

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
OCTOBER 9, 2000  
7:00 PM

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

ATTENDANCE

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

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

DISPOSITION OF MINUTES

Motion made by Commissioner Burns seconded by Commissioner Bryan to approve the minutes of the September 25, 2000 meeting.

Vote Aye-4 Nay-0

REZONING REQUEST – MR. & MRS. OLIVER MARSH

Manager Montgomery stated the comments from the public hearing were provided to the Planning Board. At the Planning Board meeting Mr. Zac James, Pinnacle Properties was present and spoke on behalf of the rezoning request. Mr. James presented information to the Planning Board regarding the development plan.

Mr. Ernest Dark, Jr. was present and spoke in opposition to rezoning and explained that following the provisions of the wastewater collection system being extended by the Town that the residents who benefited from the utility improvement had requested that the property be rezoned to a more denser residential zone and not commercial.

The Planning Board had concerns about existing traffic and how much a C-2 zoning district would add; impacts on a residential neighborhood would necessarily have to be negative and that setbacks from C-2 to RA are the same as R10 and that this separation would not be enough to preserve the residential character of the neighborhood; spot zoning was also discussed.

The Planning Board recommended denying the rezoning of the property as requested.

Motion made by Commissioner Burns seconded by Commissioner Bryan to deny the rezoning request from Mr. & Mrs. Oliver Marsh, to have property rezoned from RA to C-2.  
Vote           Aye-4   Nay-0

## SYNAGRO

Manager Montgomery reported over the last several years the removal of materials flocculated from raw water at the Water Treatment plant and by products from the Wastewater Treatment Plant have caused operational problems. The timely and safe removal of these materials from the Treatment Plants are essential to the operations of our facilities within the parameters established by our permits from NCDENHR. To this date we have not been out of compliance with our permit but we feel that the formal identification of permitted lands and documentation necessary to stay in compliance needs to be much improved. Ms. Teresa Ayers, Mr. Greg Duarte and Mr. Rudy Collins are present tonight to make a presentation and answer any questions the board may have.

Mr. Duarte stated the material will be hauled to a permitted farm land site. Their employees are highly professional. They provide this service for Cary, Siler City, Sanford, Apex, Winston-Salem and Charlotte.

Commissioner Cotten asked Attorney Messick if he had reviewed the contract.

Attorney Messick stated he did not know about the money but the agreement was fine.

Commissioner Cotten stated he had a concern with 9.2 which states they may terminate the agreement at any time upon written notice to us and have no further obligation to us. He does not see that as a benefit to the Town.

Commissioner Cotten asked if the agreement was not for 10 years.

Mr. Duarte stated it was.

Commissioner Cotten wanted to know what event mean.

Mr. Duarte stated when you call them to come and start pumping they will haul from both the water and wastewater plant.

Manager Montgomery stated that is not exactly current they will call us to let us know it is time to start pumping. He further stated the \$3,000.00 application fee is for 5 years and the permit is in the name of the Town of Pittsboro.

Mr. Duarte stated their vehicles are calibrated every morning.

Commissioner Burns stated she had concerns about 3.5.

Mr. Duarte stated the reason for that is if an incident occurs at the plant, if there is a questions as the production value coming out of the plant, they are not responsible for things like that.

Manager Montgomery stated once it's permitted it would be in the Town's name. The company has agreed to help manage the Town's digester.

Commissioner Bryan asked about cost increases.

Mr. Duarte stated they are not going to raise their cost unless something drastically happens, such as the State changes the way the waste has to be applied.

Mayor Devinney stated if there is going to be an increase please make sure to get it to the board during the budget process.

Ms. Ayers stated she works with Terry Greene at Siler City during the budget process.

Commissioner Cotten stated with all the regulations coming down he does not see that we have a choice.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the Agreement with SYNAGRO.

Mayor Devinney asked Attorney Messick about the agreement.

Attorney Messick stated he has not problem with the Agreement.

Vote Aye-4 Nay-0

A COPY OF THE SERVICE AGREEMENT CAN BE FOUND IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

#### WILLOW SPRINGS SUBDIVISION

Manager Montgomery stated this item is on the agenda for the Board to approval or deny the final plat as submitted by Mr. Hartford for Phase 1 of Willow Springs Subdivision.

Mr. Thomas Smith stated the problem has not been resolved. He presented the board with photos, he stated the work that has been done does not met his expectations.

Attorney Messick stated the details have not been resolved, but he has been working with the Attorney for Willow Springs.

Attorney Messick stated Mr. Smith's concerns is a separate issue from approval of the final plat for Willow Springs.

Mr. Smith stated he has not flooded in 15 years.

Mr. Hartford stated no new area has been added the final plat, he has had no communication with Mr. Smith, he felt the work done had been done satisfactorily. He has a responsibility with the Sate and they have sent him a letter saying it was o.k.

Attorney Messick asked when these pictures were taken.

Mr. Smith stated the photos were taken before any repairs were done, there is not silt fence and sedimentation pond in place.

Manager Montgomery stated he had been to the site and repairs had been done but he is not an engineer.

Attorney Messick stated the developer is responsible if any problems occur.

Mr. Hartford stated he was not attempting to avoid any problem. He plans to meet will all adjoining property owners for the next phase.

Manager Montgomery stated before the Town accepts the streets there is a year long maintenance period.

Motion made by Commissioner Burns seconded by Commissioner Brooks to approve the Final Plat – Phase I of Willow Springs Subdivision contingent upon the questions with the road being solved and damage to Mr. Smith's property is taken care of.

Vote Aye-3 Brooks, Burns, Cotten  
Nay-1 Bryan

**A COPY OF THE FINAL PLAT FOR PHASE I OF WILLOW SPRINGS  
SUBDIVISION IS RECORDED IN THE TOWN MANAGER'S OFFICE AT TOWN  
HALL.**

Mr. Hartford stated he will install the 20 feet driveway or give Mr. Smith the money to pay to have it constructed himself.

Attorney Messick stated he would report back at the next meeting.

Motion made by Commissioner Brooks seconded by Commissioner Bryan that all yellow painting to the interior street be done by the next meeting.

Manager Montgomery stated NCDOT has requested that lines adjoining their streets be painted white.

Vote Aye-4 Nay-0

#### SALE OF SURPLUS PERSONAL PROPERTY

Manager Montgomery stated that NCGS provide for several methods for the sale of town owned personal property. Two of these methods are: NCGS 160A-270 – Public Auction and NCGS 160A-266 (c) – Method of sale; limitation. He would recommend that should the Board be interested in the Public Auction method that we include our property in the County’s public auction in November.

Motion made by Commissioner Cotten seconded by Commissioner Burns to declare the following property surplus and to use NCGS 160A-270 (Public Auction) to sale the property:

1. 1972 Dump truck – not running
2. 1988 Crown Vic – not running
3. 1988 Crown Vic – barely running
4. 1985 Chevy Truck – not running
5. 1974 Ford 2600 Tractor – currently in use for r/w maintenance.
6. 1982 International Tractor – currently in use as a belly mower
7. Several lawn mowers – all in poor condition.

Commissioner Brooks does not think the equipment is being properly maintained. With the interest of our citizens in mind he would like for the equipment to be well maintained.

Vote Aye-4 Nay-0

#### TRACTOR PURCHASE

Manager Montgomery requested that we purchase outright a new tractor for the maintenance of public r/w and easements. This item was budgeted for in FY 00-01. NCGS 143.131 affords the ability of a municipality to obtain informal bids for the purchase of apparatus costing less than \$30,000.00. We received informal bids from:

- |    |   |             |
|----|---|-------------|
| 1. | Black Tractor and Equipment Co. – Massey Ferguson<br>MF 4233 Tractor  | \$27,000.00 |
| 2. | Barnhill Equipment Company – John Deere<br>5410 70 hp utility tractor, fully enclosed cab, 2 wheel<br>drive, dual control valve | \$26,636.00 |

3. New Holland (State Contract Quote) \$24,246.00  
New Holland TN75D – 72 net hp, fully enclosed cab,  
3 cyl turbocharged engine

The line items in the approved budget, 30-8300.740 - \$9,380, 105600.740 - \$6,100 and 105700.740 \$4,800 = \$20,280, this will not be sufficient to purchase the tractor we believe will best suit our needs. The budgetary number used was for an open cab and we believe that a fully enclosed cab will afford safer operating conditions for our employees and well worth the additional \$3,000 cost. Should it become necessary to amend the budget for this additional amount the issue will be brought back to you later in the budget year. We have budgeted almost \$15,000 for the construction of an all-purpose shed to house equipment at the Public Works Facility and we believe that this can be accomplished for much less than this amount.

Bush hogging is inherently dangerous as the rotating blades kick up rocks and debris that can strike the operator. The fully enclosed cab will also protect our employees from stinging insects and limbs encountered along the r/w. Resale is also improved with the cab.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to authorize purchase of the New Holland Tractor under state contract for the price of \$24,246.

Vote Aye-4 Nay-0

#### ABC BOARD APPOINTMENT

Manager Montgomery stated Mr. Justice has notified him that Mr. James Baldwin has resigned his seat on the Board and a replacement needs to be named for Mr. Baldwin.

After discussion the board agreed to think about individuals they thought would be good candidates and bring it back to the next meeting.

#### PARKING ORDINANCE

Commissioner Cotten stated he would withdraw his request because of a development he found out about prior to the meeting; the County has designated two spaces in the old Byrd's building parking lot.

#### FAMILY PEACE ZONE SIGNS

Manager Montgomery reported we have received a request from Coalition for Family Peace to have "Family Peace Zone – Abuse Prevention Laws Enforced" placed at prominent locations at the Town Hall.

There was discussion about what we would be opening up, if we done it for one organization.

Motion made by Commissioner Burns seconded by Commissioner Cotten to approve the placement of “Family Peace Zone – Abuse Prevention Laws Enforced” signs in a prominent location at Town Hall.

Vote Aye-2 Burns/Cotten  
Nay-3 Brooks/Bryan/Mayor Devinney

Commissioner Cotten stated this is a way of educating people that abuse is not tolerated.

#### COMMISSIONERS CONCERNS

Commissioner Cotten wanted to talk about limiting access to Lake Park after dark. He stated most vandalism occurs at night he saw someone going into the park at 10:30 the other night. He would like for the gate to be unlocked from sunrise to sunset.

There was discussion about the entrance off Diane Street being a place where drug dealers hang out and of installing some sort of gate or chain closing off Diane Street entrance.

Motion made by Commissioner Burns seconded by Commissioner Cotten to lock the entrance to the park on 902 at sunset and work on a system to be used to close off the entrance from Diane Street.

Vote Aye-4 Nay-0

Commissioner Cotten stated he did not feel the stop light at the intersection of 87 & 64 is properly programmed, there is no designated turn south on 87.

Manager Montgomery was directed to call the traffic engineer in Aberdeen about the traffic light at the intersection of 87 & 64.

#### HALLOWEEN

Motion made by Commissioner Bryan seconded by Commissioner Cotten that the children of Pittsboro observe Halloween on Tuesday, October 31, 2000 during the hours of 6-8 p.m.

Vote Aye-4 Nay-0

#### TETRA TECH, INC.

Manager Montgomery spoke about Tetra Tech, Inc. (A copy of their letter is attached to the official minutes).

The Board instructed the Manager & Mr. Jenkins to pursue additional testing on Roberson Creek as a designated stream and work with the Division of Water Quality.

#### ROSE GROUP

Motion made by Commissioner Burns seconded by Commissioner Cotten to apply for a maximum of \$40,000 in Golden Leaf funds with the Rose Group as the project director.

Vote Aye-4 Nay-0

Commissioner Brooks stated he would like to continue to get the stream designation but he would like to think about the rest of it for a couple of weeks.

Manager Montgomery stated he would contact Mr. Richard Rogers and invite him to see the area.

Commissioner Brooks stated we should pursue the offer from Mr. Rogers, from the state to diligently help us and invite him up and see what resolution we come up with, before committing town funds for this project. Seconded by Commissioner Burns.

The Board wanted a letter written to Rep. Hackney.

Vote Aye-4 Nay-0

Town Clerk Alice Lloyd stated we had received one application for the vacant Commissioner position from Henry Earl White.

Vote Aye-4 Nay-0

#### CLOSED SESSION

Motion made by Commissioner Bryan seconded by Commissioner Burns to go into closed session NCGS 143-318.11(a)(6) pursuant to personnel.

Vote Aye-4 Nay-0

#### REGULAR MEETING

Motion made by Commissioner Burns seconded by Commissioner Bryan to approve the transfer of sick leave for Sergeant Birchett from Chatham County.

Vote Aye-4 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Burns to adjourn.  
Vote Aye-4 Nay-0

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Mayor

ATTEST:

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Clerk