

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
FEBRUARY 26, 2001
7:00 PM

Mayor Charles R. Devinney called the meeting to order and gave invocation.

ATTENDANCE

Members present: Mayor Charles R. Devinney, Commissioner Max G. Cotten, Burnice Griffin, Jr., Ethel F. Burns, Clinton E. Bryan, Jr. and Gene T. Brooks.

Other staff present: Manager Hugh Montgomery, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr. and Chief of Police Jerry W. Clapp.

DISPOSITION OF MINUTES

Motion made by Commissioner Cotten seconded by Commissioner Burns to approve the minutes of the February 12, 2001 meeting with the following corrections on Page 3:

****REQUEST FOR TEXT AMENDMENT (instead of tax amendment)

****request from the CE Group for February 26, 2001 (instead of January 26, 2001)

Vote Aye-5 Nay-0

CITIZENS MATTERS

NONE

PUBLIC HEARINGS

Motion made by Commissioner Brooks seconded by Commissioner Burns to go into a public hearing.

Vote Aye-5 Nay-0

NOISE CONTROL ORDINANCE

No public comments.

REZONING REQUEST – MR. & MRS. ARCHIE GUNTER
FROM R-12 TO O&I

No public comments.

REZONING REQUESTING – MR. JOHN KROMBACH & MR. THOMAS
KROMBACH FROM R-12 TO O & I

No public comments.

REZONING REQUEST – WADE BARBER
FROM R-12 TO O&I

Mark Donaldson spoke in favor of the rezoning.

Thomas Foushee faxed a letter in today in opposition of the rezoning and requested that it be entered into the minutes of the meeting.

A COPY OF THE LETTER FROM THOMAS FOUSHEE IS RECORDED IN THE
BOOK OF RESOLUTIONS NUMBER ONE, PAGE

REZONING REQUEST – MR. & MRS. ANTHONY BRIGHT

PUBLIC COMMENTS:

Anthony Bright said this is the property where the old Dr. Westmoreland's Office is and it also includes the brick house that is between there and May's Tire.

He requested that a letter be entered into the minutes from adjoining property owners stating approval of rezoning request. The letter was signed by Nancy May, Cliff Foushee, Watson Nordan, Eric Swart, Joey Thomas and Gary Anderson – Magnolia Trace, vacant lots.

A COPY OF THE LETTER IS RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGE

TEXT AMENDMENT – SECTION 5.4, AND TABLE OF AREA, YARD AND
HEIGHT REQUIREMENTS FOR MULTI-FAMILY DWELLINGS IN O & I ZONING
DISTRICTS

Joe Faulkner, CE Group the purpose of the requested change is relative to other municipalities and how they regulate that.

SCATTERED SITE HOUSING PROGRAM

No public comments.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to refer the following items to the Planning Board at their April 2, 2001 meeting: Rezoning Requests from Mr. and Mrs. Archie Gunter; Mr. Wade Barber; Mr. John and Thomas Krombach; Mr. and Mrs. Anthony Bright and for consideration of a text change amendment from Mr. Joe Faulkner, R.L.A. of the CE Group.

Commissioner Cotten stated the reason for referring it to the April 2, 2001 meeting is because the Planning Board will be working on the final stages of the Land Use Plan update with our consultants.

Vote Aye-5 Nay-0

UPDATE ON PLAYGROUND EQUIPMENT

Ms. Jenny Megginson, Executive Director of the “Chatham County Partnership for Children” was present the present the board with the recommendations that have evolved from the joint efforts of the Partnership and town staff.

When the award was presented to the Town Board for development of the park at Town Lake Park, Town Commissioners raised a number of concerns about the selection of that location for a play area for young children. Upon further consideration of these concerns, the Partnership determined that indeed this may not be the best location. They have worked with Mr. Montgomery to develop a recommendation for how the Town might best address the requirement for play equipment at Town Park. She will be glad to provide the Town with a design for a play areas at Town Park that will provide age appropriate equipment of older children in an arrangement that maximizes the environment and directs play away from the hazards of the waterfront and roadway. The equipment they are recommending can be purchased for less than \$5000. Installation of the equipment and establishment of the safety fall zones can be accomplished at little or no additional cost if Town equipment and volunteer manpower are utilized. This would allow the Town to dedicate the rest of the \$20,000 set aside for playground equipment to a safer more appropriate location for a play area for your children.

