

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
JUNE 12, 2000
7:00 P. M.

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

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

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

DISPOSITION OF MINUTES

Motion was made by Commissioner Cotten seconded by Commissioner Brooks to approve the May 22, 2000 minutes. Vote Aye-4 Nay-0

CITIZENS MATTERS

Rouse Wilson – stated he would like more extensive work done at the tennis courts – more than minor crack repair. He would be willing to donate some monies and labor for the project.

Mayor Devinney stated the lease has been finalized on that property and that some funds are available in the recreation budget for park playground equipment.

Commissioner Brooks stated the County has a new master recreation plan – he would like to see the Towns included in the plan. He would like for citizens to speak with the County Commissioners about this.

Motion was made by Commissioner Brooks seconded by Commissioner Burns to have Commissioner Wasko, Manager Montgomery and Dr. Rouse Wilson look into getting repairs done at the tennis courts.

Vote Aye-4 Nay-0

Bill Baker – Townsend – was present to thank Wally Jenkins for all the cooperation he has provided Townsend when needed. He would like to be involved with any water and sewer projects the Town may undertake. It would benefit them to know what is going on in the event of an expansion at the plant.

Commissioner Brooks wanted to compliment Townsend for their corporate support to the community. During FRAN they provided ice to the area residents that were out of power. He would like for citizens to know that Townsend purchasing water from the Town helps to keep residential rates from being so high. If it were not for Townsend they would probably be three times more.

Adrienne Ehlert-Bashista – 105 Beau Lane, Laura Lauffer – 330 Hatley Road and Beth Long – 45 Old Farm Road were present requesting the Town provide a playground for small children. They have to go out of Town to a playground for their children. They are members of a 15-parent mothers group in Pittsboro. They are willing to do a fundraiser to help support the project. It would be nice to have a park next to Town Hall. They were going to Jordan Lake daily until they started charging.

Commissioner Brooks suggested having their legislators lobby for organizations like theirs not to have to pay for going to the park because they are county residents and he further advised them to work with the County Recreation Department on that.

PUBLIC HEARING – FY 2000-2001 BUDGET

Manager Montgomery stated a copy of the budget has been available for the public at Town Hall.

Randy Voller wanted to know if the increases in fees would be sufficient or will there be other increases.

Mayor Devinney stated something might come up doing the year to cause the Town to have to increase the fees.

Randy Voller asked where the \$1,500 per house they have to pay the County for Schools goes? No one with the County can give him an answer.

Mayor Devinney stated the County gets all the money, none comes to the Town. The County provides all schools even within the different Towns.

Motion made by Commissioner Burns seconded by Commissioner Wasko to go out of the public hearing.

Vote Aye-4 Nay-0

ESTABLISH PUBLIC HEARING – WALNUT PLACE

Motion made by Commissioner Wasko seconded by Commissioner Cotten to establish a public hearing for Walnut Place Subdivision for June 26, 2000 at 7:00 p. m.

Vote Aye-4 Nay-0

RELEASE OF HISTORIC FUNDS

Manager Montgomery stated there are funds remaining from the grant received from North Carolina Department of Cultural Resources. He is requesting that the remaining funds be released to Chatham County Historic Properties Commission for the purpose of providing signage to identify the District and develop a guide for a Walking Tour of Historic Pittsboro.

Motion was made by Commissioner Brooks seconded by Commissioner Wasko to instruct the Town Clerk to release remaining grant funds received from the NC Department of Cultural Resources to the Chatham County Historic Properties Commission for the purpose of providing signage to identify the District and develop a guide for a Walking Tour of Historic Pittsboro.

Vote Aye-4 Nay-0

CABLE TV

Manager Montgomery stated Mr. Bob Sepe was present to explain the resolution recommended for approval by our Cable Franchise Consortium.

