

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
JANUARY 22, 2001
7:00 P.M.

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

ATTENDANCE

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

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

DISPOSITION OF MINUTES

Motion made by Commissioner Bryan seconded by Commissioner Burns to approve the minutes of the January 8, 2001. Vote Aye-5 Nay-0

CITIZEN MATTERS

NONE

PUBLIC HEARINGS

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

AMENDMENT SUP – CAROLINA LIVING AND LEARNING CENTER

Manager Montgomery reported we had received a request from the University of North Carolina Living and Learning Center for an amendment to their special use permit to provide for a facility to provide education and training for those who work with people who are autistic.

- The Living and Learning Center existed prior to the extension of our three-mile zoning responsibilities.
- Phases I and II received a Special Use Permit in August of 1995 and included residential structures and administrative offices.
- Phase III will construct a building approximately 2500 sq. ft., parking and require the installation of a wastewater pump station.

PUBLIC COMMENTS:

Jeff Rezeli, Ann Griffin and John Phillips were present represent UNC. The amendment will be for a 5,000-sq. ft. one-story building to be used for activities and to bring in other small groups on campus.

Ann Griffin stated it is a part of the master plan. They have two (2) more residential houses to build to complete the project. The master plan was to house 30 residents they currently have 15.

HELMET USE ORDINANCE

Mayor Devinney stated he attended a NCDOT meeting in Greensboro and was told that at some point this would be state law. The Mayor stated he was the one who requested that an Ordinance be drafted.

PUBLIC COMMENTS:

Michael Coral – Deer Run – stated if kids are required to wear helmets adults should be also.

Calvin Megginson – Jenny’s Way – if you get hit by a car the helmet is not going to protect you.

ZONING ORDINANCE AMENDMENT TO PERMIT
100,000 GALLON PROPANE STORAGE TANKS ONLY IN
THE M-2 ZONING DISTRICT

Manager Montgomery stated Mayor Devinney has expressed extreme concern for the permitting of propane storage tanks of less than 100,000 gallons in the C-2 and M-1 zones in Pittsboro. The proposal is to amend the following:

- Section 5.2.1 – Permitted use table of the Zoning Ordinance provides for flammable liquids or gases, bulk storage less than 100,000 as a use permitted by right in the C-2 Highway Commercial, M-1 Light Manufacturing and M-2.
- Flammable liquids or gases bulk storage for tanks greater than 100,000 are SUP in the C-2 and M-1 districts.

PUBLIC COMMENTS

NONE

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

CAROLINA LIVING AND LEARNING CENTER

Mayor Devinney stated in order for them to be eligible for wastewater services they must request annexation from the Town and the Board will decide whether to accept or decline.

He also made Ms. Griffin aware that there has been several fire calls to the facility.

Ms. Griffin asked if there was a way she could get that information.

Mayor Devinney stated he was sure the fire department could find that information.

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

Vote Aye-5 Nay-0

HELMET ORDINANCE

Mayor Devinney stated he would like a program to pay for the helmets.

Commissioner Cotten stated he would like to delay this until the next meeting.

Motion made by Commissioner Cotten seconded by Commissioner Burns to table this until the next meeting. Vote Aye-5 Nay-0

ZONING ORDINANCE AMENDMENT TO PERMIT 100,000 GALLON PROPANE STORAGE TANKS ONLY IN THE M-2 ZONING DISTRICT

Motion made by Commissioner Cotten seconded by Commissioner Bryan to refer to the Planning Board for recommendations.

Vote Aye-5 Nay-0

RESOLUTION OF APPRECIATION – MR. JOHN COOPER

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the Resolution of Appreciation to Mr. John Cooper for service to the citizens of Pittsboro as a member of the Planning Board. Vote Aye-5 Nay-0

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

REQUEST MR. & MRS. CARLOS COCKMAN

Manager Montgomery stated we have received a request from Mr. Todd Roper, Attorney for the Cockman's for a return of the capital recovery fees they paid for their proposed business in Pittsboro, the fees paid were \$37,536.00. The Cockman's had a Phase I Environmental Study performed, which concluded that the lot contained a leaking underground storage tank. The study further revealed that the tanks had been removed; however, contamination existed on the lot requiring clean up. The Cockman's could not get a clean bill of health for the lot from the State of North Carolina, and therefore, they did not complete the purchase of said lot from the seller Curtis Allison.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to refund the fees in the amount of \$37,536.00. Vote Aye-5 Nay-0

SITE PLAN – DALLAS HURLEY

Motion made by Commissioner Burns seconded by Commissioner Griffin to approve the site plan as presented for Mr. Dallas Hurley. Vote Aye-5 Nay-0

FIRST READING – PROPOSED FRANCHISE AGREEMENT WITH TIME-WARNER AOL AND THE TOWN OF PITTSBORO FOR CABLE TV SERVICE

Ms. Yott with Time Warner Cable was present.

Commissioner Brooks stated he has a problem with the pricing of cable services. It is difference in the cost of town residents and county residents. He wanted to know why we did not have the a la Carte menu like other towns. He stated there is a large number of people in town that do not feel they have been served.

Mayor Devinney stated according to our current contract we should have free service at a public buildings. We do not have this.

Ms. Yopp said they have a request for a change in the proposed agreement on Page 9 7(b) – would like it to include – service area and construction build out requirement. Construction shall be phased in according to the law.

Attorney Messick asked if adding these changes would be considered a first reading.

Commissioner Brooks stated he did not see a need for another first reading.

Motion made by Commissioner Brooks seconded by Commissioner Burns to consider this a first reading. Vote Aye-5 Nay-0

CHATHAM FOREST PHASE IV

Manager Montgomery reported Chatham Forest would like the ability to modify the preliminary plat relating to Phase 4 and 5.

- Much consideration was given to the requirements set forth in the Subdivision Ordinance concerning Recreation areas. The areas in the subdivision that have been identified as being suitable for recreation purposes are not located in Phases I, II and IV. Subsequent conversations between Mr. Voller, Chatham Forest and himself, they determined that a possible solution that would allow for introduction of the final plat would be for a Irrevocable letter of credit be submitted for an amount equal to the amount of dollars required should no approved recreation areas be provided. The amount of the letter of credit has been calculated by Mr. Voller.
- Irrevocable Letter of Credit for Recreation fees for Phases I, II and IV.

63 lots @ \$30,000 tax value per lot	= \$1,890,000.00
\$1,890,000 @ 2% fee per lot	= \$ 37,800.00
- In an effort to provide security for the construction of sidewalks, as required in Phase IV, and to place I-2 or road course of asphalt on Phase I, II and IV, the developer suggested a calculation of 675 tons.
- Irrevocable Letter of Credit for Infrastructure for Phases I, II and IV. A final cost of I-2 will need to be installed for the roads in Phases I, II, and IV. Sections of Phase IV will need sidewalk. The length will be approximately 719 feet.

675 tons @ \$40.00 per ton of I-2	= \$ 27,000.00
719 linear feet @ \$10.00 per foot	= \$ 7,190.00
Subtotal	= \$ 34,190.00
\$34,190.00 @ 125%	= \$ 42,737.50
Total	= \$ 42,737.50
- Impervious surfaces in residential subdivisions are limited to 24% when curb and gutter are used. Mr. Voller and himself have meet several times regarding his concerns that we have evaluated impervious surface in the context of all the phases of the subdivision. They agreed on a method for your consideration.

They are utilizing the cluster option for development spelled out in 5.5.5 of the zoning ordinance. Phases I, II and IV are submitted under the low-density option.

Phase I = 15.9248 total acres
Phase II = 2.7155 total acres
Phase IV = 7.4192 total acres

Total = 26.0595 acres

Total square feet = 26.0595 acres @ 43,560 sf per acre = 1,135,151.82 sf
1,135,151.82 sf @ 24% for impervious surface = 272,436,4368 sf

Manager Montgomery further stated he agrees with the methods submitted for your consideration but have some reservations as to the dollar amounts established for streets and sidewalks. Our inspection team has approved water and wastewater lines and he believe we can resolve the few outstanding issued associated with it.

Commissioner Cotten asked about the status of the contract on the water tank.

Manager Montgomery stated he felt \$55,000 for asphalt would be more likely.

Commissioner Bryan stated he felt a \$70,000 letter of credit for asphalt would be appropriate.

Motion made by Commissioner Burns seconded by Commissioner Bryan with the correction made by Commissioner Bryan for roads and sidewalks are \$70,000.

Vote Aye-5 Nay-0

Motion made by Commissioner Burns seconded by Commissioner Griffin to accept the fees as presented.

Vote Aye-5 Nay-0

MUNICIPAL TAX CONSULTING AND MANAGEMENT

Manager Montgomery stated this was brought to the board earlier, but the time frame is about to expire for getting back a refund.

Commissioner Burns asked it this was a legitimate company?

Manager Montgomery stated it was, he researched before he first presented it to the board.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to authorize Municipal Tax Consulting and Management to recover these monies for the town.

Vote Aye-5 Nay-0

COMMISSIONER CONCERNS

Commissioner Cotten stated he is in the final lap of the codification process. He plans to bring the following items back to the board:

- Motor vehicles
- Sales
- ABC
- Police
- Recreation

He wanted to know if the board wanted to include recreation as a part of the ordinance.

Commissioner Burns stated if we were receiving monies we would need to have it in place.

The board agreed to live it in for the time being.

Commissioner Cotten asked the board to approve a resolution to NCDOT for considering the reduction of speed from Old Graham to Pittsboro Elementary School Road, in essence from the town limits north to south town limits on NC 87.

Motion made by Commissioner Cotten seconded by Commissioner to approve the Resolution. Vote Aye-5 Nay-0

**A RESOLUTION REQUESTING REDUCTION OF SPEED LIMIT AND
INSTALLATION OF OTHER SAFETY MEASURES ON NC 87 WITHIN THE TOWN
LIMITS OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGE**

Mayor Devinney stated it has been brought to his attention that the property behind Petro Mart is being used as a bathroom.

Commissioner Burns stated she felt we should have some sort of formula for remitting funds since the town spends so much time and research on a item when their request is withdrawn.

Manager Montgomery stated the site plan is not covered in the withdrawal.

Mayor Devinney stated he has not heard from NCDOT.

Commissioner Brooks stated he would like a bicycle safety clinic be held some Saturday morning at the Community Building.

Manager Montgomery stated he would relay this to Community Police Officer Chris Cooper.

Commissioner Brooks asked that Mayor Devinney write a letter to the Chatham County Board of Commissioners Chairman, Chatham County Recreation Advisory Board and our representatives in the General Assembly to contact the State parks about County residents using Jordan Lake for free.

There was discussion about trash in the ditches on Town streets.

Manager Montgomery stated we could no longer use community service workers for this because they have to have direct supervision.

Contact NCDOT and advise them to put the town limits sign back on 15-501 N it is laying in the woods and abut no thru truck sign on 87 & East Salisbury Street.

Commissioner Burns asked that the sidewalks be cleaned.

FYI

1. Letter from the Board of Directors of the Teen Center.
2. Introduction of potential site plan for the Pittsboro Town Hall addition.
3. Letter from Mr. Bill Baker – Townsend Foods supporting our initiative to evaluate the lift station.
4. Letter from Chairman Phillips to Mayor Devinney.
5. Letter to Editor from Mayor Devinney providing insights in to the Town Board participation in the 3M water line.
6. Confirmation from NCDOT regarding costs and time period for reimbursement associated with water system betterment costs.

Motion made by Commissioner Burns seconded by Commissioner Bryan to go into closed session in accordance with NCGS 143-318.11(a)(3) as provided to consult with the Town Attorney in order to protect attorney-client privilege and 143-318.11(a) 6 to consider the conditions of appointment. Vote Aye-5 Nay-0

REGULAR MEETING

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the terms of the agreement with Hugh Montgomery.

Vote Aye-5 Nay-0

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

Town Manager was instructed to contact Mr. Rosser of the NCDOT and find out about the pedestrian heads that were installed on Hillsboro and Salisbury Streets, update the Board on the Stop Light to be located on Hwy 64 and J. A. Farrell Street/Toomer Loop.

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

Vote Aye-5 Nay-0

Mayor

ATTEST:

Clerk