Since this equipment is for school age children, it would not fit with the funding provided by the Partnership. However, they have worked with Mr. Montgomery and Mr. Charles Eliason of Absolute Surveying, to identify another potential location for development of a playground for younger children. The location proposed is right next to Town Hall. It is hoped that the Town will dedicate this property for the suggested use and contribute remaining available funds to be added to the \$8500 contributed from the Partnership for

the development of an age appropriate play area for families with young children to enjoy. This location is easily accessible by pedestrians, can be safely shielded from roadway hazards, and has the potential for becoming a lovely setting for the type of play areas needed for Pittsboro's many residents with young children.

Ms. Megginson stated there is strong community interest in this playground project. The Partnership's Playground Committee has raised nearly \$400 in private cash donations and has recruited interest from other donors of cash and volunteer services like Mr. Eliason. With the Board of Commissioner's approval, the committee can proceed with fundraising and development of a site design and plan for the area.

Mayor Devinney asked if some type of screening could not be done to protect the play area from the soccer balls that may be knocked over there.

Commissioner Cotten stated he had thought about the possibility of fencing the playground area off.

Ms. Megginson stated she felt that would give parents a false sense of security.

Commissioner Cotten stated he is concerned about the small children that can get away so quickly with the water not far away.

Commissioner Burns stated she liked option 2 – at Town Hall.

Manager Montgomery reminded the board that the Town must become compliant with a grant they received from LWCF, in which they are required to have playground equipment at Town Lake Park.

Commissioner Bryan stated since they just received it tonight, they need to review it.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to table this matter.

Vote Aye-5 Nay-0

Motion made by Commissioner Bryan seconded by Commissioner Cotten to excuse Commissioner Brooks at 9:20 p.m.

Vote Aye-5 Nay-0

BLOODBORNE PATHOGENS COMPLIANCE PROGRAM

Motion made by Commissioner Brooks seconded by Commissioner Burns to approve the Bloodborne Pathogens Compliance Program for the Town of Pittsboro as drafted by Ms. Donna Johnson, R.N, MSN.

Vote Aye-5 Nay-0

A COPY OF THE BLOODBORNE PATHOGENS COMPLIANCE PROGRAM IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES

EXPANSION – TOWN HALL

Mr. Kurt Lent’s proposal for the design was included in the agenda packets.

After discussion Commissioner Cotten requested that Manager Montgomery bring this item back during the budget process.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to table this for next year’s budget. Vote Aye-5 Nay-0

EVALUATION OF WATER TREATMENT PLANT

Mr. Louis LeBrun, P.E. of the Rose Group was present and made a presentation to the board.

A COPY OF THE INFORMATION PRESENTED TO THE BOARD IS ON FILE IN THE CLERK’S OFFICE

NOISE CONTROL ORDINANCE

Motion made by Commissioner Cotten seconded by Commissioner Burns to approve the Noise Control Ordinance. Vote Aye-5 Nay-0

NOISE CONTROL ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES

HORTON SCHOOL ROAD

Motion made by Commissioner Brooks seconded by Commissioner Burns to request that NCDOT take Horton School Road into its roadway system for maintenance.

Vote Aye-5 Nay-0

REQUEST – MR. EDWARD PRYOR

Mr. Edward Pryor was present requesting a clarification of the Major Subdivision Moratorium which is now in place. It is his understanding due to the current lack of sewer capacity, it is no longer possible for the Board to approve major subdivisions which require sewer hookups. It is evident such requests can not be and will not be considered for approval until such time additional capacity is brought on line.

His request for clarification is in regard to areas in the ETJ which are not likely to have access to sewer even if an expansion of facilities and service should occur. He represents the seller of a parcel of land within the three-mile ETJ currently zoned R-A2. According to the current land use plans and proposals there are no plans to extend sewer to this area. They have a buyer who would like to purchase and develop the land as it is currently zoned and without need for city sewer. It would appear logical for the Board to consider requests, which do not require sewer and are located in areas not likely to receive sewer service within any reasonably predictable time frame.

Might it be possible to amend the moratorium or revisit the intent of the moratorium if the Board should consider extending it beyond the current expiration date? He requested that the Board discuss this issue with the intent of clarifying the points he made.

Mayor Devinney stated this item should be back on the agenda for the second meeting in March for discussion, since it will expire at the end of April.

CABLE TV

Mr. Bob Sepe, Mr. Dave Permar and Ms. Renee Boyette were present.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the rate order as reviewed and recommended by Mr. Bob Sepe, Consultant for the Triangle J Regional Council of Government – Cable TV Consortium.

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

Mr. Permar stated the new agreement is a much better deal for the citizens of Pittsboro.

Motion made by Commissioner Burns seconded by Commissioner Bryan to table the Rate Order/Franchise Agreement for TWC until the next meeting.

Vote Aye-5 Nay-0

RESOLUTION AUTHORIZING THE NOTICE OF INTENT TO INSTITUTE AN ACTION TO CONDEMN PROPERTY

Mayor Devinney asked Attorney Messick if he notified the property owners.

Attorney Messick stated the Cooper's were sent a letter stating the board would be considering this motion tonight.

Greg Cooper was the speaker for the Cooper's.

Greg Cooper stated it was important to them, and they feel that communication is what needs to be done here in filling in everybody about what's been going on so that the board can make an informed decision. What they would like to do is to talk about where they are coming from so that board will be able to weigh the issues. He will try to go through the facts. About four or five weeks ago, maybe six weeks ago he was down at the property where his mother works, it is across from Horton Middle School and noticed surveying ribbon everywhere so he asked his brothers Doug and Randy (they brought this property so their mother could work there) what was going on and no one knew what was going on.

So about a week later Randy and himself were down at the property building a shed for the goats he has cleaning up the place and he saw a gentleman coming out of the bottom was Mr. Paxson – he's employed by Mr. Hartford who is the developer of Willow Springs Subdivision which is kind of south of them. Mr. Paxson informs them that they just surveyed this line down through their property and this is where they will be putting a sewer easement and they thought well that's kind of interesting and Mr. Paxson stated Mr. Hartford would be in contact with them and they said they would love to hear from him.

Maybe a couple of weeks later Mr. Hartford calls and they said they would meet with him and talk with him so they met down at the property and he told them he had a subdivision up here that had 20 houses up here and he had 40 that didn't have sewer in it and he needed to put a sewer line through their property. They expressed to Mr. Hartford that they were not too wild about having sewer line down there, because eventually they want to sell it so their mother can retire and nobody likes a sewer line in front of their yard here.

So, they talked to Mr. Hartford and told him they were not really interested in it. That's when he kind of got off on the wrong foot and explained to them he thought the property was worth x number of dollars and it would cost the Town \$2800 to condemn it so he would just throw that \$2800 in on the price of the property. They discussed it and told Mr. Hartford they did not want to do this.

Mr. Hartford asked what would it take? They said basically an arm and a leg because they do not want to do this, they do not want it and none of their neighbors want it. Everybody up there has water and sewer and they would rather not touch this, can't he go somewhere else. They asked what about right behind the dam, because you can go across the creek where it could be tied on to the sewer line where the Board of Education is and it would not even affect them, everything would be fine.

Mr. Hartford told them it was certainly engineeringly possible/feasible, but it was cost prohibited it would cost him too much money, that it would be better for him to come

down their property. They said (Cooper's) what about a pumping station and he said (Mr. Hartford) that even though May Farm's had two of them the Town wanted to get out of that and did not want to support them going forward and they stated they did not want to do this.

Mr. Hartford said o.k. So he asked them again how much it would take – they thought about it and gave him a price. Mr. Hartford said that is kind of steep and said how about this – why don't you get the Town to waive all future connection fees and that would be cost beneficial, it would lower his cost.

Mr. Cooper advised Mr. Hartford that he had been talking with Mr. Montgomery about getting a ditch moved on the property. So Mr. Hartford told him to have the Town move the ditch and waive all the future connection fees. This would make sense for him because it would reduce his cost and he could make more money. Right then they (Cooper's) explained to Mr. Hartford they were not their houses and not their subdivision and they do not want the sewer line, it is not their project and if he (Mr. Hartford) wants to go to the Town it is his project, that would be fine, just let them know what happens. So Mr. Hartford left.

Mr. Cooper stated he talked with Mr. Montgomery and he explained the cost of waiving all the water and sewer hookups, he had not idea. It was Mr. Hartford's idea.

