

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
FEBRUARY 14, 2000
7:00 P. M.

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

ATTENDANCE

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

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

DISPOSITION OF MINUTES

Motion made by Commissioner Bryan seconded by Commissioner Burns to approve the minutes of the January 24, 2000. Vote Aye-3 Nay-0

CITIZENS MATTERS

NONE

PLANNING AND ZONING

LUCILE MATHIESEN REZONING REQUEST

Manager Montgomery stated we have received a request from Lucile Mathiesen to rezone property presently zoned R-10 to C-2. The property currently has a split zoning designation with the request being to extend the C-2 classification to include an additional 0.4241 acres.

A public hearing was held on this matter and referred to the Planning Board for recommendation.

The recommendation of the Planning Board is to deny the rezoning request submitted by Lucile Mathiesen and to instruct the Town Manager to provide information as to the number of parcels in Pittsboro that have a spilt zoning designation with a report available by the next regular Planning Board meeting.

Motion made by Commissioner Bryan seconded by Commissioner Burns to deny the rezoning request from Lucile Mathiesen and to provide information as to the number of parcels in Pittsboro that have a spilt zoning designation to the Planning Board for further recommendation.

Vote Aye-3 Nay-0

**ZONING ORDINANCE AMENDMENT REQUEST
McMANNEN CONSULTING & ACCOUNTING SERVICES**

Manager Montgomery reported we have received a request from McMannen Consulting and Accounting Service, B. Austin Mack, Jr. Chief Consultant, to amend the Zoning Ordinance: 1) Section 5.2.1 "Permitted Use Table" to allow Group Care Homes in a RA-2 District with a Special Use Permit; 2) amend section 5.3.3.26 "Regulations for Special Use Permits - Group Care Home (a) and (b).

Motion was made by Commissioner Burns seconded by Commissioner Cotten to schedule a public hearing for February 28, 2000 at 7:00 p.m.

FINAL PLAT – MAY FARM PHASE I

RECREATION FEES

Manager Montgomery stated Mr. George Phelps, GPC – Developer of May Farm Subdivision – requesting that recreation fees be waived for May Farms due to the types of recreation amenities being provided for residents of the Subdivision.

Commissioner Cotten stated he was opposed to any waiver of the recreation fees.

Motion made by Commissioner Cotten that the request for waiver of recreation fees be denied. Seconded by Commissioner Burns.

Commissioner Cotten stated there are right many statements in the plans referring to the homeowners associations, if they were to become incorporated they would be tax exempt.

Attorney Messick stated the homeowners association at Fearington owns the swimming pool and it would be taxes as an amenity.

There was discussion about the old railway.

Attorney Messick advised the board that the old railway is not involved in this phase at all.

Vote Aye-1 (abstained – Cotten)
Nay-2 Bryan, Burns

Motion was made by Commissioner Burns seconded by Commissioner Bryan that the recreation fees for May Farm be waived due to the types of recreation amenities being provided for residents of the subdivision.

Vote Aye-2 Bryan, Burns
Nay-1 Cotten

AMENDED AGREEMENT

Manager Montgomery stated he had not received an amended agreement before the agenda packet went out.

Attorney Messick stated he had not prepared the amended agreement.

Motion made by Commissioner Cotten seconded by Commissioner Burns to table this issue until the board has received an amended agreement and had time to study the agreement.

Vote Aye-3 Nay-0

FINAL PLAT APPROVAL – MAY FARM PHASE I

Manager Montgomery stated the check list for final subdivision plat submitted for May Farm per Section 5.3 of the Subdivision Ordinance has been completed. The developers of May Farm will be submitting a Warranty Bond for \$150,000 for the Water, Wastewater and Street Improvements, GPG Development will submit a Completion Bond in the amount of \$80,430 for street and utility improvements remaining.

The Board of Commissioners approved the dollars necessary to procure the service of professionals to provide inspections of improvements made by the developer of the May Farm Subdivision. The fees charged developers, at a rate of \$0.50/linear foot for all utility improvements and streets constructed have been adequate to cover the majority of the cost associated with this service. All the utilities and streets have been inspected by Mr. Buster Akien of Alley, Williams, Carmen & King.

The Planning Board recommended approval of the final plat at their February 7, 2000 meeting.

Motion made by Commissioner Burns seconded by Commissioner Bryan to approve the Final Plat for Phase I May Farm Subdivision.

Commissioner Cotten asked since the easements are the responsibility of the homeowners will they be able to mow them.

Mr. Gilleece told him they would be mowable.

Vote Aye-3 Nay-0

FINAL PLAT – ROSS RIDGE SUBDIVISION

Manager Montgomery stated the check list for final Subdivision Plat submitted for Ross Ridge per Section 5.3 of the Subdivision Ordinance has been completed.

The Planning Board recommended approval of the final plat for Ross Ridge Subdivision at their February 7, 2000 meeting.

