

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, DECEMBER 9, 2013
7:00 PM

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

PLEDGE OF ALLEGIANCE

Commissioner Farrell led the Pledge of Allegiance.

ATTENDANCE

Members present: Mayor Randolph Voller, Mayor Elect Bill Terry, Commissioner Pamela Baldwin, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Chief of Police Percy Crutchfield, Utilities Director John Poteat, Planner Stuart Bass, Mandy Cartrette, Planner Paul Horne and Engineer Fred Royal.

CONSENT AGENDA

Mayor Voller asked that the board add a Resolution Honoring the life and Service of Nelson Mandela to the consent agenda. Motion made by Commissioner Fiocco seconded by Turner to approve the consent agenda as presented adding the Resolution Honoring the Life and Service of Nelson Mandela.

The Consent Agenda contains the following items:

Re-Appoint Jim Nass as a member of the Pittsboro ABC Board. Term expires December 31, 2016.

Motion carried 5-0

Approve 2014 Board of Commissioners Meeting Schedule.

Motion carried 5-0

Approve budget amendment for technology expenditures and office furnishings.

Motion carried 5-0

Approve Resolution honoring the Life and Service of Nelson Mandela.

Motion carried 5-0

Commissioner Baldwin read the Resolution honoring Nelson Mandela into the record.

RESOLUTION

Honoring the life and service of Nelson Mandela

WHEREAS, the world mourns the loss of one of history's most transformational leaders who was dedicated to spreading Democracy, freedom and equality across the globe; And

WHEREAS, Nelson Mandela was a civil rights activist, teacher, freedom fighter, "Father of the Nation," political prisoner, father, husband and an inspiration to the entire global community, who fought for Democracy, not only in his own home of South Africa, but across the world. And

WHEREAS, President Obama and the First Lady said it best when they remarked, "Nelson Mandela's personal story is one of unbreakable will, unwavering integrity and abiding humility." And he has," changed the arc of history, transforming his country, continent and the world." And

WHEREAS, Nelson Mandela believed that, "Education is the most powerful weapon which you can use to change the world." And in his own words expressed that "To be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others."

NOW, THEREFORE, the Town of Pittsboro Board of Commissioners does hereby officially resolve on Monday, December 9th, 2013 to honor the life and service of Nelson Mandela and enter the aforesaid resolution into the official records of the Town of Pittsboro.

Mayor Voller read a Proclamation for the Staff, Public Officials and Citizens of Pittsboro and Greater Pittsboro as follows:

PROCLAMATION

For the Staff, Public Officials, and Citizens of Pittsboro and Greater Pittsboro

WHEREAS, the staff over my tenure as the Town Mayor has made significant contributions to making the community a better place to live, work, and play; and

WHEREAS, the entire staff has worked very hard to implement the vision I had for Pittsboro and has consistently been a voice for constructive, respectful and positive engagement in the Greater Pittsboro Community; and

WHEREAS, I have had the opportunity to work with a number of dedicated and dependable elected officials who served the Town of Pittsboro, Chatham County, other municipalities and counties, as well as the State of North Carolina and the United States of America; and

WHEREAS, Without the help and assistance of these aforesaid dedicated public officials, especially those of whom I have served with on the Town Board over the years and most notably Speaker Joe Hackney, Senator Bob Atwater, Congressmen Bob Etheridge and David Price, Governor Bev Perdue and County Commissioners Pat Barnes, Mike Cross, Sally Kost, George Lucier, Tom Vanderbeck, and Carl Thompson, without whom the Town would not have received as much attention, grant allocation, investment and program support over the past eight years; and

WHEREAS, all of the citizens who have doggedly advocated for the betterment of the Town and supported my initiatives and ideas deserve kudos for their efforts, especially the small dedicated group of volunteers I started with in 2005, which was spearheaded at home by my lovely wife Lesley Russell Landis and around town by my deceased father Lot Voller---

NOW, THEREFORE, I, Mayor Randolph Voller, with much gratitude and profound appreciation for the innumerable contributions that the Town Staff, Public Officials and citizens have played in my success in leading Pittsboro over four terms do hereby proclaim

**Monday, December 9th 2013 as
“Staff, Public Official and Citizen Appreciation Day” in Pittsboro**

Outgoing Mayor Voller presented the gravel to incoming Mayor Terry.

2014 BOC Meeting Schedule is as following:

2014
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS MEETING SCHEDULE
HELD AT TOWN HALL
635 EAST STREET
AT 7:00 P.M

January 13 & 27, 2014

February 10 & 24, 2014

March 10 & 24, 2014

April 14 & 28, 2014

May 12 & 27, 2014

June 9 & 23, 2014

July 28, 2014

August 11 & 25, 2014

September 8 & 22, 2014

October 13 & 27, 2014

November 10 & 24, 2014

December 8, 2014

Fall Street Fair October 25, 2014

Christmas Parade December 7, 2014 at 3 p.m.

Budget Amendment is as follows:

ORDINANCE AMENDING THE
TOWN OF PITTSBORO
2013-2014 OPERATING BUDGET

Be it ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 9th day of December, 2013.

Funds for Technology Expenditures and Office Furnishings

Section 1. That the following **GENERAL FUND REVENUE** be increased by the amount indicated:

103990010	Fund Balance Appropriated	\$5,000.00
TOTAL		\$5,000.00

Section 2. That the following **ADMINISTRATION DEPARTMENT EXPENDITURES** be increased by the amount indicated:

104200330	Departmental Supplies	\$3,500.00
104200450	Contracted Services	1,500.00
TOTAL		\$5,000.00

AN ORDINANCE AMENDING FY 2013-2014 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 153

A RESOLUTION HONORING THE LIFE AND SERVICE OF NELSON MANDELA IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 192

ORGANIZATIONAL MEETING

INSTALLATION OF MAYOR AND COMMISSIONERS

Town Clerk Alice F. Lloyd administered the oaths of office to Mayor William Terry, Commissioner Pamela Baldwin and Commissioner Michael Fiocco.

OATHS OF OFFICES ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 193-195

ELECTION OF MAYOR PRO TEMPORE

Motion made by Commissioner Fiocco seconded by Commissioner Turner to appoint Commissioner Baldwin Mayor Pro Tempore.

Vote Aye-5 Nay-0

REGULAR MEETING APPROVAL

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to add new business #3. Designating authorized signatures for withdrawals from depositories of the Town of Pittsboro.

Vote Aye-5 Nay-0

Mayor Terry said there had been discussion about scheduling a worksession in the new future.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to add new business #4. To discuss scheduling a worksession of the board where the Manager and Attorney could brief the board and afford everybody a more in depth discussion on the Master Plan that is presently under consideration.

Vote Aye-5 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the regular agenda as amended.

Vote Aye-5 Nay-0

CEREMONIAL AGENDA

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the ceremonial agenda.

Vote Aye-5 Nay-0

Mayor Terry stated he wanted to thank his wife and friends for coming to witness him being sworn in, but they had dinner reservations and have already left.

RESOLUTION HONORING THE SERVICE OF MAYOR RANDOLPH VOLLER

Mayor Terry thanked Mayor Voller for his cooperation and good work with him while he was Town Manager. He said they didn't always agree but they maintained professionalism. Mayor Terry thanked him for his support during the election and for his eight years of service to the Town.

Mayor Terry read the Resolution honoring Mayor Randolph Voller into the record. It is as follows:

RESOLUTION OF APPRECIATION

WHEREAS, Randolph S. Voller has served this community well for many years in numerous capacities, including as the Mayor of the Town of Pittsboro; and

WHEREAS, he served as the Mayor for the Town of Pittsboro for four consecutive two year terms from 2005 to 2013; and

WHEREAS, the citizens of the Town have benefited greatly because of his particular interest, work and leadership in Pittsboro, including, but not limited to:

- The awarding of millions of dollars in grants to Pittsboro to improve water treatment, waste water treatment, distribution networks, roads, sidewalks, parks, recreation facilities and economic development;
- Revitalization activity in the historic downtown commercial district including façade improvements, support for the arts and festivals;
- Commercial, residential and business growth that has allowed a lower overall tax rate with higher overall revenues;
- Involvement in numerous community boards and committees where he served in leadership and was honored by these organizations for his service on behalf of Pittsboro and the community by the Triangle Area Rural Planning Organization, the Chatham County Economic Development Corp. and the West Chatham NAACP;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Pittsboro does hereby express our sincere appreciation and thanks, as well as that of our citizens, to **Randolph S. Voller** for all of his hard work and distinguished service to the community and on behalf of the community;

BE IT FURTHER RESOLVED that this resolution shall be included in the permanent record of the town and a copy shall be forwarded to the **Hon. Randolph S. Voller** with sincere best wishes for continued success and many happy years ahead.

A RESOLUTION OF APPRECIATION TO RANDOLPH VOLLER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 196

Mayor Terry read the following Resolution into the public record.

RESOLUTION TO PROCLAIM GRATITUDE FOR THE SERVICE OF RANDOLPH VOLLER FROM EDC

Resolution to Proclaim Gratitude for the Services of Randolph Voller

Whereas, the Chatham Economic Development Corporation (EDC) is a 501(c)3 economic development non-profit that provides support to businesses in Chatham County; and

Whereas, Randolph Voller has served as a member of the EDC board since 2006, representing the town of Pittsboro; and

Whereas, Randolph Voller has been a tireless advocate and ambassador for economic development in Pittsboro and Chatham County;

Now therefore, be it resolved the EDC would like to thank Randolph Voller for his vision, passion and dedicated service to Pittsboro and Chatham County.

Signed by Mr. Larry Hicks, Chatham EDC Co-Chair

Mayor Terry said we have a special guest with us tonight that has something to say. He recognized The Honorable Judge Carl Fox.

Judge Fox said he worked with Commissioner Turner to present something to you. He said he finds what you do to be difficult and sometimes thankless work. He commends you for being willing to serve. He wanted to do something for the boards in Chatham and Orange counties that they can enjoy. So, he has brought a freshly baked NY style cheesecake for the board & staff to enjoy. He thanked the board for their service. The board thanked Judge Fox for his thoughtfulness.

Commissioner Fiocco stated to Mayor Voller it has been an honor and pleasure to serve with you these last four years. They have not always agreed. You are a tireless service to this town and your tireless creation of ideas and thoughtfulness. The Town has been the beneficiary of that effort and your skills and determination. Thank you.

Commissioner Foley stated if she could pick one word to describe Mayor Voller it would be he definitely is a visionary. She thinks he has created some beautiful things and good working relationships with a lot of people. As a resident of Pittsboro she is grateful for the impact you have had on Pittsboro.

Commissioner Farrell echoed the sentiments that have already been said. He stated that they had not always agreed on everything but at the end of the night they could shake hands and go on and do the best they could for the Town. He thanked him for the eight years he gave the Town and citizens of Pittsboro.

Commissioner Baldwin said to Mayor Voller that she counts it un-measurable pleasure to have worked with you the last eight years. We started together on this board in 2005 and she has learned a lot from you. She said as Commissioner Foley has said you are definitely a visionary. She said she knows anything you have done during your tenure was to benefit the Town, County or State. Thank you for your services.

Commissioner Turner said to Mayor Voller obviously we have known each other a long and professionally on this board for two years. She thinks you brought a cohesiveness to the board that she really appreciates and thanks they all do.

Mayor Voller said “Bill you have inherited a very good board”. He said he was very proud of this board and other boards he has served with.

REGULAR MEETING AGENDA

CITIZENS MATTERS

Jeffrey Starkweather, 590 Old Goldston Rd. read the following prepared statement.

First, I want to thank Mayor Voller for his eight years of service to our town. Second, I want to congratulate Bill Terry on his election as Mayor and incumbent Commissioners Pamela Baldwin and Michael Fiocco on their re-election. Just as important, I want to thank the board for the two important votes they took on November 25, 2013 concerning Chatham Park.

The citizens clearly won an important victory with those historic votes. But there may have been a bigger winner that evening – citizen “public deliberation” democracy.

Public deliberation democracy is based on the concept that we can all come together to find workable solutions to local problems. It assumes that a diverse group of community members with local knowledge can govern themselves with professional guidance. It is based on scientific evidence that collective intelligence of the community can come up with more effective and sustainable solutions to complex problems that directly affect us than can a few experts deciding among themselves behind closed doors.

This process does not unnecessarily slow down decisions. It makes sure we have a robust, empowered community decision making process. It does not seek more official public hearings or input, as this form of monologue communication, by itself, only frustrates citizens seeking meaningful input. Nor does it rely on elections or contentious internet debates, where folks are usually divided into political, ideological, and cultural camps.

It is not about winning or losing an election or a public debate. It is about deciding things together.

Public deliberation is the best way to make important community decisions for the following reasons: 1) it relies on local knowledge; 2) collective wisdom of a community is better than that of a few “experts” deciding among themselves; 3) makes participants more open to new information; 4) focuses participants on the “common good” as opposed to narrow interests; 5)

can break through ideological, political and cultural divides; and 6) strengthens community capacity to communicate and collaborate. And it enhances local economic development.

150 years ago in the Gettysburg address President Abraham Lincoln did something that surprised folks. He did not cite the U. S. Constitution but instead the Declaration of Independence as our founding document. Likewise, we are asking this board in re-thinking Chatham Park to look not to the flawed Planned Development District ordinance for guidance, but to go back to the town's founding planning document – its land use plan.

In October of last year Pittsboro, in unanimously approving its land use plan, committed itself to a collaborative public deliberation process that would utilize the citizens' local knowledge and the independent expert environmental assessment and recommendations of the Triangle Land Conservancy to design Chatham Park. Unfortunately, when Chatham Park Investors proposed their own flawed design and review process, they ignored this town board's land use commitment. We are now asking the town board, staff and soon-to-be-hired town board consultants to utilize this inclusive, deliberative, public and community driven process to re-think the design of Chatham Park.

Likewise, I would hope that you would ask the consultant we hire to provide specific suggestions concerning public engagement strategies for reviewing and implementing Chatham. Also, in the future to look at how we can incorporate public engagement more throughout all our processes.

To again steal from Lincoln, we are seeking a new birth of citizen democracy and public deliberation in Pittsboro that is based on our country's founding principle of a "government of the people, by the people, for the people."

PUBLIC HEARING

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

Vote Aye-5 Nay-0

PUBLIC HEARING – REZONING REQUEST: 117 EAST SALISBURY – C2 TO O&I (REZ-2013-03)

Planner Bass stated James and Susanna Stewart are proposing to rezone approximately .244 acres at 117 East Salisbury Street from C-2 (Highway Commercial to O&I (Office and Institutional)).

Planner Bass went over the Staff Analysis:

STAFF ANALYSIS REZ-2013-03 Public Hearing December 9, 2013

APPLICANT: James & Susanna Stewart
283 Quartz Hill Road
Pittsboro, NC

27312

**RELATIONSHIP
TO PROPERTY:**

Property Owner

LOCATION:

117 East Salisbury Street.

EXISTING USE:

Office (Converted Single Family Residence)

AREA:

Approximately .244 acres.

**EXISTING
ZONING:**

C-2 (Highway Commercial)

**PROPOSED
ZONING:**

O&I (Office and Institutional)

**ADJACENT
LAND USES:**

North – Commercially Zoned Property, C-2 fronting Thompson Street on both sides.

South – Commercially Zoned Property, C-2. US Highway 64 East is one block from the property.

West – Central Commercial District Zoning C-4.

East – Continuation of commercial Zoning C-2. Then single family residences, zoned R-10, Residential.

**ZONING
HISTORY:**

The C-2 zoning shown dates back to at least 1989.

ANALYSIS: The following staff analysis is structured to address the information that should be considered for a map amendment as outlined in the Zoning Ordinance and town zoning enabling statutes for the State of North Carolina.

1. Relationship of the proposed map amendment to the Land Use Plan and Future Land Use Map.

The Subject property is designated as Mixed Use Town Center on the on the Future Land Use Map (October 2012). This category includes the traditional central business district of Pittsboro and its surrounding adjacent blocks. Setback and on-site parking requirements are generally minimal in this area. A mix of uses, including both businesses and residences, is encouraged, as is infill development and the adaptive reuse of existing buildings.

2. Suitability of proposed zoning district classification.

The current zoning C-2, is defined as certain areas that are primarily designed for citizens using the major highways that run through or around the Town. The district is customarily located along the major arterial highways. This district is intended to provide retail, office and service areas for the benefit of residents in nearby areas and non-residents. This district accommodates intensive commercial uses such as shopping centers and strip centers as well as free-standing, highway-oriented business establishments. Included also are certain functions, such as warehousing, that are compatible with the primary uses.

The proposed zoning, O&I, is defined as certain land areas with structures that provide office spaces for professional services and for certain institutional functions; and residential accommodations, usually medium or high density. The district is normally small, and may include older homes undergoing conversion. The district is usually situated between business and residential districts, and the regulations are designed to permit development of the enumerated functions and still protect and be compatible with nearby residential districts. The district can also include larger, campus settings.

3. Availability of public facilities.

All public facilities and services rendered by the Town of Pittsboro are available and currently applied to the site.

4. Population change.

The Office and Institutional district does allow for single family residences.

5. Transportation patterns.

The property is located off of Salisbury Street, a local street within the older part of the Town. Access is by an individual driveway entrance. On street parking is permissible.

East Street (US Business 64), one block to the south, is a Major Thoroughfare. The most recent NCDOT traffic count near the property shows an average daily traffic volume of 12,000 (in 2012).

STAFF RECOMMENDATION:

Staff recommends approval of the proposal, and offers the following comments.

The proposed rezoning is consistent with the Town's Land Use Plan. The Office & Institutional District provides for uses that the Mixed Use Town Center area contemplates being located within the designated area. It is a reasonable location for such zoning and would be suitable for

those uses permitted within the proposed district. And although zoned C-2 Highway Commercial, the character of Salisbury Street within the immediate vicinity is residential, as is the existing structure on the property.

An important issue for consideration is the location of the proposed parcel in relation to the surrounding zoning district. In this instance the parcel would be bounded on all sides by either C-4 or C-2 zoning districts. Such a small scale zoning, i.e. the zoning of one parcel, is by definition spot zoning.

Spot zoning in North Carolina is permissible if reasonable. The courts have set forth the following factors to be used in an analysis;

(1) The size and nature of the tract. Generally, the larger the area, and the greater the number of property owners, the higher a likelihood of validity. Although the size of the parcel is relative, in this instance, the parcel is similar to those around it.

(2) Compatibility with existing plans. Does the existing plan provide a public purpose? The Town's Land Use Plan is not inconsistent with the proposed zoning.

(3) Consideration of impacts on the landowner, the immediate neighbors, and the surrounding community. What are the benefits and to what extent are they. This would be considered a "down zoning" from the current zoning district.

(4) The relation between the differences in uses from the two districts. The greater the difference in permitted uses, the more likely the rezoning will be found unreasonable. In this instance, the primary difference would be the elimination of a number of retail allowances, which could be argued are unsuitable in this location.

PLANNING BOARD RECOMMENDATION:

The Planning Board did not recommended approval of the proposed rezoning, citing concerns with spot zoning. However, the Board did suggest that the entire block area be considered for possible rezoning. The applicant attempted to contact the adjacent property owners but that became problematic because some live out of town. So they just wanted to proceed with their property.

PUBLIC COMMENTS:

No one signed up.

Mayor Terry asked if the applicant was present.

Mr. Stewart came forward and stated he didn't have much more than what Mr. Bass presented. He said the previous tenant moved (Child Care Networks) out due to budget cuts. He and his wife were doing repairs and it looked like such a nice home for a family. They started thinking about approaching the Town for a rezoning. They went to Mr. Bass and he suggested that they request a change to O & I.

Mr. Stewart said they currently have a tenant for six months. He said it looks and feels like a residence and at one time it was a residence.

Commissioner Foley said this brought up the idea of how can we protect some of these historical houses. Since they are zoned commercial someone can buy the property and tear down the house. She thinks we should look into protecting the historic homes.

Commissioner Fiocco asked Mr. Bass if one of the significant differences between O & I and C-2 is the C-2 prohibits single family residences while O & I allows it.

Planner Bass said yes, that is the reason he suggested it.

Commissioner Farrell asked if it wouldn't be better to rezone the whole block.

Planner Bass said the board could direct staff to do that. You just couldn't do that in this public hearing. You would have to notify property owners and go through the whole process.

Motion made by Commissioner Baldwin seconded by Commissioner Farrell to go out of public hearing.

Vote Aye-5 Nay-0

OLD BUSINESS

FISCAL YEAR 2012-2013 AUDIT PRESENTATION (MANDY CARTRETTE)

Mandy Cartrette, Finance Officer introduced Jay Sharpe of Rives and Associates and said he is going to give a brief audit presentation at this time.

Jay Sharpe stated he is the Senior Audit Manager with Rives & Associates' Raleigh office. He thanked the Town for engaging them as the auditor for 2012-2013.

He said the engagement leadership team was Leon L. Rives, II, CPA and himself.

Engagement Timeline (is more compact than it will be in future years because of when the contract was signed)

- Audit contract signed by Town representative: August 26, 2013
- Audit contract approved by LGC: August 30, 2013
- Preliminary audit fieldwork: N/A this year
- Final audit fieldwork: October 21-25, 2013.
- Audit submission to the LGC: Open
- Final approval by LGC: Open
- Submission of Data Collection Form: Open, site and form are in a revision process and not currently accessible.

Mr. Sharpe stated they have completed the 2013 audit and that the financial statements are in the technical review stage. He said they anticipate submitting it to the LGC on tomorrow for their review and approval.

Mr. Sharpe said they received complete cooperation from Mandy and her staff while working on the audit.

He said the engagement objectives were:

- To express an opinion on the Town's basic financial statements.
- To express an opinion on the supplemental schedules in relation to the basic financial statements taken as a whole.
- To apply limited auditing procedures to statistical section including Management's Discussion and Analysis, but not to express an opinion or provide assurance on them.
- To report on our considerations of internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards.
- To report on our considerations of compliance with requirements applicable to each major Federal and State program and on internal control over compliance in accordance with OMB Circular A-133 and the State Single Audit Implementation Act.
- Make observations regarding opportunities for improvements in internal controls and operational matters.

Results of the Audit

- We have issued an unmodified opinion on the financial statements of the Town of Pittsboro for the year ended June 30, 2013. This is the best possible opinion you could receive.
- We did identify one deficiency in internal control over financial reporting that we considered to be reportable as noted in our Report on Internal Control Over Financial Reporting and On Compliance and Other Matters Based On An Audit of Financial Statements Performed in Accordance With Government Auditing Standards.
- Major Federal Programs audited this year:

Basis for determination includes three year rotation, ARRA regulations, low-risk audit and dollar threshold of \$500,000.

Community Development Block Grant – Hillsboro Street Project

- We did not identify any deficiencies that we considered to be reportable in compliance with respect to major Federal and State programs.
- We noted one item we determined to be a finding, but there were no questioned costs.
- As a result of our audit procedures and discussion with management, we did not become aware of any material subsequent events or contingencies as they related to litigation.
- Materiality is an auditing/accounting concept that relates to the significance or importance of a particular transaction, account balance or discrepancy. Materiality is a

matter of professional judgment and can be calculated a number of ways (i.e., percentage or revenues or assets).

Mr. Sharpe they are required to send a SAS 114 & SAS 115 Letter to those charged with governance. He went over each letter as follows:

SAS 114 Letter:

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the Town of Pittsboro, North Carolina for the year ended June 30, 2013. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and OMB Circular A-133), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated August 15, 2013. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town of Pittsboro, North Carolina are described in Note I to the financial statements. The Town did implement two new standards during the year ended June 30, 2013 as required by Governmental Accounting Standards Board (GASB) statements 63 and 65. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected.

The most sensitive estimates affecting the Town's financial statements were:

Management's estimate of depreciation is based on an analysis of estimated useful lives of individual assets. We evaluated the key factors and assumptions used to develop the useful lives in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the allowance for doubtful accounts is based on an analysis of estimated collectability of taxes receivable. We evaluated the key factors and assumptions used to develop the allowance in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of Other Postemployment Benefits is based on an analysis performed by the Town as to future expenses. We evaluated the key factors and assumptions used to develop the allowance in determine that it is reasonable in relation to the financial statements taken as a whole.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated November 27, 2013.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Mr. Sharpe went over SAS 115 letter:

In planning and performing our audit of the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the

aggregate remaining fund information of the Town of Pittsboro (the “Town”) as of and for the year ended June 30, 2013, in accordance with auditing standards generally accepted in the United States of America, we considered the Town’s internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Town’s internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified.

However, as discussed below, we identified certain deficiencies in internal control that we consider to be significant deficiencies.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. We did not identify any deficiencies in internal control that we consider to be material weaknesses.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiencies in Board’s internal control to be significant deficiencies:

Accounting Policies and Procedures Manual

We noted during our audit procedures that the Town currently does not have a written set of policies and procedures as it relates to the accounting function of the Town’s financial operations. It is important to document the policies, procedures and controls over the Town’s financial operations. The Town currently has a small finance department and loss of any key personnel could hinder the accounting of the Town’s financial operations due to lack of support on how the department operates. A written set of policies and procedures also serves as a reminder to current personnel how the department operates. We recommend the Town study its financial operations and produce a manual concerning its financial operations.

During our audit, we also became aware of other matters than the previously reported significant deficiencies that we believe are opportunities to strengthen operating efficiency.

Capital Assets

We noted during our audit procedures that the Town is completely reliant on its auditors to track its capital assets and calculate their annual depreciation. The Town does not keep a list of its capital assets and therefore cannot identify impaired assets nor conduct a complete inventory of

them. We recommend the Town implement its internal accounting software to track its capital assets.

Commissioner Fiocco asked would this mean new software or that we are under utilizing current software. Mr. Sharpe stated believes it is under utilizing current software. He also stated that you could easily do capital assets in an excel spreadsheet.

Personnel Files

We noted during our audit procedures that the Town is not effectively tracking pay rates for the Town's staff. All staff's pay rate changes should be documented in their personnel files in order to ensure that staff is being paid at the correct rates. We recommend the Town enact a system to which all approved rate changes are properly documented and included in individual personnel files.

Other Postemployment Benefits

We noted during our audit procedures that the Town calculates the estimated Other Postemployment Benefits. As this potential liability increases, the ability of the Town to correctly calculate this estimate may decrease. We recommend that an independent third party actuary be utilized to calculate this estimated liability.

Mr. Sharpe asked if there were any questions. He stated draft financial statements were sent earlier and as he stated earlier they will be submitted to LGC tomorrow for approval.

Mr. Sharpe stated he has been doing audits for 15 years and they always expect a journal entry of two and have proposed up to 30 on an audit. One of the findings that was reported this year was for journal entries because they were what they call year end closing procedures. Because of the number and amount of them they reported them as a deficiency in the financial statement this year.

They recommend for the finance department to come up with a procedure and check list to insure that all the accounts are properly balanced at year end.

Mr. Sharpe stated that it costs \$16,000 per day to run the Town and with the cash the town has the town will be able to run for 300 days if no more money were to come it. He said that is outstanding!

Commissioner Farrell said he liked the idea we can run this town for 300 days. It has been a while since it has been like that.

Commissioner Fiocco thanked him for the 300 day calculation. It put it in perspective where everybody can understand.

Commissioner Fiocco said according to his calculation we could borrow \$32 million if they wanted to. Mr. Sharpe said sure. He also found it noteworthy that the current tax rate still remains 0.267 below the rate levied in 2003.

Mayor Terry said he noticed in the document reference to Dogwood City, NC. Mr. Sharpe said that will be taken care of.

Mayor Terry said there are no vehicles shown in the enterprise fund (Page 11). Ms. Cartrette said in the enterprise fund it is under furniture and equipment.

Mayor Terry said on page 14 it makes reference to the general fund subsidizing the enterprise fund what does it mean. Ms. Cartrette said she believes it is the charges for administrative services. Mayor said it is kind of reversed then the enterprise fund pays the general fund.

Mr. Sharpe stated the Management Discussion Analysis is the only part of the Financial Statement they don't prepare. It is prepared by the town but they can look into that.

Mayor Terry said on page 19 the amount of other financing sources – uses the script transfer from other funds. Ms. Cartrette said since it is within the government we call it a transfer because it is not coming in from another entity.

Mayor Terry said on page 70 it shows real property assessment being down this year as compared to last year. He said there has not been a reevaluation so that should not be. After discussion it was discovered it was a typo.

Mayor Terry stated he appreciated the good work and this is the earliest he has been it to the board in 4-5 years.

NEW BUSINESS

PIEDMONT BIOFUELS WATER BILL

Mayor Terry stated he wondered if the board wanted to consider delegating these sorts of things to the Manager and let him have final resolution on any disputes on water bills. He doesn't think this is a policy decision the board should be involved in.

Commissioner Fiocco said he agrees. His question is has this been processed by the Manager and now the citizen is asking for the board's opinion. Are we in an appeals situation?

Manager Gruesbeck stated that they normally go to Ms. Stinson and if she can't resolve it then it comes to him and he will speak with Mr. Poteat. He said to answer the question he has not had any conversation with Piedmont Biofuels.

Commissioner Foley said the memo states the meter is buried could it be that the meter is bad.

Mr. Poteat said the meter is not accurate but it is in the favor of the customer. He said they are in the process of switching the meter out because it is 30 years old and it is only 85% accurate. So we are losing money on this account anyway. They expect an additional \$500-\$600 per year once it is replaced.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to return this and other disputes back to the Manager for resolution.

Vote Aye-5 Nay-0

ADMINISTRATIVE SCHEDULE FOR PREPARATION OF THE FISCAL 2014-2015 BUDGET

Manager Gruesbeck stated that he propose that we gather for a half-day Strategic Planning Retreat on either January 11 or January 18, 2014. (He noted we did not have one last year) The purpose of this retreat would be to begin to identify capital and operating priorities at the beginning of the FY 2014-2015 budget.

In order to proceed with scheduling, he is seeking the Board's guidance with respect to venue, duration of the meeting, whether you would like a facilitator and any other housekeeping issues.

He asked if the board wanted to do an eight hour session. He said we need to have a strategic planning session this year.

Manager Gruesbeck said he would like to do something he did not do last year and that is to get board involvement in the CIP.

Commissioner Fiocco said the last facilitator was great. Manager Gruesbeck said that is who we had scheduled for last year also. He will get in touch with Mr. Long.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to schedule a Strategic Planning Retreat on January 11, 2014 from 8 am to 4 pm and to check to see if the library meeting room is available.

Vote Aye-5 Nay-0

After discussion a motion was made by Commissioner Fiocco seconded by Commissioner Turner to schedule a CIP Working Group Meeting on January 30, 2014 from 6-8 pm at Town Hall.

Vote Aye-5 Nay-0

ADMINISTRATIVE SCHEDULE FOR PREPARATION OF FISCAL YEAR 2014-2015 BUDGET

Board of Commissioners Actions	Dates	Administrative Actions
	January 6, 2014	Publish FY 2014-15 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 11/18, 2014	Strategic Planning Retreat and Preliminary Budget Work Session for BOC, Department Heads, Town Attorney (Location TBD)
	January 30, 2014	Convene CIP Budget Working Group

		(Meeting # 1) for Manager's Budget Guidance (Subsequent Meetings TBD)
	February 3, 2014	Finance Officer Submit Revenue Projection to the Manager for Review
Receive Mid-Year Financial Summary Report from the Finance Officer	February 10, 2014	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 14, 2014	Departmental Capital Improvement Budget Requests due to the Manager, the Planner and the Finance Officer (3 copies).
	February 14, 2014	Departmental Operating Budget Requests Due to the Manager and the Finance Officer (2 copies).
Receive the Manager's Recommended Budget (Operating and CIP)	March 10, 2014	Manager's Recommended Budget (Operating and CIP) submitted to the BOC.
Budget Work Session – Capital Improvement Program Budget	May 5, 2014	
Public Hearing on Manager's Recommended Budget	May 12, 2014	
Budget Work Session – General Fund and Enterprise Fund Operating Budgets (if needed)	Sat, 5/10/2014 or Mon 5/12/2014	(Note: Date and time to be determined).
	May 26, 2014	Final Budget Submission Incorporating Changes from Budget Work Sessions and Public Hearing
Adoption of Fiscal Year 2014-2015 Budget	June 9, 2014	

DESIGNATING SIGNATURES FOR DEPOSITORIES WITHDRAWALS

Motion made by Commissioner Turner seconded by Commissioner Farrell to approve the Resolution Designating Signatures for Depositories Withdrawals.

Vote Aye-5 Nay-0

The resolution is as follows:

A RESOLUTION DESIGNATING AUTHORIZED SIGNATORIES FOR WITHDRAWALS FROM DEPOSITORIES OF THE TOWN OF PITTSBORO

RESOLVED, that funds deposited at official depositories of the Town of Pittsboro may be withdrawn upon a check, draft, note or order of the Town, signed by the Finance Officer and countersigned by either of the authorized signatures. The names and titles of authorized signatories are as follows:

<u>Name</u>	<u>Title</u>
1. William G. Terry	Mayor
2. Pamela A. Baldwin	Commissioner/Mayor Pro Tempore
3. Michael Fiocco	Commissioner
4. Amanda J. Cartrette	Finance Officer
5. Alice F. Lloyd	Town Clerk (<i>Acting Finance Officer in the event of the illness or absence of the Finance Officer</i>)

Whose signatures shall be certified to the said institution by the Clerk of the Town of Pittsboro, and no checks, drafts, notes or orders drawn against such account shall be valid unless so signed; and

RESOLVED FURTHER, that the said institution is hereby authorized to honor, receive, certify, or pay all instruments signed in accordance with the foregoing resolution even though drawn or endorsed to the order of any person signing the same or tendered by him for cashing, or in payment of the individual obligation of such person, or for deposit to his personal account, and said institution shall not be required to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolutions, or the application or disposition of such instrument or the proceeds thereof; and

RESOLVED FURTHER, that this resolution shall remain in effect until rescinded or modified by resolution of the Board of Commissioners of the Town of Pittsboro and until a certified copy of such resolution shall have been filed with the said institution.

This action is effective upon the adoption of this resolution.

A RESOLUTION DESIGNATING AUTHORIZED SIGNATORIES FOR WITHDRAWALS FROM DEPOSITORIES OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 197

STAFF BRIEFING ON CHATHAM PARK MASTER PLAN

Mayor Terry said he has heard discussion about wanting to schedule a worksession of the board where the Manager and Attorney could brief the board and afford everybody a more in depth discussion on the Master Plan that is presently under consideration.

Commissioner Fiocco said he would like to have two hours dedicated to hearing what is in the Master Plan and for the Board to ask questions.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to schedule a worksession with Manager Gruesbeck and Attorney Messick to go over Chatham Park Master Plan and to be able to ask questions.

Vote Aye-5 Nay-0

The board requested that it be held at the Library Meeting room if it is available. Or, CCCC if the Library is not available.

CAPITAL PROJECTS REPORT

MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck went over his submitted report.

Park Street/Thompson Street Storm Water System Improvements

UPDATE: Storm water control in the swales along parts of Park Street (generally between Hillcrest Drive and Circle Drive) and Thompson Street (generally between Chatham Forest Drive and Fire Tower Road) have been challenging during high-energy rainstorms. Staff has met with the contractor to establish proper storm water control measures. As a result of this meeting, the contract price may have been reduced by approximately \$5,233 by looking at alternatives to the original design. For example culvert will be used on Thompson Street in front of the private residence rather than more costly intensive grading and restoration. Contract documents are signed and Staff is setting a start date with the contractor. The concrete subcontractor is scheduled to begin work on the headwall at Thompson Street in the next two (2) weeks with completion expected to take three days. Foushee Grading, LLC – the general contractor – will begin within two (2) weeks on Thompson Street with culvert work. Foushee will begin on Park Drive following completion of Thompson Street improvements.

PROJECT: Pavement Condition Survey

UPDATE: US Infrastructure of North Carolina is scheduled to provide a rating of street conditions of Town streets on December 18, 2013. They will forward a report by January 2, 2013. The report will be helpful to prioritize street maintenance and should be a useful part of our upcoming strategic planning and budgeting process.

PROJECT: Soil Erosion/Sedimentation and Storm Water Ordinances for New Development

UPDATE: Language has been developed for the soil erosion ordinance and is being reviewed by Chatham County Staff.

PROJECT: Annual Town Audit

UPDATE: The auditors will be making a presentation of the audit on December 9, 2013. They will be making a few suggestions to improve financial processes.

PROJECT: Waste Water Treatment Plant - Generator Replacement Project

UPDATE: Staff has ordered the generator and Shuler, the low bidder, will begin by building the concrete pad at the WWTP in the next couple weeks. The electrical transfer switch will arrive by the end of December after receiving some upgrades; within two (2) months the generator should arrive. The anticipated date for completion is mid-February.

PROJECT: East Street Sidewalk Extension

UPDATE: Summit is surveying the area in preparation for design work. Once completed, Staff will complete designs by the end February and develop a final cost estimate. Following that, NCDOT will review and provide appropriate permitting. Construction could begin by April/May 2014.

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

UPDATE: Waste Reduction Partners (WRP) completed an audit of WTP and WWTP facilities on August 27. There is no cost to the Town for this service because it is funded by the State. WRP is looking at electric usage, water efficiencies (e.g. “non-revenue water”), water loss and other possible system improvements. WRP will submit the report to Town Staff for review by early November. The WWTP report arrived on October 11 was reviewed by Town Staff and will be included in the December 9, 2013 Board Agenda packet as an FYI. The WTP report will be included as an FYI on January 13, 2014.

PROJECT: Haw River Raw Water Intake

UPDATE: The Town received a letter from DENR stating that the maximum withdraw capacity could be 8.91 MGD. However, the Town may not need this amount from the Haw River exclusively.

PROJECT: Waste Water Treatment Plant Capacity Expansion

UPDATE: Staff received some information on a process to formally request a WWTP discharge capacity increase from .75 MGD to 1.249. The information was included in the 11/25/13 agenda packet as an FYI and should be included as a decision item for January 13, 2013.

Commissioner Fiocco asked with the Jordan Lake Partnership how does the allocation from Jordan Lake get to Pittsboro. Mr. Royal said we are not there yet.

Commissioner Fiocco asked is the vision that as municipalities and other entities together we build a plant that distributes to everybody and in fact we wouldn't actually own a water treatment facility but would do so within a consortium. If that is the case this 8.19 million from the Haw is something we would actually treat and distribute ourselves.

Commissioner Fiocco said with Jordan Lake Partnership we would be part of a bigger entity so if for whatever reason that is no longer available to use. We would still have the capacity within our own means and control to draw water from the Haw and distribute that water.

Mr. Royal said that is correct. He said Jordan Lake Partnership does include a consortium. Currently it is the City of Durham, Pittsboro, Chatham County and OWASA. He said current thinking is (they haven't even done a feasibility study yet) it is going to probably be a treatment plant. An intake system into a treatment plant at the OWASA property (Jordan Lake). A

treatment plant in that location and distribute it out to the consortium partners. Another alternative is to locate it on 751 on a piece of property the City of Durham owns.

Mayor Updates

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

COMMISSIONER CONCERNS

Commissioner Farrell stated he has heard comments from citizens around town about having the same Christmas Decorations we have had for years. He said actually there was less this year – the red bows were not up.

Commissioner Foley said that was on her list also.

Commissioner Fiocco said one of the things we are lacking is two major development applications that don't have a fee associated with them. That is the conditional zoning application and the planned development zoning application. He thinks we need to get those in our budget just as quick as we can.

He said to use the exercise we have gone through with Chatham Park as a perimeter as a true cost to the town to review something of this magnitude.

He said ideally the applicant fees cover the town's expenses in doing that. He thinks it is critical that we get this done ASAP.

Commissioner Fiocco said he drove by Bojangles today and noticed across the street there is fresh earth being placed and he doesn't see any erosion control measures in place. He thinks someone should visit them.

Commissioner Fiocco said this board's agenda and material are posted on the website so it is available for everyone to see. He thinks it would be equally important to do that for the Planning Board so that folks can see what going to the Planning Board.

Commissioner Baldwin said we were supposed to discuss the sidewalk on 87 again and we have not done that yet. She thinks that is something to bring back at the next meeting or so.

Commissioner Farrell said it was his understanding we had some state regulations regarding curb and gutter versus highway. They are going to have to move 20 feet up into the resident's yard, correct.

Manager Gruesbeck said yes. After discussion the board asked staff to provide some type estimate to the cost of this project and bring it back to the board.

Commissioner Baldwin said in reference to Chatham Park do you think that Chatham County Planners could look at the Chatham Park Master Plan as well.

Mayor Terry asked that Manager Gruesbeck get him a copy of the Chatham Park Master Plan before the meeting.

The following email was sent to the Commissioners regarding Chatham Park prior to the meeting.

Dear Pittsboro Board of Commissioner,

It has been brought to the attention of astronomical community that the town of Pittsboro has a proposal before the council to expand the town's population I believe 5 fold. That is quite an increase as well as a stretch on the town's resources.

Even though I am not a resident of Pittsboro, several of the Chapel Hill Astronomical & Observational Society members are. They moved or have lived in your community because of its beauty and they enjoy your dark skies. Something that Raleigh, Durham or Chapel Hill have lost in their growth.

So as an Amateur Astronomer and President of the Chapel Hill Astronomical & Observational Society, I would like to give you some things to consider during your planning meetings.

We have already seen degradation to the dark skies of Jordan Lake due to development and poor construction and fiscal planning of Durham, Chapel Hill, Cary and Raleigh. These cities flood the night skies with their bright lights effecting the environment and throwing tens of thousands of dollars up into space. The once easily seen Andromeda Galaxy is now barely perceivable to the unaided eye as the night sky turns sodium orange.

Studies have shown that bright light affects the circadian rhythms of plants and animals not to mention people and not in a good way. In fact, the N.C. Botanical Garden in Chapel Hill restricts their light for that very reason.

We are all well aware of the artificial light that rakes havoc on the sea turtle at our beaches. They are the most well known victims of poor lighting.

Constant light also has an effect on the human mind. Mental illness and depression are but a few of the effects.

With proper shielding, a street light can have a bulb with half the wattage and shine more light than the current cobra head street lights that are on our roads today. They also make driving our highways safer because there is no glare to blind the driver. That is with dry weather. Throw in rain and everyone is insecure.

Unshielded lights also give criminals places to hide in the shadows. So more light doesn't mean a safer community. A safer community is created by alert and observant residents.

There are many other reasons to control light in our communities. I would highly recommend a well thought out and enforced lighting ordinance should be considered.

Many towns have already put such ordinances in place throughout the country and nearby states. Halifax VA is one such town.

Here are some websites to check out;

<http://www.darksky.org/>

<http://www.darkvirginiasky.org/search/label/Virginia%20Local%20Ordinances>

<http://www.insurancequotes.org/hidden-cost-light-pollution>

We protect our road ways and water front's by keeping them clean. Please do the same with our night skies. It is a resource that has been forgotten.

Clear Dark Skies!

Jayne Hanzak
President of CHAOS

Chapel Hill Astronomical & Observational Society
P.O. Box 3001
Chapel Hill, NC 27514

www.chaosastro.org
www.stauntonriver-starparty.org

FYI -

1. Memo and Report: Financial Summary – November 30, 2013
2. Memo and Waste Water Treatment Plant – Energy Assessment

ADJOURNMENT

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to adjourn at 9:28 p.m.

Vote Aye-5 Nay-0

William G. Terry, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk

DRAFT