

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MARCH 10, 2003
7:00 P.M.

Mayor Nancy R. 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, Chris Walker and Burnice Griffin, Jr.

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

DISPOSITION OF MINUTES

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the minutes of the February 24, and March 3, 2003 meetings.

Vote Aye-5 Nay-0

CITIZENS MATTERS

Mayor May asked that Mr. Archie Hackney come forward and read a plaque of appreciation presented to him from the Downtown merchants for his heroic efforts in the arrest of a person breaking into a downtown business.

PLANNING AND ZONING

JANICE ESCOTT REZONING FROM RA-5 TO RA

Motion made by Commissioner Walker seconded by Commissioner Brooks to approve the application for rezoning from Ms. Janice Escott from RA5 to RA.

A COPY OF THE APPLICATION FOR REZONING IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 58-65

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 4

CHATHAM COUNTY DRAFT LIGHTING ORDINANCE

Attorney Messick stated that County Planning Board is considering this draft for the zoned portions of the county. He believes the issues are worthy of consideration by the Town and might be incorporated into the Town zoning ordinance.

Commissioner Cotten stated he has problem with the ordinance. Mayor May and Commissioner Walker stated they did also.

Commissioner Cotten stated he was not in favor of it in Town and do not think residents would be either.

Motion by Commissioner Brooks seconded by Commissioner Griffin not to refer this to the Planning Board and to decline to participate at this time.

Vote Aye-5 Nay-0

ADEQUATE PUBLIC FACILITIES MEMORANDUM OF UNDERSTANDING

Chatham County Board of Commissioner is considering an adequate facilities ordinance primarily for school. The Town Board is presented a copy of the Orange County draft, particularly with reference to the ETJ, Attorney Messick believe the issues are worthy of consideration by the Town. Adequate public utilities may be just as important as schools from the Town's perspective.

Motion made by Commissioner Bryan seconded by Commissioner Walker to refer to the Planning Board for comment and possible inclusion into the Town Zoning Ordinance.

Commissioner Walker stated we need growth the go forward and he was talking with a School Board member who did not know anything about this proposal.

Commissioner Brooks stated we need business and industry. There are not as many businesses here as it was in 1961 when he started teaching here. He feels we should study this.

Vote Aye-5 Nay-0

TOWN MANAGER SELECTION PROCESS

Motion made by Commissioner Cotten seconded by Commissioner Griffin to approve the questions prepared by Attorney Messick as what will be sent to all applicants who have applied for the position.

Vote Aye-5 Nay-0

TAX COLLECTION & BILLING CONSOLIDATION

Attorney Messick stated that County has offered to consolidate the billing and collection of property taxes for Pittsboro. It already bills and collects for motor vehicle personal property taxes. There would be some convenience for taxpayers who would receive only

one bill and the cost seems favorable since postage, and bill preparation would be eliminated. He feels it will save the Town money in the long run.

The board requested that we find out what the going rate is for collecting and to find out if the County would do the advertising also.

Motion made by Commissioner Bryan seconded by Commissioner Walker to delay this until the next meeting.

Vote Aye-5 Nay-0

SIDEWALK ENHANCEMENT PROJECT

Mr. Jay Johnston, Hydrostructures made the following status report:

The construction contract was awarded to Sandhills Contractors on January 6, 2003. At the project pre-construction meeting Mr. Montgomery informed the contractor that McClenahan and Pittsboro Elementary School Roads would be resurfaced after sidewalk construction. The contractor recommended that the curb and gutter sections be installed in a fashion to accommodate the future resurfacing. Town agreed to this change and requested the contractor prepare the required change order.

At the request of the Town Manager, many required construction items in the project were separated from the contract and listing as items to be performed by the Town of Pittsboro. Once the contract was awarded, several "by Town" items were deemed by the Town staff too difficult or unworthy of completion due to a variety of circumstances. These decisions resulted in several project changes with corresponding change orders.

The weather throughout the winter has been another significant factor in the delay in this project.

Another issue that has been partially addressed by both Mr. Montgomery and Mr. Sutton is the driveway to the Sheriff's Department off of McClenahan Road. Due to the NCDOT funding, the Town could not show the driveway cost in the project.

Attorney Messick's report stated the Sheriff is agreeable to reimbursing the Town for the extra work near the jail.

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the Change Order and that time starts from today.

Vote Aye-5 Nay-0

A COPY OF CHANGE ORDER #2 IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 67-68

RECLAIMED WASTEWATER PROJECT

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the amendment to the Letter of Understanding.

Commissioner Brooks asked if we were committing up to 300,000 gallons per day, are we paying for maintenance.

Attorney Messick stated yes we will be paying for maintenance it is on our line and they will be paying a minimum of \$4,500.00 per month.

Commissioner Brooks asked about the lease – it was stated that it was \$1.00 for 99 years.

Commissioner Brooks stated the Town has not been served well with other agreements with the County is that a fixed cost.

Attorney Messick stated this is an agreement with the County, there will be a forthcoming agreement with 3M.

Vote Aye-5 Nay-0

AMENDED LETTER OF UNDERSTANDING IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 69-71

PROJECT BUDGET ORDINANCE

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve an Ordinance Establishing a Project Budget for the 3M Wastewater Reuse Project for the Town of Pittsboro.

Vote Aye-5 Nay-0

AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR THE 3M WASTEWATER REUSE PROJECT FOR THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 5

Motion made by Commissioner Brooks seconded by Commissioner Griffin to approve An Agreement for Environmental Services with Hydrostructures, P.A.

Vote Aye-5 Nay-0

AN AGREEMENT FOR ENVIRONMENTAL SERVICES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 72-76

WATER SYSTEM IMPROVEMENTS – NEW PRESSURE ZONE

Jay Johnston reported:

After a minor delay in receiving needed information from the Chatham Forest developer as well as information from the adjacent property owner (Ricky Spoon), we have been able to proceed with the required surveying work. Surveying is expected to be completed

this week. They have been receiving much-needed help and cooperation from Town staff, particularly Mike Smith from the water plant and “Junior” in the Street Department.

We understand that since they were authorized to proceed with this project, Mr. Ricky Spoon approached Mr. Bill Sutton about the possibility of developing land adjacent to the proposed tank site provided by Voller Realty. Once we have collected the needed survey data, we wish to make a recommendation to the Town as to whether to utilize the Voller tank lot or request the adjacent (and slightly higher) lot from Mr. Spoon. We have been in contact with Mr. Spoon’s engineer (CE Group) to exchange data and better understand Mr. Spoon’s plans for the property. This discussion is ongoing.

Regardless of the tank site issue, we are proceeding with the project design and expect to remain on schedule as outlined in our engineering agreement.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to authorize negotiations with Ricky Spoon for a possible better site location for the new pressure tank.
Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve a contract with Voller Realty and Construction, LTD.
Vote Aye-5 Nay-0

THE CONTRACT WITH VOLLER REALTY AND CONSTRUCTION, LTD IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 77-79

PROJECT BUDGET ORDINANCE NEW PRESSURE ZONE

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve an Ordinance Establishing a Project Budget for the Water System Improvements – New Pressure Zone Project for the Town of Pittsboro.
Vote Aye-5 Nay-0

AN ORDINANCE ESTABLISHING A PROJECT BUDGET FOR THE WATER SYSTEM IMPROVEMENTS – NEW PRESSURE ZONE PROJECT FOR THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 6-7

STREET IMPROVEMENTS – RESURFACING

Commissioner Cotten has requested that the streets with the “red x’s” be considered priority streets for paving (list is recorded in book of resolutions).

The streets are: Dianne, McClenahan, Gail, and Pittsboro Elementary School.

It would be great to get the streets resurfaced while the sidewalks are being installed.

Logging damaged Gail Street.

Commissioner Brooks made a motion to consider that the three streets involved with the sidewalks be resurfaced (that specifications be prepared) for McClenahan Street, Pittsboro Elementary School and Womack Street seconded by Commissioner Bryan.

Vote Aye-5 Nay-0

A COPY OF THE PAVEMENT MANAGEMENT SYSTEM 2001 PRIORITY LIST IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 82-87

Commissioner Bryan asked to be excused for the next item of discussion.

Motion made by Commissioner Cotten seconded by Commissioner Walker to excuse Commissioner Bryan.

Vote Aye-4 Nay-0

PETITION OF ANNEXATION – BRENDAN AND ANN KEARNS

Motion made by Commissioner Cotten seconded by Commissioner Brooks to direct the Clerk to determine the sufficiency of the Petition.

Vote Aye-4 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to reinstate Commissioner Bryan.

Vote Aye-4 Nay-0

CABLE TV

Mr. Bob Sepe stated the Town Board needs to approve FCC 1240/1235/1205 rate-making forms and proposed rates as compliant with the FCC's interpretation of its rate regulation rules, but reserve the right to update the rate order subject to the availability of new information or changed circumstances.

Commissioner Walker asked what would happen if it was not approved – what impact it would have on the Town and its citizens.

Motion made by Commissioner Walker seconded by Commissioner Brooks to table this until next meeting and to ask Mr. Sepe what the impact would be if we do not approve this.

Vote Aye-5 Nay-0

POWELL PLACE

Mr. Scott Murray had faxed a letter requesting clarification on density for the Master Plan of Powell Place to the Town this afternoon for the Board's consideration tonight.

The approved Master Plan reflects the maximum density of 15 du/ac for the overall residential area. It has always been their intent to develop apartments at a density of 20

du/ac while maintaining a maximum of 910 dwelling units for the residential area. This clarification does not change the maximum number of dwelling units permitted for Powell Place nor the total impervious surface to be constructed.

Mr. Hinkley stated this would be to the Town's advantage.

Motion made by Commissioner Brooks to clarify that they are to proceed with 910 dwelling units.

Commissioner Walker asked about the open space area.

Vote Aye-5 Nay-0

A COPY OF THE LETTER FROM SCOTT T. MURRAY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 80

MISCELLANEOUS

Attorney Messick reported that we have received no response from Mr. Steve Bolejack regarding establishing a payment schedule for his water account.

A copy of the Draft Minutes of the Planning Boards March 3, 2003 meeting.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the tax refund for Gaither Rodgers, Jr.

Vote Aye-5 Nay-0

A COPY OF THE TAX REFUND IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 81

A copy of the Progress Energy Storm Plan Review and recent correspondence was included in the agenda packet for review.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to send a Resolution thanking Ms. Kathy Hawkins and the Employees of Progress Energy for their work this winter to the citizens of Pittsboro.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Bryan to send a letter to Ms. Kathy Hawkins supervisor praising Ms. Hawkins for keeping us informed on the situations in our area several times a day when we were without power.

Vote Aye-5 Nay-0

LOADING ZONING – IN FRONT OF GENERAL STORE

Motion made by Commissioner Walker seconded by Commissioner Brooks to approve an Ordinance Regulation Traffic in the Town Pittsboro.

Commissioner Cotten stated he has encountered problems with the waste people picking up trash at this location and with the Snapple truck trying to back into the driveway on the side of the General Store. He knows this has already been done but he will have to vote against it this time.

Commissioner Bryan stated you can go down Sanford Road and still have the problem with Waste Management trucks.

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

COMMISSIONER CONCERNS

Commissioner Walker stated there is a huge rock at the three way stop sign at the dead end of Oakwood Drive and some type reflective materials should be put on the post to alert drivers.

Commissioner Brooks stated the public works department needs to check the signs on Thompson Street and put them back up from when they were putting cables on Thompson Street.

Commissioner Brooks asked that they also check the Chatham Street signs to make sure they are not blocked by foliage.

Commissioner Cotten stated the solid waste committee is considering some things that would impact citizens of the Town and he would like to invite the Chairman to speak with the Board if they so choose.

Motion made by Commissioner Brooks seconded by Commissioner Walker to adjourn.

Vote Aye-5 Nay-0

Mayor

ATTEST:
