was meant to go to “Kelvyn Place”. The residents of Kelvyn Place pay their solid waste fees on their tax bills. The total amount to be refunded is \$2,640.00

Motion made by Commissioner Cotten seconded by Commissioner Brooks to refund \$2,640.00 to Mrs. Marjorie Williams for solid waste fees paid in error.

Vote Aye-5 Nay-0

MANHOLE REPAIR AND REHABILITATION PROJECT

Jay Johnston reported that bids were opened on Friday for TV inspection and ranged from 28,600 to 33,900. He would recommend that the contract be awarded to the middle range bidder (Anderson Consulting Services, LLC) for \$32,900. The low bidder did not conform to bid requirements.

Mr. Johnston stated he had not had time to prepare the bid tabulation.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to get a copy of the bid tabulation.

Vote Aye-5 Nay-0

TAX COLLECTION CONTRACT

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the contract with Chatham County for Tax Collection effective July 1, 2003.

Commissioner Cotten stated the board was promised they would send us a copy of the bill format.

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

CAPITAL ASSETS SYSTEM

This item has been a matter the auditors have suggested that we need to have.

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the purchase of a Capital Assets program for our computer system.

Vote Aye-5 Nay-0

COMMISSIONER CONCERNS

Commissioner Brooks asked if we had heard anything from the Cable Company regarding cable & Internet to public facilities.

Attorney Messick stated he met with representatives from Time Warner Cable last week and they are working on it.

RESCHEDULING MAY 26, 2003 MEETING

Attorney Messick stated the second meeting in May will be Memorial Day and he would like to know if the board would like to reschedule it for another day.

Motion made by Commissioner Bryan seconded by Commissioner Griffin to reschedule the second meeting in May for May 27, 2003 at 7:00 p.m.

Vote Aye-5 Nay-0

CLOSED SESSION

Motion made by Commissioner Walker seconded by Commissioner Bryan to go in closed session according to GS 143-318.11(5) to establish the position to be taken by the Town in negotiating the acquisition of real property and GS 143-318.11(6) to consider qualifications of individual public officer and condition of employment of Town Manager.

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 Bryan seconded by Commissioner Walker to adjourn.

Vote Aye-5 Nay-0

Mayor

ATTEST:

Clerk