

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, JULY 10, 2006
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Mindy Douglas Adams, Pastor Chapel In the Pines gave invocation.

ATTENDANCE

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

Other staff present: Town Manager Sam Misenheimer, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe, Frank Efird, ORC Water Treatment Plant and John Poteat, Utilities Director.

AGENDA APPROVAL

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the agenda as presented with the removal of item #2 (Approval of draft letter to be sent to Chatham County Commissioners) on the consent agenda to be placed on the regular agenda.
Vote Aye-5 Nay-0

CONSENT AGENDA

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

- Minutes of the June 26, 2006 Board of Commissioners meeting.
Vote Aye-5 Nay-0

CITIZENS MATTERS

None

OLD BUSINESS

BELMEADE SUBDIVISION

Belmeade Subdivision discussion.

Planner Monroe reported that the planning board considered the rough analysis of the financial benefit to the town if Belmeade were to annex and develop fully. In looking at those numbers it is necessary to bear in mind that tax collections will occur annually but

they will be substantially smaller in the first few years. Capital Recovery is a one time event. Access Fees are charged at the time a building permit is sought, so those fees would trickle in. The Use Fees shown are estimated annual amounts. No effort was made to estimate the cost of services needed to support the population at Belmeade.

The Planning Board concluded in its discussion that there would probably be financial benefit to the town if the development were annexed. But in conversations with Mr. O’Neal he indicated that they would have no interest in annexation if the town were only able to provide water. The projects they typically develop are not dependent on individual municipal utility connection; they usually do a community well/water system and septic system. So absent sewer service and an increase in density he didn’t feel there was sufficient benefit to them to justify annexation.

The Board recommended that if the developer is willing to annex, the town should proceed with the review of the project but if they were not then the portion of the ETJ affected by this property should be ceded to the County.

The following is a preliminary estimate of the value of annexing Belmeade Subdivision.

Assuming a taxable value of \$800,000	
Property tax (at build-out) $800,000 \times .373\% \times 137$	408,800
Assuming an average value of \$30,000	
Motor vehicle tax $30,000 \times .373\% \times 137$	15,350
Assuming a per capita amount of \$47.00	
Article 39 Sales Tax 47×350	16,450
Assuming a per capita amount of \$75.00	
Article 40 & 42 Sales Tax 75×350	26,250
 Capital Recovery Fees	
Assuming 333.6 net acres and R-A2 zoning	
Water $\$1,100 \times 333.6$	366,960
Sewer $\$1,400 \times 333.6$	467,040
 Access Fees	
Assuming four bedroom homes	
Water $\$1680 \times 137$	230,160
Sewer $\$2760 \times 137$	378,120
 Use Fees	
Water	2,000
Sewer	4,000
 Total	 \$1,915,130

Commissioner Bryan stated he felt it should be ceded back to the County.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to cede this portion of the ETJ back to Chatham County.

Commissioner Walker stated it is 1 ½ to 2 years away before sewer could possibly be available for the development; he is in favor that it be ceded back to the County.

Mayor Voller stated he felt we should annex the property.

Attorney Messick stated this would have to be a voluntary annexation because the property is not contiguous.

Mayor Voller asked the Board to strongly consider tabling this item for one more meeting.

Commissioner Brooks stated there is a motion on the floor. Commissioner Cotten called for the question.

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

The Board requested that Attorney Messick prepare a resolution for the next meeting, ceding this area back to Chatham County.

SUMMARY OF DRINKING WATER REPORT

Summary of the Drinking Water Report.

Manager Sam Misenheimer presented the board with the following information:

On June 27, 2006 the Town issued a “NOTICE TO THE PUBLIC” regarding the non-compliance levels of Total Trihalomethanes. A copy was mailed to all the Town of Pittsboro water customers. This notification process is required by NC General Statute – Drinking Water Standards.

In response to this “Notice”, the following items of information and documentation are being provided as an explanation to the latest test results. A summary of the TTHM results of the past six years for the Town of Pittsboro, which documents the Quarterly Reports and Annual Average Reports. The limit for TTHM’s for the Town of Pittsboro is 0.080 mg/l, which is a state requirement as of January 2004. The annual average has stabilized since 2003 at 0.081, with a spike in 2004 at 0.092 and a lower level in 2005 at 0.072.

As evident the Town continues to monitor and track these testing results and strive to meet an annual average result of 0.080 mg/l or less. Higher temperatures produce and increase the formation of “disinfection byproducts” as in the 2nd quarter of this year.

In recent years the Town has undertaken an Engineering Treatability Study for the water treatment plant which was prepared by The Wooten Company and presented to the Town Board in April/May 2005. The recommendations from this study were discussed and reviewed by the Town Board of Commissioners, but no actions or recommendations were acted upon at that time.

