

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, AUGUST 24, 2015  
7:00 PM

Mayor Terry called the meeting to order and called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Commissioner Farrell.

**ATTENDANCE**

Members present: Mayor Bill Terry, Mayor Pro Tem Pamela Baldwin, Commissioner Jay Farrell, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Others present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Chief of Police Percy Crutchfield, Interim Planner Roger Waldon and Finance Director Nancy Emslie.

**CONSENT AGENDA**

Commissioner Fiocco stated a correction needs to be made to page 3 of the August 10, 2015 minutes – paragraph three should read ....Such as, 250 ft. buffer... Commissioner Fiocco asked that item #3 be removed from consent and added as #1 Old Business.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the consent agenda as amended. The Consent Agenda contains the following items:

1. Approve minutes of the August 10, 2015 regular meeting. **(With the correction above.)**
2. Accept FY 2015-2016 Financial Reporting as of July 31, 2015 Report.
3. Approve Resolution Accepting Offer for State Loan (Project No. CS370413-05) for Sewer Rehabilitation and Replacement. **(Move to Old Business #1 for discussion.)**

Vote    Aye-5    Nay-0

**REGULAR MEETING AGENDA**

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the regular agenda as amended moving #3 consent to Old Business #1.

Vote    Aye-5    Nay-0

## CITIZENS MATTERS

Ethel Farrell – 86 Davie Street – wanted to make sure the board members received the letter she sent as well as the petition signed by other residents. She also showed a picture of her property after a rain.

Catherine Deininger – 124 Goldberry Lane - stated she just wants to follow up on the presentation by Brooke Massa last month. Commissioner Fiocco said it was his understanding the Town would be scheduling a worksession.

Casey Mann – 185 Toomer Road – stated she was a member of Mitchell Chapel AME Zion Church and would like for the board to approve a resolution she read “Welcoming the Durham District to the A.M.E. Zion Conference to Pittsboro NC”. Mayor Pro Tem Baldwin stated she would be bringing greeting on that occasion.

It was the consensus of the Board that Mayor Pro Tem Baldwin bring greetings from the Town of Pittsboro at the conference.

Randolph Voller – 21 Randolph Court – stated Rev. Davis asked him to get the resolution presented earlier approved. Mr. Voller stated he felt the Board of Commissioners should not allow citizens to get up and make false accusations of the current and past members of this board.

## PUBLIC HEARING

Motion made by Commissioner Fiocco seconded by Commissioner Turner to go into public hearing.

Vote Aye-5 Nay-0

## THOMPSON STREET TOWNHOUSES REZONING AND SPECIAL USE PERMIT (REZ 2015-03)

Roger Waldon stated this is a small parcel. It is currently zoned C-2 and the request is to take about 1/3 acre that fronts on Thompson Street and rezone it R-10 and to seek a Special Use Permit to authorize construction of three townhouses.

He stated following the public hearing it will go to the Planning Board for recommendation.

Mark Ashness – CE Group – representing K Diamond LLC, said they also own the Medical Center on 64. The property has a uniqueness because the back side fronts Thompson Street and the front on US 64. They are requesting the property on Thompson Street be zoned R-10 which is consistent with zoning in that area and that a Special Use Permit be approved to construct three townhouses.

Commissioner Fiocco stated that there was not enough information in the agenda packet to make all the findings. Mr. Ashness said that they submitted the information requested for the submittal. Commissioner Fiocco said he was not sure everyone had all the information they needed to comment at the public hearing.

Motion made by Commissioner Foley seconded by Commissioner Turner to go out of public hearing.

Vote Aye-5 Nay-0

### **OLD BUSINESS**

#### **APPROVE RESOLUTION ACCEPTING OFFER FOR STATE LOAN (PROJECT NO. CS370413-05) FOR SEWER REHABILITATION AND REPLACEMENT**

Commissioner Fiocco stated he asked that this item be pulled from consent because he has a concern after looking through all the documents. His concern is whether the finding and designing costs are covered by the loan proceeds since we won't close until all construction documents are prepared, approved and a contract let. He is concerned that we go thru design of the solution and for whatever reason it doesn't go forward – we would have spent tens of thousands of dollars on funding and designing, yet receive no loan proceeds for the fixing.

Manager Gruesbeck stated we can spend up to \$500,000 before we have to go to the LGC for approval. After discussion a motion was made by Commissioner Fiocco seconded by Commissioner Foley to approve A Resolution Accepting Offer for State Loan (Project No. CS370413-05) For Sewer Rehabilitation and Replacement.

Vote Aye-5 Nay-0

#### **A RESOLUTION ACCEPTING OFFER FOR STATE LOAN (PROJECT NO. CS370413-05) FOR SEWER REHABILITATION AND REPLACEMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 229**

### **GOLF CART ORDINANCE REPORT**

Chief Crutchfield stated the Board of Commissioners asked him to look into preparing a Golf Cart Ordinance back in May, after the request was made by Casey Mann.

Chief Crutchfield stated he has had more public positive responses than he expected. He also was contact by one business who would like to start selling golf carts if the ordinance is approved.

Chief Crutchfield went over the memorandum that was included in the agenda packet.

Chief Crutchfield said he is not endorsing anything but if the board chooses to adopt an ordinance he would like to have it require insurance and that they be driven by licensed drivers. He stated the board may also want to consider requiring an occupant restraint system.

There was a discussion on what the fees would be (Chief Crutchfield is to check on this and bring it back).

After much discussion the Board asked Chief Crutchfield to refine the ordinance and bring it back and to definitely include requiring restraints.

## NEW BUSINESS

### PRELIMINARY PLAT REVIEW: DAVIE STREET COTTAGES (SUB-2015-03)

Mr. Waldon reported this is an application for approval of a Preliminary Plat from Orange Development Group, LLC, for a one-acre site on Davie Street. The property is zoned R-10, Pocket Neighborhood. The applicant proposes development of nine residential lots with associated infrastructure.

The application was reviewed and discussed by the Planning Board on June 17, 2015. The applicant was asked to consider adjustments to the proposed development. A revised application returned to the Planning Board on August 3, 2015. On August 3, 2015 the Planning Board voted 3-3 on a resolution to recommend approval, thereof there in no recommendation from the Planning Board.

Mr. Waldon stated staff recommends approval of the application because it meets all the Town's requirements for a Pocket Neighborhood.

Mr. Waldon stated after the June 17<sup>th</sup> discussion with the Planning Board the applicant made adjustment to plans including more attention to landscaping, and offering assistance to adjacent property owners to help with addressing existing stormwater runoff issues. The plans have been reviewed in accordance with the Town's applicable development ordinances by the appropriate departments, and they believe the application meets ordinance standards.

Mr. Waldon stated the staff continues to believe that this application meets Town ordinance requirements, and acknowledges the applicant's offer to add landscaping, and to offer grading assistance to adjacent properties to help address existing stormwater management issues not related to the proposed development of this site.

Mike Dasher – Orange Communities stated he also had Dan Lovelace, Project Engineer with him.

Mr. Dasher stated he has not seen the petition that was submitted to the board and he would like to see it. He is willing to help residents with stormwater issues they currently have in the neighborhood.

Commissioner Farrell asked Mr. Waldon to share with the Board the issues that was discussed at the Planning Board Meeting when this was discussed.

Mr. Waldon reported there was much discussion about stormwater management – the problems that they currently have with the applicant's property vacant and problems that the applicant's project will increase. After the first meeting this was discussed so the applicant has agreed to do some extra grading to help existing stormwater issues a little bit.

Mr. Waldon said there was a concern that some of the trees will have to come down. The applicant gave additional attention to landscaping and to plant some new trees.

He said density was another concern. Current zoning allows 10 dwelling units per acre and they are proposing 9 dwelling units per acre.

Commissioner Baldwin stated looking at the pictures tonight she wondered if the stormwater issue is something that needed to be fixed before they start building.

Mr. Lovelace said that they were required to install pipes to handle a ten year storm but he is proposing to pipe for a twenty-five year storm.

Commissioner Fiocco asked Ms. Farrell if she had accepted improvements proposed to be made on her property. Ms. Farrell said she had not.

Commissioner Fiocco stated that 100 year storm should be considered.

Commissioner Farrell asked Mr. Dasher about installing a 30" pipe down to the lower end of Davie. Mr. Dasher said he would have to go with the Engineer on that.

Mr. Lovelace said that would cost tens of thousands of dollars. At some point you feel you are being taken advantage of for trying to be a good neighbor. He said they can look at that.

After much discussion Mayor Terry said there are several technical issues that need to be resolved and asked the applicant if they knew what the board was asking. The following is a list:

- What happens in the event of a 100 year storm?
- Maintenance of the drainage within Davie Street – how they are going to maintain it, due to the fact it is adjacent to the bio-retention area.
- Verify the berm (bio-retention) is designed per the BMP manual and really getting volume calculated.
- Look at perimeter swells instead of diversion berms.
- Call out what type protective fencing or railing that will be at top of retention wall.
- Specify materials for screening whether it be fencing, evergreen plantings or combination of the two.
- Setting minimum finished floor elevations and expanding more on the 100 year plan and what the relief path is.
- Look at potentially re-routing sanitary sewer to get the existing sanitary sewer in a spot on Davie Street where it is easier to maintain without having to disturb the bio-retention area.
- Verify that the wuel design takes into account the 100 year storm and that it is designed for safety.

Commissioner Farrell asked about the 30 inch pipe. Mr. Dasher asked if the 30 inch pipe would fix the current stormwater issue, is that something the town will be willing to fund. Mayor Terry stated that is not something required by ordinance.

Commissioner Farrell stated one thing that was mention by Mr. Oakley at the Planning Board meeting is that the homes are not consistent with the neighborhood.

Commissioner Foley said as Pittsboro grows it is going to go more towards this type neighborhood.

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to table this item until the applicant has answered these technical issues.

Vote Aye-5 Nay-0

### **PROCESS FOR REVIEW AND APPROVAL OF SMALL AREA PLANS PURSUANT TO THE CHATHAM PARK MASTERPLAN**

Mr. Waldon stated the Town does not currently have a process for review and approval of Small Area Plans, as described in the Chatham Park Master Plan.

Mr. Waldon went over the procedures for submittal, review, and approval of a Small Area Plan in Chatham Park.

- Pre-submittal meeting.
- Submittal of Small Area Plan Application.
- Public Information Meeting.
- Review and Recommendation by Planning Board.
- Revisions to Plan.
- Review and Action by the Pittsboro Board of Commissioners.

Mr. Waldon said there is a related requirement for Additional Elements as well.

Changes are in **bold**.

Small Area Plan applications shall contain the following information:

- Map showing the location and boundaries of this Small Area within the context of the full Chatham Park Master Plan (Context Drawing).
- Descriptions **including maps and narratives** of existing conditions within the Small Area, including:
  - Existing topography.
  - Existing improvements, including buildings.
  - Existing public infrastructure.
  - Boundaries of flood zones, base flood elevations, and water supply watersheds.
  - Historic sites.

Environmental features, including streams, buffers, wetlands, steep slopes greater than 20%, Natural Heritage Areas, Upland Mature Hardwood Forests, sub-watersheds containing federally listed aquatic species, game land hunting safety buffers, and the relationship of the Small Area to the Biodiversity and Wildlife Assessment prepared for the Town by the ad hoc “Conservation Ordinance Review Committee”.

- Descriptions **including maps and narratives** of proposed development within the Small Area, including:
  - Location and quantity of proposed uses.
  - Detailed descriptions of proposed development, including design guidelines.
  - Road layout and types internal to the Small Area.
  - Approach to providing bicycle/pedestrian facilities internal to the Small Area.
  - Connections to roads, bicycle, and pedestrian travel ways exterior to the Small Area.
  - Water and sewer demand projections.
  - Proposed approach to stormwater management.
  - Proposed approach to provision of recreation, open space, and buffer areas.
  - Proposed approach to public art.
  - Description of SW Shore Plan guidelines that are addressed.
- Analyses of capacities, impacts, and planned provisions related to public facilities, including:
  - Transportation planning analysis internal and external to the Small Area.
  - Demand/capacity analysis and plans for water supply and wastewater treatment.
  - Financial impact analysis focusing on required public services **and facilities**.
  - **Approach to transit, recreation facilities and open space. Provisions for fire, police, schools and administrative facilities.**

Commissioner Foley stated she would like for the maps provided by Ms. Deininger and her group also be used in the Small Area Plan review process.

The following corrections were also made:

1. Submittal of Small Area Plan Application: Within ten (10) **business** days of the filing of the Application, the Zoning Enforcement Officer shall review and determine whether the Application Materials are complete or incomplete and notify the Applicant of the determination. In this context, “complete” means that the Application Materials contain all of the information required by this Small Area Plan Process. If the Zoning Enforcement Officer determines that the Application Materials are complete, the Zoning Enforcement Officer shall refer the Application to a Technical Review Committee (“TRC”) for review of the Application Materials. The TRC shall be composed of such Town staff and third-party consultants as the Town determines are reasonably necessary for a thorough review of the Application Materials. Upon a determination of completeness of the submittal, the Zoning Enforcement Officer shall arrange for submitted materials to be placed on the Town’s website for access by the general public.

2. Public Information Meeting: Upon receiving notice from the Zoning Enforcement Officer of completeness of the Application, the Applicant shall set up and facilitate a public meeting to allow presentation to and review of the Application Materials by those persons who attend the public meeting. Only one public meeting is required for two or more Small Area Plan Applications submitted to the Town on the same date. The Applicant shall notify the Town Clerk of the date, time, and place (in Chatham County) of the public meeting not less than fourteen (14) **business** days prior to the scheduled date of the meeting. Notice of the date, time, and place (in Pittsboro or the ETJ) of the public meeting shall be posted in the Town Hall, in or near the office of the Town Clerk, and on the Town's website not less than ten (10) **business** days prior to the date of the scheduled public meeting. If for any reason the public meeting is not held on the date and time and at the place described in the notice, Applicant shall schedule another public meeting subject to all of the requirements of this Small Area Plan Process. The Applicant shall prepare a summary of comments and questions presented at the public meeting (the "Summary Report") and submit it to the Zoning Enforcement Officer for use by the Town during the balance of the review and approval process.
3. Review and Recommendation by Planning Board: Within a reasonable time following receipt of the Summary Report and completion of review of the Application Material by the Technical Review Committee, the Zoning Enforcement Officer shall schedule review of the Application Materials by the Town's Planning Board. The Zoning Enforcement Officer, or a person on the TRC designated by the Zoning Enforcement Officer, shall prepare a report on the Application Materials for consideration by the Planning Board (the "Staff Report"). **The Planning Board shall issue a recommendation** to the Town Board regarding the proposed Small Area Plan.
4. Review and Action by the Pittsboro Board of Commissioners: Within 30 days of the date of the Planning Board recommendation, or within 60 days of the date of referral to the Planning Board if no timely recommendation from the Planning Board has been received, unless a longer period is necessary due to the submission of more than two (2) Small Area Plans contemporaneously, the Town Board shall consider the Application. Prior to any decision the Board may allow public input and comment, both oral and written, upon the Application and Plan, including receiving comments at the Board of Commissioners meeting at which action is scheduled. The Town Board shall have the authority to approve a Small Area Plan or to deny Small Area Plan on the grounds that either: (a) The proposed Small Area Plan fails to comply with any specific requirements of the Master Plan; or (b) The proposed Small Area Plan fails to adequately protect the public health, safety and welfare. Within seven (7) days following determination of approval or denial of approval by the Town Board, the Zoning Enforcement Officer shall notify the Applicant of the vote by first class mail. **That the BOC hold a public hearing on the SAP to receive comments from the public.**

The Board requested that the changes be made and returned back to the Board at another meeting.

Commissioner Farrell stated we are in the process of hiring a new Planner and he feels they should have input on this. Manager Gruesbeck said the new Planner should be starting within a month.

## UPDATES AND REPORTS

### MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck submitted the following update at the meeting:

**Background:** Below please find updates on the more significant projects. Full history can be found at the public Evernote link

(<https://www.evernote.com/l/ADsPhZLSmH9J4LCgI01wJIeKyIQasdeEcw>).

**Page Vernon Memorial Park** - Contractors are expected to be on site during the week of August 24 to complete the remaining items - a brick "cap" on the top of the retaining wall, furniture, fencing and a storm water pipe. No word yet regarding Duke Energy's anticipated installation of power. Landscaping is expected to be completed in September when cooler weather arrives. We are also expecting to hold an opening event on October 10, 2015.

Manager Gruesbeck showed the Board what the plaque honoring Page Vernon looked like. He said there will be a plaque for large contributions and one for small contributions also.

**Planning Director Recruitment & Replacement** - With assistance from Roger Waldon (Interim Town Planner), Dianne Reid (Chatham County EDC) and Paul Messick (Town Attorney), I interviewed four (4) talented Town Planner candidates on 8/20/15 and 8/21/15. I am expecting to gather one or two of the more qualified candidates for a meeting with department heads within the next week. Depending on availability, I am working toward a start date for the new planner in September.

**Asphalt Paving** - A Request for Proposals (RFP) to repave 4,217 feet of Town streets is due on August 28, 2015 to be funded by Powell Bill. Based on the Pavement Condition Report (PCR) completed in December 2013, Staff is seeking proposals on the following streets:

1. E. Salisbury (Hillsboro to Masonic)
2. W. Salisbury (Hillsboro to Credle)
3. W. Salisbury (Credle to Rectory)
4. W. Salisbury (McClenahan to Farrell)
5. W. Salisbury (Farrell to Hwy 87)
6. Baron (Evergreen to cul de sac)
7. W. Chatham - Fayetteville to Block Change
8. Log Barn

**East Street Sidewalk** - Concrete has been poured from the US Post Office to the Industrial Park Drive. The segment from the Credit Union to Whites MHP Rd is formed and should be poured in the next few days, weather permitting. The segment in front of the Post Office is waiting for the arrival of storm drain structures before balancing work, forming and concrete can be completed. NCDOT is responsible for construction inspection and administration.

**Utilities Planning** – Staff is preparing a report on Town WWTP and water distribution for discussion at an upcoming Board workshop. If possible, please identify a date and time that can

work with our busy schedules. Had set the September 10, 2015 as the date for the Infrastructure Worksession but that it is the day the Chatham County Fair begins. The Board agreed to hold the Utilities Planning worksession on September 17, 2015 at 4:00 pm.

The Board set October 8, 2015 at 4 pm for the Conservation Ordinance Worksession.

Manager Gruesbeck said he spoke with John Poteat about finishing the work to be done in Powell Bill. Mr. Poteat stated Mr. Powell told him it would be done by the end of the first quarter of 2016.

### **COMMISSIONERS CONCERNS**

Commissioner Farrell stated several people have approached him about when the sidewalk from Al's Diner to Pittsboro Elementary School is going to be done. Manager Gruesbeck said there are easement issues.

Commissioner Foley said Habitat for Humanity will build a 364 square feet house at the Chatham County Fairgrounds during the Fair. The house will later be moved to a farm in Chatham County.

Commissioner Fiocco asked about making sure the board received replacement sheets for Chatham Park Master Plan. Attorney Messick said he has them. Commissioner Fiocco said the formatting issue on the website needs to be corrected (Chatham Park MP).

Commissioner Baldwin invited everyone to come out to the Chatham County Fair. She stated she just received a text from Rev. Davis asking that the resolution be approved. She read the resolution into the record with corrections made by Rev. Davis. It reads as follows:

### **RESOLUTION WELCOMING THE DURHAM DISTRICT OF THE A.M.E. ZION CONFERENCE TO PITTSBORO, NC**

WHEREAS, the Durham District of the A.M.E Zion Church will be holding its ninetieth (90th) Session of the District in Pittsboro on Thursday, August 27th and Friday, August 28th; and

WHEREAS, the District is comprised of a large number of A.M.E Zion Churches in Chatham County and around the Triangle; and

WHEREAS, the host church for this important conference is Mitchell Chapel AME Zion Church, which is located at 1025 Mitchell Chapel Road in Pittsboro, NC; and

WHEREAS, the host pastor is Rev. Anthony Davis of Pittsboro, NC;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Town of Pittsboro does hereby officially name Thursday, August 27th as

"DURHAM DISTRICT DAY" and welcomes Dr. Lawrence A Miller, Presiding Elder and Durham District of the AME Zion Church on behalf of the Town the attendees of the two day conference to the Town of Pittsboro.

In Witness Whereof, I have hereunto set my hand and the official seal of the Town of Pittsboro, this the 24th Day of August, 2015.

**A RESOLUTION WELCOMING THE DURHAM DISTRICT OF THE A.M.E. ZION CONFERENCE TO PITTSBORO, NC IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 230**

Commissioner Turner thanked Chief Crutchfield for getting more patrolling in areas where vehicles were speeding.

**CLOSED SESSION**

Motion made by Commissioner Fiocco seconded by Commissioner Turner to go into closed session pursuant to NCGS 143-318.11 (a) (5) to discuss the purchase of real estate.

Vote Aye-5 Nay-0

Motion on made by Commissioner Turner seconded by Commissioner Fiocco to go out of closed session.

Vote Aye-5 Nay-0

**ADJOURNMENT**

Motion made by Commissioner Baldwin seconded by Commissioner Farrell to adjourn at 9:50 pm.

Vote Aye-5 Nay-0

Mayor Updates

- EDC
- RPO
- Fairground Association
- PBA/Downtown

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William G. Terry, Mayor

ATTEST:

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Alice F. Lloyd, CMC, NCCMC  
Town Clerk