Mr. Sepe stated there was three things that could be done:

1. deny
2. consent
3. consent with conditions (there are 9 conditions which are listed below)

Conditions:

1. The Franchising Authority consents to Transaction Nos. 1 and 2, effective immediately upon the closing of the transactions contemplated by the agreements, provided that said closings take place prior to July 1, 2001.
2. The Franchising Authority confirms that:
 - (a) the franchise held by the franchisee is valid and in full force and effect.
 - (b) The franchisee will be in material compliance with the franchise if the other conditions set forth in this Resolution are met.
3. TWEAN:
 - (a) agrees to be bound by the franchise and perform all duties and obligations thereunder;
 - (b) represents and warrants that it is able to provide and agrees to provide all services required under said franchise;

- (c) acknowledges and agrees that TWEAN is subject to the regulatory authority of the grantor as provided by state and federal law;
 - (d) agrees to cooperate fully with the Franchising Authority and to obtain from any governmental agency having jurisdiction, all licenses, permits and other authority necessary for lawful operation and maintenance of the cable system.
4. The past performance of TWEAN under the control of TWI pursuant to the franchise is not waived by the Franchising Authority consenting to this transfer and adopting this Resolution. TWEAN (under the control of its new parent, AOL-TW) agrees to be responsible for and bound by the breaches and non-performance, if any, of TWEAN (under the control of TWI) prior to this transfer. The Franchising Authority may, after consummation of the Transaction Nos. 1 and 2, consider in any on going renewal proceeding, the past performance of TWEAN (under the control of TWI) to the extent permitted under 47 U.S.C. Statute 546, as if it were the past performance of TWEAN (under the control of AOL-TW).
 5. TWEAN and the franchise shall be subject to the Franchising Authority's most recently adopted cable standards ordinance.
 6. TWEAN and AOL-TW agrees that the revaluation of the cable system assets, if any, resulting from Transaction Nos. 1 and 2 shall not be the basis for any future rate increases for any regulated cable service, including, but not limited to, basic cable service, equipment rentals and installation costs.
 7. This Resolution shall become effective on the date of its passage but shall be automatically rescinded and the transfer of control denied (1) if not accepted in writing by TWEAN, within thirty (30) days of passage; or (2) if any of the conditions of this consent resolution are determined to be invalid in a final judgment by a court of competent jurisdiction.
 8. Within thirty days following the adoption of this Resolution, franchisee shall pay the sum of \$10,000 to the Franchising Authority to reimburse the Franchising Authority for its expenses in connection with this transfer.
 9. TWEAN and AOL-TW shall provide nondiscriminatory access to the franchisee's cable modem (digital) platform for providers of internet, online services, and other video and digital services, whether or not such providers are affiliated with TWEAN or AOL-TW.

Mayor Devinney stated he and Manager Montgomery received a call after five today from Brad Phillips requesting that the Board not approve the Resolution tonight.

Mr. Sepe stated they object because of #8 and mostly #9. Mr. Sepe stated they recommend approval with conditions.

Commissioner Brooks asked if there would be anything in the agreement about the expansion of service so that everyone is offered service in this area?

Mr. Sepe stated it was.

Commissioner Brooks wanted to know if sub contractors of the company would be liable if they cut our utility lines?

Mr. Sepe said they would and he would have to look at our contract but they are probably liable now.

Mr. Sepe asked if we could get the bills for the repair that was mentioned in Bynum?

Mr. Sepe also stated this area's service is being upgraded.

Motion made by Commissioner Wasco seconded by Commissioner Burns to table this matter until the June 26, 2000 meeting.

Vote Aye-4 Nay-0

HYDRAULIC MODEL – TOWN OF PITTSBORO WATER DISTRIBUTION SYSTEM

Michael Koonce was present. He stated 65-70 lots within Chatham Forest could not receive adequate water pressure from the current location of the tanks.

Mr. Koonce went over their study on the Relocation of Horton Street Elevated Storage Tank. A copy of the study is recorded in the Book of Resolutions Number One Pages 126-133

They would recommend not relocating the Horton Tank at this time.

At this time he would recommend a standpipe to furnish water to Chatham Forest.

Mayor Devinney questioned why the Industrial Drive line was not on the map.