Mr. Hartford also told them he believes the Town had said the water hookups were something like \$1500 per house and that in Chapel Hill/Hillsborough where he is from it is \$3000, so he had to extend his line of credit \$100,000 to get the water hooked up. He (Cooper) thought this is interesting that he has water hook up and he does not have a sewer line (which he has supposedly paid for) so Mr. Hartford went away and came back with a proposal.

They met with Mr. Hartford three times even though they did not want the sewer line they done everything they could to work things out. Hartford wrote them a letter stating the Town would be amicable to discussing the couple of things he could get the town to do, he offers them basically 30 cents on the dollar, he thought something was up.

Cooper wrote him back wishing him the best on his endeavors and stated at this time they would say no thank you to his offer and he hand delivered a copy to Mr. Montgomery so they thought they were done with him.

Last Friday morning he got certified mail from the Law Office of Gunn & Messick, explaining that the Town was displeased with him for not working this thing out. The Town is displeased with him about his conduct with a private contractor. He took offense to that, it also stated the Town would be exercising eminent domain and acquiring the

property for a nominal fee and no amenities such as putting grass seeds on it and no landscaping of the manhole covers. That is why they are here tonight, they had talked with Mr. Hartford and his engineers that is who they had dealt with. It appears that this line will only serve Mr. Hartford (he could be wrong) no one besides Mr. Hartford has come to them. No one has said the Town needs this and that it would benefit the Town.

Hartford explained that he had been in construction business 30 years. Therefore, he would expect that when Mr. Hartford acquired the property 2 or 3 years ago he had plans for water and sewer.

They feel the proposed sewer line will be detrimental to their property later on when they get ready to sell it. It is big enough for multi-family housing and all this type stuff and there is a sewer line sitting on the property. They told Mr. Hartford if he put the line there they would lose everything to the creek. They are worried about the future value of the property, plus what they are going to lose.

There are some things that Mr. Hartford conveyed to them that they have found out later were not the truth. They are here tonight asking that the board carefully consider this. They feel Mr. Hartford has several options they feel it would be very easy for him to go across above their property and cross the creek and not have to go through any of this; option of a pumping station; option to put in septic tanks and not build so many houses and the option to pay them what they feel the future value of their property will be.

Right across the road the County purchased some property at a price of \$35,000 acre. They feel this line is only going to benefit Mr. Hartford and the Town has somehow become involved in it. They would like the Town to consider this before going through with this resolution. If the Town does go through with the resolution they asked that the meeting to be held on the 28th be moved back in order for them to get legal representation because they plan to fight this as far as they can possibly afford to. They plan to ask for reimbursement for any legal fees or damages that occur against their property.

Mayor Devinney said nothing has come before the Board about waiving fees, the Town is not in the business or waiving fees for them or any one else.

Motion made by Commissioner Burns seconded by Commissioner Griffin to table this matter and have both parties to set down with Mr. Messick and try to work this out before they take any action.

Vote Aye-5 Nay-0

COMMISSIONER CONCERNS

Commissioner Bryan had a letter from Methodist Church about wanting first choice at purchasing the property where the ABC store is for additional parking for their church.

The board asked that the letter be forwarded to the Chairman of the ABC Board.

Mayor Devinney stated since there has been miscommunication between the Town and the County, that the Board not consider anything unless it comes from the County Commissioners.

Commissioner Brooks asked about whether the County & State Legislature has been contacted about County residents being admitted free to Jordan Lake.

Manager Montgomery stated it had not been done.

Commissioner Brooks further stated that since the re-valuation has been done it would like to make a resolution assuring our citizens that we will lower our rate as much as possible, seconded by Commissioner Bryan. Vote Aye-5 Nay-0

A RESOLUTION OF ASSURANCE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE

POLICE GRANT FOR COMPUTERS

Chief Clapp was present to request the board’s approval to apply for funds to install computers in the police vehicles.

Motion made by Commissioner Burns seconded by Commissioner Bryan to authorize Chief Clapp to apply for the grant. Vote Aye-4 Nay-0

FYI – AGENDA

- *Letter from Mayor Devinney to Chairman Phillips.
- *Letter from Town Manager to W. C. Garner, P.E.
- *Information given to the North Carolina Municipal Rating Agency

Motion made by Commissioner Bryan seconded by Commissioner Burns to adjourn. Vote Aye-4 Nay-0

Mayor

ATTEST:

Clerk