

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
APRIL 10, 2000
7:00 P. M.

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

ATTENDANCE

Members present: Mayor Charles R. Devinney, Commissioners Gene T. Brooks, Ethel F. Burns, Cassie H. Wasko and Max G. Cotten. Commissioner Clinton E. Bryan, Jr. was absent.

Other staff: Manager Hugh Montgomery, Clerk Alice F. Lloyd and Attorney Paul S. Messick, Jr.

DISPOSITION OF MINUTES

Motion made by Commissioner Burns seconded by Commissioner Cotten to approve the minutes of the March 27, 2000 meeting.

Vote Aye-4 Nay-0

CITIZENS MATTERS

Bob Hartford – Willow Springs and Larry Lenning CP&L were present to discuss placing service under pavement.

Mr. Hartford read the following to the board:

I am Robert Hartford, developer for Willow Springs Subdivision, Pittsboro, NC. I am here before you tonight to discuss the means by which Carolina Power & Light Company proposes to supply electricity to Willow Springs Subdivision. Public access to the subdivision is from West Cornwallis Street, and the town's property extends exactly from curb back to curb back. High voltage is available on West Cornwallis, and utility poles run the length of West Cornwallis, mature trees belonging to private citizens would have to be trimmed. CP&L has proposed that the power service be kept entirely within the public easement by placing the service under the pavement. It has been brought to my attention that the Town of Pittsboro has an ordinance and installation specifications for this type of work. These regulations will be complied with.

There will be no cost to the town involved with this installation. Any hardware installed will be property of CP&L and maintained by CP&L.

Alternate means of supplying power to the subdivision have been reviewed by CP&L, and, according to their representatives, this one is the best way to go.

Manager Montgomery requests that they include the physical location of the conduit underground on the drawing.

Mr. Hartford stated his engineering staff; town's engineer and the Town Manager would inspect it.

Commissioner Wasko wanted to know why this is done on citizen's matters instead of as an agenda item.

Mr. Hartford said he did not know the Town had any ordinance regulating this until Manager Montgomery advise him of this on last Friday and the agendas had already been prepared.

Mr. Lenning stated CP&L would give the Town a copy of the line location.

Motion made by Commissioner Burns seconded by Commissioner Brooks to approve this and that CP&L and the developer make sure we receive a copy of the line location and that all regulations are complied with. Vote Aye-4 Nay-0

Manager Montgomery stated John Amero has donated the iron railing on display tonight.

The board stated that it was very nice artwork.

Motion was made by Commissioner Brooks seconded by Commissioner Cotten to send a letter of commendation to the craftsman.

Vote Aye-4 Nay-0

NAMING OF STREET

Commissioner Cotten discussed naming the street to the east of Town Hall to the end of Fairgrounds Association Road as Martin Luther King, Jr. Drive.

Motion was made by Commissioner Cotten seconded by Commissioner Brooks to adopt the resolution designating the public street that begins on Thompson Street and continues through to the Chatham County Fairgrounds Association Road as Dr. Martin Luther King Jr. Drive.

Commissioner Wasko asked was the person that made the previous request aware that this was going to happen.

Mayor Devinney stated they were at the public hearing when it was mentioned to look into other streets.

Commissioner Brooks stated the men and women who worked so hard on getting the fairground started should be honored with a plaque to placed at the fairground.

Commissioner Brooks also mentioned there was a lot of information in the Chatham Historical book written in 1971, there is a chapter written by Mr. Bishop Leach.

Vote Aye-4 Nay-0

Commissioner Brooks commented that it would be a disgrace to Dr. King if we did not get the road paved, he would like to see the board commit to paving the road. The board agreed.

Motion was made the Commissioner Brooks seconded by Commissioner Wasko to instruct staff to come up with a plan to fix the street always back to the cemetery.

Commissioner Brooks stated the county destroyed the road.

There was a discussion about not allowing trucks over a certain weight on the road.

The board suggested contacting Mrs. Pollard (County Commissioner).

Vote Aye-4 Nay-0

Mayor Devinney stated a letter needs to be sent to H. V. McCoy, Chatham County School System and Chatham County about keeping all the litter picked up on this street.

RESOLUTIONS OF APPRECIATION

Manager Montgomery stated he would like the board to approve a Resolution of Appreciation for Mrs. Sandra Manning, Mr. Tommy Perry and Mr. J. A. Thomas, Jr. for service to the citizens of Pittsboro and Chatham County as members of the Planning Board.

Motion made by Commissioner Brooks seconded by Commissioner Wasko to approve the Resolution of Appreciation for Mrs. Sandra Manning, Mr. Tommy Perry and Mr. J. A. Thomas, Jr. for service to the citizens of Pittsboro and Chatham County as members of the Planning Board.

Vote Aye-4 Nay-0

A RESOLUTION OF APPRECIATION FOR MRS. SANDRA MANNING, MR. TOMMY PERRY AND MR. J. A. THOMAS, JR. IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

SITE PLAN MR. SCOTT BROWN – C2 CU

Manager Montgomery stated Mr. Brown has two requests before the board tonight; one is to approve his site plan and the other is to establish a payment schedule for payment of the capital recovery fee for his project.

Commissioner Burns asked had we made payment schedules before.

Manager Montgomery stated we have with May Farm.

Motion made by Commissioner Cotten seconded by Commissioner Burns to accept the payment fee schedule as presented:

\$2000.00	12/1/00
\$2000.00	6/1/01
\$2000.00	12/1/01
\$1448.00	6/1/02

Vote Aye-4 Nay-0

Manager Montgomery stated the Planning Board recommended approval of the site plan from Scott Brown.

Motion made by Commissioner Burns seconded by Commissioner Wasko to approve the site plan as presented by Mr. Scott Brown.

Vote Aye-4 Nay-0

A COPY OF THE SITE PLAN & CHECK LIST IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

Mr. Brown stated in addition, they only need a 4-inch sewer line to their proposed building but the town is requiring them to provide an 8-inch sewer line across the entire back of their property. He was requesting that the town consider participating in the cost of this additional oversizing. They have obtained a Civil Engineer to begin working on this sewer line on the back of their property along Thompson Street as well as providing a proposal to the town for carrying this line an additional 800 feet to provide better service.

The board requested this request be brought back at the April 24 meeting with a price for the oversizing.

Commissioner Burns asked that staff prepare some options when it is brought back.

REZONING REQUEST MR. & MRS. CHARLES A. LEWIS, III

Manager Montgomery stated Mr. & Mrs. Lewis are requesting the rezoning of approximately 5.77 acres of property located off Thompson Street from RA to R10.

Motion was made by Commissioner Wasko seconded by Commissioner Burns to rezone approximately 5.77 acres owed by Mr. & Mrs. Charles A. Lewis, III from RA to R-10.

Commissioner Brooks stated he is concerned about density.

Vote Aye-3 Burns, Wasko Cotten
Nay-1 Brooks

PETITION FOR ANNEXATION FROM MR. & MRS. CHARLES LEWIS III

The Town Clerk certified the sufficiency of the petition.

A COPY OF THE SUFFICIENCY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

Motion made by Commissioner Cotten seconded by Commissioner Wasko to approve the voluntary petition of annexation effective June 30, 2000.

Vote Aye-4 Nay-0

AN ORDINANCE TO EXTEND THE TOWN LIMITS IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES

PRELIMINARY PLAT – HUNTERS RIDGE

Manager Montgomery reported that planning board recommend approval of the Preliminary Plat with the following conditions:

1. Cluster boxes be provided for mail delivery, to be located adjacent to the play area and that two parking spaces be provided for this facility;
2. A utility easement be provided at a mutually agreed upon location for the purpose of future wastewater extension;
3. That the recreation space to be provided by the developer, approximately 6,660 sq. ft., will be maintained by the homeowners association and that a walking trail be used for access to the facility;
4. Sidewalks be installed on Thompson Street in front of the subdivision;
5. Roadways to be curb and gutter 23' back of curb to back of curb with adequate turning radius in the cul-de-sac to be consistent with Town of Pittsboro criteria.

Motion made by Commissioner Burns to approve the Preliminary Plat for Hunters Ridge Subdivision with the recommendation of the Planning Board to include curb & gutter and sidewalks to be on Thompson Street and all other recommendations from Planning Board.

Commissioner Brooks asked about curb & gutter.

The average sizes of the lots will be 20,000 sq. ft. because of curb & gutter.

Vote Aye-3 Burns, Wasko, Cotten
Nay-1 Brooks

Manager Montgomery stated the Mr. Lewis has presented the name of Coachmans Trail for the name of the road to serve this subdivision.

Motion was made by Commissioner Wasko seconded by Commissioner Burns to approve Coachmans Trail as the name for the road to serve this subdivision.

Vote Aye-4 Nay-0

PRELIMINARY PLAT – PHASE 3, 6, 7 & 9 CHATHAM FOREST

Manager Montgomery stated we need to schedule a public hearing for preliminary plat for Phase 3, 6, 7 and 9 Chatham Forest Subdivision, which are not affected by water pressure.

There was discussion about the water pressure problems within the subdivision.

Commissioner Brooks stated the developer is responsible for solving the water problems within his subdivision.

Motion made by Commissioner Wasko seconded by Commissioner Burns to establish a public hearing on April 24, 2000 at 7:00 p. m. for the preliminary plat on Phase 3, 6, 7 and 9 Chatham Forest. Vote Aye-4 Nay-0

MORATORIUM

After discussion a motion was made by Commissioner Burns to put “all” where “major” is died for the lack of a second.

Motion made by Commissioner Brooks to approve with Commissioner Burns recommendation/changes. Commissioner Brooks withdrew his motion and Commissioner Burns withdrew her second.

Commissioner Cotten stated he would like to see it prepared with the recommendations before approval.

After much discussion a motion was made by Commissioner Burns seconded by Commissioner Cotten to table this matter until the revisions that were discussed tonight are included in the moratorium:

Article II – add Land Use, expansion completion request for water expansion request, transportation development plan

Page 2 – add to ...Town to provide wastewater (water & other utilities) services (submitted) (received) – should be submitted

Article III – include the extra-territorial zoning jurisdiction of the town. No residential subdivision shall be approved or constructed within said corporate limits and no major subdivisions within the ETJ jurisdiction of the Town of Pittsboro except in accordance with this ordinance.

Article IV – any (major) – any

Article VI – (major) – all

Any subdivision which has (been submitted for) received – should be been submitted for

Effective Date:

This ordinance shall take effect and be in force upon adoption.

Commissioner Brooks was concerned about not having something in place if someone bought a sketch plan in.

Motion was made by Commissioner Brooks seconded by Commissioner Wasko that staff not accept the fees associated with a sketch plan. Commissioner Brooks withdrew his motion and Commissioner Wasko withdrew her second.

MAY FARM SUBDIVISION

Manager Montgomery stated Mr. Phelps is requesting that cluster boxes for mail delivery not be used in May Farm Subdivision and that installation of irrigation systems under town street for purposes of water common areas with non-potable water from a pond be approved.

Mr. Phelps sent a letter to Manager Montgomery which read:

Dear Mr. Montgomery,

As you know, I have been in contact with both the Pittsboro Post Office and yourself inquiring about postal delivery requirements for May Farm Subdivision. It is my understanding after talking to you, that the Town's current position is to mandate the use of a cluster box delivery system in this development and that the local Post Office has deferred this decision to the Town. In our phone conversation, you indicated that you recall this being previously discussed and decided upon during the course of the subdivision approval. I have no reason to doubt your recollection, however, I mentioned to you that I personally did not recall it being discussed, nor am I able to find any reference to it in going through the Town minutes of the subdivision approval. If you have something in your records which indicates this, I would appreciate you sending me a copy.

At any rate, subsequent to our phone conversation, at a meeting with the Subdivision's Realty Company and the three member Building Team, I indicated that the Town would require a cluster-box mail system. All were opposed to this and felt it would have a negative effect on sales. They took it upon themselves to prepare the enclosed letter expressing their concern and asked that I request the Town to reconsider its position. In response to their concerns, I would like to respectfully ask the Board of Commissioners to re-examine this matter at their next meeting and if at all possible, allow the use of traditional individual mailboxes on each lot versus a cluster-box system.

Thank you for your consideration.

Sincerely,
George R. Phelps, Partner
GPG Development LLC

Mr. Phelps stated they would like for the houses to have the more traditional mail boxes. He wants to appeal to the board not to require cluster boxes.

After discussion a motion was made by Commissioner Burns seconded by Commissioner Wasko to deny the request from Mr. Phelps to be consistent with other subdivisions.

Vote Aye-4 Nay-0

Manager Montgomery stated the irrigation system has been moved out of the right of way and is now under the Town Street in a PVC sleeve.

Jay Gilleece stated they made a mistake, they did not now the Town has restrictions on this. The irrigation system will be operated by the Homeowners Association it is a 4" sleeve with a 2" line. The system will be used for flowers, shrubs and the community building only. None of the other residents will be able to tie onto the system.

The system will be used only for beautification. It will be included in the conveyance that no one can connect onto it.

Mayor Devinney stated it is currently on a meter.

Mr. Phelps stated it is because they are having work done on the pond and they have spent too much money on beautification not to take care of it.

Commissioner Wasko asked what kind of assurance would we have that the water want get so low that it causes an insect problem.

Mayor Devinney stated with the sprinkler being close to the road what if someone had their window down and their car interior or clothing was wet and they wanted compensation from the Town.

Mr. Phelps stated they would be responsible for that.

Mayor Devinney stated that Mr. Phelps would be responsible for any repairs if necessary under the road.

Mr. Phelps stated yes that they would be responsible.

Motion made by Commissioner Burns seconded by Commissioner Brooks to approve the irrigation system location, that a copy of the as built drawings and location of the system be provided to the Town and that everything he agreed to be put in the form of an agreement.

Vote Aye-4 Nay-0

COMMISSIONER CONCERNS

Motion was made by Commissioner Brooks seconded by Commissioner Wasko to instruct the Town Manager to contact the League, IOG, and various municipalities to set sample alarm ordinances so that we might consider approval of such an ordinance.

Vote Aye-4 Nay-0

Mayor Devinney reminded everyone that Manager Montgomery will be working on the budget and will be working from 12 noon until 9 or 10 p.m. on the budget.

Commissioner Cotten stated at his request Manager Montgomery arranged visits with the water and wastewater plants for him.

Commissioner Cotton said a sign should be placed out on 902 when the road Farrell/McClenahan is closed during a ball game.

There was discussion about whether we could allow the closing on the road at all and it was decided that staff would talk with NCDOT about the matter.

Commissioner Brooks stated NCDOT is working on 87 and are involving our sidewalks, see if they will put in a curb cut at their expense, we also have a hydrant in conflict.

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

Mayor

ATTEST:

Clerk