Given the recommended summary of this treatability study the Town is now in a position to consider the options and recommendations as presented. Dependent upon the sensitive nature and expense of these recommendations the Town will need to consider which options would best suit our needs to meet the required Drinking Water Standards.

Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Average
2001		0.136	0.269	0.110	0.172
2002	0.052	0.121	0.269	0.066	0.127
2003	0.096	0.115	0.074	0.040	0.081
2004	0.077	0.135	0.108	0.049	0.092
2005	0.041	0.052	0.137	0.058	0.072
2006	0.076	0.183			

Running average of the last 2 quarters of last year and first 2 quarters of this year = .114

The limit for TTHM's dropped from 0.100 to 0.080 the first of January 2004

Commissioner Cotten stated we have had numerous studies done and spent many dollars. There are some things we can do without additional cost, he is opposed to switching to

any other chemical. He asked Mr. Efird if they are monitoring the raw water pump – and Mr. Efird stated he was.

Commissioner Cotten stated he feels having a flushing program will help a lot. It has been about two years since the Board budgeted money to complete the loop on Cedar Lane/Oakwood Drive and he doesn't think it has been done. He feels if some of the loops are made it will improve the circulation on water in the lines. He would like to eliminate all dead end lines. He would urge us to have a regular flushing schedule.

John Poteat stated that flushing would cause millions of gallons of water to go on the ground. We can't get the numbers down that much in the summer. Before the last testing the water was flushed everyday for 2 weeks before the test were taken. They would flush every other hydrant. He said he found when they would flush at night, there would be dangerously lower levels of water in the morning.

Manager Misenheimer stated the State dropped the TTJM level amount. He agreed the dead end areas need to be flushed on a regular basis.

Commissioner Walker asked about the trenching that was done earlier.

Frank Efird said they were hoping some of the problem was the organic matter and that it would be cleared up after the trenching.

Commissioner Brooks asked what the exact formula is.

Mr. Efird said the state mandates that notification be made to customers if the average exceeds .080 mg/l.

Mayor Voller asked if there is anything we can do about this.

Mr. Efird stated the State doesn't want municipalities to get into that.

Commissioner Brooks asked that Mr. Efird state what he told him about the chances of getting cancer.

Mr. Efird stated research (in animals, it has not be conducted in humans) indicated that if you drink one gallon of water per day for 30 years you have 25% chance of getting cancer.

Commissioner Brooks asked if we could put that on the notification.

Attorney Messick stated no.

Commissioner Brooks stated that he would like for the Board to consider if some additional revenues come in that we set aside of the monies for improvements (if it happens).

Motion made by Commissioner Brooks seconded by Commissioner Baldwin that if the revenue picture will allow us in the future, the Board look at appropriating general/water fund revenues to improve the water quality at the water treatment plant.

Vote Aye-5 Nay-0

PITTSBORO COMMONS/AAC REZONING REQUEST

Discussion of Pittsboro Commons/AAC rezoning request. (Legal memo of Commissioners from Paul Messick.)

Attorney Messick provided the following information:

GS 160A-387 provides that “all proposed amendments to the zoning ordinance or zoning map shall be submitted to the planning board for review and comment.” The Town’s Zoning ordinance in Section 10.3 provides that the Planning Board shall make its recommendation to the Board of Commissioners at the next regular meeting following the public hearing. Also, in Section 10.4.3, the ordinance requires that “before taking such action as it deems advisable”, the Board of Commissioners shall consider the Planning Board’s recommendations, although it can act without having received any recommendation (after 30 days of referral) and is not bound to follow the Planning Board’s recommendation.

In light of the recent request he would recommend that all zoning applications for text or map amendments be automatically, or at least routinely, referred to the Planning Board. It might be best if there were a text amendment to the ordinance itself, but it could be the Board’s policy in the interim. There is no need for a further public hearing unless the Board of Commissioners desires one. The public has had the opportunity to offer its comments.

Planner Monroe reported that on June 28, Mr. Misenheimer and himself had a meeting with Joe Dye from ACC. Mayor Voller attended the meeting and they were joined by Commissioner Walker. Mr. Dye was seeking a clarification of the direction that he would proceed from this point. Based on messages received from Attorney Messick it was suggested that the Board would probably revisit the issue at the next meeting.

Planner Monroe asked Mr. Dye if AAC would be willing to voluntarily suspend the process if the town were to engage in a “Small Area Plan” process with the principal developers in the area and stakeholders who would be affected by development. Such a process would take two to four months and would include several meetings. At the conclusion of this process a proposal could be submitted to the town for its consideration.

