

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
AUGUST 26, 2013
7:00 P.M.

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

PLEDGE OF ALLEGIANCE

Commissioner Farrell led the Pledge of Allegiance.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Pamela Baldwin, Jay Farrell, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass and Finance Officer Mandy Cartrette.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to add a Ceremonial Agenda.

Vote Aye-5 Nay-0

CEREMONIAL AGENDA

Mayor Voller welcomed Percy Crutchfield as the new Chief of Police.

Mayor Pro Tem Baldwin read the following resolution into the records of this meeting.

Resolution to Proclaim the Highest Honors and
Sincere Gratitude to Randolph Voller

Whereas, the Rural Transportation Advisory Committee (RTAC) is the officially-recognized transportation policy and decision-making body for the Triangle Area Rural Planning Organization (TARPO), as authorized under North Carolina General Statute 136-211; and

Whereas, it is recognized that Randolph Voller has served with commitment on the TARPO RTAC since 2006 representing the municipalities within Chatham County and providing sound direction and advocacy for transportation improvements in the region; and

Whereas, Randolph Voller has shown great leadership through his tireless service as Chair of the TARPO Rural Transportation Advisory Committee from 2007 to 2013;

Now therefore be it resolved, that the TARPO RTAC acclaims the great honors that Randolph Voller has brought to himself, his family, his community, and his region through his service to the community;

And furthermore, the TARPO RTAC proclaims its gratitude and profound appreciation for the innumerable contributions that Randolph Voller has made to the betterment of his community, state, and country.

Adopted this the 15th day of August, 2013.

It is signed by Cornelia Olive, TARPO RTAC Chair and Matthew Day, TARPO Secretary.

Mayor Voller was thanked for his services.

Mayor Pro Tem Baldwin said while Mayor Voller was on the TARPO he was able to obtain paving of some our streets and other things.

Motion was made by Commissioner Fiocco seconded by Commissioner Farrell to approve the consent agenda without the August 12, 2013 minutes (they have not been completed).

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Remove the minutes of the August 12, 2013 Regular Meeting. (they have not been completed. (REMOVED)

Motion carried 5-0

2. Approve Amendment 2 to Agreement between Town of Pittsboro and Town of Chapel Hill/Transit for Express Bus Service between Pittsboro and Chapel Hill.

Motion carried 5-0

3. Approve resolution authorizing close-out of the CDBG Hillsboro Street Water Main Transmission Line Replacement Grant.

Motion carried 5-0

4. Accept Certificate of Sufficiency for Randolph Development Group, LLC request for annexation.

Motion carried 5-0

5. Reschedule Annual Christmas Parade from December 1, 2013 to December 8, 2013.

Motion carried 5-0

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to approve the regular meeting agenda as submitted.

Vote Aye-5 Nay-0

Amendment 2 to Agreement between Town of Pittsboro and Town of Chapel Hill/Transit for Express Bus Service between Pittsboro and Chapel Hill reads as follows:

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

**AMENDMENT TWO TO AGREEMENT BETWEEN THE TOWN OF PITTSBORO
AND THE TOWN OF CHAPEL HILL/TRANSIT FOR EXPRESS BUS SERVICE
BETWEEN PITTSBORO AND CHAPEL HILL, NC
CONTRACT #3078**

This Amendment Two to the Agreement by and between the Town of Chapel Hill acting by and through Chapel Hill Transit (hereinafter referred to as "CHT") and the Town of Pittsboro (herein after referred to as "the Town") dated July 1, 2011, for the provision of fixed-route bus service between Chapel Hill and Pittsboro, North Carolina is effective as of the 1st day of July, 2012.

1. Numbered paragraph 3, entitled "Term," is hereby amended by deleting the first sentence in its entirety and by inserting the following sentence in its place: "The term of this Agreement shall be a period of twelve (12) months commencing on Monday, July 1, 2013 and ending at the close of business on Monday, June 30, 2014."

This Amendment to Contract is between the Town of Chapel Hill and the Town of Pittsboro, NC for the provision of fixed route bus service between the Town of Chapel Hill and the Town Pittsboro, NC.

IN WITNESS WHEREOF, the parties hereunto cause this agreement to be executed in their respective names.

**AMENDMENT 2 TO AGREEMENT BETWEEN TOWN OF PITTSBORO AND TOWN
OF CHAPEL HILL/TRANSIT FOR EXPRESS BUS SERVICE BETWEEN PITTSBORO
AND CHAPEL HILL IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER
ONE, PAGES**

A resolution authorizing close out of CDBG is as follows:

**TOWN OF PITTSBORO
FY 05 COMMUNITY DEVELOPMENT PROGRAM
CLOSEOUT RESOLUTION**

A Resolution Authorizing the closeout of the Pittsboro FY 05 – D 2087 Hillsboro Transmission Line Replacement Grant.

Be It Resolved by the Town of Pittsboro Board of Commissioners, that

WHEREAS, the Town is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

WHEREAS, the Town has completed all the approved project activities; and

WHEREAS, the Town certifies that an advertisement was published on July 25, 2013 in *The Chatham News/Record* ; and

WHEREAS, the Town certifies that a public hearing, to review and assess the performance of this project, in accordance with the North Carolina CDBG Program Regulations, was conducted on Monday, August 12, 2013 at 7:00 pm to discuss the project closeout and received no public comments.

THEREFORE, BE IT RESOLVED, that the Pittsboro Board of Commissioners hereby authorizes the closeout of the FY 05 Community Development Program and directs the Mayor to act on behalf of the Town in executing closeout documentation as the Chief Elected Official under the provisions of the North Carolina Community Development Block Grant Program Regulations (4 NCAC 19L).

A RESOLUTION AUTHORIZING CLOSE-OUT OF THE CDBG HILLSBORO STREET WATER MAIN TRANSMISSION LINE REPLACEMENT GRANT PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

REGULAR MEETING AGENDA

CITIZENS MATTERS

None

PUBLIC HEARING

Motion made by Commissioner Foley seconded by Commissioner Turner to go into public hearing on the three items listed.

Vote Aye-5 Nay-0

REZONING REQUEST FROM CHATHAM COUNTY FROM MUPD (MIXED USE PLANNED DEVELOPMENT) TO O&I (OFFICE AND INSTITUTIONAL)

PUBLIC COMMENTS:

Charlie Horne – Chatham County Manager. Mr. Horne stated they are requesting a rezoning on the property from mixed use planned development to office and institutional which is consistent with CCCC. It is a 98 acre tract of land that will

house an agricultural center/expo hall. 3,500 sq (building); 13,500 (office); 21,500 (assembly hall); 7,000 sq. of the assembly hall will seat 800.

Mr. Horne stated that Chatham County is a heavily populated agricultural county which brings revenues into the county.

Mr. Horne introduced staff present: David Hughes, Renee Paschal and Taylor Hobbs. They are present to answer any questions.

Jean Reeves – PO Box 338, Pittsboro, NC. Ms. Reeves stated that she appreciated the opportunity to be a part of the hearing to rezone the former Steele property.

Ms. Reeves stated she has a personal stake in this request. For 67 year she has lived on the property that is close to or that borders the 98 acres that Chatham County is asking to have rezoned from Mixed Use Planned Development to Office and Institutional. She is extremely interested in its future use. She heard tonight they are planning to construct an Agricultural Center but she knows they are not going to use the whole 98 acres for an ag center.

When Tom and Jean Reeves purchased the land upon which she lives and they knew that they planned to farm. Chatham County has purchased 98 acres and is asking to have it rezoned to Office and Institutional. She is interested to know what Chatham County plans for its use? Certainly the County had a plan before purchasing the property.

Ms. Reeves said the letter she received neither the County nor the Town of Pittsboro stated a reason for the request. She heard tonight what they were planning on putting there.

Office and Institutional brings to her mind many possibilities for future use of the 98 acres in question. She would ask the County and Town Commissioners to be discreet as well as transparent in present and future choices of its use, if rezoning as requested should be granted. Their choices will greatly affect the future use and value of adjoining and nearby land.

Neighboring CCCC has been a good choice. In the future she hopes that those making plans and decisions for the use of this acreage will be sensitive to the beauty of the area and the future use of the nearby land.

Ms. Reeves said in closing she would like to ask both the County and Town are the office and/or institutions under consideration, and not yet divulged, ones that would enhance or devalue the land upon which you live and probably own.

Barbara Hatcher – 92 Royal Pines Court (Ashford Lake Subdivision). Ms. Hatcher stated she lives adjacent to the property in a community of twelve homes.

Ms. Hatcher stated back up to the line right now is densely wooded. She asked will they be using the flood plain area for anything. Will they agree to the creek/lake setbacks.

She is concerned a lot more people will want to use that lake for swimming, fishing, etc. and she wanted to know if the HOA will still be responsible for anything that happens.

Ms. Hatcher stated the Steele's really worked with them. They agreed that where the creek is and east of the lake was to be left natural. It is a floodplain.

She said they were not going to do anything there. She doesn't want all that vegetation mowed down. The Steele's also agreed to a 30 ft buffer beyond the lake that they would leave natural so they would protect the land and inhibit people from using the lake.

Ms. Hatcher said she also has concerns about lighting – there will be high lights on the parking lot – how much intrusion will it be on their property.

Mayor Voller asked Ms. Hatcher was the agreement with the Steele's in writing. She said yes and that she gave a copy of it to the County Planner today.

Clarence L. Durham – 470 Andrews Store Rd, Pittsboro. Mr. Andrews stated he has worked with the agricultural extension a lot over the years and has served on many county boards. He stated this is something the farmers in Chatham County have wanted for a long time.

Mr. Durham stated the facility is not just for them but it can be used by the community. The assembly room can be rented for events. It is his understanding that the rest of the land the college will have the next say about that. There is a need for this in Chatham County.

Planner Bass stated Chatham County Government is proposing to rezone approximately 98 acres off of US Business 64 West from MUPD to O & I. This is the former Steele development known as Westmoore. Unfortunately, this project did not survive the economic recession. Chatham County purchased the property in November 2012.

The Planning Board recommended approval of the proposed rezoning.

Mayor Voller asked Manager Horne if he knew anything about it and he said no that is the first he has heard of it.

Manager Horne said they have already surveyed the floodplain out and they will provide the buffers required by Town ordinances.

Mayor Voller said he feels there should be some flexibility about what else goes on the 98 acres. He would like the County/Town/EDC to think about other things to go on that property with CCCC and the ag center such as affordable housing and a small hotel would be nice on the project.

Mayor Voller asked what the County is going to use the current building for. Manager Horne said that is something they will ponder as they go forth.

Commissioner Fiocco mentioned he would like to see them enter into the conditional zoning process that was recently adopted so that they can talk specifically about some of the ideas you have for uses on this land and how we can coordinate to make sure we get the infrastructure right for the future uses. He would recommend they do that.

Manager Horne said they will contemplate that to see what it looks like for the County.

Commissioner Foley asked what plans do they have for the existing ag building.

Manager Horne said they don't have any plans yet. There has been talk of it being some recreational type facility.

Anne Larson – Durham, NC. Ms. Larson wondered if the master plan can become public.

Manager Horne said they have a plan for the ag center and that's it.

David Hughes said the plan is what was presented tonight. There is no master plan for this land. (He pointed to the map)

Manager Horne said they will have to see what the demand is for future services.

FUTURE LAND USE MAP AMENDMENT ASSOCIATED WITH (REZ-2013-04)

Planner Bass said this is in conjunction with the rezoning request from Chatham County. This is something we haven't done before. It is just a house keeping matter that would change the zoning map from MUDP to O & I.

Planner Bass said this would be done after the property is rezoned.

Planner Bass said for the record the Town ordinances prohibit building anything in the 100 year floodplain.

Mayor Voller asked what the process would be if they decided to do a conditional zoning. Attorney Messick said a new public hearing would need to be held. Commissioner Fiocco said they have to be willing to do that.

PUBLIC COMMENTS:

None

ANNEXATION (A-2013-01) REQUEST FROM RANDOLPH DEVELOPMENT GROUP, LLC

Planner Bass said the property that was rezoned for the Bojangles Restaurant and one of the requirements was that the property be annexed. The property is located at 54 Suttles Road and it is contiguous to current town limits.

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to go out of public hearings.

Vote Aye-5 Nay-0

OLD BUSINESS

WATER AND SEWER LEAK BILLING POLICY. (MR. ARNOLD TORBERT)

Manager Gruesbeck stated last spring, the board requested Staff to research policies to address water customers who experience abnormally high bills. Staff subsequently presented options from neighboring communities. Each of these communities allows some level of forgiveness if a determination for a leak can be determined. At the July 22, 2013 Board of Commissioners meeting you discussed and approved a modified policy to forgive a portion of a customer's water bill when they experience an abnormally high charge. During your discussion, you appeared to extend the recommended policy to not require a proven cause for a leak.

There was also some discussion regarding when the policy should actually take effect. In other words, how far back should we go to apply the policy? For example, Commissioner Wilson-Foley had brought a similar situation to the board in December of 2012.

Manager Gruesbeck stated staff is requesting clarification on the policy – is it the Board's intention to allow forgiveness of high water and/or sewer bills in situations when customers cannot determine that a leak was present?

Secondly, the Board needs to decide when the policy should take effect.

Commissioner Fiocco stated it was his intent to endorse the policy as it was written.

After much discussion a motion was made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the policy as presented and make a retroactive adjustment for the Wilson and Torbert case.

Mr. Torbert said the policy does not cover not having a leak.

Commissioner Baldwin amended her motion to waive half of the Torbert bill it was seconded by Commissioner Farrell.

Mayor Voller said we need to address the items separately.

Motion made by Commissioner Baldwin seconded by Commissioner Farrell to approve the policy as submitted effective today and make it retroactive for the Wilsons.

Vote Aye-5 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to grant Ms. Torbert relief subject to the logic of the policy (because they didn't actually have a leak). The bill will be approximately \$82.25.

Vote Aye-4 Baldwin/Farrell/Turner/Fiocco Nay-1 Foley

Motion made by Commissioner Baldwin seconded by Commissioner Farrell to take a five minute recess.

Vote Aye-5 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner to go back into regular session.

Vote Aye-5 Nay-0

NCDOT COMPREHENSIVE TRANSPORTATION PLAN. (BRENDAN MERITHEW)

Mr. Brendan Merithew made the following PowerPoint Presentation:

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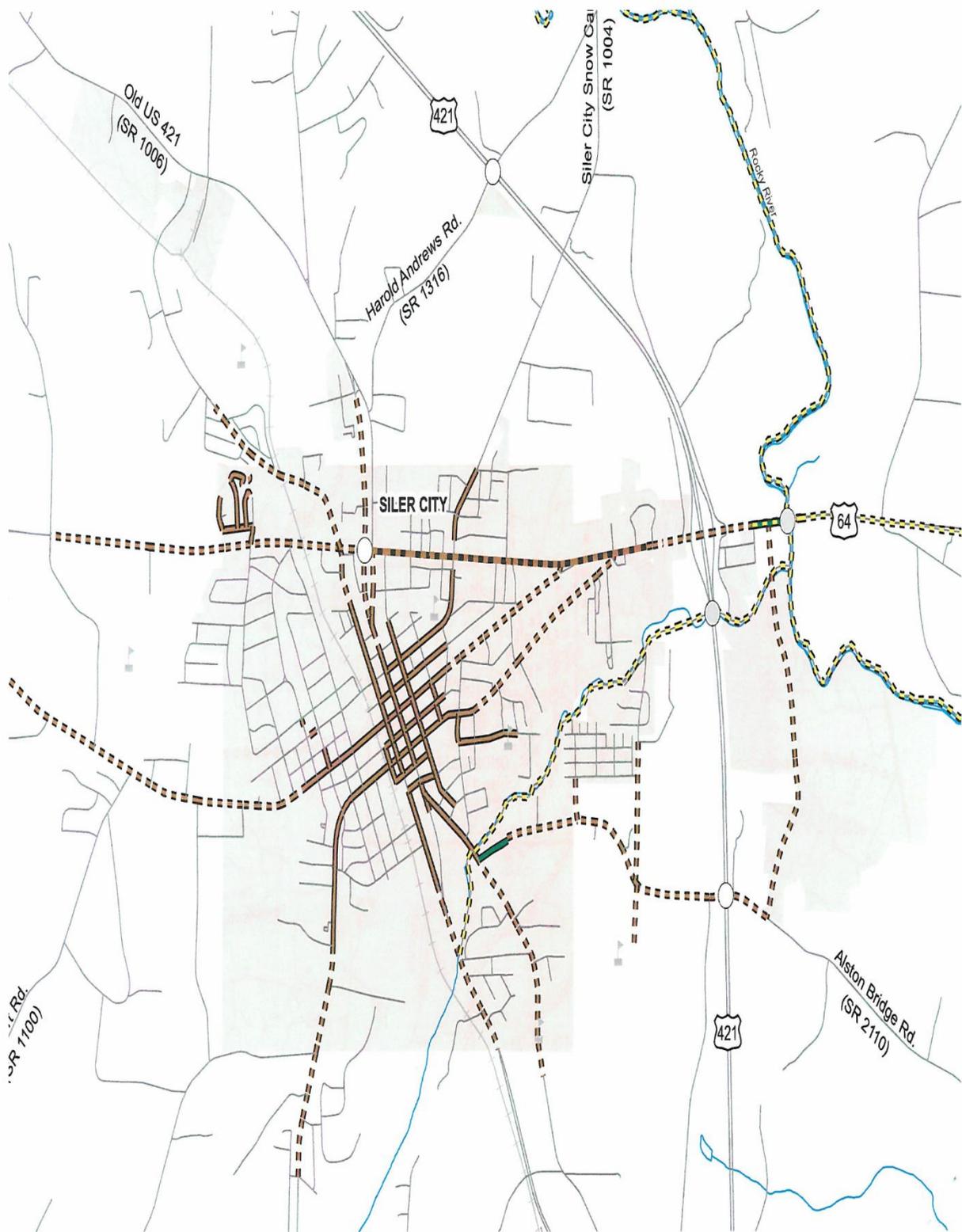
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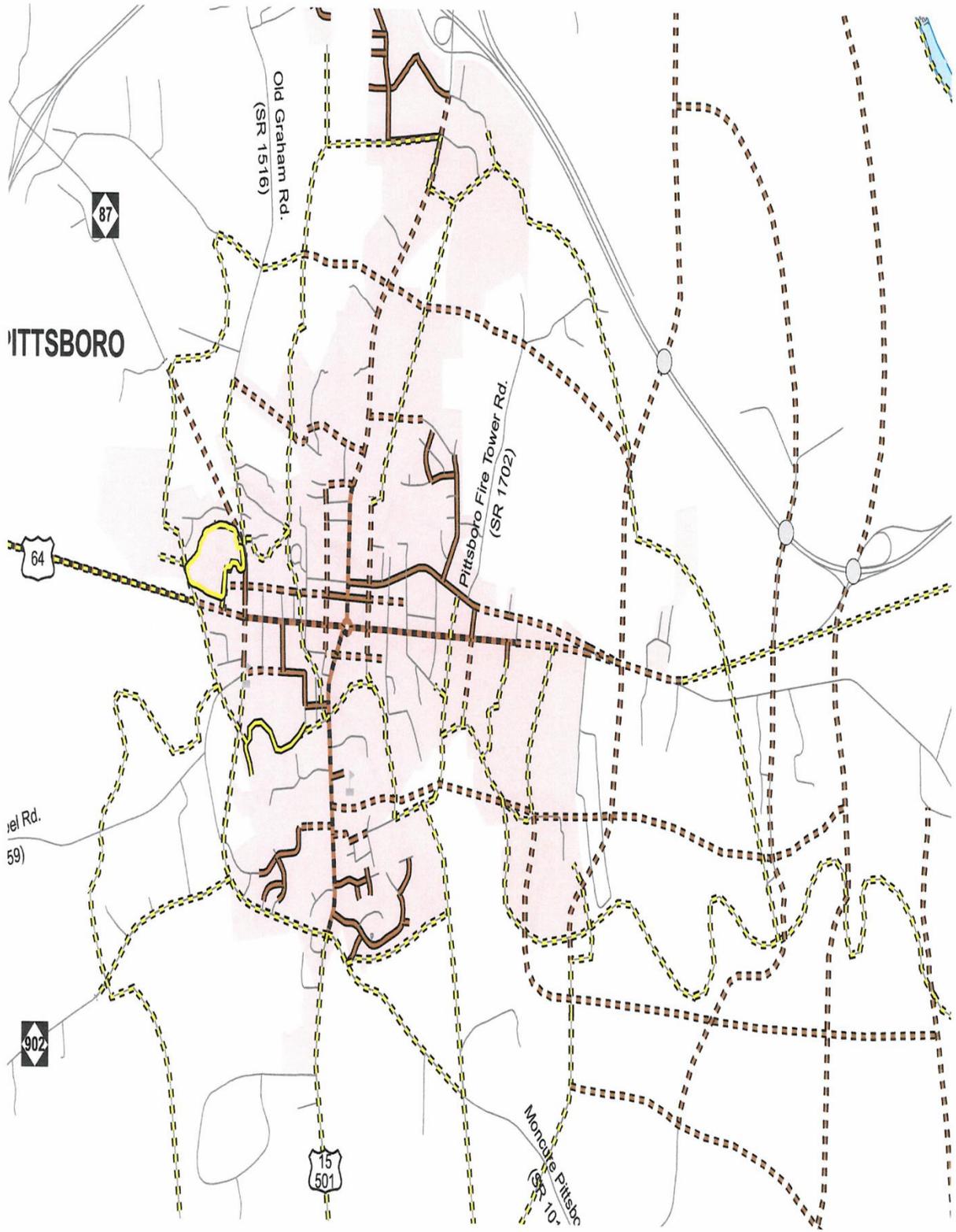
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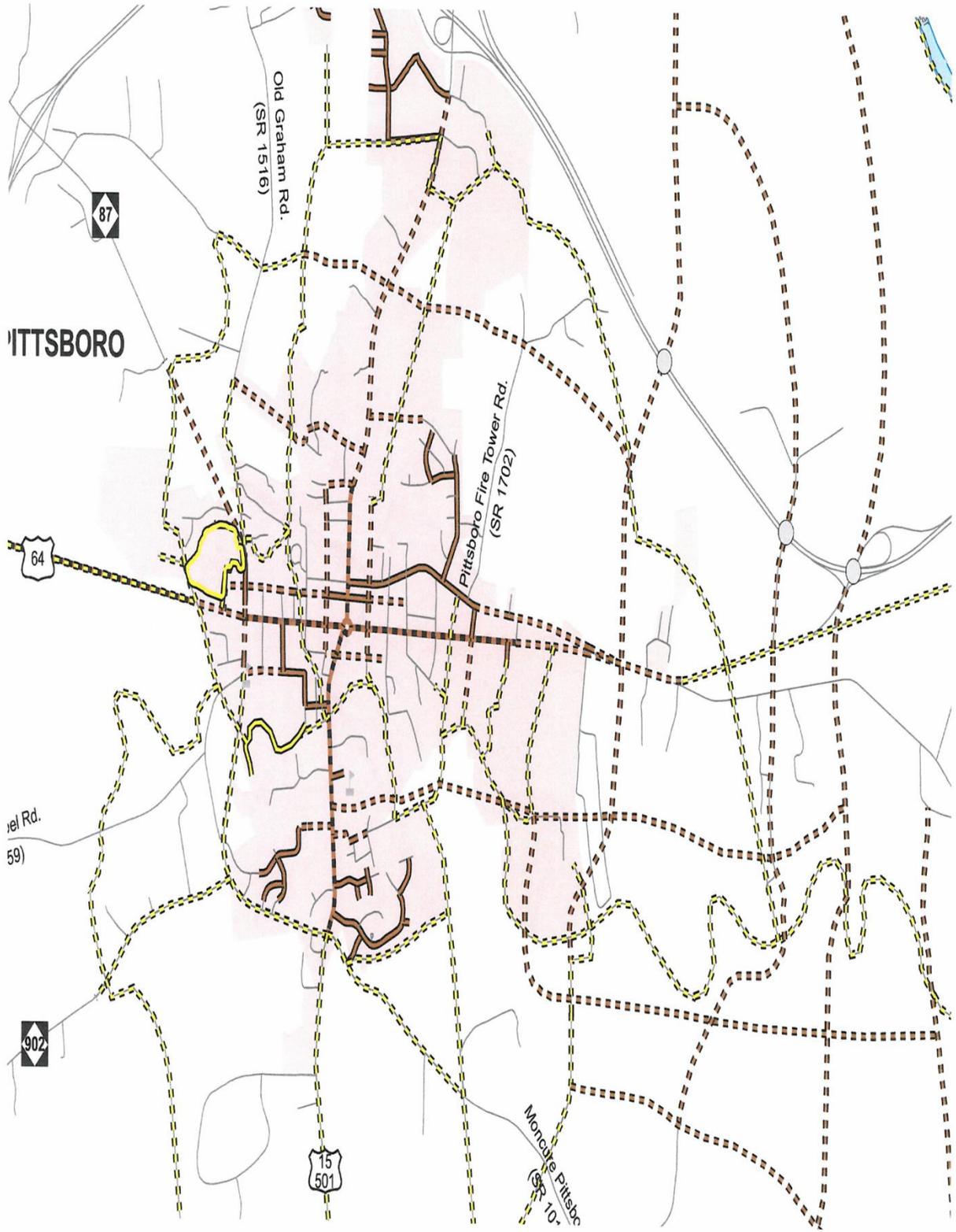
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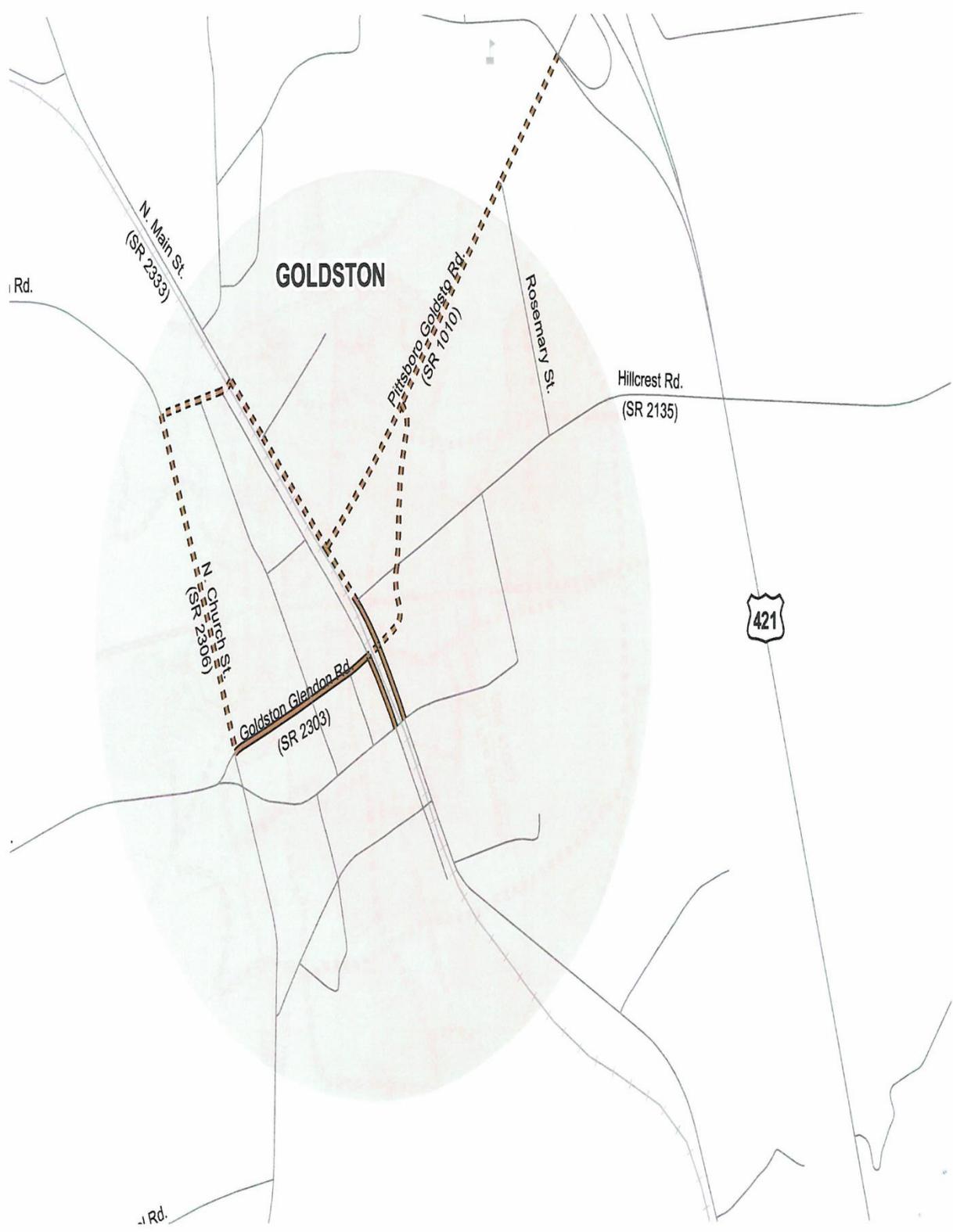
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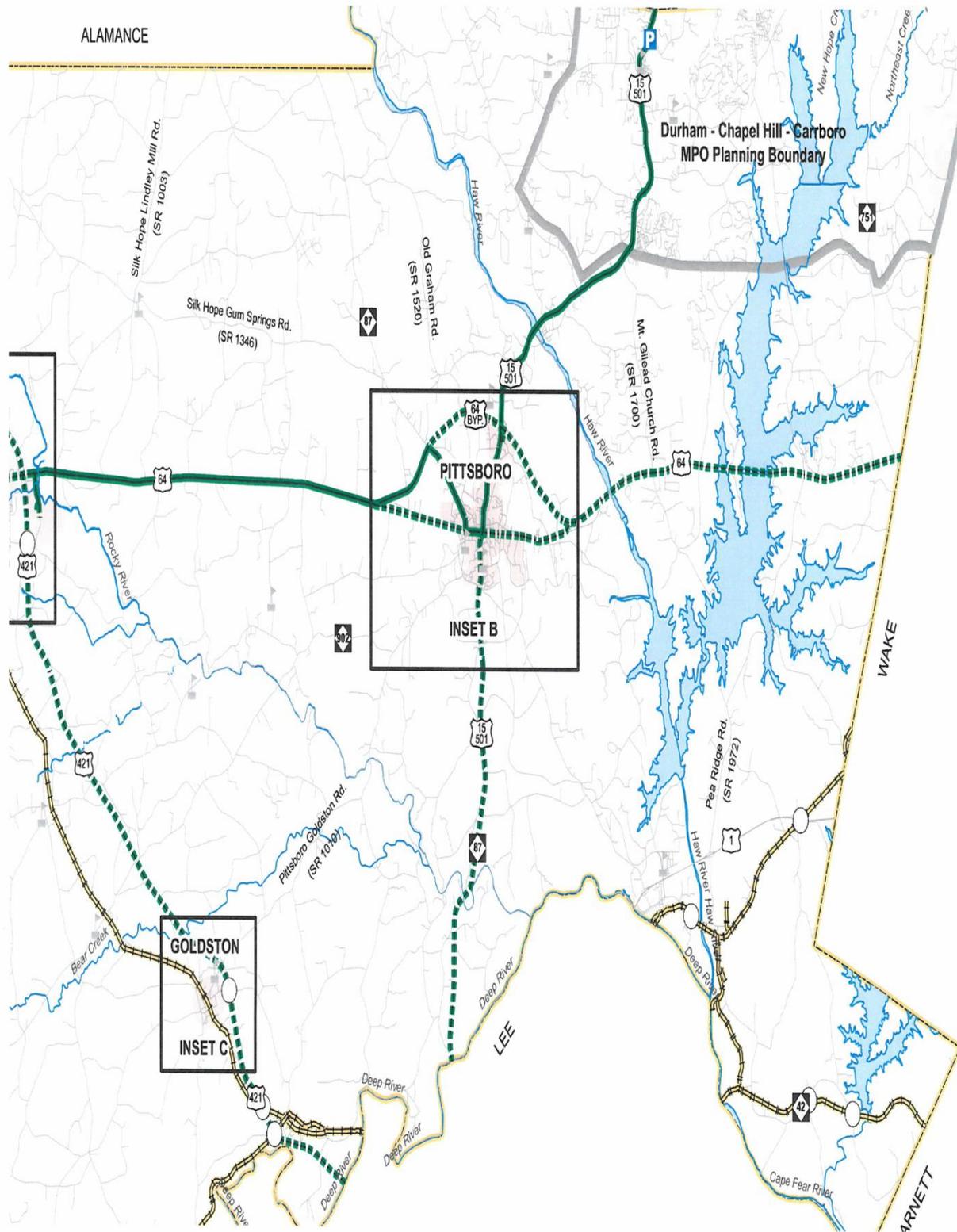
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The Board advised Mr. Merithew to get in touch with staff to schedule some public input sessions.

PROPOSED SUBDIVISION DEVELOPMENT – KENSINGTON PARK. (STUART BASS)

Planner Bass stated the developer has submitted a Detailed Preliminary Plat for review and consideration. The proposed development is a 16 lot subdivision located on Park Drive west of the intersection of Hillsboro Street.

The property is zoned R-12 and totals 7.741 acres. Minimum lot size is 12,000 square feet. All lots are greater than 14,000 square feet in size. The Board approved an allocation of wastewater for the proposed development in January 2013.

The Board of Commissioners approved the concept design allowing for the (1) absence of curb and gutter, and (2) the allowance of a sidewalk on just one side of the street. Both issues relate to the design and associated stormwater runoff, as stipulated in the Ordinance.

The Planning Board recommended approval.

The applicant has obtained construction approvals from DENR (for wastewater and water), Division of Water Quality and the Division of Land Quality, Erosion and Sedimentation Control. All outstanding comments have been addressed.

Commissioner Fiocco asked if it had anything to do with stream impacts. Mr. Bass said no it was for the utilities.

Commissioner Fiocco said he had a couple of thoughts and he knows at one time the water line and sidewalks were on opposite sides. The idea was that the light poles would be on the same side as the sidewalks. The planning board suggested relocation of the sidewalk from one side to the other and now we have the water line and sidewalks on the same side of the road again.

Commissioner Fiocco said he thinks we have that conflict that is going to happen with our light poles. Clearly, we don't want to be relocating light poles to repair a water line.

Commissioner Fiocco said he has real concerns about stormwater management on this project. When he looks at the plan he sees things such as there is no emergency spillway for the pond. Both of these ponds are up stream. If there is a failure in these ponds there is a threat of property damage.

Commissioner Fiocco said it appears to be relying on swales to convey the spillway flow. He said the plan needs more development with Planning & Engineering staff to make sure these issues are addressed.

Commissioner Fiocco asked Manager Gruesbeck to show the pictures that were taken at the tail end of the storm that caused flooding in Chapel Hill. He said we need to make sure the plans for this development address these issues.

The ponds will be maintained by the HOA.

After further discussion a motion was made by Commissioner Fiocco seconded by Commissioner Foley to approve the subdivision development for Kensington Park with the following conditions:

- That the ponds be designed sufficiently to manage the peak discharge for post development not to exceed pre development.
- That the emergency spillways provide at least one ft. of free board and that the emergency paths from the spillway leaving the ponds be adequately designed and constructed.
- That the plans provide the accurate documentation for these measures.

Vote Aye-5 Nay-0

NEW BUSINESS

PLANNING BOARD VACANCY FOR ONE IN-TOWN RESIDENT

Staff has received resignation from Karl Shaffer on the Planning Board. His term will expire December 31, 2013. Therefore his seat will need to be filled.

We received applications of interest from Cynthia Perry, Steve Barker and Dan Augustine.

Mayor Voller said typically nominations will be made and then a vote taken.

Commissioner Farrell/ Baldwin nominated Steve Barker and Commissioner Foley/Fiocco nominated Cynthia Perry.

Steve Barker – Farrell/Baldwin/Turner

Cynthia Perry – Foley/Fiocco

Motion made by Commissioner Farrell seconded by Commissioner Baldwin to appoint Steve Barker to fill the unexpired term of Karl Shaffer which expires December 31, 2013.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

Manager's Update on Capital Projects.

Manager Gruesbeck went over his prepared update:

PROJECT: Hillsboro St Water Main Transmission Line Replacement Project

UPDATE: NCDOT contractor – ST Wooten – is expected to begin pre-paving work on Hillsboro Street on August 26, 2013 at the Courthouse end by replacing water valves, manholes and generally making adjustment to utilities. According to the contractor, milling could start on September 3, 2013. Paving could begin on September 9, 2013. I will communicate any updates

through email, Town's Twitter the Town of Pittsboro Facebook page. Staff will also establish communications between ST Wooten and local businesses.

PROJECT: Chief of Police Selection

UPDATE: Percy Crutchfield was sworn-in as Police Chief on August 14, 2013 and began work on August 16, 2013. He will be introduced to the Town of Pittsboro Board of Commissioners on August 26, 2013. Chief Crutchfield is a knowledgeable and enthusiastic addition to our Staff. I would also like to extend my appreciation to Chief Collins, Lt. Melissa Starr and the rest of the Police Department for capably picking up the slack during the interim.

PROJECT: New Customer Service Representative

UPDATE: We are excited to announce that Crystal Ours begins work as the Town's new Customer Service Representative on August 28, 2013, replacing Ann Wilkie who recently retired after years of service with the Police Department and the front desk/lobby area. Crystal, a long-time Pittsboro resident, comes to the Town from the Capital Bank. Please stop by and welcome her when you have a chance.

PROJECT: Soil Erosion and Sedimentation Ordinance for New Development

UPDATE: Staff will be forwarding an ordinance to the Board to better review to regulate soil erosion and sedimentation. The documents will be included in the September 9, 2013 Board agenda packet as an FYI. If appropriate it could be formally discussed on September 23, 2013. This recommendation will include a proposal for Chatham County to administer the soil erosion and sedimentation ordinance. A fee structure to cover the costs for plan review for new development would also be included.

PROJECT: Annual Town Audit

UPDATE: Rives and Associates have begun going through Town financial records with the previous Town auditing firm. The Audit will be complete and forwarded to the Local Government Finance Commission by December 1, 2013.

PROJECT: Water Treatment Plant - Generator Replacement Project

UPDATE: Bob Taylor, the Town's contact with the Rural Center indicates as of August 23, 2013 that the Town's funding for this project is intact as long as we continue to follow required due diligence. Once we have received bids, Staff will contact the Rural Center to ensure that funds remain available before entering into a contract and spend money.

PROJECT: Surplus Town Equipment

UPDATE: Staff advertised and sold a number of pieces of surplus Town equipment on an Internet auction site – www.publicsurplus.com. Included in the sale was the old copier (\$250), the 1999 Crown Vic (\$650), 1990 Ford Bronco (\$900), 1989 Ford Bronco (\$1,580), 1986 Chevy Blazer

\$1,500 and the “quad” 2004 Polaris Sportsman (\$2,100). Two (2) of the three (3) waste water plant pumps are about to sell for \$4,500.

PROJECT: East Street Sidewalk Extension

UPDATE: Staff secured statement of qualifications from two (2) firms to survey the property where the sidewalk extension is anticipated for construction on East Street (from Chatham Business Center to Town limits). Staff has selected one of the firms Summit Engineers (Cary, NC). Staff is expecting a cost proposal. The following step is to get an approval from NCDOT on the cost proposal.

PROJECT: Energy Audit at Water Treatment Plant (WTP) and Waste Water Treatment Plant (WWTP)

UPDATE: Waste Reduction Partners (WRP) will be scheduling an energy audit at the WTP and WWTP on August 27, 2013. There is no cost to the Town for this service because it is funded by the State. WRP will be looking at electric usage, water efficiencies, water loss and other possible system improvements.

OTHER NEWS:

- Earlier this month, NCDOT added signage to the cross-walk/pedestrian island area near the Chatham Market Place on Hillsboro St/15-501. In addition to the “arrow” signs that you see below, additional ‘warning’ signs were installed away from the island are given a little more advance pedestrian notice as they approach the cross walk from both directions.

Mayor Updates

- EDC
- RPO
- Solid Waste
- Fairground Association
- PMA/Downtown

COMMISSIONER CONCERNS

Commissioner Farrell said he would like to see the planning board look at developing some type ordinance to require more than one entrance and exit into a development.

Commissioner Foley said the Retire NC website will go live this week or next week.

Commissioner Fiocco said with NCDOT executing the stripping plan he wants to make sure we don't lose any on street parking. He also reported that he and Manager Gruesbeck are working hard to pull together information to meet with NCDOT and the County about cost sharing for putting in new crosswalks.

Commissioner Baldwin said she will be attending TJCOG meeting tomorrow night and that she is now the Chairperson.

Commissioner Turner reported that the stop sign on Launis Street has been put back up.

Mayor Voller announced the Congressman David Price will be in Pittsboro tomorrow at the courthouse.

FYI -

1. G.S. 159-181 – An Act to Protect the Fiscal Health of North Carolina’s Water and Sewer System

ADJOURNMENT

Motion made by Commissioner Baldwin seconded by Commissioner Turner to adjourn at 10 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC