

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
AUGUST 13, 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 Max G. Cotten, Burnice Griffin, Jr. and Gene T. Brooks.

Members absent: Commissioner Clinton E. Bryan, Jr. and Ethel F. Burns.

DISPOSITION OF MINUTES

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve the minutes of the June 25, 2001 meeting. Vote Aye-3 Nay-0

CITIZENS MATTERS

NONE

PLAYGROUND COMMITTEE REPORT

Susan Strozier was present and stated they are interested in pursuing the Kiwanis property.

Commissioner Cotten stated he was concerned about the proposed playground equipment being on property owned by someone other than the Town because of liability and maintenance issues.

Commissioner Brooks asked about the location where the old recreation building is over by the elementary school. He is in favor of the Kiwanis location and is sure the maintenance and liability issues can be worked out.

Bill Baker – Kiwanis Club – stated they intend to work with the playground committee because it can be a viable project for the Town.

Commissioner Cotten stated if we go into an agreement with the Kiwanis club the Town needs to make sure that the Town would not be liable if an accident happened on Kiwanis Club property.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to enter into negotiation with the Kiwanis Club to work out an agreement.

Vote Aye-3 Nay-0

PITTSBORO TEEN CENTER

Mr. Lewis Caraganis was present to request that the Town Board continue to let the Teen Center use the Community Building Wednesday, Thursday and Friday of each week from 2:30-6:30 p.m. without charge. They were also requesting a \$1,800 donation from the Town to enable them to provide an Assistant Director for the after school program.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to grant permission to use the community building rent-free on Wednesday, Thursday and Friday of each week for this school year.

Commissioner Brooks asked why was it only three days.

Mr. Caraganis stated because the dance group uses the building on Tuesdays and they do not have enough funding to provide for more than three days currently.

Vote Aye-3 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Griffin to give Pittsboro Teen Center \$1,800.

Commissioner Cotten stated he would feel better if they had asked the County for more than \$500.00.

There was discussion of the parents making a contribution to the pay for the activities.

Commissioner Brooks wanted the money to come from recreation revenues collected from developers.

Attorney Messick stated it could not be used for that purpose it needed to be a capital improvement, etc.

Commissioner Brooks withdrew his motion and Commissioner Griffin withdrew his second.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to table this request.

Vote Aye-3 Nay-0

INTERN

Manager Montgomery requested the board's approval to enter into an agreement with the University of North Carolina at Chapel Hill for the employment of a student to assist in the Implementation of Components of the Land Use Plan. Funds have been budgeted for this expenditure.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to enter into an Agreement with the University of North Carolina at Chapel Hill for the employment of a student to assist in the Implementation of Components of the Land Use Plan.

Vote Aye-3 Nay-0

MAY FARMS REQUEST

Manager Montgomery stated we have received a request from Mr. George Phelps, Developer of May Farms to accept the roadway and sidewalk bond extension.

The Town received a letter from GeoTechnologies, Inc. indicating that they evaluated pavement conditions at two separate times almost one year apart. They stated "it is our opinion that further strengthening of the pavement at the site with an overly is not needed."

Manager Montgomery stated he has walked the pavement at least ten times since September 2000 and has provided Mr. Gilleece with his concerns as they arose and would agree with the statement from GeoTechnologies in a general sense. GPG has been consistent with response to maintenance issues and has re-seeded several times to provide for stands of grass.

The road course of asphalt was installed prior to several utilities being put in place including several shallow road bores.

There are approximately 20 lots remaining for builders in Phase I. Existing shoulders and swale section in the area where lots are remaining have fair stands of grass on them. However maintenance of silt fences and erosion control devices will need to be on going until homes are constructed on these lots in Phase I. As lots are developed earth moving will take place with the potential for further erosion.

Manager Montgomery would recommend that the Town receive written assurance from GPG that all erosion control devices will be maintained by the developer for a minimum of an additional year and that an amount not to exceed \$10,000 be provided in an acceptable form and time frame to insulate the Town from exposure to the road bores that took place after the road course was installed.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to accept the roads in Phase 1 and extend for one year the installation of sidewalks based on the recommendations from Manager Montgomery – that they pay \$6,000 and maintain the silk fences and erosion control devices.

Vote Aye-3 Nay-0

Manager Montgomery stated that each time he called about concerns they were addressed.

George Phelps stated they have a good relationship with the Town.

CHATHAM BUSINESS PARK

Manager Montgomery stated Mr. Richard Harkrader would like to address the Board concerning future development at Chatham Business Park.

Mr. Harkrader stated he would request that the Board authorize the Town Manager to sign a minor subdivision for the remaining 2 parcels.

Manager Montgomery stated the subdivision has not received final plat approval. He further stated they requested an extension in 1989 after the preliminary plat was approved. Because no final plat was prepared we are currently working off the preliminary plat. A final plat needs to be filed.

Commissioner Cotten stated if it is a conflict between the two ordinance this needs to be referred to the Board of Adjustments seconded by Commissioner Griffin.

Manager Montgomery stated any plats that he signs for subdivisions will have to show curb and gutter according to our current ordinance.

Vote Aye-3 Nay-0

CAPACITY ALLOCATION – JOHN BLAIR

Manager Montgomery stated that in accordance with Article 4 of the Subdivision Ordinance he walked the property with Mr. Blair to determine how the existing resource/site analysis plan should be crafted.

There were several considerations that arose during their discussion:

1. In order for the subdivision to have access to Sanford Rd., US 15-501, NCDOT will require the extension of the existing left turn lane and the installation of a right turn lane;
2. Identification and definition of the “noteworthy features” of the site as required by the Subdivision Ordinance;
3. Determination of the 30% area that must remain pervious to be consistent with the Watershed Overlay District.

Mr. Blair has revised his thoughts that relate to the submitted Sketch Plan. Generally speaking he would reconfigure the location of the subdivision lots so as to eliminate the need for a public street through the use of driveways connecting directly to Sanford Rd. The new configuration would provide water and wastewater services to be provided from existing lines. The “30%” pervious surface area would be located primarily adjacent the school property and in required setbacks from residential areas. By reconfiguring the location, the number of lots, utilizing existing wastewater and water facilities the submission would no longer be a major subdivision.

Historically water and wastewater capacities have been allocated in two ways. The first is through the subdivision process. As we approve preliminary plats capacity is allocated based on the types of uses, example 64 East Business Park or through the number of lots in the proposed residential subdivision. The second allocation method is through site plan approval, example Carlos Cockman’s Laundromat and Carwash or EMJ America. Gallons are then accounted for in relation to the amount of treatment capacity available in our plants.

Capital Recovery fees are paid at the time of Final Plat Approval or when the Zoning Compliance Certificate is issued as a component of the approved Site Plan. Both Preliminary Plats and Site Plans are good for a period of one year unless extensions are requested and granted.

Manager Montgomery stated this matter was discussed at the Planning Board meeting on August 6, 2001.

Mr. Blair introduced Mr. Hedgecock, P.E. who had prepared a volumetric estimate of the amount of wastewater that the property could potentially use. Mr. Hedgecock explained that based on a two-story building the maximum potential for O & I permitted uses would be approximately 23,000 gpd. Based on existing allocation to 80% of design capacity of the wastewater treatment plant, 600,000 gpd the Town Board has allocated for Commercial and Industrial Development an amount equal to 60,000 gpd.

The Planning Board recommended approval of the allocation to Mr. Blair's approximately 6 acres upon payment of the Capital Recovery Fees associated with this zoning district.

Motion made by Commissioner Cotten to deny the request. Motion dies due to the lack of a second.

Mayor Devinney asked if we are going to do this would we set a time period on it.

Patrick Bradshaw – representing John Blair – stated there is a lot of infrastructure around it already. He is ready to put the property on the market.

Commissioner Cotten stated we have not seen a preliminary plat and had the following concerns:

1. Departure from current procedures.
2. Excessive gallons requested 1/3 of the balance we have allocated for commercial development.
3. Time question.
4. Zoning issue.
5. If we do this can it be transferred to others that would purchase the property.

Manager Montgomery stated that in a subdivision a tremendous investment has been made to have roads built water and wastewater lines constructed.

Commissioner Brooks stated we have tried to get industry in Town (Powell Place). We are trying to get industry in so Town residences do not have to pay all the freight for taxes. We need commercial development even if it does set precedent - this is a good location for business.

Motion made by Commissioner Brooks to honor the request from Mr. Blair seconded by Commissioner Griffin.

Mayor Devinney asked if there was a time limit.

Patrick Bradshaw stated if that is the wishes of the Board he would request a 5-year limit.

John Blair he would like it to be with a five-year limit and a review for negotiation.

Motion made by Commissioner Brooks to amend his motion that they will pay the money up front and give them three years on the sewer capacity allocation, if nothing has been done on the property within the three years the capacity will revert back to the Town and a refund of half the monies received from Mr. Blair will be refunded to him.

Vote Aye-2 Brooks/Griffin
Nay-1 Cotten

SIDEWALKS

Manager Montgomery stated that bids came in \$155,000 over project budget. A representative of NCDOT told him that they require 5-ft sidewalk and the proposed project is for 4-ft sidewalks he stated they said they would be flexible.

There was discussion about the different options.

Commissioner Cotten asked about moving to the south side of 64.

Will NCDOT allow us to do the stretch on Sanford Road in the first project.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to direct the Town Manager to request an extension for receiving engineering proposals in order to meet the deadline.

Vote Aye-3 Nay-0

Also, see what flexibility means.

Commissioner Brooks stated JA Farrell Street is too narrow for a sidewalk. He wants to make sure that the Sidewalk on Salisbury Street does not fall through the cracks. He would like to see that done in the first round of sidewalk work.

Commissioner Brooks suggests that we get in touch with the Clark's and Atwater's before beginning work.

Mayor Devinney stated he spoke with Mr. Voller today and he stated he would get in touch with the engineer to see while it is flooding on Thompson Street.

Mayor Devinney stated NCDOT needs to be notified that the pipes have not been cleaned out in years.

LAND USE PLAN

Manager Montgomery stated we have reserved the Agricultural Building for September 18, 2001 to hold a public meeting to be held for informational purposes.

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve A Resolution to establish September 18, 2001 as the date for a public meeting to discuss the Town of Pittsboro – Land Use Update in order to receive public input into the plan and to establish October 22, 2001 as a date for a public hearing on the plan.

Commissioner Brooks stated he is concerned about the future land use map showing property in his neighborhood as commercial when it is R-10.

Proposed Land Use Plan – is designed to be general and non specific with respect to any wholesale changes.

Blue – traditional neighborhoods he has concerns about the proposed mixed use – Nooe/Thompson/Toomer

Thoroughfare business.

Manager Montgomery stated he would like written comments for the next meeting.

Vote Aye-3 Nay-0

A RESOLUTION TO ESTABLISH SEPTEMBER 18, 2001 AS THE DATE FOR A PUBLIC MEETING TO DISCUSS THE TOWN OF PITTSBORO – LAND USE UPDATE IN ORDER TO RECEIVE PUBLIC INPUT INTO THE PLAN AND TO ESTABLISH OCTOBER 22, 2001 AS A DATE FOR A PUBLIC HEARING ON THE PLAN IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 166

PLANNING BOARD MEMBERSHIP

Manager Montgomery stated Mr. Billy Hughes has moved his residence to Apex. Mr. Hughes has asked him to inform the Board that he will continue to serve as a Planning Board Member until the Land Use Plan is implemented. Mr. Hughes is an In-Town representative.

Commissioner Cotten made a motion to send a letter to express our appreciation for his contribution to the Planning Board and declare a vacancy on the Board and that he be a non-voting representative until the Land Use Plan is implemented, seconded by Commissioner Brooks.

Vote Aye-3 Nay-0

Commissioner Brooks wanted to personally thank Billy Hughes for the dedication while on the Planning Board.

