

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, JANUARY 25, 2010  
7:00 PM

Mayor Randy Voller called the meeting to order at 7:00 p.m. and called for a brief moment of silence.

**ATTENDANCE**

Members present: Mayor Randy Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Clinton E. Bryan, III, Michael Fiocco, and Hugh Harrington.

Staff present: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul S. Messick, Jr., Planner David Monroe, Assistant Planner Paul Horne, and Public Works Director John Poteat.

**CONSENT AGENDA**

The Consent Agenda contains the following items:

1. Approve the minutes of the January 11, 2010 regular meeting.
2. Approve the Resolution of Support for the American Cancer Society Relay for Life.
3. Approve the Resolution Appointing Mr. Dalton C. Sawyer to the Citizens' Committee to Research the Availability of State and Federal Grants.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the Consent Agenda as submitted.

Vote Aye-5 Nay-0

Marianne Haywood, 501 Oak Island, Chapel Hill in Chatham County, thanked the Board for its Resolution of Support for the American Cancer Society Relay for Life.

**A RESOLUTION FOR THE AMERICAN CANCER SOCIETY RELAY FOR LIFE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 14**

**A RESOLUTION APPOINTING DALTON SAYWER TO THE CITIZENS' COMMITTEE TO RESEARCH THE AVAILABILITY OF STATE AND FEDERAL GRANTS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 15**

## AGENDA

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the Agenda as submitted.

Vote Aye-5 Nay-0

## REGULAR MEETING AGENDA

### Citizens Matters

There were no citizens who signed up to speak at this time.

## PUBLIC HEARING

Motion made by Commissioner Brooks seconded by Commissioner Bryan to go into Public Hearing for all three items noted on the agenda.

Vote Aye-5 Nay-0

### 1. Amendment to Section 6.5g of the Zoning Ordinance-Off-Premises Signs.

Planner David Monroe stated they had received a request from Doug Jacobs of ReMax Realty to amend the Town's sign regulations to address an issue with one of his clients. He said the client wished to purchase a piece of property that did not have visibility from Highway 15-501 North, and wanted the opportunity to display off-premises signs to indicate to the public where his business was located. Mr. Monroe said he had conducted a search of primarily North Carolina county ordinances that allowed off-premises signs, and for the most part the research indicated that off-premises signs were permitted in areas where there was a major highway bisecting the county, and that highway was where the off-premises signs could be situated. He said the off-premises signs ranged in size from 200 square feet to 761 square feet.

Mr. Monroe said he had subsequently come across a recent change to the City of Concord's sign ordinance that would allow for-profit temporary signs and banners for businesses advertising special sales, special events, and promotions. He said that ordinance allowed one sign per establishment in addition to its permanent signs on the property. Mr. Monroe said the signs would be allowed up to four times per year. He said though that did not address Mr. Jacobs request for permanent off-premises signs, it did speak to the allowance of temporary off-premises signs. Mr. Monroe said currently regulations did allow for temporary off-premises signs for civic events as long as they were approved in advance, placed no sooner than 7 days prior to an event and removed 2 days after the event, and were for civic events only.

### Public Comments:

Robert "Bob" Wachs, 2175 McLaurin Road, Siler City, pastor of Hanks Chapel Church, said he was speaking in his capacity as pastor of that church to ask that the Board consider some off-

premises signs for certain uses, specifically for churches. He said he would expect some obvious parameters to be set for height, width, setback, and even material, and said the signs would be used for direction and information as well as for events that might be planned at the church. Rev. Wachs said they would like for churches to have that ability, and in their case they would want to place signs on the west and east sides of US 64.

Rev. Wachs said he understood the concern of appearance, but believed signs that met the specified parameters and were well-maintained would fit in with the ambience of the community much better than a billboard advertising a lady banker who had had a mustache and a beard added to her likeness before it was taken down. He said that was the same location where a real estate agent had had her sign covered with graffiti, which also was taken down. Rev. Wachs said that strong churches helped build strong communities, and that was their intent. He said they believed being able to place signs indicating the location and activities of churches would make the community even stronger.

Commissioner Brooks commented that Hanks Chapel Church had deep roots in the County and was built before the Civil War. He said before Old US 64 had been split, people understood better how to find the church, but when the State had adjusted that road it had made that somewhat confusing. Commissioner Brooks said the configuration of that intersection could be confusing to anyone searching for the church and believed in this case directional signs would be helpful.

Mayor Voller said what Commissioner Brooks was pointing out was that by no fault of theirs, but by an act of government, something was done that caused the church to be harder to locate. Rev. Wachs said he hoped it was clear that it was not just his church, but it was a larger issue that affected other churches as well.

Commissioner Brooks said he believed they should consider an off-premise directional sign to the Kiwanis Park.

Commissioner Bryan read a letter from former Commissioner Chris Walker, 69 Fox Chapel Lane, Pittsboro, and submitted it for the record, as follows:

Commissioners and Mayor:

Would you please consider relaxing rules governing "off site" signs for civic and church organizations.

I am well aware that I voted on the current ordinances during my terms as Town Commissioner. I have felt our rules may be too restrictive. For example, Hank's Chapel Church is allowed to maintain the current sign at the fork of East Street (Business 64) and Hanks Chapel Road. The current sign is old and past its useful life. I cannot remember all the details of the current ordinance, but I do believe it prohibits Hanks Chapel Church from making any changes to the current structure or it would be considered a "new" sign and thus prohibited.

From a visual standpoint, the Hanks Chapel sign is somewhat of an eyesore given the age of the sign. But as noted, there is not much the Church can do about it or they risk losing a "marker" noting the church's location.

I believe if written correctly, a modified ordinance would allow civic and church organizations to better their current signage thus improving the appearance. I believe this can be accomplished with the parameters of size, design, and materials that would not diminish the appearance of our Town.

A new brick-based sign with flowers or plantings around it would sure be an improvement over what is there today. For numerous months, the citizens of Pittsboro have been forced to view billboards in this area with spray-painted mustaches, goatees, and other various art work. Any change to this area would be a plus.

Please note that my family does attend Hanks Chapel, but I feel I am speaking for all church's and civic organizations, not just Hanks Chapel. Outside our city limits and within our ETJ there are many church and civic organizations that may need "off site" signage to point the way to their facility.

Due to a night meeting with my employer, I am unable to attend the meeting and speak before you. I appreciate your time and consideration on this matter.

Chris Walker

## **2. Blair rezoning request at US Hwy 64 By-pass and Foxfire Trace from R-A2 to C-2.**

Mr. Monroe said that Commissioner Fiocco had pointed out to him that there was a problem with the application that was not the fault of the applicant. He said the language referring to the Major Transportation Corridor overlay district stipulated that there shall be no rezoning considered on a property without the submittal of a site plan. Mr. Monroe said in this case John Blair was requesting a rezoning from R-A2 which was a residential zone to C-2 which was a commercial zone. He said since the underlying property was zoned residential, he could not accept a commercial site plan for review, so there was a 'catch 22' here causing Mr. Blair to suffer this dilemma.

Mr. Monroe said that conflict was built into the language in the Town's ordinance, and requested that the Board direct him to take the issue to the Planning Board and correct that language. He said that Mr. Blair's application could be put on hold for now, and then proceed once the language in the ordinance was corrected.

Town Attorney Paul Messick asked just how exactly the Planning Board would correct this. Mr. Monroe responded through a text amendment that would be brought to the Town Board for consideration.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to table the rezoning request from John Blair, and to direct Planner David Monroe to take the text amendment that would address the conflict in Section 14.3 of the Zoning Ordinance to the Planning Board for its consideration and recommendation to the Town Board.

Vote Aye-5 Nay-0

## **3. Amendment to Section 14.3 of the Zoning Ordinance-Major Transportation Corridor.**

Mr. Monroe stated this was a matter of housekeeping, in that what was now referred to as Foxfire Trace used to be Highway 64 Business. He said when the interchange of Highway 64 Business and the bypass was created by NCDOT, they cut a section of what was now Foxfire

Trace out, so you cannot drive from Highway 64 Business directly onto Foxfire Trace. Mr. Monroe said that meant that Foxfire Trace was no longer a major corridor, so having it listed in the Major Transportation Corridor overlay district was not appropriate.

**Public Comments:**

No member of the public signed up to speak at this time.

Commissioner Fiocco said they were talking about changing language to paragraphs C and D, and asked if that would be relocating the beginning or ending point of that corridor. Mr. Monroe said that paragraph D would because that when that paragraph was written the Westmoore development was not annexed into the Town. He said the Major Transportation Corridor was to begin at the Town limits and end at the ETJ, so the amendment would correct the condition of having annexed Westmoore. Commissioner Fiocco asked was paragraph C moving it closer to Town. Mr. Monroe replied no. Commissioner Fiocco said he noted that it referenced State Road 1943, and White's Mobile Home Park Road as a private road. Mr. Monroe said that was where the Town limits terminated. Commissioner Fiocco said then that was the original beginning point, which was ½ mile east. Mr. Monroe said it was ½ mile west of where Foxfire Trace used to be connected to 64 Business.

Commissioner Brooks said part of the confusion might be that Dee Farrell Road started almost in front of Hanks Chapel Church and stopped at Highway 64. He said when the State had made the new Highway 64 they just extended the name to near the bridge. Mr. Monroe said that was correct.

Commissioner Fiocco said but it was not the intent to move the corridor. Mr. Monroe replied no, that this was just a housekeeping chore.

Mayor Voller said in looking at their ETJ and when Mr. Monroe had referenced Westmoore being annexed into the Town, he had said their ETJ was 3 miles from the corporate limits. He asked would that move the ETJ. Mr. Messick no, that it was not 3 miles in every direction.

Mr. Monroe said the limits to the ETJ were determined through metes and bounds, noting it was not a matter of measuring 3 miles from the Town's limits, it was a matter of having established a metes and bounds definition for the extent of the ETJ.

Mr. Messick said the normal was about a mile, but they had a special situation where it said it was a particularly defined area.

Mayor Voller asked what happened when they got to less than a mile. He said would that require talking to the County Commissioners and the State about adjusting that. Mr. Messick said he believed it could be addressed through just the County.

Commissioner Brooks said before they had to get permission from the State, but there was something he did not understand. He said before Northwood High School was built the Legislature had passed a special bill, he believed in 1971, that said if a Police Department was

needed at Northwood then Pittsboro Police could have jurisdiction to go to the school. Commissioner Brooks said the way he understood the ETJ their only powers were zoning and planning, and asked was that correct. Mr. Messick responded that was all they chose to exercise, and they could do building inspections if they were inclined to do so. Commissioner Brooks said but they would have to take some action to do that. Mr. Messick said they would have to have a Building Inspector. Commissioner Brooks said then that would allow them to do everything. correct? Mr. Messick said no, it would allow them to do planning, zoning, and inspections, but it had nothing to do with police jurisdiction, noting that was a separate issue altogether. Commissioner Brooks asked why. Mr. Messick replied because that was the law. He said the law Commissioner Brooks had first spoken of did give police jurisdiction, but that had nothing to do with extraterritorial jurisdiction other than zoning and planning.

Commissioner Brooks said what he was trying to determine was what authority the Town had to enforce the law outside the Town limits. Mr. Messick said the law he had just mentioned was passed when Northwood was built. Commissioner Brooks said the State statute said that that was one mile from the Town limits. Mr. Messick said there was a local act for Pittsboro that said it was 3 miles for Police jurisdiction. Commissioner Brooks asked when was that passed. Mr. Messick replied either in 1971 or 1973, and that was only for the Police Department of Pittsboro and was not specifically for Northwood High School. He said it gave the Police Department the distance to get to Northwood and it went in every direction. Commissioner Brooks said then that gave them the authority to travel the bypass. Mr. Messick said it gave them authority and jurisdiction over the bypass within that 3 miles. Commissioner Brooks said he believed the sign said the ETJ ended in the middle of the Haw River. Mr. Messick said that the ETJ and police jurisdiction were two entirely different things although they may coincide, but did not necessarily have to.

Commissioner Brooks said he did not understand how they had gotten to that situation, noting that when the Town had asked for the 3 miles it was for planning and zoning, and it appeared they had gotten themselves into more job opportunities than they had intended.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to go out of public hearing.

Vote Aye-5 Nay-0

## **OLD BUSINESS**

### **1. Manager's Update on Capital Projects.**

Mr. Terry provided the following update on Capital Projects:

- Disinfection Byproducts Reduction Project – The new equipment for the streaming current monitor arrived and will be installed soon. Hobbs Upchurch began work on the plans and specifications for the change order to install permanent equipment to feed ferric sulfate. Costs are estimated to be about \$97,000, and the equipment should be installed by late spring.

Commissioner Harrington said to clarify the streaming current monitor was part of that system. Mr. Terry said the streaming current monitor would allow them to continuously monitor changes in the quality of the incoming raw water.

Commissioner Fiocco asked if they were attributing a lot of the success during the 4<sup>th</sup> quarter to the ferric sulfate. Mr. Terry said in part, but he believed the biggest change was due to the amount and location of the application of chlorine. He stated he believed the amount and location of the application of chlorine and the ferric sulfate in combination was the reason for the success.

Mr. Terry continued his update:

- 3M Reclaimed Water System Project – This project is very close to completion. Recent freezing weather exacerbated problems with pump station start-up. The contractor experienced some freezing damage to the copper tubing and gauges on the pump station and that damage must be repaired before they can accept the work as completed. That freezing event called into question the wisdom of installing that sort of equipment above ground without an enclosure to provide protection from freezing weather. Accordingly, they have asked the engineer to develop a change order to install an enclosure around the pump station so that the equipment can be protected from future freezing events.

Commissioner Fiocco asked if the damage to the pump station would result in a change order. Mr. Terry replied no, that the Town had not yet accepted the system and the contractor was required to deliver a working system. He said either the contractor or the insurance agency would assume the cost. Mr. Terry said he was optimistic that the system would be up and running sometime in February.

Mr. Terry continued his update:

- 3M Park – The management of 3M was predicting that legal transfer of the land title would be achieved in February, and has suggested Wednesday, March 3, as the date for a ceremony recognizing the park land transfer and the start-up of the 3M Reuse Water Project. 3M has been asked to consider Saturday, March 6, at 10 a.m. to allow the participation of more of the Town Board as well as the County Commissioners.

Mr. Terry said in talking with 3M about the structure of the ceremony and who to invite, those mentioned were Congressman Ethridge, Speaker Hackney, Senator Atwater, Secretary of DENR Freeman, all the Town and County Commissioners, and Dianne Reid from the EDC, to name a few. He said with the Board's permission he would work with 3M to put together the dedication ceremony that would take place at the 3M facility, and would be happy to accept the Board's input on what the ceremony should include.

Mayor Voller said he believed the Parks and Recreation Board and anyone else connected to parks and recreation should be invited, as well as anyone connected to economic development. He said they wanted to be as inclusive as possible, noting this was a long time coming. Mr. Terry said then unless he heard otherwise from the Board, he would proceed to work with 3M to plan the ceremony for March 6 to be followed by a reception.

Mayor Voller asked was 3M planning on deeding over the first section or all of it. Mr. Terry responded it was his understanding it was all of it.

Mr. Terry continued his update:

- 3.22 MGD Wastewater Treatment Plant Construction – They continue to await a Record of Decision on the EIS. Work on the NPDES permit is about 75% completed. They expect to have a draft permit application for review within the next two to three weeks.
- Short-term Wastewater Treatment Plant Improvement Project – Work in progress and on schedule. The excavation of the equalization basin site is about 75% completed.
- Credle Street Basin Rehabilitation Project (Phases III and IV) – Announcement of grant awards is not expected until April 2010.
- Rock Springs Park (formerly Powell Place Park) – The project was supposed to have been completed by now, but inclement weather slowed the work. The stone entry steps were now completed and the playground sculpture contractor is about 95% completed.

Mayor Voller asked had any compromise been reached on the issue of the trees removed in error. Mr. Terry said he would have Mr. Horne elaborate on that, but they were working that into the next change order to include a resolution of the tree issue.

Assistant Planner Paul Horne said that it might appear that this issue was dragging on and in some ways it was, but because of timing it was better to get the issue settled now rather than later.

Mr. Terry said initially they had offered what they believed was a creative solution, noting that there was an alternate to the contract that the Town had not accepted because the budget would not permit it, and it was about the same amount that had been assigned to the value of the trees. He said they had offered the contractor that trade-off which would add Alternate 3 back to the contract, but the contractor had not been amenable to that. Mr. Terry said what it would likely come down to was a demand that the contractor purchase and plant 19 similar trees on the order of 12 to 15 feet tall. He said that would not make a dramatic impact in the short term but in the long term they would create a canopy in the area where the trees were removed. Mr. Terry said that was a simplistic approach and did not give them back their 50 or 60 year old trees, but it was a solution. So, he said, negotiations remained ongoing.

Commissioner Brooks asked would it be unrealistic or even unconstitutional to ask to see a copy of the receipt of how much the contractor had received for the trees, and then ask for that amount of money. Mr. Terry said his understanding was that the trees had been sold for pallets, and he did not believe accepting that amount of money was what the Town would want.

Commissioner Fiocco said perhaps the contractor could match the caliper of the trees that they had removed.

Commissioner Brooks said if Progress Energy cut down someone's 19 trees, he believed they would have to reimburse those people.

Commissioner Baldwin agreed they should have to pay.

Mayor Voller said unfortunately this was an issue where if you took out a hardwood tree, you could not get a lot of money for it unless you took it to someone who could process it. But, he said, that was beside the point. He said some of the trees might not have been species trees and some might have been trees that could not be replaced anytime soon. Mayor Voller said there did not seem to be a great solution here. He said if they took down one great tree that should not have been taken down, how you adjusted for the value of what that tree provided. Mayor Voller said the value was that it was in the park, and they would not get a 60-year-old oak tree overnight. Mr. Terry said the short answer was they had not yet determined a solution.

Mayor Voller suggested taking Mr. Terry “off the hook” and inviting the contractor to appear before the Board so they could hear how the policy makers felt about what had happened. Mr. Terry said they had had the trees professionally appraised and unfortunately the result showed a range of value from \$1,000 a tree to several thousands dollars a tree.

Commissioner Harrington asked was he saying the least value was \$1,000 a tree. Mr. Terry said he believed that was the lowest estimate.

Mr. Horne said he could not recall.

Commissioner Brooks said he was surprised, that his research had indicated that all the white oak and red oak and other types of wood were going for a premium price. He said he was surprised that the trees had been sold for pallets.

Mayor Voller asked Mr. Messick for his advice. Mr. Messick said his advice was to move on.

Commissioner Fiocco said the contractor would be coming back to do the landscaping and turf grass, and assumed that they were prepared to do temporary seeding in the interim. Mr. Terry said they were going to have to do erosion control, and believed they might just end up with some temporary seed and straw with some annual rye just to stabilize the ground.

Commissioner Harrington asked how much the contractor had been paid up to now and how much was left to pay them. Mr. Terry said they had submitted only one pay request that was under \$100,000, and it was a \$400,000 project. So, he said, the Town still had the bulk of the money to be paid.

Commissioner Brooks said he had lost count of the calls from citizens he had received about this issue.

Mayor Voller said he had received a number as well, and wanted to be clear that they were listening to citizens that were concerned and he would continue to bring the issue up at every Board meeting.

Mr. Terry continued his update:

- Downtown Area Water System Improvement Project – A meeting was held with USDA on January 8, and based on that meeting USDA was encouraging the Town to move forward

with a grant application. Hydrostructures was preparing a fee proposal for preparation of the USDA Grant application for the project.

Commissioner Fiocco said in regard to the Pedestrian Conveyance System Project, was it correct that they were waiting for the Authorization to Construct. Mr. Terry said that project was related to the larger community college project and the changes to the road, and it was a matter of sequencing that project with those other projects. He said in order to be eligible for the grant funds, they had had to get it designed and submitted months ago, but because of the sequencing they were waiting their turn to come up in the process. Commissioner Fiocco asked who would issue the Authorization to Construct. Mr. Terry replied NCDOT.

Commissioner Fiocco asked did he have any idea when that was expected to happen. Jay Johnston with Hydrostructures responded he believed it would be in July.

Mayor Voller asked was that in conjunction with Chatham County or only with NCDOT. Mr. Johnston responded as far as he knew it was the Town through Hydrostructures. He said they were still talking with them about some of the utility adjustments.

## **2. Staff Update on the Proposed Small Street Community Gardens (Assistant Planner Paul Horne).**

Mr. Horne stated that he had spoken to several residents of the Small Street neighborhood who had indicated they were reluctant to see the Town-owned field developed for any kind of recreational purpose, noting concerns about crime and that any kind of development would bring negative consequences to their neighborhood.

Mr. Horne said he had asked those residents what they would like to see there and if there were other concerns, and two things were noted. He said one was the number of trash piles placed on the property by the Town that had been there for many years, and they wanted to see those cleaned up. Mr. Horne said the other issue was the trucks coming in and going out of the Wastewater Treatment Plant. He said the way the road was configured it was difficult for the trucks to make the turn. Mr. Horne said he had spoken to Mr. Poteat about perhaps creating a bump out or some other road widening to address that, and he believed that could be achieved fairly inexpensively.

Mr. Horne said he believed they could find a win-win solution for that community, and the resources that had been gathered in regards to community gardening could be transferred to the fairgrounds if there was interest from the Fairgrounds Association. He said he believed that Margie Ellison and Margaret Pollard had been conducting a parallel effort to generate a community garden at the Fairgrounds, and had gone so far as to receive a \$3,000 grant. Mr. Horne said he would meet with their consultant who was working on a Master Plan for the Fairgrounds, and he would meet with the Parks and Recreation Board at its next meeting to determine if there was interest to use the resources that he had pulled together to help the Fairgrounds Association with their project. He said it was his understanding that since those two women had passed away, the project was in limbo.

Commissioner Harrington thanked Mr. Horne for his work on the project and his attention to details. He said he certainly supported cleaning that field up, noting it would show a good faith effort by the Town and appeared to be a reasonable thing to proceed with.

Commissioner Fiocco asked would it require much clearing to get to those piles of trash. Mr. Horne responded not a lot, that there were several trees that had grown up but nothing substantial. Commissioner Fiocco said from his observation it appeared there were some piles that would be hard to reach. Mr. Horne said that some of that was on private property and not on the Town's property, which was a serious problem. He said he was referring primarily to the area outside the floodplain that was directly beside the cleared field where there were some scrubby trees that would be easy to clean up. Mr. Horne said there was a lot on the right that was Town-owned as well, and there were many bottles and other trash deposited by the public. He said if it was cleaned up it would send the message that the property should be respected and kept clean. Commissioner Fiocco said but they were talking only of cleaning up Town property. Mr. Horne said that was correct. He remarked that cleaning up the property along Roberson Creek would gain the Town credits under the Jordan Lake rules.

Mayor Voller stated that perhaps they could spur a community clean-up on Town property, and perhaps even install a recycling bin so that people would not dump on it. Mr. Horne said he believed there were already efforts underway by Town staff to do that.

Commissioner Baldwin thanked Mr. Horne for his due diligence on that project, noting she appreciated his hard work. She said cleaning up the trash would bring revitalization to that neighborhood to some extent.

Commissioner Harrington asked if a motion was needed to move forward with the clean-up. Mr. Terry stated that this was not a budgetary item, and that staff in the routine course of business would do some clean-up and put down some gravel using existing operating funds. He said if they found that significant resources would be needed then he would bring that to the Board before it was undertaken.

Commissioner Fiocco said that Solution 1 in the memo talked about putting down some ABC stone in the potholes for the short term and paving when weather permitted. He asked Mr. Poteat if that was a viable solution. Public Works Director John Poteat said it was a short-range solution and not a permanent one. He said what they wanted to do was buy some time until the construction traffic eased up on the road, because anything done now would be in vain until the large trucks entering and exiting the Wastewater Treatment Plant site were no longer an issue. Commissioner Fiocco asked if he believed the damage that was occurring was a result of the increased large truck traffic due to the Town's project, or was it an ongoing issue that there were trucks that were so large they could not stay on the road. Mr. Poteat said it was an ongoing issue, noting that after the construction project was completed there would be more sludge trucks on the road. He said their intent was to lessen the impact so that they would not get that much more deterioration on the curves, and their plan was to use Powell Bill funds to resurface the road and make major improvements after construction at the Wastewater Plant was completed.

Mr. Terry said the Wastewater Treatment Plant Improvement Project would continue through October, so that road was going to take some abuse over the next months. He said it would likely be necessary to reassess the road after the project was completed and use Powell Bill funds to refurbish the road.

Mr. Poteat said in the meantime, they could clean up the trash and perhaps do some other improvements to show the neighborhood that they were making efforts to improve the area.

### **3. Progress Report on the Citizens' Committee to Research the Availability of State and Federal Grants (Simon Lobdell).**

Faythe Canson Clark provided a status report on the State Energy Office grant. She stated that the Town Board had authorized moving forward with the application for the grant, and last week Mayor Voller, Mr. Poteat, and she had met and Mr. Poteat designated Simon Lobdell to do the Strategic Energy Plan and funding proposal. Ms. Clark said the Community Energy Office would be doing the Town audits and the follow-up required. She said they were proceeding on schedule, and expected to meet the February 1 deadline.

Ms. Clark requested some latitude in how the proposal was phrased in terms of what building the funds were allocated for. She said at the last meeting they had presented it to the Board in terms of the Community House, but after learning more about the terms of the grant and talking with Mr. Lobdell, they believed it would be better to have some latitude in terms of how that funding might be allocated.

Simon Lobdell, said that he was designated as the contractor that the Community Energy Office paid to put together the grant and to create an energy plan for the Town. He said the two elements of what he would be doing was responding to the actual grant request and developing the Strategic Energy Plan mandated by the State Energy Office. Mr. Lobdell said it would be a simple document that set out what the Town was hoping to achieve and what energy-related tasks the Town was doing. He said the latitude he was requesting was that he work with Mr. Terry and Mr. Poteat to identify projects that could actually get funded. Mr. Lobdell said he had identified projects in the Capital Improvements Plan that he believed could be funded, noting there were many ways to write the grant so that it achieved only what the Town really wanted to achieve. He added that the Community House did have some projects that might fall within the grant.

Mayor Voller said the Committee had held its second meeting last week, with Commissioner Harrington attending. He said the Committee had looked at the Town's CIP and if you looked at the energy uses the Town spent the most money treating water. Mayor Voller said in looking at those figures it made sense to give latitude so that perhaps they could get a grant that would save them money and save more energy.

Commissioner Harrington said when reviewing the CIP and replacing the pumps at the Water Plant, it seemed like the logical place to target.

Mr. Lobdell said he had talked with Mr. Poteat about the current plans and things that would be the easiest and quickest to implement. He said he understood there was not a lot of staff time that could be spent on grants, and he wanted to make sure that some things happened quickly and with the least overhead possible.

Mayor Voller asked Mr. Lobdell if he was a qualified engineer. Mr. Lobdell said that was correct. He said when it came time to submit the response if there were any major engineering projects he may need to receive at least preliminary non-binding quotes from other engineering firms, because he could not, as the grant writer, do any of the engineering work associated with those projects.

Commissioner Harrington said the Board had provided authorization to proceed with the grant with focus on the Community House, so they may need to change that language. Mr. Lobdell said he was asking that they be given the latitude to look at other projects, although the previous motion the Board had approved did focus on improvements to the Community House.

Mr. Terry said a simple motion from the Board authorizing the Manager to apply the grant to the project or projects that had the highest payback would be all that was needed.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to authorize the Manager to apply the grant to the project or projects that had the highest payback, with the clarification that the Board was removing the condition that the focus be on the Community House as it was previously moved and approved at the January 11, 2010 Board meeting.

Vote Aye-5 Nay-0

Mr. Lobdell said when the Strategic Energy Plan was developed there would be one document that he would want to bring before the Board. He said as a part of that Plan the State Energy Office wanted to see an energy mandate, which would be a simple statement of purpose stating that the Town of Pittsboro would pursue energy savings where it could. Mr. Lobdell said it was not a binding agreement or enforceable by law, but it was a mandate that energy efficiency was one of the goals of the Town.

Mayor Voller said it would mean adopting a simple resolution, noting none of the Board was against turning off lights and being efficient. Mr. Lobdell said he would bring that to the next meeting.

Mr. Terry asked that Mr. Lobdell bring the text to him and he would develop it in the form of a resolution for consideration. Mr. Lobdell agreed.

Commissioner Harrington thanked the Committee for its work, noting they were off and running.

Ms. Clark stated that the Committee also discussed an application to the NC Rural Center STEP Grant Program, which was a grant for NC Small Towns Economic Prosperity Program. She said Pittsboro was eligible because their population was under 10,000, and it was helpful that Pittsboro was designated as a County Seat. Ms. Clark said that particular grant was designed for

community involvement, and they were looking to put together a team of community leaders with minimal government involvement with at least one representative from Town government and one Town staff person. She said the funding for the first year was \$25,000 to execute a comprehensive economic development strategic plan. She said the second year of the grant was \$100,000 to be awarded to implement that economic development plan. Ms. Clark said they had found in their research that the STEP program was looking for the Town to use the NC Rural Center's technical assistance and go through a planning procedure with that agency before the Town could actually qualify for funding.

Ms. Clark said what made that particular grant attractive to the Committee was that once they had gone through that procedure, they then had priority for funding through any of the NC Rural Center grant programs. She said the Credle Street Basin Rehabilitation Project was NC Rural Center funded, and if they went through that process then they would become higher in priority for funding for that and other projects. Ms. Clark said as previously stated, they wanted to share what they were working on in time for the Board to have some thought about it, so they were saying now that they were looking at that grant and would like to put something together to bring to the Board at its next meeting so that the Board could consider formally agreeing to allowing the Committee to move forward. She said they had a lot of interest in bringing community leaders together, and would very much like to include a business person from the Small Street area. Ms. Clark said by bringing in a representative from the Small Street area they might be able to get a better response than what had been received when suggesting a recreation area in that neighborhood.

Mayor Voller said they had looked at that grant at the last Committee meeting, and the key thing Ms. Clark had mentioned was that if they were to apply and receive the grant, they would get on the priority list and have some favored status. He said he believed they should allow the Committee to go forward with that since it appeared it would pay off in dividends in the future beyond that particular program.

Commissioner Harrington said you could look at it as a significant investment to get into the program and receive priority for other NC Rural Center grants.

Kristin Hicks said what the Board needed to understand was that this was fundamentally a different type of grant, in that it was a program more than a grant. She said the \$125,000 was for planning only and could not be used for projects, equipment, or the like. Ms. Hicks said it could be used to hire marketing consultants or other types of consultants needed for events to bring the community together and create a leadership committee. She said the leadership committee was typically composed of 30 to 50 people, only two of which should be government representatives and the rest entirely citizen-based from all aspects of the community, including farmers, teachers, students, and the like. Ms. Hicks said one of the purposes would be to foster civic engagement and use that energy to improve economic development in the community.

Ms. Hicks said the program was designed for impoverished communities, and in that sense Pittsboro did not really fit that. But, she said, they were looking for towns that had economic issues that needed assistance, and fundamentally it meant that the State would be very invested in the success of the Town. She said what the State was trying to do was adopt model communities

that were having economic problems and assist them with their long-term growth. Ms. Hicks said it was a very competitive grant but the Town had a good chance to receive it. She said what the State would be looking at was did the Town need help in economic development planning, did the community have the will to be involved in that process, and did they have the potential to be "saved." Ms. Hicks said this was a great opportunity for the Town and required very little from Town officials because it was almost entirely a citizen-based initiative that involved State representatives coming in every month heading up planning committees for the duration of the project, typically on the order of 5 to 10 years. She said they believed this was a great opportunity for Pittsboro that would give them a lot of grants priority with the State.

Ms. Hicks asked that the Town Board allow them to proceed with that application process, noting the deadline was February 12 which was very soon. She said they needed to write a narrative about the Town and needed to obtain pictures, letters of support, and letters from business leaders stating they were interested in participating, and indicating why the Town of Pittsboro would be perfect for that program. Ms. Hicks said they would be informed in April if they had received the grant, assuming they met the deadline. She said if they were unable to meet the deadline this year, then they would be ready for next year.

Mayor Voller said Commissioner Brooks' name had come up in the meeting to participate in developing the narrative, as that narrative would have to do with the history of Pittsboro and Commissioner Brooks was a Town historian.

Commissioner Harrington said to clarify they were not asking for anything from the Town other than the authorization to move forward. Ms. Clark said that was correct, noting she understood this was short notice.

Mr. Terry said the next Town Board meeting was February 8<sup>th</sup> and asked could they have a draft for the Board to review at that meeting. Ms. Clark responded they could.

Mayor Voller suggested that Ms. Clark talk with Commissioner Brooks regarding development of the narrative.

#### **4. Manager's Report on Fiscal Year 2009-2010 Budget Execution.**

Mr. Terry said he had indicated that he would come back at this meeting with a mid-year financial report, and he was unable to do that. He stated that the revenue data was not quite ready, so this item would be deferred to February 8<sup>th</sup> due to the insufficient data on General Fund revenues to date.

### **NEW BUSINESS**

#### **1. Amendment to Section 6.5g of the Zoning Ordinance-Off-Premises Signs.**

Commissioner Harrington said he believed when this had come up before he had thought they had indicated that they would like to support businesses that needed directional signs. He said if the Board was in agreement, he would like a proposal of what staff would recommend, assuming

they would recommend off-premises signs. Commissioner Harrington said he had spoken to Mr. Hoyle and Mr. Monroe after the last Planning Board meeting and thought a reasonable starting place would be directional signs such as those seen in Fearrington that were very uniform and attractive. He said limits could be placed on the size or the material, or even requirements that the signs had to look a particular way and be uniform and simple in design. Mr. Monroe said he would take that direction back to the Planning Board.

Commissioner Brooks said the signs should be very limited in size and only large enough to get the job done.

Commissioner Baldwin agreed, adding that she would like to be specific about the areas such signs would be acceptable and what areas such signs would not be acceptable.

Commissioner Fiocco said he would like to see an ordinance created where those kinds of directional signs would be permitted, and agreed there were many considerations such as size, location, appearance and even setbacks. He said he would support the development of such an ordinance.

Commissioner Bryan said he completely agreed, noting he believed there should be a limit on the number of signs allowed per establishment.

Commissioner Brooks said if you stretched your imagination, the Farmer's Market sign could be considered an off-premise sign, and wondered about the possibility of having the sign straightened up for appearances sake. He said another issue was that many of the historical markers mounted by the Department of Archives and History had been in place certainly since the early 1960's and were now in bad shape. Commissioner Brooks said some were barely readable, and some pointed out buildings that were no longer in existence. He said the last time he had checked the Department of Archives and History had indicated they wanted \$750 apiece to replace the signs, and it had likely increased by this point. Commissioner Brooks said if they were going to have an historic district with historic markers, then the signs should be in good repair, readable, and give correct information.

Mayor Voller said their four Town signs needed some improvement as well. He said several citizens had mentioned to him that they should be improved.

Commissioner Brooks said he believed the Boy Scouts had used those signs as a project.

Commissioner Bryan said they had, and had done an excellent job.

Commissioner Brooks wondered if they might be interested in refurbishing those signs as a Scout project.

Commissioner Harrington said he believed that would be a great opportunity to get some volunteers to step up and improve those signs. He said there may be other groups in addition to the Scouts that might be looking for a project.

Jack Stevens, 145 Hillcrest Drive, said the Town could make the request to the local Boy Scout troop, noting they had done the last refurbishment. He said maintenance could be an Eagle Scout project.

Mr. Terry said if the Board wanted to do that, he would like them to authorize him to contact the Boy Scouts and to have Mr. Poteat do a condition assessment of the Town signs.

Commissioner Brooks suggested contacting Senator Hackney to ask him to look into the possibility of at least refurbishing the worst of their historical signs, particularly the one at Horton School, the one where the first courthouse was located and the raid on it, and a few others. He said those signs were a big deal for many people, noting he had heard many positive comments about their new history signs that the Town had done in the historic district. Commissioner Brooks said he had serious doubts that the State would want to replace them all, but perhaps they would consider replacing the ones in the worst condition.

Mayor Voller said that Mr. Horne was very interested in history and perhaps he would look into that and come back to the Board with some information. He said the Board could send a letter to Senator Hackney, but perhaps Mr. Horne could make a few calls in the next couple of weeks to see what might be possible about refurbishing the signs. Mayor Voller said that Commissioner Brooks was correct in that many of the historic signs were in bad shape and some could not even be read.

Mr. Terry said he would work with Mr. Horne do an inventory to identify the location of the signs and photograph them. He said the first step would be to discover how many there were, where they were, what they said, and what shape they were in. Mr. Terry said then they could focus on those that were in the worst condition.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to table action on this issue and refer the input received this evening back to the Planning Board.

Vote Aye-5 Nay-0

**2. Blair rezoning request at US Hwy 64 By-pass and Foxfire Trace from R-A2 to C-2.**

Mayor Voller indicated that the Blair rezoning request had been tabled earlier in the evening when the public hearing was held.

**3. Amendment to Section 14.3 of the Zoning Ordinance-Major Transportation Corridor.**

Motion made by Commissioner Harrington seconded by Commissioner Bryan to approve the text amendment to Section 14.3 of the Zoning Ordinance – Major Transportation Corridor.

Commissioner Fiocco said he was concerned that when he was scouting around today he could not locate the roads that were referenced. He said that in Paragraph D it was clearly moving the corridor further west, and that Paragraph C was not moving it further west. Mr. Monroe said that Paragraph C did technically move it further west because it eliminated the stretch of Foxfire

Trace that was formerly 64 Business. He said 64 Business was now shorter than it was previously. Commissioner Fiocco said but the starting point was still the same point. Mr. Monroe said the eastern starting point was still the same, which was White's Mobile Home Park Road.

Vote Aye-5 Nay-0

**4. Chatham County Economic Development Corporation Resolution Encouraging the Town of Pittsboro to Reserve Wastewater Allocation for Economic Development (Dianne Reid and Joe Glasson, Chatham County EDC).**

Dianne Reid, President of the Chatham County EDC, stated that the EDC had a Strategic Plan, and one of their 5-year goals was to assist 160 businesses in the County to create 2,000 direct jobs at an average annual salary of \$36,000. She said those 2,000 jobs created as a result of business expansion would lead to another 1,650 indirect jobs at service companies serving those businesses. Ms. Reid said in all, both direct and indirect jobs would result in \$90 million in new consumer expenditures which should lead to a 15% reduction in retail leakage, referring to the 67 cents of every dollar spent by Chatham County residents that was spent outside of the County. She said in the end there would be a total of \$211 million in new capital investment in the tax base and that would represent a 15% increase in the commercial tax base to help balance the burden on the residential tax base.

Ms. Reid said obviously they would need the support of the Town and the County to have the infrastructure in place to achieve those goals. She said the EDC had in January adopted a resolution that encouraged the Town Board to set aside part of the additional wastewater allocation for economic development purposes.

Commissioner Brooks said the Town Board was already committed to doing that, noting that the Board had recently approved wastewater capacity for two developers but had not given them as much as they had requested. He said the Board was making every effort and was committed to reserving capacity for that purpose.

Commissioner Harrington agreed, noting that they had been keeping up with the available capacity and were very concerned that they not give it all away. He said they were being careful not to give away capacity that would not be used, and had over the course of several meetings discussed exactly how much was available and how much could be assigned, making sure that there was available capacity for small projects in the downtown. Commissioner Harrington said the Board had considered that to be absolutely essential and it had been a difficult task to decide how much could be allocated. He said he believed the Board had shown its support for those objectives by its recent decisions.

Mayor Voller asked where Ms. Reid lived. Ms. Reid said she had grown up in Asheboro but lived in Pittsboro now. Mayor Voller said he believed Ms. Reid had an interest in seeing Pittsboro become successful. Ms. Reid agreed that was true.

Jeffery Starkweather, an EDC Board member, thanked the Town Board for its commitment. He said that the EDC had over the years received a lot of requests for businesses in Pittsboro due to its close proximity to the RTP, the good labor force, and the enthusiasm about the quality of life. Mr. Starkweather said many times businesses picked Pittsboro as the ideal place if they were considering locating in Chatham County, and often times they could not get to first base with those businesses because of the limitations on sewer capacity. So, he said, having capacity reserved for economic development would be a major step forward so that they could begin to court such businesses. Mr. Starkweather said that Pittsboro was an ideal location for bio-tech, pharmaceuticals, green building, energy, and sustainable agriculture.

Commissioner Fiocco asked what the average need was in gallons per day. Ms. Reid said that was hard to say, because there were some businesses that were extremely heavy water users. She said but some were much smaller, noting they were working with a company now that would need between 5,000 and 10,000 gallons per day. Ms. Reid said they could begin planning knowing that there were plans to increase capacity over time. Commissioner Fiocco said he was interested in knowing if there was a particular sized company that had expressed interest to locate here but had been turned away. Ms. Reid replied no.

Joe Glasson, Chair of the Chatham County EDC, thanked the Board for its leadership in this area, noting it was critical to the future of Chatham County. He said if you looked at the County's future, to him Pittsboro was the heartbeat of the County. Mr. Glasson said the Board was looking at the future and working hard to accommodate future growth, which they saw as vital to the future of the County. He also commended the Board for its collaboration with the EDC, noting he was proud of the fact that the Board was interested in what the EDC was doing and continued to advocate for what Chatham County needed.

### **Commissioner Concerns**

Commissioner Brooks stated they had likely seen the orange cones in the downtown, and displayed a picture of water flowing through downtown Pittsboro due to a broken pipe. He said the Town had some savings and had done a good job in building up reserves for a town their size, and believed that they should hold on to as much of those reserves as possible because he believed in the years to come they would need every dollar of it and more to replace water pipes, particularly on Hillsboro Street, that ran towards the Water Plant. Mr. Poteat said he knew that they still had some asbestos pipe in the ground. Commissioner Brooks asked was that easy to break? Mr. Poteat said it was very easy to break. Commissioner Brooks said there is at least a mile of that concrete and asbestos pipe, and he wanted to make sure that there were funds in place to improve that infrastructure.

Mayor Voller said he believed they needed to address that sooner rather than later, noting they needed to get that pipe out of the ground. He said those pipes were 80 years old, and they needed to act soon. Mr. Poteat said that was a 6-inch pipe that fed the west side of the downtown, and the long range plan was to replace lines on both sides of the street with 12-inch pipe. Mayor Voller said he believed the existing pipe on the other side was a 10-inch pipe. Mr. Poteat said was a 10-inch line but it was an asbestos line.

Commissioner Harrington said if they had to replace a substantial section, or if the pipe going up 15-501 broke, that would shut the Town down. Mr. Poteat said if that break had happened six years ago it would have shut the Town down, but the Board had put some money in the budget for valves so when it broke they installed an additional valve making it a little easier. But, he said, they had had to special order parts.

Mayor Voller said it was cheaper now to put pipe in the ground than it had been in the last 5 years because the cost of construction and materials had decreased. He asked where they were in pricing the pipe from Russell Chapel, noting that would give them a lot more flexibility in feeding the downtown. Mr. Terry said that was in the CIP, noting that Commissioner Brooks' point was well taken and it would behoove them to keep the Town financially solvent and in a position to do those kinds of things, and to keep the CIP updated each year and anticipate such projects. Mayor Voller agreed, reiterating he believed they should address the pipes sooner rather than later.

Commissioner Brooks thanked the Board for its response to the issue and their obvious interest. He said the recent break had provided the opportunity to make a point.

Adam Kiker said the main line that fed the Town was a very good generic project to obtain economic development funds through the NC Rural Center and through the Community Development Block Grant program. He said any new businesses that were created would depend on that line, and that project would be a good candidate for funding right now.

Commissioner Brooks stated they would still need to hold on to their reserves.

Commissioner Harrington agreed, noting if they suffered a major break those reserves would be key.

FYI

1. LGC letter of January 13, 2010; RE: Pittsboro FY 2008-2009 Audit.

### **RECESS**

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to take a brief recess.

Vote Aye-5 Nay-0

### **RECONVENE**

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to go back into Open Session.

Vote Aye-5 Nay-0

**CLOSED SESSION**

- 1. Closed Session pursuant to GS 143-318.11(a) (3) to receive information or discussions with the Town Attorney under the attorney-client privilege.**

Motion made by Commissioner Fiocco seconded by Commissioner Brooks to go into Closed Session.

Vote Aye-5 Nay-0

**ADJOURN**

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to adjourn the meeting at 10:05 p.m.

Vote Aye-5 Nay-0

\_\_\_\_\_  
Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk