

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
AUGUST 9, 2004
7:00 P.M.

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

ATTENDANCE

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

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 Walker seconded by Commissioner Griffin to approve the agenda as presented.

Vote Aye-5 Nay-0

CONSENT AGENDA

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

- Minutes of the July 26, 2004 Board of Commissioners regular meeting.
- One step pay increase for Alice F. Lloyd. Ms. Lloyd's employment status was recently changed to exempt (salaried) from non-exempt (hourly) to more accurately reflect her duties and in keeping with recommendations from Becky Veasey's pay and classification study. Ms. Lloyd has also assumed supervisory duties for our customer service and administrative assistant function. This one step increase compensates Ms. Lloyd for the loss of overtime pay and the added supervisory duties.

Vote Aye-5 Nay-0

CITIZENS MATTERS

None

OLD BUSINESS

None

NEW BUSINESS

Consider a petition for connecting Fox Chapel Lane and Springdale Drive. Approximately 73 residents have signed petitions in favor of a connection along with 12 members of the business community.

Mayor May stated she has received several calls today from residents of Chatham Forest who feel they are not being heard because they have not lived here for a long time.

Commissioner Walker said he does not have an issue with opening up Fox Chapel Lane to Springdale Drive as long as some certain criteria are met. Not sure that Springdale is wide enough to handle the potential heavy traffic flow along there. He thinks it will benefit the citizens and the Town if curb and gutter and sidewalks were installed. Also have concerns about the turning lane, left coming from Chapel Hill, turning left into Springdale Drive, is that lane long enough. Also concerns about folks turning left off Springdale on to 15-501. Do we need a stoplight there. Big question is who pays for it. He feels if we approve it, since Chatham Forest Subdivision benefits most from it we need to look to the developer to pay the costs.

Manager Hughes stated he met with Mr. Will Garner, NCDOT, Division Traffic Engineer, he has been in the area for at least seventeen years and he knows the area very well and has a lot of experience. Met with him out there Friday, they went all the way down Fox Chapel all the way on Springdale and they walked a portion of 15-501. His recommendations were: (1) that a turn lane from 15-501 going south going into the subdivision was too short for the added traffic, it would need to be double the current length; and, (2) Springdale either be widened or that no parking be along there, it just will not accommodate on street parking with the number of trips per day. He also stated that you can expect some additional cut through traffic.

Commissioner Bryan stated we have been dealing with Mr. Voller for a long time and have found out that he will not do what he is supposed to do. This road on the plat is not opened to Springdale Drive. (Which is the way the Board approved it) Since he could not get enough right-of-way from Bennie Johnson, he has bought some more land and put a little curve in the road and he has already paved and curbed and guttered it. If we do decide to do this thing he would like to see Mr. Voller bear the entire expense of improving Springdale Drive up to DOT standard. Until that is done he would hope that what he has done to connect the two roads up there would be torn up until Springdale Drive is completed. That is the only way we could be sure he would do it.

Motion made by Commissioner Cotten to approve connecting Fox Chapel Lane and Springdale Drive, Commissioner Walker seconded for the purpose of discussion.

Commissioner Walker said the biggest concern he has is the lack of dollars the Town has to do this on our own. He feels we should be assured this would be paid for with private funds before he can go farther. If it comes to the Town of Pittsboro paying for this we do not have the money bottom line.

Commissioner Cotten stated he still says the improvements to Springdale are a separate issue. Don't object to Mr. Voller being asked to pay for it but it is a separate issue. The only other thing he is interested in and he would include this in his motion is that where Springdale and Fox Chapel come together that a built up median be installed something like the entrance off W. Cornwallis into Willow Springs.

Commissioner Brooks stated a discussion has been made twice in the past and he is not sure if enough time has lapsed for it to be considered again. The reason we decided not to do that was not just so we could look after the citizens who had just been here for a long time and to have no regard for new citizens. He lives on a street that is used as a cut through, there are other cut streets also such as Pittsboro School Road. Anybody who does not think we have cut through streets does not have their eyes open. When they get this and he is sure they will sooner or later. Within one year, if not before, they will be back wanting calming devices. When he rides through there he sees people walking, families enjoying themselves, he sees pets not on leash daring to cross the road, that won't happen. That will be gone when this decision is made. There will be cut through traffic. You will not have the peaceful community you have now. He may not be popular but he is going to stand up for what he believes in. You will not have the safety and security that you have now. As far as he knows there has been one break in over there since Mr. Voller started his development. You can not lay a hammer down in his yard. There will be safety and security issues. He is opposed to connecting the roads.

Commissioner Walker stated he would be in favor of connecting the roads. He would like to see a funding source before voting.

Commissioner Bryan said he does not think it is the Town's problem anyway.

Vote Aye-1 Cotten

Nay-4 Brooks/Bryan/Walker/Griffin

COPIES OF THE PETITIONS ARE RECORDED IN THE BOOK OF
RESOLUTIONS NUMBER ONE, PAGES 170-244

CHATHAM FOREST PHASE 5A – FINAL PLAT APPROVAL

Motion made by Commissioner Walker seconded by Commissioner Griffin to approve Final Plat Phase 5A Chatham Forest with the following conditions:

- Mr. Voller should provide a certificate of deposit or other financial assurance approved by the Town's Attorney in the amount of \$19,213.00;
- The Warranty offered by Mr. Voller should be approved by the Attorney;
- A permanent, breakaway barricade of a type approved by the NCDOT shall be placed on Fox Chapel Lane to prevent unobstructed access to Springdale Drive.

Commissioner Bryan stated he would like to see the breakaway barricade put up immediately. Vote Aye-5 Nay-0

A COPY OF THE APPROVED FINAL PLAT FOR PHASE 5A OF CHATHAM FOREST IS ON FILE WITH THE TOWN PLANNER.

LEASE AGREEMENT – VOLLER REALTY

Consider a possible Option to Lease Agreement between Voller Realty and Construction, Ltd and the Town of Pittsboro. The purpose of the agreement is to reserve the 1000 acre former Weyerhaeuser Tract while the feasibility-suitability of the site for a possible wastewater irrigation field is determined. The cost of the Option to Lease will be deducted from fees owed by the Vollers on phases 5A, 5B and 9 of Chatham Forest.

Manager Hughes stated that obviously we have not done all the site work to determine if it's suitable, we think it is suitable to some degree. We have to find out if it is going to really give us the yield we need. Also we have to have some discussions with additional development that is proposed to help finance the expansion of the WWTP. Probably have to do some preliminary environmental work, all of that needs to be done before we sign a long term lease that is what this option to lease is about.

Commissioner Cotten stated Mr. Hughes know he is opposed to spray fields. He has several concerns. Even if the land meets all the requirements if the engineer that gave the estimate to do all this is correct Pittsboro does not have the money and has no way of getting it. Arrangement for payment might be alright in the private sector but in the public sector he feels it would be a slap in the face to the citizens.

Commissioner Bryan stated he was not in favor of the lease either. Asked how much option money are we talking about.

Manager Hughes said \$10,000 a month, the fees owed for Phase 5A, 5B and Phase 9 Chatham Forest is \$136,000.

Commissioner Walker stated he does not have issues with what we are trying to accomplish but from his perspective in finance. Will the deed of trust mortgagor allow

the lease? Most deeds of trust will allow a lease on property. He has concerns about if a foreclosure ever took place would we be in second position. Do not know if they can foreclose subject to our lease. He asked Attorney Messick to respond.

Attorney Messick stated that is provided for in item three the last line.

Commissioner Walker wanted to know if the mortgagor was familiar with what may take place on this land. Would like that clarified before we sign a lease.

Attorney Messick stated it is not a lease it is an option to lease.

Commissioner Bryan said this agreement would make the mortgagor second in line – would they agree to that.

Attorney Messick stated they would have to consider that before signing.

Commissioner Walker would be comfortable if that is true.

Commissioner Bryan asked if we wouldn't get the answer before the exchange of monies.

Attorney Messick stated he did not think we have that luxury.

Commissioner Bryan stated he would think we could take it.

Manager Hughes stated it is just a risk.

Commissioner Walker stated we certainly need the capacity.

Commissioner Cotten said another issue he did not have time to check today was to see if there is a certain amount of flow we must put in Robeson Creek as long as we discharge into it.

Manager Hughes stated he has been to numerous TMDL meetings and they have told him in no uncertain terms they want us out of the creek. They are not much worried about flow. Status quo is not optional for us.

Commissioner Brooks stated whatever the Town does we have to be clear. On the other hand the Manager is correct we don't have many options.

Mr. Voller stated the company is aware of what is going to be put there.

Commissioner Bryan stated he would like to see everything in writing.

Motion made by Commissioner Walker seconded by Commissioner Brooks to table this matter until the August 23, 2004 meeting.

Vote Aye-5 Nay-0

SCHEDULE PUBLIC HEARINGS

Motion made by Commissioner Bryan seconded by Commissioner Walker to set a public hearing for a rezoning request by John Krombach for .822 acres from R-15 to O & I. Parcel is located at the northwest quadrant of NC Hwy 87 and US Hwy 15-501.

Vote Aye-5 Nay-0

Motion made by Commissioner Bryan seconded by Commissioner Griffin to set a public hearing for a rezoning request by John Krombach for .415 acres from R-15 to C-2 CU. Parcel is located at the northwest quadrant of NC Hwy 87 and US 15-501.

Vote Aye-5 Nay-0

COMMISSIONER CONCERNS

Commissioner Cotten expressed appreciation to Mr. Hughes for providing the Board with the Charitable Solicitation Act which is regarding door to door selling.

Commissioner Cotten asked how many residents have signed up for water on the Russell Chapel Road.

Manager Hughes stated he has not sent any letters out. He will get the letters out to property owners this week.

ADJOURNMENT

Motion made by Commissioner Walker seconded by Commissioner Cotten to adjourn at 8:28 p.m.

Vote Aye-5 Nay-0

Nancy R. May, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk