

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
SEPTEMBER 25, 2000
7:00

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

ATTENDANCE

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

Others present: Manager Hugh Montgomery, Clerk Alice F. Lloyd, Chief of Police Jerry W. Clapp and Attorney Paul S. Messick, Jr.

DISPOSITION OF MINUTES

Motion made by Commissioner Burns seconded by Commissioner Brooks to approve the minutes of the September 11, 2000 meeting.

Vote Aye-4 Nay-0

CITIZENS MATTERS

NONE

PUBLIC HEARING

Motion made by Commissioner Brooks seconded by Commissioner Bryan to go into a public hearing for the following:

- Ordinance Regulating False Security Alarm in the Town of Pittsboro.
- Rezoning Request – Mr. & Mrs. Oliver Marsh from R-A to C-2.

Vote Aye-4 Nay-0

ORDINANCE REGULATING FALSE SECURITY ALARM

Manager Montgomery stated Attorney Messick prepared the draft ordinance.

Attorney Messick discussed the content of the ordinance.

PUBLIC COMMENTS:

NONE

PUBLIC HEARING
REZONING REQUEST – MR. & MRS. OLIVER MARSH

Manager Montgomery stated Mr. & Mrs. Marsh are requesting rezoning of approximately 13 acres located on Hillsboro Street in a RA zone to C-2. The affected property owners have been notified.

Commissioner Brooks stated this has been before the board before and wanted to know if the time period for re-application has expired?

Manager Montgomery stated that time period for re-application is six months, and it has expired.

PUBLIC COMMENTS:

Eric Jefferies – 1221 Hillsboro Street – Comments are attached in the form of a letter he read.

Ernest Dark – Hillsboro Street – he is speaking on behalf of himself, his parents and others - he is back asking the board to leave the area as a residential area, he would like to see it stay a community.

Mattie Leach – Hillsboro Street – she would like for the neighborhood to stay as it is. If it were housing they wouldn't have a problem.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to go out of public hearing. Vote Aye-4 Nay-0

Commissioner Burns asked if this had to go to the Planning Board for recommendation.

Commissioner Cotten stated for the sake of consistency it should.

Motion made by Commissioner Cotten seconded by Commissioner Burns to refer the rezoning request to the Planning Board for recommendation at their October 2, 2000 meeting. Vote Aye-4 Nay-0

FALSE SECURITY ALARM ORDINANCE

Commissioner Brooks stated he needed clarification on two items:

1. Section 11.312 – No response To Frequent False Alarms; Appeal of No-Response Determination.
2. Section 11.304 (2(b)). He does not understand the sentence.

Attorney Messick discussed Commissioner Brooks concerns.

Attorney Messick stated it would be difficult to police.

Commissioner Brooks stated he did not see a need to pass an Ordinance that we can not police.

Attorney Messick stated the first time an alarm went off the owner may not now there is a malfunction in the system.

Commissioner Burns asked where the fines would go.

The fines will go to the schools.

Commissioner Cotten stated a balloon floating would cause them to go off sometime. Maybe we should consider requiring that alarms to be inside instead of outside. He has concerns about no response. He would vote no if a vote were taken on this matter tonight.

Commissioner Cotten stated there is no direct dialing in the area to his knowledge. The length of time the alarms are set to go off is 10-17 minutes.

Commissioner Brooks asked Attorney Messick to revise section 11.312 and section 11.304, which would include a warning Commissioner Burns, seconded the motion.
Vote Aye-4 Nay-0

FIRST NATIONAL BANK

Mr. Chris Walker, First National Bank, Siler City was before the board requesting that the bank be added to the financial institutions list for the Town of Pittsboro's CD's.

Motion made by Commissioner Burns seconded by Commissioner Brooks to add First National Bank on the list of banks to call for CD investments.

Vote Aye-4 Nay-0

THOMAS L. SMITH

Manager Montgomery stated Mr. Thomas L. Smith – property owner adjacent to Willow Springs Subdivision desires to address the Board prior to consideration of final plat approval requested by Mr. Hartford, developer of Willow Springs.

Thomas L. Smith stated his concerns are: 1) State and local erosion control have not been met, 2) Damage caused by grading and lack of erosion controls to town property and his property, 3) Legal question on the dedication of W. Cornwallis Street Extension to the Town and 4) Access being denied to his property from W. Cornwallis Street.

Attorney Messick stated that Mr. Smith and his wife need to consent to the dedication.

Commissioner Brooks stated there is an easement from Mrs. Williams, did not the easement go with the property.

Attorney Messick stated he does not feel it can be dedicated to the public without Mr. & Mrs. Smith's content.

Bob Hartford stated this issue has caused him a tremendous amount of concern and stress and that he talked with Mr. Smith today.

There is some soil overflow onto the Smith's property – there is no major problem and the erosion control system has worked well. They went over the clean up on Mr. Smith's property and Mr. Smith asked them to stop cleaning up.

He was not required to make the curb cut for the Riddle & Hackney property, but he did at his own expense. He will install the curb cut for the Smith property at his own expense, if the Town approves the change to their plan.

Within a few days the problem will be worked out.

There was no adverse discussion about the easement during the preliminary plat process.

Attorney Messick stated the question is whether or not to approve the final plat until the dedication issue is solved.

Mike Parker, Hillsborough – Attorney representing Willow Springs. He does not see an access problem and he disagrees with Attorney Messick.

After further discussion a motion was made by Commissioner Burns seconded by Commissioner Bryan to deny the final plat approval for Willow Springs Subdivision until Mr. Smith concerns and other legal actions are resolved.

Vote Aye-4 Nay-0

Mayor Devinney asked that Mr. Hartford get with Mr. Smith and get the problem straightened out.

PARKING SUPERIOR COURT

Chief of Police Jerry Clapp was present to request the Town to look into reserving two parking spaces in the north east quadrant of the traffic circle for the presiding Judge and Bailiff of Superior Court. These officers of the court need an easy access to the courtroom and require these reserve parking spaces for this accessibility. This accessibility is very important for the smooth operation of the court's business.

There was discussion about them parking in the Dunlap parking lot.

There was much discussion about the shortage of parking for the businesses downtown.

Commissioner Brooks and Commissioner Burns said they are not for giving away two public parking spaces.

Commissioner Brooks asked if they could not park in front of the Presbyterian Church.

Commissioner Cotten stated he does not have a problem with it. He is the one responsible for the ordinance dedicating the two spaces.

Commissioner Burns stated we constantly get complaints from citizens about parking.

Motion made by Commissioner Cotten to adopt the ordinance. The motion died due to the lack of a second. Commissioner Cotten said he think it is a perfectly legitimate request.

Motion made by Commissioner Brooks seconded by Commissioner Burns to deny the request and see if the County could set aside two spaces on their property for the Superior Court Judge and Bailiff.

Vote Aye-3 Brooks/Bryan/Burns

Nay-1 Cotten

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NCLM – VOTING DELEGATE

Motion made by Commissioner Bryan seconded by Commissioner Brooks to appoint Mayor Devinney as the Town's voting delegate at the League Convention.

Vote Aye-4 Nay-0

VACANT BOARD SEAT

Commissioner Cotten requested that the board develop a methodology to replace the vacant position on the Town of Pittsboro Board of Commissioners and requested the following Resolution be approved:

A RESOLUTION ESTABLISHING PROCEDURES FOR APPOINTING A MEMBER OF PITTSBORO BOARD OF COMMISSIONERS

WHEREAS, there currently exists a vacancy on the Pittsboro Board of Commissioners, and;

WHEREAS, the remainder of vacant term exceeds twelve months, and;

NOW, THEREFORE BE IT RESOLVED by the Pittsboro Board of Commissioners during the regular meeting held on September 25, 2000, that:

1. All persons to be considered for appointment shall complete an application, which can be secured from Ms. Alice Lloyd, Town Clerk.
2. That the completed application shall be returned prior to 5:00 pm on October 18, 2000.
3. That the Board of Commissioners shall review all applications prior to the regular meeting on October 23, 2000, during which time an appointment shall be made by sealed ballot in open session.

Motion was made by Commissioner Cotten seconded by Commissioner Brooks to approve A RESOLUTION ESTABLISHING PROCEDURES FOR APPOINTING A MEMBER OF PITTSBORO BOARD OF COMMISSIONERS.

Vote Aye-4 Nay-0

A RESOLUTION ESTABLISHING PROCEDURES FOR APPOINTING A MEMBER OF PITTSBORO BOARD OF COMMISSIONERS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 208-209

WATER RECLAMATION FACILITY

Commissioner Cotten stated this would isolate the people it is aimed for. Commissioner Bryan agreed.

Motion made by Commissioner Cotten seconded by Commissioner Brooks not to participate in the Cape Fear Regional Water Reclamation Facility.

Vote Aye-4 Nay-0

CABLE CONSORTIUM

Manager Montgomery stated he would like to know from the Board whether the Town should continue to participate in the Cable Consortium.

After discussion a motion was made by Commissioner Cotten seconded by Commissioner Burns to provide them in writing a list of the advantages and disadvantages of participating in the Cable Consortium.

Vote Aye-4 Nay-0

COMMISSIONER CONCERNS

Commissioner Brooks stated he had been approached by Frank Kirby requesting that the road going into his home be paved (Small Street Extension). Commissioner Brooks stated Mr. Kirby told him that former Manager Cornatzer had promised to pave the road. He told Mr. Kirby he would put it on the agenda.

Motion made by Commissioner Brooks seconded by Commissioner Burns to pave Small Street Extension as long as it meets the dedication requirements.

Commissioner Cotten stated he would like a price estimate before we agree to do it.

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

Commissioner Cotten gave a status report on the codification process.

Mayor Devinney stated the intersection at Mrs. Hamlet's property has not been repaired.

Manager Montgomery stated he has not heard anything from NCDOT since before the last meeting.

CLOSED SESSION

Motion made by Commissioner Brooks seconded by Commissioner Burns to go into closed session pursuant to G 143-318.11 (5), to establish, or instruct the public body's staff or negotiating agents concerning the position to be taken by or on the behalf of the public body in negotiating the material terms of a contract and GS 143.311 a (6) to discuss personnel matters. Vote Aye-4 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Burns to go out of closed session. Vote Aye-4 Nay-0

REGULAR MEETING

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

Mayor

ATTEST:

Clerk