Motion made by Commissioner Burns seconded by Commissioner Bryan to approve the Final Plat for Ross Ridge Subdivision. Vote Aye-3 Nay-0

VOLUNTARY ANNEXATION – SENIOR CARE OF PITTSBORO & GT ENTERPRISES, LLC

Motion made by Commissioner Burns seconded by Commissioner Bryan to approve the Ordinance to Extend the Corporate Limits of the Town of Pittsboro effective December 31, 1999. Vote Aye-3 Nay-0

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PITTSBORO, NORTH CAROLINA IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 5-7

MONITORING WELL

Manager Montgomery stated we have received a request for an access Agreement for Monitoring Well Installation from Environmental Aspects, Inc. represented by Mr. David Jerose, P.G. The requested well would be on the Community Building property to determine the extent of contamination from underground storage tanks located at Burns Exxon.

Mr. Jerose stated the contamination has gone off site. The property is covered by the Commercial underground trust fund.

The board stated they have had concerns about this problem recently.

Motion made by Commissioner Burns seconded by Commissioner Bryan to allow them access to place a monitoring well on the Community Building property.

Vote Aye-3 Nay-0

ORDER OF FINDING TWC

Manager Montgomery stated TJ Council of Government is requested that the Town approve a Resolution for An Order of Finding TWC's 2000 Cable Service FCC 1240/1235 – Rate Methodology as Reasonable and Ordering a rate True Up for 2001.

Motion made by Commissioner Burns seconded by Commissioner Bryan to approve the resolution.

After discussion Commissioner Burns withdrew the motion and Commissioner Bryan withdrew his second.

A motion was made by Commissioner Burns seconded by Commissioner Bryan to deny the request to approve the resolution and have a representative from Time Warner and Bob Sepe to meet with the board.

FENCING REQUEST – TOWN SHOP

Manager Montgomery stated we need to install 305' of #6 gauge chain link fence, a 4' x 6' walk-through gate and a 24' x 6' cantilever gate in the amount of \$3,500 from Vickers Fence Company at the Town Maintenance Shop.

Commissioner Cotton stated he would have preferred to have another bid to compare. He also wanted to know if funds were available.

Manager Montgomery stated this item was budgeted and that any capital purchase over \$2,500 must come back to the board for approval before being ordered.

Motion made by Commisisoner Cotten seconded by Commissioner Burns to approve the purchase of the fencing in the amount of \$3,500 from Vickers Fence Company.

Vote Aye-3 Nay-0

MUNICIPAL TAX CONSULTING AND MANAGEMENT

Manager Montgomery stated the Town has received a solicitation from Municipal Tax Consulting and Management to contract with their firm for the purpose of collecting Federal excise taxes paid on gasoline used by the operations of the Town.

After much discussion a motion was made by Commissioner Bryan seconded by Commissioner Cotten to table this to the next meeting.

Vote Aye-3 Nay-0

SAFE ROAD COMMITTEE

Mr. Philip Bors and Mr. Al Capehart were present for the Safe Road Committee.

Mr. Bors presented the board with information on what they have been working on.

Problem intersection –

Courthouse Circle

Food Lion intersection - left turn out of parking lot

Intersection at Kerr Drug – Toomer Loop, J. A. Farrell and 64 East

Mayor Devinney stated that 15-501 North is dangerous and they need some type of sidewalk.

Launis, West Salisbury, Park, Oakwood and Thompson Streets need to have the traffic slowed down.

Mayor Devinney thanked the committee for all their hard work.

COMMISSIONER CONCERNS

Commissioner Bryan stated since the water line is being installed down Sanford Road the driveway pipes were open before construction started and with all the snow and rain we have had the are stopped up. We need to make sure this is taken care of before the contractors are finished. He also requested an update on the W. Salisbury St. Project.

Manager Montgomery stated we are still waiting for NCDOT to install the pipe on their street but we are going to go ahead and do our part.

Mayor Devinney street lights on 15-501 North that were taken down doing construction has not been put back up.

Mayor Devinney wanted to know what was going on with Governor's Commons streetlights.

Manager Montgomery stated he has not done anything and he needed direction from the board.

The board stated we need to get streetlights installed within the subdivision.

FEMA DESIGNATION

Motion made by Commissioner Cotten seconded by Commissioner Bryan to authorize the Town Manager to serve as the Town's Representative for FEMA application.

Vote Aye-3 Nay-0

A COPY OF THE DESIGNATION OF APPLICANT'S AGENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 51

CLOSED SESSION

Motion made by Commissioner Bryan seconded by Commissioner Burns to go into closed session pursuant to G.S. 143-318.11(a)(4) to discuss matter relating to economic development.

Vote Aye-3 Nay-0

Motion made by Commissioner Burns seconded by Commissioner Bryan to come out of closed session.

Vote Aye-3 Nay-0

Motion made by Commissioner Bryan seconded by Commissioner Burns to participate in construction of a 8" sewer line in the industrial park for an amount not to exceed \$25,000 with revenue coming from Enterprise Capital Reserve Fund.

Vote Aye-3 Nay-0

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

Vote Aye-3 Nay-0

Mayor

ATTEST:

Clerk