

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
APRIL 23, 2001
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, Clinton E. Bryan, Jr., Ethel F. Burns, Burnice Griffin, Jr. and Max G. Cotten.

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

DISPOSITON OF MINUTES

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve the minutes of the April 9, 2001 meeting with a change on page 5 to read Commissioner Brooks stated Dallas Hurley has an approved plat but he is waiting because of the 10 70 low density to be approved. Vote Aye-5 Nay-0

CITIZENS MATTERS

NONE

PUBLIC HEARINGS

Motion made by Commissioner Burns seconded by Commissioner Bryan to go into a public hearing for the following:

1. Consideration to extend a Moratorium on residential subdivision within the Town of Pittsboro until May 21, 2002.
2. Request from Mr. Richard Hedgecock for Richard and Della Waite to rezone approximately 1.2 acres of property from C-2/R10 to a Conditional Use District to build a Medical Office.
3. Request to amend the Zoning Ordinance, Section 5.3.3.26.b, "Group Care Home – Property Separation."
4. Request to amend the Zoning Ordinance, Section 4 "Table of Permitted Uses," to allow Group Care Homes in the RA-2 Zoning District with a Special Use Permit.
5. Request to Regulate Aggressive Panhandling in the Town of Pittsboro.

Vote Aye-5 Nay-0

MORATORIUM

Mayor Devinney requested the public be made aware of the proposal.

Attorney Messick stated that it is basically what we have been using for the past year, except now the ETJ area not requesting water and sewer service are exempt.

PUBLIC COMMENTS:

NONE

RICHARD & DELLA WAITE REZONING C-2/R10 TO A CONDITIONAL USE DISTRICT

PUBLIC COMMENTS:

Richard Manning owns adjoining property and is concerned about the location of the driveway. He wanted to know if it would be a public driveway. He stated that access from the backside of the property will be used as a public street, even though it is a private road it will be used as a cut through.

AMEND ZONING ORDINANCE SECTION 5.3.3.26.B "GROUP CARE HOME – PROPERTY SEPARATION"

Manager Montgomery stated the proposed site of the "Group Care Home" is 10 acres or more but it is within ½ mile of another facility and our ordinance does not allow it. Therefore they are requesting that the ordinance be changed to read "No such facility shall be located with ½ mile of an existing group care facility except on property with a minimum of 10 acres.

PUBLIC COMMENTS:

Robert Small stated the Children's Therapeutic Program will have a Sociologist, Physiologist, Medical Doctor and Educational System. The only Therapeutic Program that he is aware of is in New York where they have a 80-85% success turn around.

Their program will not interfere with DSS or Mental Health. He would like for the board to give consideration so that they can proceed with this project. Age group will be 0-9 years of age.

Elizabeth Anderson requested that the board allow them in RA2 zone with a SUP the Autism center is within 1000 feet.

Ed Pryor appreciate what they are trying to do he has been a foster parent. What is the definition of group care home.

Manager Montgomery stated it was defined in our zoning ordinance.

AMEND ZONING ORDINANCE
SECTION 4 "TABLE OF PERMITTED USES"
TO ALLOW GROUP CARE HOMES IN THE RA-2
ZONING DISTRICT WITH A SPECIAL USE PERMIT

Manager Montgomery stated currently group care homes are only allowed in R-10 and O&I district. They are requesting that they also be allowed in the RA-2 district.

PUBLIC COMMENTS:

Elizabeth Anderson presented a letter from Kim Caraganis, Director Chatham County Together in support of the Therapeutic Program and stated they had support from Lunday Riggsbee and Pat Devine. If this change is made it would not only benefit children but the elderly also.

Dr. Rebecca Small their program is different because there is a lot of caring and giving. Currently have 32 group homes warehousing our kids within the state of North Carolina. They write a prescription for each child when they enter the center and they are tracked for a five-(5) year min. They will care for Level III children.

AGGRESSIVE PANHANDLING ORDINANCE

Manager Montgomery stated this ordinance was prepared at the request of Chief Clapp, because we are having people being aggressive to people for money.

PUBLIC COMMENTS:

Cindy Edwards stated herself as well as Tom Grubbs and Kermit Dodson are concerned about panhandling and wanted to know if the ordinance covered downtown as well.

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

DOWNTOWN MERCHANTS ASSOCIATION

Manager Montgomery stated Ms. Edwards is present to request permission to use the small stage for the event the Downtown Merchants Association has planned for May 5, 2001.

Ms. Edwards stated they were going to have a Jazz Band in front of the Courthouse Café' and have the driveway closed. They are requesting use of the small stage.

Motion made by Commissioner Burns seconded by Commissioner Bryan to authorize use of the small stage for the Downtown Merchants Association Spring Celebration.

Vote Aye-5 Nay-0

REDUCTION IN POSTED SPEED

Manager Montgomery stated he has prepared a Resolution requesting the reduction in the posted speed for NC 87 and NC 87/902 from the Town Limits beginning at the intersection of US 15-501 to the intersection of US 64.

Motion made by Commissioner Burns seconded by Commissioner Griffin to approve the proposed resolution and add the Board's concern about signage at this location.

Commissioner Cotten stated he felt the speed limit needs to be 25 mph, but he knows that is impossible.

Vote Aye-5 Nay-0

A RESOLUTION REQUESTING REDUCTION IN THE POSTED SPEED FOR NC 87 AND NC 87/902 FROM THE TOWN LIMITS BEGINNING ON AT THE INTERSECTION OF US 15-501 TO THE INTERSECTION OF US 64 IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE PAGE

JOHN KROMBACH – REQUEST

Manager Montgomery reported John Krombach has requested to install a private force main to serve a residential structure located at the intersection of Sanford Road and NC 87.

The Board wanted to know if the Town would be responsible.

Manager Montgomery stated we would not because it is on private property.

Motion made by Commissioner Burns seconded by Commissioner Griffin to approve the connection to the Town of Pittsboro's wastewater collection system via a pump station and force main to be privately permitted and operated as requested by Mr. John Krombach upon payment of applicable fees.

Vote Aye-5 Nay-0

EXTENSION PRELIMINARY PLAT – HUNTER’S RIDGE SUBDIVISION

Manager Montgomery reported Chuck Lewis has requested a 12-month extension on the Preliminary Plat for Hunters Creek Subdivision located on Thompson Street.

Section 4.2 (C).3 of the Subdivision Ordinance requires that the approval of a preliminary plat is only valid for a period of one year from the date of approval. “Upon expiration of preliminary approval, a final plat of the same subdivision shall not be considered by the Town Board unless said preliminary plat is submitted for preliminary approval based on standard in effect at the time of resubmission.

At the present time no improvements have been made within the area approved for the subdivision. Section 4.2.(C).5 “Extension of Time” determines that if Developers are unable to “complete the improvements required for final approval within the specified time, he may present in writing to the Town Board a request for an extension of time setting forth the reasons for the extension.”

This section goes on to determine that “in the event such an extension is granted, the Town shall state the time limit of the extension which shall be recorded in the minutes.”

Approximately 18,000 gallons of water and wastewater treatment capacity have been allocated for Hunters Ridge. In the context of Section 4.2.(C) .3 – Hunters Ridge would be subject to the approved water, wastewater and lift station specifications. The location, “which side of Thompson Street, of the sidewalks required by approval of the preliminary plat could change dependant upon the Enhancement Project that will occur in the next year and one half.

Manager Montgomery stated he believes the crux of the issue will be if the Board desires to continue to reserve treatment capacity for this development and to continue to allow Mr. Lewis to utilize the existing preliminary plat as being current with the Ordinances and policies that were in place at the time the preliminary plat was approved.

Mr. Lewis stated that had been working with the deacons at St. Andrews Church regarding the possibility of extending sewer across their property on US 64. This event was unsuccessful.

Motion made by Commissioner Burns seconded by Commissioner Cotten to approve a six month extension and that the developer remit to the Town the capital recovery fees to hold his allocation 18,000 gallons per day for water and wastewater. The capital recovery fees are subject to refund if he withdraws the request.

Vote Aye-4 Burns/Cotten/Bryan/Griffin

Nay-1 Brooks

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MORATORIUM

Motion made by Commissioner Brooks seconded by Commissioner Burns to approve the extension of the moratorium until May 21, 2002 and that it only includes property within the Town Limits and property in the ETJ only if they desire use of our utilities.

Commissioner Cotten stated he would have to cast a no vote on this item, he feels there is no justifiable reason to extend the moratorium, he is afraid we are opening up a can of worms for legal reasons.

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

SOLID WASTE

Manager Montgomery stated that none of the Town's he contacted has their solid waste picked up like ours, so it would not be a good comparison.

He would like to schedule a meeting with the Solid Waste Committee sometime this week, maybe on Friday.

COMMISSIONER CONCERNS

Commissioner Cotten stated a lot of citizens do not realize that we can not tax county owed property.

Commissioner Cotten had concerns about SB 1088, 1019, 994 and 1015.

INFORMATION

Manager Montgomery stated we have received a letter from Mr. Alfred Lebeau, Fearington Homeowners Association, requesting the support from the Town Board toward extending the telephone calling area to include toll free to Durham.

Motion was made by Commissioner Cotten seconded by Commissioner Brooks to ask Mr. Lebeau to come to the next meeting with facts before taking action on this request.

Vote Aye-5 Nay-0

Mayor Devinney stated they would be going to a meeting on May 7, 2001 along with John Phillips regarding TMDL.

Motion made by Commissioner Burns seconded by Commissioner Bryan to adjourn.
Vote Aye-5 Nay-0

Mayor

ATTEST:

Clerk