

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
DECEMBER 10, 2001
7:00 P.M.

Mayor May called the meeting to order and gave invocation.

ATTENDANCE

Members present: Mayor Nancy R. May, Commissioner Gene T. Brooks, Clinton E. Bryan, Jr., Max G. Cotten, Burnice Griffin, Jr. and Chris Walker.

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

DISPOSITION OF MINUTES

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the minutes of the November 26, 2001 meeting.

Vote Aye-5 Nay-0

PUBLIC HEARING

Motion made by Commissioner Bryan seconded by Commissioner Brooks to go into a public hearing.

Vote Aye-5 Nay-0

Mayor May stated the public hearing was for the purpose of a rezoning request from Mr. Robert Gabor, Chatham County Habitat for Humanity to rezone property from O-I to C2-CU.

PUBLIC COMMENTS:

Amy Powell and Robert Gabor for Chatham Habitat was present and said the purpose of the rezoning is to build an Office and Habitat Store.

Motion made by Commissioner Bryan seconded by Commissioner Griffin to go out of the public hearing.

Vote Aye-5 Nay-0

CITIZENS MATTERS:

NONE

Motion made by Commissioner Bryan seconded by Commissioner Brooks to refer the rezoning requested by Mr. Bob Gabor, Chatham County Habitat for Humanity, to the Planning Board for consideration at their January 7, 2002 meeting.

Commissioner Walker asked if it needs to be clarified just .95 acre and not the whole 1.8 is requested for rezoning.

Commissioner Cotten stated he did not feel that we needed to in order to refer to the Planning Board.

Vote Aye-5 Nay-0

PES – PTO

Mayor May reported that Ms. Wyatt, Pittsboro Elementary School Parent Teacher Organization could not be here tonight she is held up in bad weather on the way back from Hickory.

AUDIT PRESENTATION

Mr. Bobby Wood and Ms. Lynda Ward were present. Mr. Wood made the audit presentation.

Motion made by Commissioner Bryan seconded by Commissioner Cotten to approve the audit for FY 2000-01.

Vote Aye-5 Nay-0

AUDIT CONTRACT

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the audit contract with Bobby Wood, CPA for fiscal year 2001-02.

Commissioner Bryan thanked Mr. Wood and staff for all their help over the years.

Vote Aye-5 Nay-0

FINAL PLAT APPROVAL – CHATHAM FOREST PHASE VI

Manager Montgomery stated the Planning Board has recommended favorable approval of the final plat for Phase VI, that a letter of credit for \$96,280 for the rest of the infrastructure and that a proposal be submitted to deal with stormwater runoff.

Commissioner Cotten asked Manager Montgomery if the \$96,280 included the run off control measures for the private property that has been receiving flooding – because it is on private property it is a matter between adjacent property owners and the developer - he would suggest that we add around \$6,000 to the letter of credit to do the stormwater control measures.

Manager Montgomery stated \$6,000 should be sufficient once it has been okayed by property owners.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve the final plat with the Planning Board's recommendation and increasing the letter of credit to \$102,000.

Commissioner Brooks stated Chatham Forest is a nice looking subdivision – when you turn into Chatham Forest Drive on the left it looks like is a wide driveway (like one the state permits) is this a cul-de-sac not shown on the plat.

Manager Montgomery said Phase III will tie on there and that will be another road.

Commissioner Brooks stated places on the street look like some serious wear (patching) has occurred on the street.

Commissioner Brooks stated that the final paving has never been done for the whole road the manholes are too high for the road as many people that are living up there he can't understand why can't we get the road paved.

Manager Montgomery when the Board approved Phase IV the Town received a letter of credit (surety) for the roads will be callable the end of March 2002, if road course is not in place at that time the public will cash in the letter of credit and then we will be responsible for bringing the roads up to our standard all roads in Chatham Forest are currently private roads.

Commissioner Brooks stated he has a problem voting for approval when the roads seem inadequate to him.

Commissioner Walker stated since there is a dispute to ownership of some of the property that is platted within the Subdivision, will it throw off the density average. He has spoke with Mr. Voller about this. Think because of the large tract we have involved it may not be of concern right now, but at what point will it be a concern to the Board and Town and what potential fines and levy actions from the State do we potentially face if this is not resolved.

Manager Montgomery stated the watershed overlay district is 2/3 of the entire jurisdiction. That residential and commercial subdivision have the ability to have a cluster subdivision which affords smaller lot sizes with average in curb and gutter situations being 20,000 ft., the preliminary plat that was approved has enough land for satisfying the ordinance.

Attorney Messick asked what time frame would the letter of credit in the amount of \$102,000 be.

Commissioner Brooks asked if the surety on the street would be enough. The street should be right before we accept it.

Commissioner Cotten with this motion we are not accepting the streets.

Commissioner Cotten amended his motion to include that infrastructure to be in place within 9 months – Commissioner Griffin agreed to the change since he seconded the original motion.

Vote Aye-4 Brooks/Walker/Griffin/Cotten
 Nay-1 Bryan

Commissioner Bryan stated this is getting close to the top of the hill where he has water problems. The residents on Thompson Street did not have the water coming down on their property until they started working on the subdivision. He would like to see them finish what he starts, he would like to something finished before something else is started.

REQUEST FOR PAYMENT SCHEDULE

Commissioner Cotten stated we have a policy and we should follow it.

Manager Montgomery stated he is operating under the ordinance, which states that the Mayor can not sign a plat until the fees are paid.

Commissioner Bryan stated the fees should be paid up front.

It was the Board's consensus that the Manager collect the fees according to our ordinance.

ORDINANCE REGULATING UTILITY CAPACITY

Motion made by Commissioner Cotten seconded by Commissioner Walker to adopt the Ordinance Regulating Utility Capacity as prepared by our Attorney.

Commissioner Brooks stated he had two major concerns: the last two sentences under Reservation and the fact that there is a three year time limit bothers him while we are in a recession – it is not long enough. It might discourage business.

Attorney Messick stated the ordinance refers to both residential and commercial.

Commissioner Cotten stated he feel that three years is too long and five years is way too long.

Commissioner Walker stated he was in agreement with Commissioner Brooks comment.

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

AN ORDINANCE REGULATING UTILITY CAPACITY IN THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 164-167

PLANNING BOARD APPOINTEE

Manager Montgomery stated Mr. Mark Bristol needs to be replaced on the Planning Board.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to table this until the next meeting so that they will have time to contact people prior to appointing them to the Board.

Vote Aye-5 Nay-0

DECEMBER 24, 2001 MEETING CHANGE

Motion made by Commissioner Brooks seconded by Commissioner Bryan to cancel the December 24, 2001 meeting.

Vote Aye-5 Nay-0

BUDGET AMENDMENT FY 01-02

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve the Ordinance Amending the 2001-2002 Operating Budget.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING FY 2001-2002 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 168

TOWNSEND

Manager Montgomery stated he was requesting authorization to accept wastewater from Townsend, Inc. in conformance with the Industrial Pretreatment Permit issued June 1, 2001.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to authorize the Town Manager to instruct the Operator in Responsible Charge of the Wastewater Treatment Plant to accept compliant wastewater flows from Townsend, Inc. until April of 2002.

Commissioner Brooks wanted to make sure there was some way to compensate the Town for damages – he wanted the citizens of this Town to be protected.

Vote Aye-5 Nay-0

Mayor May stated since Jeffery Foushee was present tonight. He is the low bidder for the Tank Overflow Line Relocation project.

Bids received were as follows:

J. C. Johnson Construction Co., Inc.	\$15,630.00
Thomas Construction of Lee County, Inc.	\$16,060.00
Midway Plumbing & Grading, Inc.	\$14,300.00

Commissioner Cotten stated he does not think this is serious enough to warrant this type expense.

Commissioner Cotten asked Mr. Blair about the status of the easement.

Commissioner Cotten made a motion to table this until they receive a report on easements involved until next meeting, seconded by Commissioner Brooks.

Mr. Blair stated he had the existing waterline had been factored in a recent survey of the property. And that any additional width could be added if necessary.

Mr. Blair stated he was willing to give an easement and to have one prepared for recording.

Vote Aye-5 Nay-0

COMMISSIONER CONCERNS

Commissioner Brooks thanked Manager Montgomery for the list of Town employees and for the removal of limbs on Hillsboro Street.

Commissioner Brooks stated he has not been able to see the damage of keeping the meeting tapes.

Commissioner Brooks stated that the Attorney has been instructed to prepare the framework and duties for the five (5) new Boards called for in the Land Use Update but that the Commissioners had not given any guidance as to how to accomplish this task. Commissioner Brooks said that he would prefer the new Boards to be advisory and educational in nature rather than having any governing authority. There was general consensus from the Board in agreement with Commissioner Brooks.

FYI ITEMS

- Employee list
- C/D quotes 12/3/01
- Financial statements

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

Vote Aye-5 Nay-0

Mayor

ATTEST:

Clerk