Mr. Koonce indicated that he needed additional information about standpipe.

Motion made by Commissioner Brooks seconded by Commissioner Wasko to authorize the Study of the Industrial Drive line in case of any new development.

Vote Aye-4 Nay-0

CARLOS COCKMAN

Manager Montgomery stated Mr. Cockman is present to request that the access fees for his project be based on FY 99-00 amounts.

Mr. Cockman presented the Board with a layout of the building. He requested that he pay the FY 99-00 access rates since he has been working on this with the Town since October 1999.

Motion made by Commissioner Brooks seconded by Commissioner Wasko that Mr. Cockman's access fees be based on FY 99-00 amounts.

Commissioner Burns wanted to know what we are doing out of sec.

Manager Montgomery stated the access fees are going up if the budget is approved.

Attorney Messick said Mr. Cockman would have to pay access fees currently in effect at the time the site plan is submitted if it is submitted by June 30, 2000 he will pay the current rates as required in the current budget ordinance.

Commissioner Burns asked would they be sitting precedence?

Commissioner Brooks stated it is an allowed use, they had to work on the 40% rule, road construction, time for the study allowed by the state codes, he feels these are mitigating factors and he feels since it was started last fall he should pay the FY 99-00 rate.

Vote Aye-2 Brooks/Wasko
Nay-3 Burns/Cotten/Devinney

Mayor Devinney stated he could not vote for this motion because it does not have a set time the site plan has to be received by.

Mayor Devinney stated if there were a time frame he would consider it.

Motion made by Commissioner Wasko seconded by Commissioner Brooks due to the unusual circumstances that have caused Mr. Cockman delay, if the site plan is submitted by July 10, 2000 he will pay the FY 99-00 access fee rates.

Vote Aye-4 Nay-0

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

Manager Montgomery stated this is before the Board tonight for approval. The Planning Board recommended the following:

At the June 5, 2000 meeting of the Planning Board the Preliminary Plat for Chatham Forest Subdivision Phases 3, 6, 7 and 9 was reviewed for the second time. Mr. Voller – developer of Chatham Forest responded to the Planning Board concerns in a letter that is recorded in the Book of Resolutions Number One, Pages 135-136. Significant discussion regarding provision for public spaces included in Section 6.5 ensued.

The discussion was both specific to Chatham Forest and to the availability of Public Recreation Facilities in general. The availability of active recreation facilities, ball fields, basketball and tennis courts for the Community comprised the general discussion. The need for areas to provide recreation areas for the residents of Chatham Forest as defined in the Subdivision Ordinance was discussed at length.

Following the discussion the Planning Board approved a favorable recommendation for approval of the Preliminary Plat with the understanding that the Final Plat specifically address the requirements of Section 6.5 of the Subdivision Ordinance.

Attorney Messick stated something would have to be decided about the water issue before the final plat can be approved.

There was discussion about recreation area locations.

Mayor Devinney is concerned about the walking trails being placed behind the homes. He feels that is a safety issue.

He further stated the road is a mess and is not very accessible for some of the homeowners. It needs to be addressed.

Mr. Voller stated he would talk with the contractors.

Mr. Voller asked what to do about the water issue.

Mayor Devinney said we would have to have the money in hand before a contract is issued.

Motion made by Commissioner Cotten seconded by Commissioner Burns to approve the Preliminary Plat with the Final Plat to definitively reflect conditions set forth in Section 6.5 of the Subdivision Regulation as recommended by the Planning Board.

Vote Aye-4 Nay-0

COPY OF THE MAP SHOWING PROPOSED RECREATION AREAS IS
RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 137

TRANSPORTATION ENHANCEMENT PROGRAM

The Board thanked Mr. Phil Bors for all the time he has put in this project.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve the Resolution confirming the commitment of the Town of Pittsboro to provide local matching funds as required to participate in the Transportation Enhancement Program.

Vote Aye-4 Nay-0

A COPY OF THE TRANSPORTATION ENCHANCEMENT PROGRAM
APPLICATION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE,
PAGES 138-148

A RESOLUTION CONFIRMING THE COMMITMENT OF THE TOWN OF
PITTSBORO TO PROVIDE LOCAL MATCHING FUNDS IS RECORDED IN THE
BOOK OF RESOLUTIONS NUMBER ONE, PAGE 149

SOLID WASTE MANAGEMENT PLAN UPDATE

Motion made by Commissioner Burns seconded by Commissioner Cotten to approve the Chatham County 10-year Comprehensive Solid Waste Management Plan, which includes a Resolution.

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

FISCAL YEAR 2000-2001 BUDGET ORDINANCE

The board did not want to approve the budget without all members present.

Motion was made by Commissioner Brooks seconded by Commissioner Burns to table this until the June 26, 2000.

Vote Aye-4 Nay-0

COMMISSIONERS CONCERNS

Commissioner Brooks stated the situation on 87 & 64 is so intolerable. He would like some photographs along with a letter sent to the Head of NCDOT, Highway Commissioner, District Engineer and the Legislative Delegation. The businesses and one residence still do not have adequate access to their properties.

Commissioner Burns stated she has been really bothered by this and it appear the State did not try to make sure the resident would be able to get to her home, or customers to get to businesses. She would like for the Town to write the residents and let them know that the Town is concerned about what it going on and has been trying to get the State on it.

Motion was made by Commissioner Brooks seconded by Commissioner Wasko to send a letter to the above mentioned individuals about the problem we are having on 64 & 87 and to include the incidences of unreported broken utility lines.

Vote Aye-4 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Burns to have the parking spaces downtown and on Salisbury Street striped by July 10, 2000.

Vote Aye-4 Nay-0

Commissioner Burns requested that the Police Department help with traffic on Friday afternoons.

Commissioner Brooks stated there is a very dangerous situation beside Pittsboro Appliance Center when the Pepsi truck parks at the corner for 1 ½ hours. The UPS truck also parks at the corner while making deliveries. It is bad for trucks to park at end of stoplight on East and West Salisbury.

The board discussed looking at designating a loading zone.

The space before the stop sign at St. Bartholomew's need to be striped for no parking.

Mayor Devinney stated he had received a report the bathroom facilities at the park were very bad.

Mayor Devinney stated some representatives from the State were present at the Planning Board meeting to go over some things that should be included in the Land Use Update.

There was discussion about 4 way stop signs and boom boxes in cars.

Commissioner Wasko stated the storm drain coverage on Cedar Lane is broken.

Commissioner Burns stated at the Corner of Camp Street there is a site problem due to the overgrowth of bushes.

Commissioner Brooks stated it was the same at the intersection of E. Salisbury and Farrell St.

Please notify the property owners before we begin working on this.

Manager Montgomery stated he had not heard from Alley, Williams, Carmen & King about the request for changing the proposed location of the sewer line on Thrift Street.

Manager Montgomery requested permission to put the concrete sidewalk they take up from Salisbury Street in the sedimentation basin at the old water plant. The board agreed.

Mayor Devinney stated there was a proposal from McLean Tank Company to remove the elevated storage tank located on Midway Street.

Motion made by Commissioner Brooks seconded by Commissioner Wasko to authorize the taking down of the Midway Tank by McLean Tank Company.

There was discussion of putting a park there.

Mayor Devinney stated that property has been used as a parking lot for residents of the adjoining property. He further requested that we check for a deed for the property.

Vote Aye-4 Nay-0

A COPY OF THE PROPOSAL FROM R. E. MCLEAN TANK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 168-169

Mayor Devinney asked Commissioner Cotten where the water went from the runoff at Pittsboro Elementary School.

Commissioner Cotten stated it went into a holding pond.

Mayor Devinney stated it was not supposed to be a holding pond there. There was also discussion about the number of storage trailers located on the property.

The Manager was instructed to check into this.

There was discussion about a trailer being used as a sales office for May Farm. Manager Montgomery is to check into this.

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

Vote Aye-4 Nay-0

Mayor

ATTEST:

Clerk