

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, DECEMBER 12, 2011
7:00 PM

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

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Clinton E. Bryan, III, Michael Fiocco and Hugh Harrington. Commissioners elect: Jay Farrell, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bill Terry, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Finance Officer Amanda Cartrette and Assistant Planner Paul Horne.

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to approve the agenda as submitted. Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contained the following item:

1. Approve minutes of the November 28, 2011 regular meeting.

Commissioner Harrington made a correction to page 1 of the minutes where it stated Commissioner Harrington requested, should read "Commissioner Fiocco" requested.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to approve the minutes of the November 28, 2011 regular meeting with the above correction. Vote Aye-5 Nay-0

ORGANIZATIONAL MEETING

INSTALLATION OF MAYOR AND COMMISSIONERS

Town Clerk Alice F. Lloyd, CMC, administered the oath of office to Mayor Randolph Voller.

Mayor Randolph Voller administered the oath of office to Commissioner Jay Farrell, Commissioner Bett Wilson Foley, and Commissioner Beth Turner.

OATHS OF OFFICE ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE2 175-178

ELECTION OF MAYOR PRO TEMPORE

Commissioner Farrell nominated Commissioner Pamela Baldwin to continue serving as Mayor Pro Tempore.

Motion made by Commissioner Farrell seconded by Commissioner Fiocco to affirm Commissioner Pamela Baldwin as Mayor Pro-Tempore.

Vote Aye-5 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the Ceremonial Agenda as submitted. Vote Aye-5 Nay-0

CEREMONIAL AGENDA

1. Resolution Honoring the Service of Commissioner Hugh Harrington.

Mayor Voller read the following resolution honoring Commissioner Harrington:

RESOLUTION OF APPRECIATION FOR THE SERVICES OF HUGH HARRINGTON

WHEREAS, Hugh Harrington has served one term as Commissioner for the Town of Pittsboro; and

WHEREAS, Hugh Harrington has put forth substantial effort toward improving the quality of life for the citizens of the Town of Pittsboro; and

WHEREAS, Hugh Harrington has served unselfishly in his capacity for the good of the Town of Pittsboro, making sacrifices in personal and family ties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro, North Carolina, that Hugh Harrington is hereby officially commended by this Town Board on behalf of the citizens of Pittsboro for valuable service rendered to the Town of Pittsboro in his official capacity as a Town of Pittsboro Commissioner.

BE IT FURTHER RESOLVED that this resolution be made part of the permanent records of the Town of Pittsboro and that a copy of this resolution be presented to Hugh Harrington.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the resolution honoring Hugh Harrington.

Vote Aye-5 Nay-0

2. Resolution Honoring the Service of Commissioner Clinton E. Bryan, III.

Mayor Voller read the following resolution honoring Commissioner Clinton E. Bryan, III:

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
CLINTON E. BRYAN, III

WHEREAS, Clinton E. Bryan, III has served from March 2007 until November 2011 as Commissioner for the Town of Pittsboro; and

WHEREAS, Clinton E. Bryan, III has put forth substantial effort toward improving the quality of life for the citizens of the Town of Pittsboro; and

WHEREAS, Clinton E. Bryan, III has served unselfishly in his capacity for the good of the Town of Pittsboro, making sacrifices in personal and family ties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro, North Carolina, that Clinton E. Bryan, III is hereby officially commended by this Town Board on behalf of the citizens of Pittsboro for valuable service rendered to the Town of Pittsboro in his official capacity as a Town of Pittsboro Commissioner.

BE IT FURTHER RESOLVED that this resolution be made part of the permanent records of the Town of Pittsboro and that a copy of this resolution be presented to Clinton E. Bryan, III.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the resolution honoring Clinton E. Bryan, III.

Vote Aye-5 Nay-0

3. Resolution Honoring the Service of Commissioner Gene Brooks.

Mayor Voller read the following resolution honoring Commissioner Gene T. Brooks:

RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
GENE T. BROOKS

WHEREAS, Gene T. Brooks has served from 1986-2011 as Commissioner for the Town of Pittsboro; and

WHEREAS, Gene T. Brooks has put forth substantial effort toward improving the quality of life for the citizens of the Town of Pittsboro and has served as the historian of the board; and

WHEREAS, Gene T. Brooks has served unselfishly in his capacity for the good of the Town of Pittsboro, making sacrifices in personal and family ties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro, North Carolina, that Gene T. Brooks is hereby officially commended by this Town Board on behalf of the citizens of Pittsboro for valuable service rendered to the Town of Pittsboro in his official capacity as a Town of Pittsboro Commissioner.

BE IT FURTHER RESOLVED that this resolution be made part of the permanent records of the Town of Pittsboro and that a copy of this resolution be presented to Gene T. Brooks.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the resolution honoring Gene T. Brooks.

Vote Aye-5 Nay-0

Mayor Voller also presented Commissioner Brooks with a plaque.

Mayor Voller asked all the Commissioners to make comments.

Commissioner Turner stated she hasn't known him for a long time but have thoroughly enjoyed coming to the meeting to hear his input. She stated it is an honor to serve on a board that he had served on for such a long time and she may be giving him a call.

Commissioner Brooks stated his phone number was in the book.

Commissioner Baldwin said it has been an honor and privilege to serve with him her two terms on the board. She stated as a teacher he taught her government and she really appreciates all he has brought to the Town of Pittsboro, this board and to her. Anything she wanted to know she could certainly ask him and he would always give very good advice. She really does hate to see him go, but she will cherish the time she had on the board with him. She wished him well.

Commissioner Fiocco stated it was an honor to serve with him. He stated that Commissioner Brooks had a lot of knowledge about Pittsboro and government in general. He said Commissioner Brooks was a real asset to the Board and to him personally. He said that he was very effective in his role as Commissioner – not only was he effective but he did it with style. Commissioner Fiocco stated he remembers at his very first meeting when you said your wife said you speak in mosaics. Commissioner Brooks said he did. Commissioner Fiocco said we will surely miss those mosaics.

Commissioner Foley stated she did not get to serve with Mr. Brooks but she has known him since she was a little girl and he taught members of her family. She has always admired him as teacher and as a Commissioner. She wanted to commend him for the 25 years he served on the board and the contributions that he has made to this community. She is sure she speaks for the Town when she says thank you for the years of service. She admires him as a Commissioner for standing up for what you believe, regardless of popular opinion you stood up for what you thought was right and she really admires that about him.

Commissioner Foley said she also admired how he would stand up for the people in this town – he was a voice for the little man in town – he was the voice of the people and that is something she always admired. She hopes he will continue to work with them and share all those years of wisdom.

Commissioner Farrell said on behalf of the citizens of Pittsboro he wanted to thank Commissioner Brooks for his dedication and honestly and hard work as you served the citizens of Pittsboro, the community and Chatham County for twenty five plus years will be greatly missed. Commissioner Farrell thanked Commissioner Harrington and Bryan also.

Mayor Voller said it has been a honor to serve with him. He read a little piece of poetry that his wife has posted, he doesn't know who wrote it, but essentially it says: Life is not a race – but indeed a journey, be honest, work hard, be choosy. Say thank you, I love you and great job to someone each day. Let your handshake mean more than pen and paper. Dreaming does matter. It allows you to become that which you aspire to be. Appreciate the little things in life and enjoy them. Some of the best things really are free. Don't worry. Take time for yourself – plan for longevity.

Mayor Voller said when he read it he thought about Commissioner Brooks and all their service together. The poetry says a lot of the things that he said when he sat in that seat. He has enjoyed working with you as a fellow board member over the past six years in Pittsboro. Mayor Voller said his years as a civics teacher and a municipal elected official serves as a testament to the value you place on community. Mayor Voller thanked him for his service and most importantly for the willingness to speak his truth.

Betty Wilson said she is not a citizen of Pittsboro anymore but her heart has been here for nearly 15 years. She wanted to tell them as a former public, how much she appreciates what they have done and she speaks for scores of people in this county.

Jim Hinkley said he has never been to a meeting where he did not learn something about Pittsboro's history. The history was always relayed by Gene Brooks and he would like for the board to consider declaring Gene Brooks as Pittsboro's Historian Laureate.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to declare Gene T. Brooks Pittsboro's Historian Laureate.

Vote Aye-5 Nay-0

Commissioner Brooks said it has been an honor serving the citizens of Pittsboro. He said the people he learned from have already gone on and he tried to keep some of that around. He invited those in attendance to go to the library to the Jim Johnson special section on local/state history. They have purchased computers and genealogy programs. Between the books and materials they have spent \$100,000 at the library because of the generosity of Jim Johnson who left two trusts one of which was the library.

Commissioner Brooks thanked everyone for the wonderful words they said tonight, he said it has been a pleasure to serve. He stated he knew they have a lot of challenges with the potential growth that may be coming and that they may have the most difficult job than any other board

here. He does not know what the future holds but a lot of changes are coming and he feels that we are in good hands and you will deal with them in a good manner.

Commissioner Baldwin asked that Commissioner Bryan and Commissioner Harrington come back in the room because she wanted to say something to them.

Commissioner Baldwin stated she appreciated all they have done for the town, all their efforts and the many, many things they have done. She told Commissioner Harrington she would miss him because they sat there together and she could whisper things to him and he would tell her what was going on. She said to Commissioner Bryan that anything that she asked of him he would tell her and she certainly appreciated all you have given. Because when you are a Commissioner you are giving up a lot of things so she appreciates all your time and effort and she will miss them.

Commissioner Bryan stated he appreciated the citizens of Pittsboro allowing him to serve the last few years. He appreciated the support he received from Town Staff, Mr. Messick and especially his fellow board members. He thought they worked real well together, they were from different backgrounds with different interests but they all came together to do what was best for the citizens of Pittsboro.

Commissioner Harrington thanked Commissioner Baldwin and said he would miss her too. He felt they did work together and like Mr. Brooks said you all are going to have a lot of tough decisions. He wished the new board can work together as he felt they worked together. They did not always agree but they never doubted the others motivation. They did what they believed was right for Pittsboro.

A RESOLUTION OF APPRECIATION FOR THE SERVICES OF HUGH HARRINGTON IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 179

A RESOLUTION OF APPRECIATION FOR THE SERVICES OF CLINTON E. BRYAN, III IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 180

A RESOLUTION OF APPRECIATION FOR THE SERVICES OF GENE T. BROOKS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 181

REGULAR MEETING AGENDA

Citizens Matters

Tim Goodwin – business located at 22 Sanford Road stated he has been having some issues at his business the last couple of months. He has owned CrossFit Training for two years and has about 50 members which is pretty successful for their size.

Mr. Goodwin stated that the last couple of months a business opened beside him (Tobacco Circle). They first presented themselves to the development company as a business center that was going to sell tobacco, a little jewelry and a little clothing. He said 99% of business centers

that open these days are internet sweepstakes businesses, the reason for that is the majority of the things they offer at a business center can be done on a cell phone. He met with the potential business owner and the lease company. He told them he knew what they were trying to do. He was told by the business owner what they wanted was a family business that his wife could run and they would be closed by six and they were going to have eight computers.

Mr. Goodwin stated he came to Town Hall and the town has regulations for games rooms which stopped that. Since the property is 1,000 feet from a church they could not have a game room. He said they did bring in tobacco products: cigarettes, cheap cigars, paper, water pipes, bongos and even though it is legal to sell, the business is a head shop. They had approximately 13 signs posted on the property as advertisements. Mr. Goodwin stated he made the first of approximately 18 trips to Town Hall and said he knew he couldn't stop the business, but Pittsboro has a pretty specific sign ordinance. He stated they brought in an air hockey table. He said he has never seen adults play air hockey it is a child's game in a business where drug paraphernalia is sold.

Mr. Goodwin stated the game was removed when the game company realized what was sold in the business.

Mr. Goodwin said he didn't know if the business owner has been told in writing that he is in violation of the sign ordinance and if you do not get in compliance you will be fined \$50 per pay and every day thereafter until you come in compliance.

Mr. Goodwin said they had five contracts that were not renewed in the last two months – that has never happened in a year. He is simply asking that the sign ordinance be enforced.

Mayor Voller said basically you want the town to enforce the sign ordinance. Mr. Goodwin said that was correct.

Tim Goodwin said as many of the Commissioners know he is in the process of starting a second business but he is having a very hard time seeing investing in a new business or the façade to the business he currently owns. He said the Town has a Main Street Program (a partnership between, Town, property and businesses owners) and it hard for him to justify a second business when he sees that his business that has been successful for two years can't get past the fact he has the absolute worst people hanging out in front of his business. He wanted to know when a letter would be sent of non-compliance.

Mayor Voller asked Mr. Goodwin if what he wanted was for the sign ordinance to be enforced. Mr. Goodwin said that was correct.

Mayor Voller said are you also saying it matters where businesses are located in town. Mr. Goodwin said absolutely.

Planner Bass stated he has been working with the business owner since it opened about six weeks ago and on Thursday or Friday last week he issued a permit for a permanent sign. He said he would go by sometime this week to see if it is in compliance.

Mayor Voller stated the issue with signs being non-compliant is not just with this business it has come to the Board before and it needs to be addressed.

Commissioner Farrell asked if they were non-compliant why you couldn't just remove the signs. Planner Bass stated he asked the owner to take them down and he did.

Commissioner Farrell asked why the business can't be fined immediately. Planner Bass stated it doesn't work that way.

Commissioner Turner stated if they are selling these materials do they not have to have a sign that says you have to be 18 to enter. Mr. Goodwin said there are about five of them – he said to go there after 3 o'clock. Commissioner Turner said so that is not enforced.

Commissioner Baldwin asked Mr. Goodwin if he had met with the leasing company. He said he has and it has gone from a family business to a business selling drug paraphernalia and pretty soon they will start selling beer.

Mayor Voller asked Mr. Goodwin if he was philosophically opposed to this type business. Mr. Goodwin said he was definitely philosophically opposed.

Mayor Voller stated the most important thing is that the sign ordinance be enforced. The Town cannot get involved in private negotiations. We can do the job we are supposed to do. He asked Planner Bass/Manager Terry where it should go from here.

Planner Bass said he intends to go out this week.

Mr. Goodwin said they should be sent a letter telling them they are not in compliance with the sign ordinance and they will be fined until they are in compliance and make that stick.

Mayor Voller stated it is not just your situation, it is other places as well.

Commissioner Baldwin stated to Planner Bass that after he checks the situation to give them a timeline for getting the signs in compliance.

OLD BUSINESS

Mayor Voller stated there were children here in support of the skate park and asked if the board was willing to move them up.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to move Item #5 New Business to #1 Old Business. Vote Aye-5 Nay-0

Mayor Voller said it is his understanding that the Rec Board has approved the concept and design of the skate park at the location by the tennis courts. Mr. Horne said that was correct.

Tony Sabbagh stated the mission statement of the Pittsboro Skate Park is: The Pittsboro Skate park is a non-profit organization run solely by volunteers whose mission is to provide, along with Pittsboro Parks and Recreation Department, a free, safe, and public concrete skate park to

Pittsboro with the intent to provide a positive recreational outlet for the community's youth, as well as a place for adults to mentor young people in the art of skateboarding. The organization's 501(3)(c) status is currently pending.

Mr. Sabbagh said they have raised over \$12,000, they have had overwhelming First Sunday support in May, June, August, September, October & November, 2011 and that they participated in the 2012 Christmas Parade.

Mr. Sabbagh said currently there is land available at McClenahan Park and the Pittsboro Parks and Recreation Board has endorsed the concept of using a portion of McClenahan Park to build the facility.

Mr. Sabbagh said as far as insurance is concerned it typically falls under the cities' policy, Raleigh, Durham and Carolina Beach do not have separate policies and the cities post signs releasing liability. He submitted a letter from Ted Lashley and NC Parks and Recreation Skate Parks which states:

Carolina Beach does not have a separate policy for the skate park. The park was added as an additional recreation facility after the league of municipalities inspected it to make sure the proper signage was posted, and waivers were on the website. The town does random checks to make sure skaters are following the rules.

Maintenance issues: minor issues with coping that needs regular attention, but not costly. The pump that drains the bowl has had to be replaced twice at \$600 each time. They recently chained the trash cans in place because they had been moved repeatedly.

Mr. Sabbagh said they have the 501(3)(c) status pending and they have presented the board with a completed preliminary design. Their plans are to sponsor a logo contest for the local schools which will give the students the opportunity to design their next skate board and to continue to raise funds.

Mr. Sabbagh said they are going to be trying to get grants but many of the grants require that they have secured access to land in order to be considered.

Toby Turnbull said they have done a lot of work. Raising \$12,000 is not easy which shows you have community support. They have raised that much money without a spot yet. Pittsboro Parks & Recreation thinks it is a good idea because it is already there. Would like to see a sign that says "Future Home of Pittsboro Skate park" and start raising monies. Mr. Turnbull is a P.E. teacher in Chatham County Schools one of things we are dealing with is obesity. He said on the First Sundays you see children coming out of the woodworks. They are not kids you would expect to see on skateboards. It is something we can provide them that does not cost them anything.

Commissioner Farrell asked if the land was owned by the County and leased to the Town.

Mayor Voller stated that about five or six years ago the Board of Education, Town Board and County Board of Commissioners came together to see how we could get the basketball and

tennis courts done. We have an agreement to lease the property. If we amended it they would have to endorse it.

Commissioner Baldwin asked for clarification that the land was leased. Attorney Messick said yes. Commissioner Baldwin said that would require another agreement.

Attorney Messick said he is not sure what the arrangement is. He is not sure if they are talking about building it on town property or you donating your property to them.

Mayor Voller said he do not think they want us to donate the property but they want the right to raise money to build the skate park on our property and give it to the Town.

Commissioner Foley asked is the park going to be able to be used for camps, etc. Mr. Sabbagh said it could be, they haven't worked that out.

Commissioner Foley said people from Pittsboro are driving to Cary for that resource.

Mayor Voller stated they just want to know the board is behind them with this project.

Mr. Sabbagh said they just want to know that spot is specifically for them to build a skate park on and when they have raised the \$200,000 they can begin work on the project. Commissioner Foley stated she felt it was a good location since the tennis and basketball courts were in the same area.

Commissioner Baldwin stated she thought the skate park was a good idea but asked Attorney Messick what it would take to go forward. She said since we lease the property we can't just say they can build it there.

Attorney Messick said if the Town is interested in pursuing this that the Board authorize Mr. Terry to negotiate with the Board of Education and any others involved and report back to the Board at some future meeting.

Commissioner Fiocco stated we needed to find out if we can provide secure access to the land.

Mayor Voller said it may take some time if they have to amend the lease but he thinks it can be done.

Commissioner Fiocco asked when they anticipate getting the 501(3) (c) status. Mr. Sabbagh said their attorney (Kathie Russell) said their application was on the fast track so hopefully within two months. Mr. Sabbagh thanked the Board for allowing them to participate in First Sundays and said they understand the insurance requirement.

Commissioner Baldwin asked when they submitted the application. Mr. Sabbagh said it was around June.

Julie Cummings stated the majority of the grants they are looking at will require town approval. Because they are working as a part of the town they want have to have a valid 513 (3) (c) status. If they are under the Parks and Recreation they can break ground tomorrow.

Mayor Voller asked Assistant Planner Horne for his thoughts. Mr. Horne said we will have to look at the lease and go from there. He is generally in support of the skate park.

Dee Reid said the Parks and Recreation Advisory Board would like to see the town explore the opportunity and to work on the MOU.

Manager Terry stated if we are going to undertake this we need to get some other information other than the status of the land. He discussed Chapel Hill's skate park.

Tony Sabbagh said the difference is Pittsboro Skate Park will be concrete. Manager Terry said that would be a big difference.

Motion made by Commissioner Foley to pursue the MOU from Chatham County Schools and Chatham County on the concept of the skate park to be in that location, seconded by Commissioner Farrell.

Commissioner Fiocco wanted to make sure he understood the motion to say we are trying to better understand what our rights are to the land and how we might be able to use it, dedicate or secure it for a skate park. Whether we can go it on our own or have others participate.

Commissioner Foley said we also need to look at liability issues and upkeep as well. Commissioner Baldwin said and everything else that Attorney Messick mentioned.

Attorney Messick said the motion was fine it covers everything.

Commissioner Foley said the money from camps and workshops could be used for maintenance.

Aaron (from audience) asked that there be communication between the Town and the Skate park supporters.

Vote Aye-5 Nay-0

HANDOUT SUBMITTED IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 201-206

Extension of the 2009 Development Moratorium.

Manager Terry stated the memorandum lays out the history of the moratorium:

On October 10, 2011, the Board of Commissioners adopted an ordinance extending the 2009 Development Moratorium for a period of about two weeks, ending on October 25, 2011. The purpose of this extension was to allow time to evaluate the Town's options with respect to the development of a sewer allocation policy that would allow for the allocation of small amounts of sewer capacity beyond what was allowable under the original moratorium.

On October 24, 2011, the Board of Commissioners adopted an ordinance extending the 2009 Development Moratorium for a period of 60 days, ending on December 23, 2011. The 60-day extension of the moratorium includes a provision to modify the restrictions on major

subdivisions by allowing major subdivisions to apply for up to 3,600 gallons per day of wastewater capacity.

Concurrently with the adoption of the 60-day extension of the moratorium the Board of Commissioners set a public hearing on a longer extension of the moratorium for November 28, 2011 and asked the Manager to prepare a draft moratorium ordinance, and accompanying wastewater allocation policy, for consideration by the Board of Commissioners on December 12, 2011.

The draft moratorium ordinance, Exhibit (A) and accompanying wastewater allocation policy, Exhibit (B) was presented to the Board of Commissioners on November 14, 2011 for consideration before the public hearing on November 28, 2011.

On November 19, 2011, the Board of Commissioners held a work session to discuss the possible extension of the development moratorium and the development of a wastewater allocation policy to guide the Board in the consideration of future reviews of applications for allocation of wastewater capacity. The draft moratorium ordinance, Exhibit (A) and accompanying wastewater allocation policy, Exhibit (B) were reviewed and some recommended changes were incorporated.

On November 28, 2011 a public hearing was held on the proposed development moratorium ordinance at Exhibit (A). Nobody appeared to offer comments at the public hearing.

Manager Terry stated the biggest impact on the ordinance is that any major subdivision of land, planned unit development, or multi-family residential development proposed for the establishment of new residential units requiring more than 40,000 gallons per day of wastewater. Changes within the policy were made at the board's work session which was to use the following formula:

- Residential = 30% of 90,000 gpd wastewater = 27,000 gpd or about fifty (50) 3-bedroom homes.
- Commercial & Industrial = 20% of 90,000 gpd wastewater = 18,000 gpd.
- Discretionary = 50% of 90,000 gpd wastewater = 45,000 gpd.

Manager Terry stated originally they had discussed that the wastewater allocation limits per project for residential would be 3,600 gpd – that was changed in the proposed policy to the board's recommendation of 5,400 gpd.

Manager Terry stated he had spoken with some Commissioners about 1.3 of the policy where it states that projects will have six months from the date of final zoning approval to have their project substantially underway. They are not sure six months is enough time.

Mayor Voller said so if someone comes in tomorrow and submits something to Mr. Bass, how is it going to work.

Manager Terry stated if it falls under the criteria in Exhibit B – the allocation policy – the first test would be is it a project that requires less than 40,000 gallons, then they would accept it for review then it would go through the normal development process.

Commissioner Fiocco wanted to make sure it was understood properly that the current moratorium restrict the projects to 3,600 gpd threshold. Mayor Voller said that was correct. Commissioner Fiocco said this document changes it to 40,000 gpd which is more than 10 fold as opposed to the existing limit. Manager Terry said that is correct. Commissioner Fiocco said so we will take the application, then we will use the application process to determine whether to impose a 5,400 gpd limit on residential or 3,600 gpd limit on commercial/industrial projects. Manager Terry said that was correct. Commissioner Fiocco said and at the discretion of the board they could go into a project requesting more. Manager Terry said this does give the Board authority to do that and you can use the discretionary allocation for residential or commercial/industrial.

Mayor Voller said what he is saying is if someone comes in here and needs less than 40,000 gpd paper flow for their project they could submit their project to Planner Bass. If they wanted more than the 5,400 gpd residential or 3,600 gpd for commercial/industrial, the board would have to make that decision. Manager Terry said that was correct.

Manager Terry said the large projects such as Powell Place would not be accepted.

Mayor Voller said this does allow the board flexibility if someone has a project and it fits with the land use plan.

Commissioner Fiocco stated he felt this was a substantial improvement over the current moratorium and he would encourage competition and get some developers in.

Motion made by Commissioner Baldwin seconded by Commissioner Foley to adopt the Ordinance Establishing a Moratorium on the Approval of Major Subdivisions, Planned Unit Developments, and Non-Residential Development of Land in the Town of Pittsboro and its Extraterritorial Jurisdiction Area and a Resolution Establishing Administrative Policies and Procedures for the Allocation of Wastewater Capacity for the Town of Pittsboro Wastewater Treatment Plant.

Commissioner Fiocco said he would like to make a friendly amendment to 1.3 of the allocation policy to not require that the projects be substantially underway. He would like to use the existing time frame that we currently have in our ordinances. He would also like to add the language to stipulate that it requires continuous progress once construction starts for a period of 90 days. Commissioner Fiocco stated the policy allows for them to come back to the board for an extension.

Manager Terry said that would be a rewrite of section 1.3.

Commissioner Baldwin/Foley agreed to the friendly amendment.

Attorney Messick stated they would also need to amend 2.4 and it would also need some more tweaking too. He feels going longer than six months is a really good idea.

Manager Terry made a suggestion that a simple change from 6 months to one year be made tonight to approve the policy and give the Attorney and Commissioner Fiocco time to work out other changes and bring it back to another meeting.

Commissioner Fiocco withdrew his friendly amendment.

Commissioner Baldwin and Commissioner Foley amended their motion to include the change from six months to one year. Vote Aye-5 Nay-0

Mayor Voller asked Dianne Reid, EOC Chairman to note the change.

Commissioner Fiocco asked that Mr. Wilcox (Chatham Record) inform the public of the change.

**AN ORDINANCE ESTABLISHING A MORATORIUM
ON THE APPROVAL OF MAJOR SUBDIVISIONS, PLANNED UNIT
DEVELOPMENTS, AND NON-RESIDENTIAL DEVELOPMENT OF LAND IN THE
TOWN OF PITTSBORO AND ITS EXTRATERRITORIAL JURISDICTION AREA**

**ARTICLE I
AUTHORITY**

This ordinance is adopted by the Town of Pittsboro Board of Commissioners pursuant to the authority conferred in Section 160A-4 and 160A-381 of the North Carolina General Statutes. The Board of Commissioners hereby ordains and enacts into law the following articles and sections.

**ARTICLE II
PURPOSE**

This ordinance is established to temporarily prohibit the approval of major subdivisions, planned unit developments, and non-residential development in the Town of Pittsboro and its extra-territorial area, as defined herein, for a period of two years while the Board of Commissioners completes efforts to expand the Town's wastewater capacity. The Board of Commissioners is committed to preserving the health and welfare of the citizens of the Town, and to preserving the scenic and aesthetic character of the Town and its environs in order to protect and promote the community and to protect the quality of life for local residents. The Commissioners declare that it is important to prohibit the approval and construction of major residential subdivisions, planned unit developments, and non-residential development within the Town's jurisdiction during the period while the Commissioners are taking the necessary steps to provide for additional capacity for the collection and treatment of wastewater and completing an update to the Land Use Plan.

This action is necessary because the current tributary flow and the permitted, but not yet tributary flow, and obligated capacity is at least ninety percent of the existing wastewater treatment plant's treatment capacity. Due to the impaired status of Robeson Creek the Town has eliminated the possibility of seeking an increase of the discharge into that creek. The Town has worked with the North Carolina Division of Water Quality on possible alternative discharge locations and submitted an environmental impact statement (EIS) that received a favorable record of decision in April of 2010. Additionally, the Town has applied for a

Nation Pollution Discharge Elimination System (NPDES) Permit for the construction of a new 3.2 million gallon per day wastewater treatment plant. Our NPDES permit application was approved on June 2, 2011. The Town has considered connection to a nearby treatment facility but the annual costs were nearly double the cost of the expansion of the wastewater treatment plant and discharge into sites considered reasonable by the Division of Water Quality. Without the existence of this ordinance, an unlimited number of subdivisions, PUD's, and non-residential developments could be approved and constructed without taking into account the ability of the Town to provide wastewater treatment for the new residential and non-residential developments. The subdivisions, PUD's and non-residential developments constructed during the time the Commissioners are taking the necessary steps to provide for additional capacity for the collection and treatment of wastewater could pose a detrimental effect on the ability of the Town and the safety of the public, thus threatening the long term economic health of the town's population.

The Commissioners are aware of and sensitive to the need to direct and regulate the building of major residential subdivisions, PUD's, and non-residential developments and to provide necessary utilities for those citizens who will occupy those said residential developments.

ARTICLE III JURISDICTION

The provisions of this ordinance shall apply to the incorporated area of the Town of Pittsboro and the extraterritorial zoning jurisdiction of the town. No major residential subdivision, planned unit development, multi-family residential development, or non-residential development shall be considered, approved or constructed within said the corporate limits and the extraterritorial zoning jurisdiction of the Town of Pittsboro except in accordance with this ordinance.

ARTICLE IV REGULATION OF RESIDENTIAL SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS and MULTI-FAMILY RESIDENTIAL DEVELOPMENTS

For the purposes of this ordinance, any major subdivision of land, planned unit development, or multi-family residential development proposed for the establishment of new residential units requiring more than 40,000 gallons per day of public water and wastewater utility services within the Town of Pittsboro and any major residential subdivision, planned unit development, or multi-family residential development requiring public water and wastewater utility services within the extraterritorial zoning jurisdiction of the Town shall be considered to be subject hereto.

ARTICLE V
REGULATION OF NON-RESIDENTIAL DEVELOPMENT

For the purposes of this ordinance, any development proposed for the establishment of new non-residential use requiring more than 40,000 gallons per day of public water and wastewater utility services within the Town of Pittsboro or the extraterritorial zoning jurisdiction of the Town shall be considered to be subject hereto.

ARTICLE VI
ACTIONS

The term of this moratorium is based on actions of the Town to affirmatively address the conditions leading to its imposition. The Town is negotiating a contract for a preliminary engineering report (PER) that will study the feasibility of installing a pump station and sewer transmission line to the City of Sanford Wastewater Treatment Plant instead of building 3.2 million gallon per day wastewater treatment plant authorized by our approved NPDES permit. Concurrently with the PER on the “Sanford Alternative”, the Town will pursue a public-private partnership including the Town of Pittsboro, Chatham County, and private developers interested in participating in the funding of the design and construction of the new 3.2 mgd wastewater treatment plant. The Town’s goal is to select a design firm and begin design work by July 2012 with a view toward completion of the design by July 2013. Preliminarily the plans and specifications will be sent to the North Carolina Division of Water Quality for review as soon as they are ready, probably in early 2013. The authorization to construct the new 3.2 mgd plant is anticipated to be issued in late 2013, and construction should begin before the end of 2013. The plant should be completed by the end of 2014. Concurrently with the efforts discussed herein, the Town will develop an administrative policy to allocate our remaining wastewater capacity in such a way as to maximize the benefit to the Town in terms of stimulating economic

development and growth of the Town.

ARTICLE VII

ADMINISTRATION, ENFORCEMENT, APPEALS, PENALTIES

Administration

The Town Manager or his/her designee is hereby empowered and directed to enforce the provisions of this ordinance. The Town Manager or his/her designee shall have the following authority:

A. To issue a Violation Notice for any violation of the ordinance. A Violation Notice shall be delivered by certified mail, return receipt requested, or by such other method as allowed by law, to the developer of any residential or non-residential development in violation of the ordinance, or to the record owner of the real property where on the residential or non-residential development is located. The time period provided herein shall commence upon receipt of such Violation Notice. The Violation Notice shall identify the development in question and shall describe the nature of the violation, refer to the section of the ordinance violated, specify in detail what action must be taken to correct the violation, and specify a reasonable time limit of up to thirty (30) days within which the violation must be corrected.

B. To issue a Cease and Desist Order to the owner and developer of any development or any part thereof being constructed in violation of this ordinance.

C. To issue citations for any violation of this ordinance; said citations to be issued to the developer of the subdivision, PUD, or non-residential development or to the owner of record of the real property where on the project is being constructed.

Appeals

Violation Notices and Cease and Desist Orders issued by the Town Manager or his/her designee may be appealed to the Board of Commissioners of the Town of Pittsboro within

twenty (20) days of receipt thereof. Pending appeal, all work on said development shall be suspended. If the Board of Commissioners finds that the action of the Town Manager or his/her designee has been taken for good cause and in accordance with the terms of this ordinance, it shall so find and enter an appropriate order in accordance with its findings. If the Board of Commissioners sustains the appeal of the petitioner, no further action will be taken by the Town Manager or his/her designee.

Violations and Penalties

After due notice and order as provided above, if a project is being constructed in violation of the terms of this ordinance, the Town Manager or his/her designee shall issue a citation imposing a penalty of one hundred dollars (\$100.00) on the owner of the land where on the project in question is being constructed, and on the developer of the project. In case of continuing violation, each twenty-four (24) hour period in which the violation exists shall constitute a separate violation.

ARTICLE VIII EXISTING SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND THOSE NON- RESIDENTIAL DEVELOPMENTS FOR WHICH APPROVAL HAS BEEN REQUESTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE

After the effective date of this ordinance, it shall be unlawful for any person to construct any major residential subdivision, PUD, or new non-residential development on any parcel of real property within the jurisdiction this ordinance during the time period specified in this ordinance. No application for major subdivision, PUD or non-residential development site plan approval subject hereto submitted after the call of the public hearing hereon shall be accepted, considered, or acted upon by the Town of Pittsboro within the time period specified in this ordinance.

Any development or subdivision applied for or which has received master plan, preliminary plat or site plan approval prior to the call of the public hearing hereon and which

approval has not expired prior to the effective date of this ordinance shall be allowed to continue in accordance with the approved plan prior to its expiration, but not thereafter.

ARTICLE IX
LEGAL STATUS PROVISIONS

Conflict With Other Laws

Wherever the regulations of this ordinance impose more restrictive standards than are required in or under any other statutes, the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Separability

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Effective Date

This ordinance shall take effect and be in force on and after the date of its adoption by the Board of Commissioners of the Town of Pittsboro.

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE APPROVAL OF MAJOR SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS AND NON-RESIDENTIAL DEVELOPMENT OF LAND IN THE TOWN OF PITTSBORO AND ITS EXTRATERRITORIAL JURISDICTION AREA IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 84-90

A RESOLUTION ESTABLISHING ADMINISTRATIVE POLICIES AND PROCEDURES FOR THE ALLOCATION OF WASTEWATER CAPACITY FOR THE TOWN OF PITTSBORO WASTEWATER TREATMENT PLANT

WHEREAS, it is the responsibility of the Board of Commissioners of the Town of Pittsboro to carefully monitor the allocation of wastewater treatment capacity in order to avoid over commitment of the Town's wastewater infrastructure and violation of the Town's wastewater treatment permits; and

WHEREAS, it is necessary for the Town to award and approve all development based on the availability of water and wastewater service and;

WHEREAS, it is the responsibility of the Board of Commissioners of the Town of Pittsboro to ensure that future allocations of our limited wastewater capacity are reserved for projects that are deemed the most desirable and beneficial to the Town's growth, as well as to promote business retention, sound economic growth and equitable and responsible residential housing strategies during the term of this policy and in the future; and

WHEREAS, the Board of Commissioners of the Town of Pittsboro recognizes the need for policies and procedures that reflect the Town's responsibility to protect the health, safety and welfare of the citizens of the Town of Pittsboro as a lawful exercise of zoning and police power vested to the Town by the State of North Carolina, and;

WHEREAS, as researched by the Town's consulting engineers and the staff from the Utilities Department, the Town of Pittsboro has limited wastewater capacity, and based on their research and analysis, the amount of wastewater capacity available for allocation is limited to about 90,000 gallons per day, and;

WHEREAS, it is necessary for the Town to protect its limited wastewater capacity and to allocate and monitor existing, pending and future development within its jurisdictional boundaries to ensure the continuing economic development and stability of the Town, and that it will meet the goals, objectives, policies and standards of the Town's soon to be updated Land Use Plan, and ensure that demands will not exceed available wastewater capacity, and;

WHEREAS, a Wastewater Allocation Policy is a fair and reasonable means of achieving, and advancing, the public purposes and this policy has been drafted to provide for the controls necessary to accomplish the stated public purposes, and;

WHEREAS, the Board of Commissioners may find that the shortage of future wastewater capacity will stimulate an artificial, accelerated rate of applications from property owners seeking to acquire vested rights to this limited resource and;

WHEREAS, it is also probable that recovery from the recent National economic recession will stimulate an artificial, accelerated rate of application filings in anticipation of limited future wastewater capacity and that such accelerated development will lead to utilization of the Town's remaining wastewater capacity for projects which may be inconsistent with maintenance of a prudent and acceptable safety reserve of wastewater capacity thereby seriously injuring the Town's ability to attract sustainable economic growth and development; and

WHEREAS, it is necessary to provide the Planning Board and the Town staff with an approach to responsibly and fairly allocate the Town's wastewater capacity and to notify the development community of anticipated allocation procedures so they may prepare their projects accordingly, and;

WHEREAS, this policy also is intended to provide reasonable assurances that development does not exhaust the limited wastewater capacity available to serve the Town of Pittsboro until a capital improvement project to create additional wastewater capacity is developed and;

WHEREAS, it is possible that substantial harm to the public health, safety, and general welfare of the Town, in the form of the premature exhaustion of its wastewater capacity, environmental degradation, land use incompatibilities, economic hardships and inadequate public facilities would result from over allocation of resources, and;

WHEREAS, this policy shall serve as a guide for the allocation of wastewater for all requests of development projects requesting water and/or wastewater services from the Town, and shall apply to all development projects within the jurisdictional boundaries of the Town and to any and all development projects outside of the jurisdictional boundaries of the Town to which water and/or wastewater supply has been legally provided pursuant to the Town Code.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the Town of Pittsboro set the following policy, procedure and monitoring practices in place:

1.0 Policy:

1.1 Should additional wastewater treatment capacity become available, the additional resource would be allocated according to this policy.

1.2 It may be necessary that the Town implement conservation measures. It may require that projects with existing or pending development approvals authorizing utilization of water and wastewater capacity, utilize such resources within a reasonable period of time so as to prevent speculative acquisition of capacity without development and to augment available supplies for new economic development.

1.3 Projects with approved plats, site plans, and/or final zoning approval from the Pittsboro Board of Commissioners and/or the Planning Director will have one year from the date of final zoning approval to have their project *substantially underway*. If they fail to do so they risk the loss of water and/or wastewater allocation. *Substantially underway* is defined as the complete installation of streets, water, wastewater and storm water utilities and/or an approved building permit(s) or by another Board approved mechanism attached as a condition of a Special Use Permit.

2.0 Procedure

2.1 Wastewater Allocation

2.1.1 The wastewater allocation formula set forth herein is based upon the most recent reconciliation of wastewater capacity records jointly maintained by the Utilities Director and the Planning Director and verified by the periodic consultation with the Division of Waster Quality at NCDENR.

A guideline allocation formula for wastewater services is based on providing coverage as follows and includes the following land use categories of development projects:

1. Residential = 30% of 90,000 gpd wastewater = 27,000 gpd or about fifty (50) 3-bedroom homes.

2. Commercial & Industrial = 20% of 90,000 gpd wastewater = 18,000 gpd.
3. Discretionary = 50% of 90,000 gpd wastewater = 45,000 gpd.

Not more than 80 percent of Residential and Commercial & Industrial category should be allocated in calendar year 2012.

The land use categories utilized are designed to achieve the objectives of the policy, are based upon rational distinctions, and are not arbitrary, unreasonable or discriminatory.

2.1.2 Wastewater Allocation Limits Per Project

1. Residential: Applications for residential developments will be limited to not more than 5,400 gallons per project or about fifteen 3-bedroom homes, unless the allocation is augmented from the discretionary category by the Board of Commissioners. No allocation will be made to residential project outside of the corporate limits without an accompanying request for voluntary annexation; however, the Board of Commissioners retains the right to approve the sewer allocation without approving the request for annexation.
2. Commercial & Industrial: Applications for commercial and industrial developments will be limited to not more than 3,600 gallons per project, unless the allocation is augmented from the discretionary category by the Board of Commissioners. No allocation will be made to commercial & industrial projects outside of the corporate limits without an accompanying request for voluntary annexation; however, the Board of Commissioners retains the right to approve the sewer allocation without approving the request for annexation.
3. Discretionary: The Board of Commissioners may allocate up to the full amount available (remaining balance) for any one project that meets the guidelines below. Projects in the discretionary category may be located outside of the corporate limits and outside of the extraterritorial jurisdiction of the Town at the discretion of the Board of Commissioners.

2.2 Discretionary Allocation Guidelines

Wastewater allocation for discretionary development as outlined above, shall be determined for the following development projects:

1. Business retention and economic development
2. Government projects
3. Emergency operations
4. Institutional development projects

5. New infill development projects; if allocations are not available under residential or commercial and industrial categories

The Town's exercise of its police power to protect the health, safety and welfare of the general public in reviewing development projects or in making approvals shall not be deemed to create a private duty to any applicant to supply water and wastewater service.

2.3 Development Process and Submittal Requests

Prior to the submission of applications for a rezoning, special use permit, conditional use permit, major subdivision approval, or annexation request, the following information shall be submitted to the Town of Pittsboro in order to better evaluate the request for a water and sewer allocation.

2.31 For a residential, commercial or industrial project or subdivision, the following should be submitted when applicable:

- The amount of water capacity requested.
- The amount of sewer capacity requested.
- A subdivision or site plan showing phase lines.
- An area map showing the location of the project relative to the corporate limits of the Town and the Town's extraterritorial jurisdiction.
- A Utility Plan showing proposed connections to the Town's water and sewer systems.
- The total number of residential units requested and the number of bedrooms per unit, e.g. ten 2-bedrooms, ten 3-bedrooms and five 4-bedroom.
- Detail of any water and sewer consuming recreation amenities to be provided including the size of pools, fountains, clubhouses, other special features or equipment with the estimated water and sewer utility demand of each feature.
- For commercial and industrial projects, show engineering calculations for estimating water and sewer capacity requirements.
- Detail of any proposals to capture and reuse stormwater.
- Detail of any proposal to use reuse water from the Town's utility system.
- Any special conditions that the developer wishes to propose if any.

This information is being requested to help determine the project's impact on the Town of Pittsboro's water supply and wastewater treatment capacity. The determination to allocate these services for a project and to annex property will be weighed according to many factors including the cost for delivery of Town services and the above requested information.

2.32 All owners of interest in real property within the Town are afforded a reasonable use of said property over a reasonable period of time notwithstanding the adoption of this policy.

2.4 Procedures for Rescission of a Sewer Allocation

If the applicant fails to make satisfactory progress on their development as defined in paragraph 1.3 above, the Planning Director will initiate a sewer capacity rescission action by sending a letter to the applicant requiring them to appear before the Planning Board to show cause why their wastewater capacity allocation should not be rescinded. The letter will include a date certain by which the rescission action will become effective if the applicant fails to appear as requested. After hearing the applicant's justification for an extension of their wastewater capacity allocation, the Planning Board will forward a recommendation to the Board of Commissioners via the Town Manager for presentation at the next regularly scheduled Board of Commissioners meeting. The applicant will be afforded an opportunity to address the Board of Commissioners regarding their request for an extension of their wastewater capacity allocation prior to the Board of Commissioners taking action on the recommendation to rescind the allocation. The Board of Commissioners may approve the recommendation to rescind the allocation or may extend the allocation for a period of up to six months.

3.0 Accounting and Monitoring

Allotted wastewater demand should not exceed the Town's total wastewater treatment capacity.

The Planning Department and/or the Utilities Department should bring calculations as to the impact a proposal will have on the wastewater capacity to the Planning Board and the Board of Commissioners as part of the review process. These departments may require such information as deemed necessary from the applicant to achieve this commitment. In cases of disagreement with calculations provided by the applicant or developer, the Planning Department and Utilities Department, if in agreement with the Town Manager, may contract with an independent engineer for verification as to the usage or impact to wastewater capacity. All costs associated with the hiring of an independent engineer will be passed on to the developer.

BE IT FURTHER RESOLVED THAT this policy is adopted pursuant to authority vested in the Town by the State of North Carolina, to construct, extend, alter, maintain and operate a wastewater treatment system, and is the intent of the Board of Commissioners that this policy will remain in effect until the beginning of a capital construction project to expand the Town's wastewater treatment capacity at which time it will be reviewed. The period of time during which this policy will remain in effect is reasonable given the anticipated timetable for the development of additional resources.

This policy will be in force concurrently with a companion development moratorium ordinance prohibiting developments that would grossly over commit the wastewater capacity of the Town and shall remain in effect until revoked by the Board of Commissioners of the Town of Pittsboro.

A RESOLUTION ESTABLISHING ADMINISTRATIVE POLICIES AND PROCEDURES FOR THE ALLOCATION OF WASTEWATER CAPACITY FOR THE TOWN OF PITTSBORO WASTEWATER TREATMENT PLANT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 182-187

Draft Land Use Plan

To review the draft Land Use Plan visit: <http://pittsboronc.gov>

Manager Terry stated this item has a lot of history. On February 14, 2011 the Board of Commissioners asked the Planning Board to undertake the task of preparing a draft Land Use Plan for the Town of Pittsboro. Planning Board Chairman Kenneth Hoyle agreed to take on the assignment with a projected completion date of early April. The Planning Board held several work sessions dedicated to completion of this task resulting in the completion of a draft Land Use Plan on about April 5, 2011. On April 11, 2011 the Board of Commissioners received a draft Land Use Plan and referred it to the Town Manager, Planning Director and Town Attorney for comments and recommendations.

On July 25, 2011 the Town Manager returned the draft Land Use Plan to the Board of Commissioners with comments and recommendations from the Town Manager, Planning Director and Town Attorney. The findings of the professional staff were that the Land Use Plan submitted by the Planning Board was not sufficient to meet the needs of the Town. The Town Manager concluded that:

“It is my opinion that the closest that the Town of Pittsboro has come to achieving a completed Land Use Plan was on September 8, 2009 when we received the draft Land Use Plan from Paul Black of the TJCOG... From that point forward, I believe that we have been going backward as we systematically dismantled that plan into shorter and less usable documents.”

The Town Manager made the following recommendations on July 25, 2011:

1. That the Board of Commissioners commend the Planning Board and thank them for their efforts to date on the finalization of the Town’s Land Use Plan.
2. That the Board of Commissioners relieve the Planning Board of the responsibility of finalizing the Town’s Land Use Plan and return that assignment to the Town Manager, Town Planning Director and Town Attorney.
3. That the Board of Commissioners direct that the starting point for finalization will be the draft Land Use Plan submitted to the Town by the TJCOG on September 8, 2009.

4. That the Board of Commissioners direct that the original Plan Advisory Committee (PAC) charter will be extended and the PAC reconvened to assist in the finalization of the Land Use Plan.
5. That the Board of Commissioners set the expectation that this work will be completed by in-house staff not later than June 30, 2012. (Note: The completion date could be accelerated by about five months to January 31, 2012 with the assistance of a planning consultant from the TJCOG.)
6. That with or without the assistance of a planning consultant, the Planning Director is authorized to use budgeted professional service funds for the preparation of updated maps, graphics and editorial assistance for the final version of the Land Use Plan.
7. That the Town Manager is directed to include monthly progress reports on the completion of the Land Use Plan at the second Board meeting of each month until the Land Use Plan is completed and adopted by the Board of Commissioners.

The Board of Commissioners accepted recommendations 1, 2, 3, 4, 6 and 7. Recommendation 5 was modified to require the Town Manager to return a 90% completed draft Land Use Plan by December 12, 2011 with a view toward incorporating final comments and recommendations not later than the end of January 2012.

Commissioner Fiocco said he wanted to make a correction for the record that the original motion asked that that a 90% draft be delivered the last meeting in November and actually 100% for the first meeting in January 2012.

Mayor Voller stated it looks good and he just wants to get it done.

Planner Bass said essentially this is the document TJCOG had prepared. They incorporated the planning boards' comments and with the goals that were decided earlier this year; some sections were also taken out. He said if the Board would like he could get them a copy of the original document prepared by TJCOG to compare. He said it was a pretty massive editing job. They updated the demographics. They utilized Hydrostructures because they have done so much work associated with water and sewer those two sections were updated along with the stormwater section. They tried to reflect where we are today associated with Jordan Lake Management Plan. There was one glitch with a map (Future Land Use). He has corrected copies and he can give them to the board for them to clip in their book or he can take the book and go back and get them re-bound. (Second map after page 16).

Commissioner Fiocco said he must admit was not able to get through the whole document this weekend but he did find the future land use map to be odd, he looks forward to seeing the correct one.

Commissioner Fiocco said the future land use plan included the thoroughfare plan. Planner Bass said yes and he stated that Paul Horne did all the mapping and he thinks he did an outstanding job. Commissioner Fiocco thanked Assistant Planner Horne.

Manager Terry stated the action he is recommending tonight is that the board receive the Draft Land Use Plan and refer it to the Town Attorney, Planning Board, Parks and Recreation Advisory Board and the Land Use Plan Advisory Committee for review and comments. To set a suspense date of January 13, 2012 for comments and recommendation to be returned to the Town Manager and to the Board of Commissioners at the January 23, 2012 meeting.

Commissioner Fiocco stated so the land use advisory committee has not been re-established. Manager Terry said no, they did not participate in the editing of this document. They contacted them about reviewing the draft. Mayor Voller asked why we don't just reconstitute the committee. Commissioner Fiocco said the original motion was to reconstitute it back in July. He would still like to receive input from these folks. Mayor Voller said we need to find out if they are willing to serve and reconvene the committee.

Commissioner Fiocco asked if there was any outside help. Planner Bass said Hydrostructures. Manager Terry said TJCOG gave us some help also. Planner Bass said they transferred the document into a working electronic file.

Commissioner Fiocco asked Mr. Hoyle the date of the next planning board meeting. Mr. Hoyle said he think it is January 7, 2012. Commissioner Fiocco said so if he received the document tomorrow you would have from now through the 7th to prepare for your meeting and make comments as necessary.

Mr. Hoyle reminded Commissioner Fiocco it was the holiday season and he felt it would be better to return comments on January 13, 2012 to the manager. Mr. Hoyle agreed the advisory committee should be reassembled even though it is only a few of them around.

Commissioner Fiocco stated the holiday season does make it a short time to get it back after discussion Commissioner Fiocco suggested that the planning board submit their comments to the Manager after their February meeting and that Mr. Terry compile them and get them back to the board the first meeting in March. Manager Terry stated the board may want to schedule another work session to work on compiling the comments.

Mayor Voller said he feels we need to incorporate what we have approved already like the Pedestrian Master Plan. He feels the draft document should be reviewed by Fire Chief Griffin, Fire Marshal, Chief of Police, Sheriff and EDC.

Jim Hinkley said it is hard to believe the land use advisory committee has not been reconvened it seems we have been sitting on this for years, it is time to move and do something. He would suggest that you reestablish the Land Use Advisory Committee. He stated there are members on the Planning Board that have been sitting for many years and he thinks the local ordinance said they should be replaced from time to time. He was involved in the public input for the land use plan and he feels the public input that was received was wonderful.

Mayor Voller said there has only been one that has been on the board awhile that is Mr. Hoyle. There has been some change and will be more because of vacancies. He stated the board had directed staff to reestablish the land use advisory committee.

Manager Terry stated we need to change the date in the recommendation that comments be given to the Town Manager by March 16, 2012 to match Commissioner Fiocco's suggestion.

Attorney Messick said you need to look at the document in hand it already has 12-13 goals and an implementation plan that is already in here. You may want to see what differences there are before you start asking for other people's input. He said this is a pretty good document they have in hand.

Commissioner Fiocco said we are not asking anyone to tear this apart and put it back together, what he thinks they are asking is for folks to review this and comment on it.

Attorney Messick said the sooner the board makes their comments the better off you will be. Commissioner Fiocco said that is fair and this board should participate in this review and make comments. He asked that they be added to the list.

Ms. Hinkley said she has been married to a regional planner for 25 years and she is very astonished by what she is witnessing tonight. This has been going on for years. She would volunteer to get the process going.

Commissioner Foley stated this board is very committed to getting this document completed.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to receive the Draft Land Use Plan and refer it to the Town Attorney, Planning Board, Parks & Recreation Advisory Board, the Land Use Plan Advisory Committee, Fire Chief, Fire Marshall, Chief of Police, Sheriff and EDC. Set a suspense date of March 16, 2012 for comments and recommendations to be returned to the Town Manager and the Town Manager submitting the comments at the March 26, 2012 meeting. Vote Aye-5 Nay-0

NEW BUSINESS

Acceptance of a Donation from the Chatham Soccer League.

Assistant Planner Horne stated that Chatham Soccer League has obtained a grant from the Chatham County Parks and Recreation Department to install a barrier fence at Mary Hayes Barber Holmes Park between the soccer field and the parking lot. The purpose of the barrier is to prevent stray balls from impacting parked vehicles.

The Town and the Chatham County Soccer League have reached agreement in principle upon a simple Memorandum of Understanding the terms:

- Chatham Soccer League will donate the barrier to the Town.
- Chatham Soccer League will maintain the barrier for the first year after its installation.
- Chatham Soccer League will coordinate with the Parks Planner to determine an acceptable location for the barrier.
- Chatham Soccer League will be the agency supervising the project construction, and will install the barrier per the manufacturer's installation instructions.

- Chatham Soccer League will make whole any park property which may be damaged during installation.
- The Town will erect signage recognizing Chatham Soccer League's, and Chatham County's contribution to the park.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the resolution accepting a donation from the Chatham Soccer League.

Vote Aye-5 Nay-0

A RESOLUTION ACCEPTING THE OFFER OF THE CHATHAM SOCCER LEAGUE TO INSTALL A BARRIER FENCE AT MARY HAYES BARBER HOLMES PARK

WHEREAS, the Board of Commissioners of the Town of Pittsboro generally supports the improvement of the Town's Parks and Recreation facilities; and

WHEREAS, the Chatham Soccer League has obtained a grant from the Chatham County Parks and Recreation Department to install a barrier fence at Mary Hayes Barber Holmes Park; and

WHEREAS, the proposed barrier would enhance the park for use as a soccer venue; and

WHEREAS, the key points of the proposed Memorandum of Understanding between the Town of Pittsboro and the Chatham Soccer League regarding in installation and maintenance of the barrier fence are reasonable and beneficial to the Town.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town accepts the offer of the Chatham Soccer League to install a barrier fence at Mary Hayes Barber Holmes Park between the soccer field and the parking lot.

BE IT FURTHER RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town Manager is authorized to execute a Memorandum of Understanding between the Chatham Soccer League and the Town of Pittsboro Commissioner regarding in installation and maintenance of the barrier fence.

A RESOLUTION ACCEPTING THE OFFER OF THE CHATHAM SOCCER LEAGUE TO INSTALL A BARRIER FENCE AT MARY HAYES BARBER HOLMES PARK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 188

Confirmation of Delegates to the Triangle J Council of Government Board of Delegates.

Motion made by Commissioner Foley to approve the resolution appointing Commissioner Baldwin as the delegate and Commissioner Fiocco as the alternate delegate to Triangle J Council of Governments Board of Delegates, seconded by Commissioner Farrell.

Vote Aye-5 Nay-0

A RESOLUTION APPOINTING COMMISSIONER PAMELA BALDWIN TO BE THE TOWN OF PITTSBORO DELEGATE TO THE TRIANGLE J COUNCIL OF GOVERNMENTS BOARD OF DELEGATES AND APPOINTING COMMISSIONER

MICHAEL FIOCCO TO BE THE ALTERNATE DELEGATE TO THE TRIANGLE J COUNCIL OF GOVERNMENTS BOARD OF DELEGATES.

WHEREAS, the Board of Commissioners of the Town of Pittsboro has been asked to appoint delegates to the Triangle J Council of Governments for calendar year 2012; and

Whereas, Commissioner Pamela Baldwin has agreed to serve as the Town's delegate to the Triangle J Council of Governments Board of Delegates; and

Whereas, Commissioner Michael Fiocco has agreed to serve as the Town's alternate delegate to the Triangle J Council of Governments Board of Delegates;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that Commissioner Pamela Baldwin is hereby appointed to be the Town of Pittsboro delegate to the Triangle J Council of Governments Board of Delegates for calendar year 2012; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Town of Pittsboro that Commissioner Michael Fiocco is hereby appointed to be the Town of Pittsboro alternate delegate to the Triangle J Council of Governments Board of Delegates for calendar year 2012.

A RESOLUTION APPOINTING COMMISSIONER PAMELA BALDWIN TO BE THE TOWN OF PITTSBORO DELEGATE TO THE TRIANGLE J COUNCIL OF GOVERNMENTS BOARD OF DELEGATES AND APPOINTING COMMISSIONER MICHAEL FIOCCO TO BE THE ALTERNATE DELEGATE TO THE TRIANGLE J COUNCIL OF GOVERNMENTS BOARD OF DELEGATES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 189

Administrative Schedule for Preparation of the Fiscal 2012-2013 Budget

Manager Terry said the board needs to decide if we are going to have a Planning Retreat/Budget Worksession – we need to get that confirmed. There was discussion of locations for the meeting. Mayor Voller said he would like to spend the money in Pittsboro. Commissioner Fiocco said if not in town definitely in Chatham County.

It was the consensus of the Board to schedule the meeting for January 21, 2012 at the library and if the library is not available at the community college and maybe the Chef program can cater the food.

Commissioner Fiocco suggested using another facilitator. Manager Terry said the SOG has several facilitators and he has also contacted David Long Consultants.

Manager Terry stated our three new board members are registered for the school for New Board Members and they will learn a lot and get to meet several of the SOG staff. Mayor Voller asked is there a program the League of Municipalities have. Manager Terry said he thinks it is in conjunction with the SOG.

Commissioner Fiocco said the last retreat they did not get where they wanted to go. Mayor Voller said it may be necessary to schedule some more of the Saturday morning two hour sessions.

Manager Terry said he would start with the SOG and then go to Greensboro.

Mandy Cartrette, Finance Officer introduced herself to the new board members.

Commissioner Fiocco asked about the status of the audit. Manager Terry said they are about finished he has a couple of questions to answer about capital projects. He would say they are 2-3 weeks from a finished product and then it will have to be submitted to Local Government Commission.

Mayor Voller asked why it was taking so long. The board made it clear they didn't want it to take as long as it did a couple of years ago. Mayor Voller said maybe it is time to put it out for bid. Commissioner Fiocco asked Manager Terry if he could compile a list of the dates the board has received the audit over the last 10 years. Manager Terry said we have them on file so we can do it.

Mayor Voller said he likes our auditor they do a good job but he doesn't want Pittsboro to get pushed to the side.

ADMINISTRATIVE SCHEDULE FOR PREPARATION OF FISCAL YEAR 2012-2013 BUDGET

Board of Commissioners Actions	Dates	Administrative Actions
	December 2, 2011	Publish FY 2011-12 Budget Schedule to the Town Staff and Budget Kick-Off Meeting for Town Staff
Strategic Planning Retreat and Preliminary Budget Work Session for BOC, Department Heads, Town Attorney (Location TBD)	January 21, 2012	Strategic Planning Retreat and Preliminary Budget Work Session for BOC, Department Heads, Town Attorney (Location TBD)
	January 26, 2012	Convene CIP Budget Working Group (Meeting # 1) for Manager's Budget Guidance (Subsequent Meetings TBD)
	February 6, 2012	Finance Officer Submit Revenue Projection to the Manager for Review
Receive Mid-Year Financial Summary Report from the Finance Officer	February 13, 2012	Advisory Boards Submit Statements of Budget Priorities and Budget Recommendations to the BOC with Copy to Manager and Finance Officer Presents Mid-Year Financial Summary to BOC
	February 17, 2012	Departmental Capital Improvement

		Budget Requests due to the Manager, the Planner and the Finance Officer (3 copies).
	February 17, 2012	Departmental Operating Budget Requests Due to the Manager and the Finance Officer (2 copies).
	March 12, 2012	Manager's Recommended Budget (Operating and CIP) submitted to the BOC.
Budget Work Session – Capital Improvement Program Budget (if needed)	May 7, 2012	
Public Hearing on Manager's Recommended Budget	May 14, 2012	
Budget Work Session – General Fund and Enterprise Fund Operating Budgets (if needed)	Sat, 5/12/2012 or Mon 5/14/2012	(Note: Date and time to be determined).
	May 21, 2012	Final Budget Submission Incorporating Changes from Budget Work Sessions and Public Hearing
Adoption of Fiscal Year 2012-2013 Budget	June 11, 2012	

A COPY OF THE ADMINISTRATIVE SCHEDULE FOR PREPARATION OF FISCAL YEAR 2012-2013 BUDGET IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 190

Appointment of Members to the Pittsboro ABC Board

Manager Terry said there are two vacancies on the ABC Board. We received six letters of interest from: Kathie Russell, Jim Nass, Dalton Sawyer, Gene Davis, Sera Cuni and Linda Harris. He stated the board can pick two from that list or nominate from the floor.

Commissioner Fiocco said they also need to appoint a liaison to the board Commissioner Harrington served before.

Commissioner Fiocco nominated Sera Cuni for the term ending 2014. He said he would also nominate Jim Nass also. Commissioner Farrell nominated Gene Davis.

Commissioner Baldwin said whoever it is they have to be committed to the board and hands on at the store when needed, which is quite a bit.

Attorney Messick stated since you have three nominations for two seats you need to vote on them by the term ending date.

Term ending 2014

Jim Nass – Farrell/Baldwin
Sera Cuni – Foley/Fiocco/Turner

Term ending 2013

Jim Nass - Vote Aye-5 Nay-0

Motion made by Commissioner Foley seconded by Commissioner Farrell to appoint Commissioner Fiocco as the town's liaison and Commissioner Turner as the alternate.

Vote Aye-5 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to appoint Ned Kelly Chair of the board. Vote Aye-5 Nay-0

Commissioner Fiocco asked that they be sworn in before the meeting on Wednesday night at 6 p.m. Clerk Lloyd said she would take care of it on Wednesday.

A RESOLUTION APPOINTING MEMBERS OF THE TOWN OF PITTSBORO BOARD OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, CHRIS WALKER and MARY DEMARE have tendered their resignations from the Town of Pittsboro Board of Alcoholic Beverage Control; and

WHEREAS, the Board of Commissioners of the Town of Pittsboro regretfully accepts said resignations and appreciates their contribution of service to this community; and

WHEREAS, the Board of Commissioners has the responsibility to appoint members to the local board who are well known for their good character, ability and business acumen as set forth in the 1967 local act that authorized the Pittsboro ABC system and who demonstrate interest in public affairs, good judgment, knowledge, ability, and good moral character in compliance with to NCGS 18B-700; and

WHEREAS, Sera Cuni, and Jim Nass are suitable and appropriate persons for appointment to the Town of Pittsboro Board of Alcoholic Control;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro pursuant to NCGS 18B-700 that the following persons be, and they hereby are, appointed as members of the Town of Pittsboro Board of Alcoholic Beverage Control as follows:

1. Sera Cuni for a term ending December 31, 2014;
2. Jim Nass for a term ending December 31, 2013;
3. Ned Kelly is hereby designated as Chair of said Board.

A RESOLUTION APPOINTING MEMBERS OF THE TOWN OF PITTSBORO BOARD OF ALCOHOLIC BEVERAGE CONTROL IS REORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 191

NC Building Restoration and Reuse Grants Program

Dianne Reid, Chatham County Economic Development Director was present to provide the board with information on the NC Building Restoration and Reuse Grants Program.

Ms. Reid stated the Building Reuse and Restoration Grants Program assists communities in maximizing the economic potential of existing structures through the Rural Center. She said the program was created in July 2004 as a part of an effort to stimulate job creation in rural communities hurt by factory closings and layoffs. It is concentrated in the 85 rural counties in North Carolina. Ms. Reid said there have been about 300 grants made since 2004. State money is used to fund this. The Rural Center does about six cycles of funding a year. Total awarded so far is almost 40 million those monies average another \$540 million investment in those firms and created 6,000 jobs. It has been a very effective program.

She said the other part of the project was for vacant buildings. The buildings must be vacant for at least three months prior to application deadline. The amount you can qualify for varies according to your tier status. We are a tier 3 county which is up to \$8,000 per job committed, with a maximum award of \$240,000, whichever is less. The \$240,000 has to be matched by the company for the project.

Ms. Reid stated they have added an occupy structure program that is comparable. It is a good program and to the best of her knowledge has not been used in Chatham County. They have three potential projects in Siler City. The local governments will have to apply on behalf of the private business committed to reusing a vacant building and creating new jobs. The money is awarded to the local government entity who then lends the money to the company that is committed to creating the jobs, so it becomes a grant from the Town.

She said one of the questions that always comes up is what if the jobs aren't created. She said there will be a contract between the local government and the business specifying the jobs must be created if not the company is on the hood to repay the amount of the loan and the same would apply if they didn't create as many jobs as they thought.

Ms. Reid said the local government has to provide 5% of the funding that could be funds of the local government units or the company can give that money to the local government. Mayor Voller said the property owner and applicant in this case sent them communications that they are willing to pay the 5%.

Ms. Reid stated you have up to 18 months of grant award to provide the jobs and you must keep the jobs for at least six consecutive months in order to meet the terms of the loan performance agreement.

Commissioner Fiocco said he was reading through the requirements and it said the local government is required to analyze the strength in regard to the ability of the business to successfully meet the terms of the job creation and maintenance requirements, carry out the renovation project, and the ability to meet the potential for repayment of loan funds. He said we are not versed to do that type of things, how is it normally done.

Ms. Reid said it varies in a number of location there is a third party entity that does the application and verification, it is generally an engineering type company. In some cases the local government has staff with the ability to do it. The Rural Center is definitely a partner in verifying information submitted.

Mayor Voller said if the board was to authorize him to sign the application and approved the resolution if they sent notice of award we wouldn't have to do it. He know the business owners and BB&T has signed off on their stability. They have had a few people look at the business. Ms. Reid said she didn't want to get in the specifics of the application.

Commissioner Foley said if we pursue this there may be other buildings in town that could benefit from this grant.

Ms. Reid said yes, it is a very good program.

Attorney Messick said the Town would be the one obligated to the State.

Commissioner Baldwin said it was her understanding that this was going to be brought back to the board not that an application was going to be completed and submitted. They were going to review this that is what they asked for last time, they did not say you could submit an application in the Town of Pittsboro name. Mayor Voller said the application is not complete.

Commissioner Baldwin said they have not voted on it or read through it and there are some issues in there which she briefly looked at. She said they were told the company would pay the 5% match and she said we do not know what that is. Also, there is a proposal in the application packet from Solar System Pricing Proposal made out to Randy Voller it should be the Town of Pittsboro. Towards the back the local government contact should be Mr. Terry not Randolph Voller, she has several reservations and she has not read the complete proposal. The board just requested that they receive the information. Mayor Voller said he could understand that.

Commissioner Farrell asked if what they were considering was just for one building. Mayor Voller said it is just that building.

Commissioner Fiocco stated that Attorney Messick had said that the town was on the hook for the money but it says the local government will not be required to repay the funds from government funds, but will be required to take any means necessary, including litigation, if required, to recoup the funds from the company. Ms. Reid said local governments have not been required to pay the money back in six years and that they had not been a tremendous default rate.

Commissioner Fiocco stated for them to move forward with the understanding that if we received the grant we still might not approve the project is not the right way to go. He thinks we must be serious when we submit grant applications. That means doing our due diligence and

understanding what we are getting into. He thinks it is a great idea and a great property. If we work through our due diligence on this property, the next application deadline is March 2, 2012.

Mayor Voller said he doesn't know if they are denied if they can come back and apply. On the other hand he doesn't know if they will be eligible the next time around. He said it is tricky.

Commissioner Foley said it seems like if they are willing to put up the money there would be not be much risk for the town, but we do not know for sure all the details.

Mayor Voller said they emailed and said they would pay the \$6,400 and he does agree this is a very complicated application. Commissioner Baldwin said she feels they need time to review the application. There was discussion about who would administer the grant.

Commissioner Baldwin said it is a good project but she needs time to review things.

Commissioner Fiocco asked if this was being submitted as a vacant building category. Mayor Voller said that was correct. Commissioner Fiocco stated the requirement for that is that it must be vacant for at least three months prior to application deadline so that is not immediately prior to the application – that could have been two years ago. Ms. Reid said it is possible.

Commissioner Fiocco said he agreed that everything we can do to help local businesses we should pursue that. The requirements says the town is responsible for the application itself and he do not know anyone on the board or staff that helped prepare it so for us to make application to the Rural Center should not have happened. We should not be making applications like that, we should know what we are doing.

Mayor Voller said when we applied for the money from the Department of Commerce he asked for the information from Mr. Terry and he filled the application out and mailed it while he was on vacation and fourteen months later we received notification we were awarded. Nobody reviewed that. Maybe the board can authorize it with the stipulation that no amendments are made until we have chance to go through this application and change anything that needs to be. Because the Rural Center is going to say basically that the application is incomplete.

Commissioner Fiocco stated they will allow you to make amendments to the application. Mayor Voller said they will allow amendments you just have to submit on time.

Commissioner Fiocco said he can't deny it, it sounds like a good plan. He doesn't think the board should be asked to sign on to something after the application has been sent in. He doesn't see how this is a responsible thing to do. Mayor Voller asked him what he would like to do. Commissioner Fiocco said shoot for the March deadline.

Mayor Voller asked if the board wanted staff to review it before then. Commissioner Fiocco said yes let's push it forward and try to meet the March deadline.

Mayor Voller stated he is not going to argue with you, personally he doesn't see it as risky but he is not voting on it.

Manager Terry said they would first need to call the business owner to see if they are interested in applying the next cycle. Mayor Voller said he knows the owner will be interested but he doesn't know what the time frame is.

Manager Terry stated another thing he gets paid for is to worry about the town's money and anytime he hears free – you need to look at administration cost, etc. and he sees dollars signs when it mentions suing someone to get the money back.

Commissioner Turner asked if they could look at it at the January meeting. Mayor Voller said he could find that out and he doesn't want to come back in March and still have the same issues.

Manager Terry stated he feels that no one was familiar with the application and by March they can have read it. Dianne Reid said there are other towns that have done it.

Commissioner Fiocco said it sounds like a good project and we should take this time to take advantage of the opportunity and better familiarize ourselves so that next time we will be ready to go.

Commissioner Foley said we do need to know how it would impact this business if it was moved to the next cycle.

Mayor Voller said they are not going to be upset if they got money coming to them it's just timing which is why he thinks we should keep moving forward.

Motion by Commissioner Fiocco seconded by Commissioner Turner to have staff review and make recommendation at the January 9, 2012 meeting about submitting this application.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

Manager's Update on Capital Projects.

3.22MGD Wastewater Treatment Plant Construction Project:

Manager Terry reported that the City of Sanford City Council took up the matter of approving the engineering task order for the Pittsboro to Sanford wastewater transmission line on Tuesday, December 6, 2011; however, the matter was tabled. City Manager Hal Hegwer reports that they will consider the matter again at their next meeting after the two new members of the City Council have more time to study the background material on the proposal. Mayor Voller said he is going to see Mayor Olive Thursday at the TARPO meeting.

Hillsboro Street Transmission line:

Manager Terry stated work is in progress on satisfying the NCDOT requirements to be added to the project bid documents. We are on schedule for an advertisement for bids in late January or early February.

Manager Terry stated that Mr. Hughes is concerned if we do not keep this project on time the county will not be able to open the judicial center when planned. Mayor Voller asked if the county was giving us funds to support the project. Manager Terry said he didn't think so. Mayor Voller said he was directed some time ago to contact Charlie Horne about them possibly making a contribution. Manager Terry said he can't remember it being tied to this particular project.

Mayor Voller said can't we at least ask them to be a player now. We got money back that we spent for the park where is that money now. Manager Terry said it went to the general fund. Mayor Voller said it's not in the capital projects. Manager Terry explained the process. Mayor Voller said our fund balance is more. Manager Terry said it is a net zero. Manager Terry said you can't support the enterprise fund with general fund monies.

Commissioner Fiocco said to push this project forward.

Mayor Updates

- EDC – meeting in the morning at the Community College at 8 am.
- RPO – meeting Thursday in Sanford.
- Solid Waste - he has been the town's representative and he has talked with Commissioner Turner and she has agreed she would serve as the town's representative and he will be the alternate. Motion made by Commissioner Fiocco seconded by Commissioner Farrell to appoint Commissioner Turner as the town's representative on the solid waste board and Mayor Voller as the alternate. Vote Aye-5 Nay-0
- Affordable Housing – Mayor Voller said he serves as the town's representative on this board also and Commissioner Foley has worked with Habitat for many years and she agreed to serve as the town's representative and he would be the alternate. Motion made by Commissioner Fiocco seconded by Commissioner Turner to appoint Commissioner Foley to the Affordable Housing Task Force and Mayor Voller as the alternate. Vote Aye-5 Nay-0
- Fairground Association
- PMA/Downtown

Commissioner Concerns

Commissioner Foley said a resident has complained to her about the light poles leaning downtown. Manager Terry said we reported it to Progress Energy and they said not to worry.

Commissioner Fiocco said the last time Marty Clayton was in this room he said he would look into it. So he looked into it and said it wasn't a problem. Manager Terry said he haven't spoken with Mr. Clayton but he submitted a work order and they came by and said they weren't concerned about it.

Commissioner Foley said a nice part of sprucing up downtown would be getting those poles straighten up.

Commissioner Fiocco said the last Main Street meeting was not posted on the website until a week before the meeting. He went on the website today and it still said the next meeting is

December 9. He said we needed to stay on top of that. Assistant Planner Horne said now that we have established a time of the month he will go ahead and set the schedule up.

Commissioner Fiocco asked if Mr. Terry found out if the study would include going to the Haw. Manager Terry said it was a part of the contract.

Commissioner Fiocco said when they were doing a walkabout with the Main Street folks at the Justice Property and ABC Store one of the questions asked was if they could get a copy of the site plan for the judicial center. He asked that we send it to Stephanie Richardson they would like to tie in the crosswalks.

Commissioner Foley said she thinks the crosswalk is a good idea to support the businesses such as the General Store Café.

Commissioner Turner said she has been asked by a citizen about automated utility payments where they can call in a credit card or pay online.

Manager Terry said that would be a good discussion item for the retreat. They have talked about it before and the cost associated with it. Commissioner Turner said things change often and most importantly is customer security.

Manager Terry said he was reminded that Commissioner Harrington served as the board liaison to the Parks and Recreation Board and he wondered if they would like to fill that tonight. Commissioner Fiocco said he has been attending as alternate and he would be the primary liaison.

Motion made by Commissioner Turner seconded by Commissioner Farrell to appoint Commissioner Fiocco as the town's liaison to the Parks and Recreation Board and Commissioner Farrell as the alternate. Vote Aye-5 Nay-0

Mayor Voller said he thinks our Planning Board needs more support. He thinks council and the attorney should attend the planning board meetings. Attorney Messick said he would do that if that is what the board wants. Commissioner Fiocco said he feels that is a good idea.

Attorney Messick said he would go to a couple of meeting and go from there. Commissioner Fiocco asked Mr. Hoyle to be in contact with Attorney Messick if he felt he should attend a meeting.

The Town Clerk was asked to prepare a resolution for Patrick Crutchfield for earning his Eagle Scout badge.

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to adjourn at 10:44 p.m. Vote Aye-5 Nay-0

FYI -

1. Town Financial Expenditure Statements for the Month Ending November, 2011.
2. Water and Sewer Revenues – Budget vs. Actual for FY 2011/2012.
3. Chatham Commissioners Join Other Counties in Delaying Revaluation.

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk