

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
APRIL 24, 2000  
7:00 P.M.

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

ATTENDANCE

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

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

DISPOSITION OF MINUTES

Motion was made by Commissioner Burns seconded by Commissioner Wasko to approve the minutes of the April 10, 2000 meeting.

Vote Aye-5 Nay-0

CITIZEN MATTERS

NONE

PUBIC HEARINGS

Motion was made by Commissioner Bryan seconded by Commissioner Wasko to go into a public hearing. Vote Aye-5 Nay-0

REZONING REQUEST - MICHAEL KIRKMAN

Manager Montgomery stated Michael Kirkman has requested a rezoning on approx. 20 acres of property that he owns between Old Sanford Rd. and 15-501 from RA2 to RA.

PUBLIC COMMENTS:

Mr. Kirkman stated he purchased the property in 1993. It is currently being used as an organic farm. He is proposing to keep a working work but he would like to sell two lots. A soil scientist has said there would be six perk sites on the 20 acres. He would like to have a lot with the existing house and five acres, cut two more acre lots out and leave 9 acres as a working farm.

Manager Montgomery stated we received no written comments.

PUBLIC HEARING – ASSESSMENT ROLL  
BROWN AND THRIFT STREET

Manager Montgomery stated the Town is considering the possible extension of an 8” wastewater collection line to serve the residents of Brown and Thrift Street.

Manager Montgomery reported under GS 160A-216 provision is established for the levying of special assessments to finance public improvements including wastewater collection lines. Assessment is levied against property to pay for public improvements that benefit that property. Traditionally the amount of the assessment must bear some relationship to the amount of benefit to each assessed property.

The project under consideration will involve the installation of approximately 747’ of 8” wastewater collection lines, 4 manholes and 1 “doghouse” manhole. We have contacted four utility contractors and received one bid of \$28,000 for the project. All engineering design work is completed and we have received approval from the State to proceed.

Manager Montgomery stated the letter from Mr. & Mrs. Curtis Thrift be entered into the minutes of the meeting. The letter reads as follows:

Dear Mr. Montgomery:

We received the notice regarding the public hearing Mon., April 24, 2000 regarding the assessment for sewer service on Brown & Thrift Street. We are going to our daughters home in Atlanta for Easter Holidays and will not be back until Wednesday.

We have concerns about being assessed for this sewer line. According to the letter we could be assessed for the cost of the line. We have talked with town managers in the past (for 30 years) about getting this service since we have always been in the town limits and when sewer service was run down 902 and Old Goldston Rd. (skipped Brown St.) many years ago....we were told by neighbors they paid a \$250 tap on fee. The DID NOT pay for the cost of line. Is this correct?

We just want to be treated the same as other town residents....we have been paying town taxes for 30+ years without the same services other town residence have had and I don’t believe our taxes were any less because we did not have sewer service offered.

We feel that we have been neglected for sewer service and should not be penalized at this time by having to pay for this extension. We feel that if the extension had been made when it went down 902 – the tap on fee would have been \$250 and we feel this would be the fair amount to pay.

Please advise.

Sincerely,

Curtis & Joyce Thrift  
79 Brown Street  
Pittsboro, NC 27312

#### PUBLIC COMMENTS:

Harry Suggs was present and stated he had not been approached about having the collection line crossing his property and he does not want it crossing his property. He wanted to know if there was not another route they could use such as extend Brown & Thrift Street to Indigo Ridge Subdivision. He purchased the property several years ago so that they would like have more privacy and there is no way he can benefit from this line. The Town should have better routes to choose from.

Mark Bristol – 54 Thrift Street read a letter he had prepared which is as follows:

Dear Gentlemen/Madam's,

I am aware that this is an informal public hearing for the preliminary assessment resolution of extending the town wastewater system into my neighborhood. I have no facts to present in the form of an evidentiary hearing format, only some items for the members present to carefully consider when making their final decision.

I am grateful that the Town of Pittsboro is finally considering extending the wastewater extension to my neighborhood, it is something I have been waiting for quite some time. As with anything new questions arise and your assistance would be greatly appreciated.

I have been under the impression that in the past, connections to the town sewer/water costs assessed to the land/home owner was a "tap-on-fee", not 100% of the total costs as stated in item #2 of the assessment resolution.

I have also been under the impression for years that a grant existed to fund a major portion of not only this extension but others as well, that the Town was aware that we were not provided with wastewater but we were on the "list" to be connected.(per Ken Cornatzer)

Will Thrift and Brown Street's be widened at the same time per the agreement with Van Groce when Indigo Ridge was developed? It would be very much appreciated if coordination of this project and the road widening with Van Groce could happen at the same time. Also along with this Van Groce still has not replaced my driveway pipe, or installed the additional two (2) driveway pipes, one (1) additional on my property and one (1) on my fathers property Jack Bristol, that they agreed to because of "waiting on the Town to widen the road".

Depending on the final cost assessed to my property can I, if needed, get an extension to the (5) year installment plan and if so what is the maximum extension I can receive?

Thank you for your consideration and efforts.

Sincerely,

Mark Bristol

Harry Sugg per Mr. Bristol's comment – Brown Street on his end does not need widening.

A COPY OF THE LETTER FROM MARK BRISTOL AND CURTIS AND JOYCE THRIFT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

#### CHATHAM FOREST PHASE 3, 6, 7 & 9

Manager Montgomery reported the total number homes in the subdivision will be 191, they had a pedestrian conveyance system and curb will be on both sides.

#### PUBLIC COMMENTS:

Bob Holden wanted to know if details had been reviewed by the Planning Board.

He was told that is the purpose of the public hearing, to send it along with comments to the Planning Board for recommendation.

Randy Voller – would like to move the plat onto the Planning Board for review and recommendations.

#### PUBLIC HEARING – RECLAIMED WATER

Manager Montgomery reported in an effort to potentially expand our wastewater treatment capacity we will need to provide for alternatives to surface discharges. One of

the methods that have been approved by the Department of Environment and Natural Resources is the land application of treated municipal effluent. The “loading rate”, the amount of reclaimed water that can be applied to vegetated areas in a given time period varies greatly with the types of soils on which the site is located.

Should land application be the only method of waste water discharge available to expand treatment capacity of the Wastewater Treatment Plant, we would have to purchase several hundred acres of land, holding ponds and install spray fields.

The use of land application of treated municipal wastewater for irrigation purposes extends the reuse benefit to the Water Treatment Plant and water distribution system as well. Our high demand time is in the summer months. We have experienced times when hourly demands exceeded the 80% capacity level of the WTP. When we add additional 500 homes to the town’s distribution system and should the County demand be constant, ex. 3M drawing 250,000 gpd, demands on the WTP for production could potentially place us without excess capacity.

By requiring land developers to install reclaimed water line as a part of their subdivisions we will extend the life of the permitted capacity of the WTP by providing reclaimed water as a alternative to potable water for irrigation purposes and potentially expand the amount of wastewater treatment capacity available to the WWTP.

The Subdivision Ordinance; Section 7.1(D) “ Sanitary Sewers and Reclaimed Water Distribution System” to read:

“When located within the service area of public sewerage system or reclaimed water distribution system and within the distance of an existing system as specified in the formula below, sanitary sewer and reclaimed water distribution system shall be installed in such a manner as to serve adequately all lots with connection to the public system. The distance from an existing sewer line or reclaimed water distribution system shall be based on the formula below:

Number of Lots +	Distance to Existing Line
At least...But Less Than	
1...5	300' + 50' for each lot over 1
5...20	300' + 75' for each lot over 5
20...50	1,375' + 100' for each lot over 20
50	4,375' + 125' for each lot over 50

Consideration shall be given to the acreage of an entire tract and the number of potential lots therein, taking into account topography, feasibility of the land for further subdivision development and other factors.

Sewer lines and reclaimed water lines shall be installed according to the standards and regulations of the Chatham County Health Department, The State of North Carolina Department of Environment and Natural Resources – Division of Water Quality and the Town of Pittsboro.

#### PUBLIC COMMENTS:

Randy Voller – thinks it is a good idea to study this issue.

Motion made by Commissioner Burns seconded by Commissioner Cotten to go out of the public hearing.                      Vote Aye-5    Nay-0

#### ASSESSMENT – BROWN & THRIFT STREET

Motion was made by Commissioner Cotten seconded by Commissioner Burns to look at all other possibilities and options for making sewer available to the residents on Brown & Thrift Street at the next meeting.    Vote    Aye-5    Nay-0

#### PROJECT TURNAROUND

Manager Montgomery stated Project Turnaround would like to request inclusion in the FY 2000-01 budget.

Douglas Thorne was present to make the presentation for Project Turnaround. He stated this program is for any first time drug offense or drug related charges for individuals 16 years old and older, individuals committing crimes to obtain illegal drugs, individuals under the influence of drugs/alcohol when crime was committed and the individuals must have a documented substance abuse problem.

They offer in-court screening of drug offenders, intensive case management (monitoring & tracking), random urine screen, treatment referrals/recommendations, monitor GED completion (if applicable), out-of-county/state referrals, six week out-patient treatment/education program and vocational rehabilitation referrals for these individuals.

They are requesting the Town of Pittsboro to fund them \$4,500 in FY 00-01. The program was started in the early 90's with grant monies from the Governor's Crime Commission.

Chatham County has stated they will front the money if Project Turnaround will go to other Cities and agencies to seek funding.

Out of 93 participants 33 were from Pittsboro.

The Board had concerns about these numbers and wanted to know if they were actually from within the Town limits or just had a Pittsboro address.

They stated they would check the numbers.

Mayor Devinney advised this request would be looked at during the budget process.

#### DIEHL & PHILLIPS, PA – CONSULTING ENGINEERS

Manager Montgomery stated Mr. John Phillips is present to discuss speculative limits for the wastewater treatment plant.

Mr. Phillips addressed the letter the Town has received from NCDENR.

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

Motion made by Commissioner Brooks seconded by Commissioner Burns to authorize Mr. Phillips, Mr. Jenkins and Mr. Montgomery to establish a date to meet with the Staff of Water Quality Section of the Department of Environment and Natural Resources to discuss the letter.                      Vote    Aye-5    Nay-0

#### HYDRAULIC MODEL – WATER DISTRIBUTION SYSTEM

Manager Montgomery stated Michael Koonce and Mike Burnett are present tonight to talk about the hydraulic model of the water distribution system.

Mr. Koonce reported that they had more work to do to finalize the model but they reported on what they had done so far.

A COPY OF THE PRELIMINARY HYDRAULIC MODEL – WATER  
DISTRIBUTION SYSTEM IS RECORDED IN THE BOOK OF RESOLUTIONS  
NUMBER ONE, PAGES

Wally Jenkins talked about moving the tank. After speaking with Mr. Koonce he would not request a spilt system. The Town has spent many dollars to keep the tank maintained.

#### REZONING REQUEST MICHAEL KIRKMAN FROM RA2 TO RA

Motion made by Commissioner Brooks seconded by Commissioner Bryan to refer this to the Planning Board for recommendation.

Vote    Aye-5    Nay-0

PRELIMINARY PLAT – PHASES 3, 6, 7 AND 9 CHATHAM FOREST

Motion made by Commissioner Bryan seconded by Commissioner Wasiko to refer this request to the Planning Board for recommendation stating that Mr. Voller is responsible for solving the water problem within the subdivision.

Vote Aye-5 Nay-0

PHONE SYSTEM – TOWN HALL

Manager Montgomery requested authorization to purchase a new phone system from Bell South and to transfer budgeted funds from **Public Buildings** – Town Hall Cleaning (\$3,200) & Contracted Improvements (\$2,500) **Planning** – Capital Equipment (\$2,500), Salaries (\$4,500) = \$12,700 to **Administration Capital Outlay**.

Motion made by Commissioner Burns seconded by Commissioner Brooks to authorize the purchase of a new phone system from Bell South and to make the transfer as presented by Manager Montgomery.

Commissioner Cotten stated he would like to limit the number of selections.

Commissioner Wasiko stated she is in favor of having someone to answer the phone, the voice system will be a barrier for older adults.

Vote Aye-5 Nay-0

MORATORIUM

Mr. Timothy J. Niles, Broker-Owner for Century 21 FourStar Realty was present and presented the board with a letter dated April 24, 2000 which read as follows:

Town of Pittsboro Board of Commissioners

Thank you for allowing me to address you this evening. I am Tim Niles, A Real Estate Broker and part owner of Century 21, FourStar Realty. As the current ordinance is written (with all the brackets []), it is very difficult to understand. I therefore have these questions.

Article II No more residential subdivisions until wastewater treatment needs are enacted.

Questions:

1. Is the length projected to be exactly 365 days, or can the moratorium be either extended or shortened?
2. Are all, or only “major” subdivision affected?

Article III Applies to the incorporated area of the Town of Pittsboro [and maybe the ETJ??]

Questions:

1. Are only subdivisions that expect to use sewer systems affected?
2. Does the moratorium apply to only the Town Limits or does it extend to the ETJ?

Article IV Regulation of Residential Subdivisions

Question

Do only major, or all subdivisions, fall within the jurisdiction?

Article VI Existing Subdivisions

Questions:

1. What is “existing”?
2. Does it apply to subdivisions that have submitted, or have received sketch design approval?

Effective Date:

Questions:

1. Is the effective date 570,000 gpd, upon adoption, or some other time?
2. What is the current gpd extended capacity?

I would like to propose the Board have the moratorium ordinance rewritten to answer these questions and then hold an additional public hearing on the finalized language prior to passage.

I thank you for your time.

Timothy J. Niles, Broker-Owner

The moratorium has been rewritten to answer the above questions.

Commissioner Cotten had concerns we may be presenting a legal nightmare.

Motion made by Commissioner Brooks seconded by Commissioner Burns to approve the moratorium as rewritten with the comments made at the last meeting.

Commissioner Brooks stated after hearing Mr. Phillips we don't have a choice.

Commissioner Cotten concerned about transportation & land use as the purpose. Does it need to go before the Planning Board? Do we have the financial resources as required to implement this policy?

Manager Montgomery stated the funds for the Hydro Model and Mr. Phillips is budgeted this fiscal year.

Vote Aye-4 Brooks/Bryan/Burns/Wasko  
1 Cotten

#### WASTEWATER – DIFFUSERS

Manager Montgomery requests authorization to replace the diffusers for the clarifiers at the Wastewater Treatment Plant.

Motion made by Commissioner Brooks seconded by Commissioner Wasko to authorize the Manager to utilize up to \$8,500 from the Capital Outlay line item to make this needed replacement.

Vote Aye-5 Nay-0

#### PROCLAMATION – MUNICIPAL CLERKS WEEK

Motion made by Commissioner Brooks seconded by Commissioner Burns to approve the Proclamation Proclaiming Municipal Clerks Week April 30 – May 6, 2000.

Vote Aye-5 Nay-0

A PROCLAMATION DECLARING MUNICIPAL CLERKS WEEK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE

#### CHIEF CLAPP – POLICE DEPARTMENT

Chief Clapp was present to discuss funding in the upcoming budget for a detective/drug officer. We had a drive by shooting on last Thursday night. It started in Cole Park but the shoot out ended up on East Cornwallis Street in Pittsboro and a stray bullet killed a resident. He needs more officers to deal with what the department is dealing with now.

Mayor Devinney stated he would call Congressman David Price.

Commissioner Wasko stated since Chief Clapp was before the board personally, she did not feel his request was frivolous. She also thanked him for bringing it to the board's attention.

Commissioner Burns stated she was glad you are asking for a specific position, not just a police officer.

## COMMISSIONER CONCERNS

Mayor Devinney stated he wanted to thank the police officers and chief who drive their personal vehicles during the storm.

Motion made by Commissioner Wasco seconded by Commissioner Burns to send a letter expressing our appreciation and to put a copy in their personnel file to all the employees that worked so hard during the storm.

Vote Aye-5 Nay-0

Commissioner Brooks asked about the information on Alarm Ordinances from other Town.

Town Clerk Lloyd stated Ms. Kim Hibbitt with the League of Municipalities is going to fax her some sample ordinances.

Mayor Devinney stated we are going to pave Dr. Martin Luther King, Jr. Dr. to the beginning of the cemetery.

Motion made by Commissioner Wasco seconded by Commissioner Cotton to request 1/3 of the paving cost from NC DOT, Chatham County so that it would be equally distributed.

Vote Aye-5 Nay-0

Motion made by Commissioner Bryan seconded by Commissioner Burns to go into closed session pursuant to NCGS 143-318.11(5)&(6) to establish, or instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease. And to consider the qualifications or conditions of initial employment of an individual public officer or employee.

Vote Aye-5 Nay-0

## CLOSED SESSION

Manager Montgomery reported that Police Officer Webster had requested acceptance of sick leave from his previous employer Chatham County.

Motion made by Commissioner Bryan seconded by Commissioner Burns to allow the transfer.

Vote Aye-5 Nay-0

Motion made by Commissioner Bryan seconded by Commissioner Wasco to go out of closed session.

Vote Aye-5 Nay-0

REGULAR MEETING

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

Vote Aye-5 Nay-0

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Mayor

ATTEST:

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Clerk