Subsequent to the meeting, Mr. Dye has indicated that AAC would be willing to voluntarily suspend the process to allow the small area planning to proceed. Mr. Spoon has indicated that he, too, would participate in the process since he owns land on both sides of Hwy 15-501 north of the bypass.

Vote Aye-5 Nay-0

A COPY OF THE PROCEDURES TO BE FOLLOWING DURING PUBLIC HEARINGS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 488-493

SCHEDULING – WORK SESSION

Consider scheduling of “work sessions” for review of Zoning Ordinance Amendments (tentative 3rd week of July).

Motion made by Commissioner Cotten to schedule a work session for next Monday and cancel the July 24th meeting. He thinks most of the changes are State Statues changes. He would request that prior to the first meeting, if a board member has a question they submit the question to Mr. Monroe so that he can research.

The Board agreed that no action would be taken at this meeting.

Commissioner Brooks stated he would like to be educated on some of the zoning issues. He would like to be able to schedule an appointment to meet with Mr. Misenheimer and Mr. Monroe to discuss the proposed changes. Monroe indicates he would be happy to meet with Commissioner Brooks.

Motion died because of the lack of a second.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to schedule a “work session” for review of the Zoning Ordinance Amendments for July 19, 2006 at 7PM.

Vote Aye-5 Nay-0

LETTER TO COUNTY COMMISSIONERS

A draft letter has been prepared to be sent to Chatham County Commissioners; it reads as follows:

The Town Board of Commissioners voted last night to acknowledge that the Town of Pittsboro is in agreement that Chatham County provides water service to residents on Old Sanford Road, which is located within Pittsboro’s ETJ.

Thank you so much for your support in this effort.

Commissioner Brooks asked that the letter be mailed to each Commissioner’s home address. He stated the Town has been trying to get these people water for 10-12 years. The County has a line running from 3M to Sanford.

Motion made by Commissioner Brooks seconded by Commissioner Walker to send the above letter to the County Commissioner’s home address.

Mayor Voller asked that a copy of the letter also be sent to George Lucier and Carl Thompson, Commissioners-elect. The Board agreed.

Vote Aye-5 Nay-0

NEW BUSINESS

CHATHAM COUNTY DSS SITE PLAN

Consideration of Chatham County DSS site plan.

The Planning Board discussed the LP Gas Tank, and it was decided that the tank would be installed in the ground or removed entirely if gas is available to the site.

Mr. Lee Potts, Engineer for the project indicated that after discussions with Fire Chief Griffin, the radii of parking island areas had been modified to accommodate the turn radius of the fire trucks.

In the discussion regarding the stormwater detention ponds it was noted that they are intended to be dry “ponds” in that they will only have water in them after a storm event and that they will be designed to dissipate the water over the course of one to three days. When not wet they will appear to be grassy areas with a 1 to 3 slope. Planning Board members felt they should be fenced and Mr. Hobbs said they intended to have them fenced especially because of the play area shown nearby, but no note appears on the plan.

The Planning Board voted unanimously (Ms. Farrell excused herself) to recommend approval of the plan with the following conditions:

The revised location of the LP Gas Tank is to be shown underground or removed entirely to utilize natural gas;

Stormwater detention facilities are to be fenced;

Stormwater flow calculations and proposed detention facility sizing must be provided to and approved by the town before these structures are built.

Commissioner Walker asked if it was safe for the gas cylinders to be buried.

There was discussion of the ground tanks being unsightly, but they could be fenced in.

Commissioner Walker said he was not opposed if it is safe.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the site plan for Chatham County DSS.

Vote Aye-5 Nay-0

THE SITE PLAN IS ON FILE AT THE TOWN PLANNER'S OFFICE

Staff Reports/Manager updates

- Community Building roof and building repairs update – still working with 3M on getting the shingles donated.
- Tennis court/basketball court lease agreement w/Chatham County Schools – Dr. Hart said this has been turned over to the School Board's attorney. The board agreed they would like to see the land conveyed to the Town of Pittsboro. The Board agreed that Attorney Messick would get in touch with the School Board attorney to work out the details. The Board agreed that would like to acquire a title to the property or the lease be at least for 20 years.

Motion made by Commissioner Brooks seconded by Commissioner Walker to send a letter to Dr. Hart and the Chairman of Board of Commissioners that the Board would like the property be conveyed to the Town or that the lease be at least for 20 years and that Attorney Messick work with the School Board Attorney to get this matter resolved.

Vote Aye-5 Nay-0

FYI

- Response letter from Charlie Horne/County Commissioners

ADJOURNMENT

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

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk