

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, FEBRUARY 25, 2013
7:00 PM

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

ATTENDANCE

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

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Parks Planner Paul Horne and Public Utilities Director John Poteat.

Mayor Voller stated he would like for the Board to authorize Ms. Lloyd to prepare a Resolution welcoming the Bishop of the Central North Carolina Conference to Pittsboro this Friday and Saturday at Mitchell Chapel AME Zion Church. Mayor Voller said he did not get in touch with Ms. Lloyd in time for her to prepare a Resolution for tonight, but he would like the board to authorize that one be prepared and he would like it added to the consent agenda.

CONSENT AGENDA

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the consent agenda as submitted with the addition of preparing a Resolution Welcoming Bishop Kenneth Monroe to Pittsboro and the Central North Carolina AME Zion Conference to Mitchell Chapel AME Zion Church on Friday, March 1 and Saturday March 2, 2013.

1. Approve minutes of the February 11, 2013 regular meeting.

Motion carried 4-0

2. Approve Resolution Welcoming Bishop Kenneth Monroe to the Town of Pittsboro.

Motion carried 4-0

REGULAR MEETING AGENDA

Commissioner Fiocco said he would like to add to Old Business, #6 Text Amendment (Hydro Fracturing).

Motion made by Commissioner Fiocco seconded by Commissioner Foley to add Old Business #6 Text Amendment (Hydro Fracturing).

Vote Aye-4 Nay-0

Citizens Matters

None

OLD BUSINESS

TOWN SPACE RELOCATION ISSUES (BRYAN GRUESBECK)

Manager Gruesbeck stated during the previous meeting the Board authorized the Town Manager to make a recommendation regarding space to house the Town Planner, the Parks Planner and the Town Engineer, once that position is hired. The Board also asked Staff to examine the Blair Hotel space for the same purpose.

Staff toured the Blair Hotel and found its space historic, well located and certainly affordable, but the interior needs some work and there is no elevator to navigate the stairs. As a result, he is recommending that the board consider the house at 41 Fayetteville Street.

Manager Gruesbeck said he sent the Board a copy of a proposed Lease Agreement for the house located at 41 Fayetteville Street. As discussed on February 11, 2013, the building is well-suited to accommodate the Town Planners and Engineer – as well as offer barrier free access to the public and provide meeting space when required. The monthly rent would total \$1,476.25. The annual rent would total \$17,715. Both figures are well within the annual \$22,000 figure that the Board discussed approximately one (1) year ago. The Town would be responsible for utilities and basic upkeep of the grounds surrounding the property. The Lease is currently written to reflect a three (3) year term, so it does not currently address the flexibility that he would recommend. Manager Gruesbeck said he would recommend a one (1) year lease that is annually renewable in the event the overall Town Hall Relocation issue advances quickly.

Manager Gruesbeck said in talking with Mr. Bass today there are a number of issues that need to be addressed and if he needs to come back to the Board with them he will.

Commissioner Fiocco said he would give his go ahead with a one year lease with the option to renew.

Motion made by Commissioner Baldwin seconded by Commissioner Foley to authorize Mr. Gruesbeck to execute the Lease Agreement for 41 Fayetteville Street, with the recommended changes regarding lease term (from three years to one year with the option to renew).

Vote Aye-4 Nay-0

A COPY OF THE LEASE AGREEMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 139-149

MAIN STREET UPDATE (PAUL HORNE)

Planner Horne said the board had received the memo, so he gave highlights on the memo.

Street Furniture

6 benches and 1 trash can have been ordered and should arrive before the Board of Commissioners meeting of February 25th. Should they arrive in time, I will endeavor to have one assembled and placed in Town Hall for the viewing pleasure of the Board and the public.

Water line construction is expected to last 2 or 3 more weeks after which time the benches can be installed. They would be in the way if they were to be installed now. The Public Works Department will install the benches.

Façade Grant Program

Two new applications have arrived since the last update, both pertaining to the former Blair Hotel. These applications are still being evaluated.

Contracts have been let for demolition of the cedar shingle facades on the buildings housing Second Bloom & Turnberry Interior Design (to the North of Virlie's). A contract has also been let for new awnings at S&T's Soda Shoppe.

Courthouse Grand-Reopening

Ceremonies surrounding the grand Re-opening of the Courthouse will occur on April 20, 2013. This was discussed at the last Main Street Meeting on February 5, 2013 where there was general excitement about the prospect of a street celebration in the afternoon and early evening. Town Staff has asked the Pittsboro Business Association (PBA) to gauge public sentiment among their membership, regarding the issue of closing off the block between Salisbury Street and the circle (the circle remaining open to traffic). Attached is the letter requesting assistance presented to the PBA. We have since asked them explicitly to incorporate feedback from non-PBA businesses downtown to the extent that they can. Their polling is still being conducted and we will not receive a recommendation from the PBA until Friday the 22nd of February.

Planner Horne stated the county has been planning celebrations marking the re-opening of the courthouse. Most of their activities will be held during the day within the circle traffic. The Street Fair we are planning is from 5:30-8:30. Mayor Voller asked how late in the evening can we go – he thinks it should be longer. Planner Horne said they told the merchants it wouldn't last longer than three hours. Mayor Voller said we want this to bring business downtown.

There was a question about the feelings of merchants. Planner Horne said his understanding is one merchant doesn't want the street closed. Mayor Voller asked why. Planner Horne said

because he feels as though the street closure would block off traffic in front of his business and therefore it would hurt his business. He also complained about the water line work hurting his business.

Planner Horne said certainly merchants support it, they have a membership of 50 and they heard back from 20 of them.

Commissioner Fiocco asked are there merchants downtown that were not polled because they are not members of the PBA, if they were not polled they should be.

Planner Horne stated the County secured parking at the old PTA Thrift Shop for the day and we are going to try to get it for the evening. Mayor Voller asked Mr. Horne to contact Chatham Transit to see if they could transport people downtown (maybe we could use the parking lot at the Old Chev Dealership).

There was a discussion from the board and they agreed that all merchants should be polled whether they are a member of the PBA or not.

Commissioner Fiocco said he really endorses the idea, it is what the Main Street Program talks about having street fairs and activities and how it is good for your Town. What he doesn't want to do is endorse this celebration, go through the effort and spend all the money, close the road – do all of that only to find out that the members of the PBA who have spoken up are the minority of the business owners along the street and that the will of those people is this is not a good thing and we did it anyway. So he just wants to make sure that the majority of the merchants that are running their stores day in and day out express their opinions.

Mayor Voller said if they have concerns we need to address them. Planner Horne said the Town can put out some information to receive input from all businesses. He said it still has to be approved by NCDOT. It was asked what type activities are planned. Planner Horne said music and food and beverage trucks.

Mayor Voller asked what the rules are on beverages. Attorney Messick said you can't drink in public on a public street. He feels it is a liability issue for the Town.

Philip Culpepper stated they use to allow it on Franklin Street in Chapel Hill but they no longer allow it at all on public streets.

Mayor Voller asked about all the other festivals that are held how are they able to do them. Attorney Messick said they are held on private property and that is different. Attorney Messick said it is a statewide law that says you can't have open containers on public streets.

Commissioner Foley said they just want clarity on what the rules are.

Commissioner Baldwin asked that the food trucks not have the same foods that local restaurants have, because she would like for them to buy locally.

Mayor Voller advised Mr. Horne that he needed to go ahead and contact NCDOT about the street closing, because it may be a long process.

ORDINANCE TO AMEND THE ZONING ORDINANCE TO EXPAND THE EXTRA TERRITORIAL JURISDICTION (ETJ) (STUART BASS)

Planner Bass said this is the culmination of the process that began in August.

Commissioner Fiocco noted two typos in the ordinance – the sixth and seventh WHEREAS.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve An Ordinance Authorizing An Extension of the Extraterritorial Planning Jurisdiction of the Town of Pittsboro.

Vote Aye-4 Nay-0

The Ordinance is as follows:

AN ORDINANCE AUTHORIZING AN EXTENSION OF THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF PITTSBORO

WHEREAS, the Charter of the Town of Pittsboro in Article XV thereof provides for a defined area known as “extraterritorial planning jurisdiction” to extend not more than one mile outside the corporate limits wherein the powers granted by Article 19, Chapter 160A of the General Statutes may be exercised; and

WHEREAS, pursuant to Section 15.1 of the Town’s Charter, as amended by Chapter 415 of the 1989 Session Laws, the Town may exercise said powers beyond the one mile boundary with the consent of the Board of Commissioners of Chatham County; and

WHEREAS, the Town of Pittsboro and the County of Chatham have previously agreed upon the limit of said extraterritorial planning jurisdiction more than one mile beyond the town’s corporate boundary; and

WHEREAS, Chatham Park Investors LLC, the owner of various tracts or parcels of land within and adjacent to the existing extraterritorial planning jurisdiction limits of the Town of Pittsboro has requested that those limits be extended to include all of its parcels of property which are more particular identified on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, said properties are currently being considered for development and are subject therefore to possible review by both the Town and County; and

WHEREAS, the applicable standards of review, the fees, and administrative procedures for each jurisdiction are dissimilar; and

WHEREAS, development of said properties deserves a consistent, comprehensive review by one jurisdiction in order to minimize confusion and dissimilar standards; and

WHEREAS, Chatham County consented to the extension of the Town's extraterritorial planning jurisdiction limits as requested by the owner of the lands within the defined area to be added; and

WHEREAS, the Town of Pittsboro is willing to accept such property within its extraterritorial planning jurisdiction in order to provide comprehensive and uniform application of the powers exercised by the Town therein; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the property requested by Chatham Partners, LLC be included within and by extension of the Town's extraterritorial planning jurisdiction, as described on Exhibit A hereof.

AN ORDINANCE AUTHORIZING AN EXTENSION OF THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 2-19

ORDINANCE AMENDING THE ZONING ORDINANCE FOR INITIAL ZONING OF ETJ EXPANSION (STUART BASS)

Commissioner Fiocco stated item #4 and item#6 are identical and we should strike #6.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve An Ordinance Amending the Zoning Ordinance for Initial Zoning of the ETJ Expansion with the above correction.

Vote Aye-4 Nay-0

Mayor Voller suggested that all of the adjoining property owners receive notification that the ETJ has been extended and see if they are interested in joining the ETJ.

Philip Culpepper said none of the areas are currently zoned.

Mayor Voller said we should send a courtesy letter and they could say no and that would be fine.

Commissioner Fiocco asked if the adjoining property owners were notified.

Planner Bass said it only required that it be advertised in the newspaper, it is not required because it is an initial zoning.

Commissioner Baldwin said she thinks we should inform them that the property is now in the ETJ.

Attorney Messick asked if they were talking about sending letters to all the adjoining property owners to all the parcels. Mayor Voller said if you look at the map it is only approximately 50.

Philip Culpepper said they would be coming in soon with rezoning application and they will have to notify all the adjoining property owners and maybe it could be included with that. Mayor Voller asked how soon they would be submitting the rezoning application. Mr. Culpepper said about eight months. The Board agreed the information should come by the Town

Commissioner Foley stated we will just be informing them the ETJ has been extended.

The Ordinance reads as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF PITTSBORO

WHEREAS, the Board of Commissioners of the Town of Pittsboro has considered the request of Chatham Park Investors, LLC to expand the extraterritorial (ETJ) area of the Town and to thereby amend the zoning map of the Town of Pittsboro to incorporate said expansion and to zone the property described on Exhibit A attached hereto and incorporated herein by reference to R-A2 (Residential Agricultural) and on Exhibit B attached hereto and incorporated herein by reference to R-A5 (Residential Agricultural) pursuant to the provisions of NCGS 160A-360 and Article X of the Town of Pittsboro Zoning Ordinance; and

WHEREAS, The Town Planning Board reviewed the proposed initial zoning in detail, considered public comment and forwarded the request to the Town Board of Commissioners with a positive recommendation for approval; and

WHEREAS, a Public Hearing was held on January 28, 2013 to solicit comments and concerns which were duly considered and acknowledged; and

WHEREAS, the Town Board of Commissioners makes the following findings and conclusions:

1. The subject parcels, being in the general area south and southeast of the Town of Pittsboro, are in an area that is adjacent and/or within close proximity to R-A2 (Residential Agricultural) and R-A5 (Residential Agricultural) zoned property.
2. That the Board has examined the request and associated public testimony to zone the property described in Exhibit A and incorporated herein by reference.

3. The proposed zoning is a reasonable location for residential / agricultural uses and would be suitable for those uses permitted within the proposed district.
4. The proposed zoning is reasonable considering the size and location of the tracts and the potential impact to the surrounding community.
5. The proposed zoning is consistent with current applicable adopted plans, policies and documents.
6. The proposed zoning advances the public interest of the Town.

BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE TOWN OF PITTSBORO as
follows:

1. That the property described on Exhibit A attached hereto and incorporated herein by reference be zoned to R-A2.
2. That the property described on Exhibit B attached hereto and incorporated herein by reference be zoned to R-A5.
3. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF
PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE,
PAGES 20-39**

**ORDINANCE AMENDING THE CAPITAL PROJECT BUDGET FOR CONNECTION
OF SPRINGDALE DRIVE AND FOX CHAPEL LANE**

Manager Gruesbeck went over the attached memorandum he submitted to the Board.



Fig. 1



Fig. 2



Fig. 3

Background: Attached is an Amendment to the Capital Project Budget Ordinance for the Connection of Springdale Drive which adjusts the capital construction budget for costs associated with the improvements to the intersection of Springdale Drive and Hillsboro Street, as well as paving and adding speed tables to Springdale Drive. The purpose of these improvements is to prepare Springdale Drive for opening and connecting to Fox Chapel Lane. The original Ordinance was approved by the Town Board on September 24, 2012.

Mr. Poteat, Utility Director, is presenting an estimate of \$24,000 to repave the street in advance of placing speed tables on Springdale Drive. As I mentioned at the February 11, 2013 Board meeting, repaving is necessary because of the current condition of Springdale, paired with an expected increase in traffic from Fox Chapel Lane. As you can begin to see from the pictures at the left, the road suffers from a number of hairline cracks (see Fig. 1 & 2) and repeated patching. Gravel (Fig. 3) is exposed on the surface of the road, which will degrade quickly as it receives a higher volume of traffic.

This amendment would effectively raise the previous construction budget from \$43,000 to \$67,000. The increase would be paid by Powell Bill funding. Of the \$67,000 budgeted, \$10,000 has been allotted to the construction of two (2) speed tables (see also attached for detail on speed tables).

Work on the intersection of Springdale Drive and Hillsboro Street is expected to begin in early April 2013. If this Ordinance Amendment is approved, Springdale Drive resurfacing could begin in March 2013. The speed tables could be constructed shortly after the paving on Springdale Drive is complete.

Mayor Voller asked how long it has been since we paved that road. Mr. Poteat said it hasn't been done since he has worked for the Town (at least 20 years). Commissioner Fiocco asked how thick of an overlay will be placed on that road. Mr. Poteat said about 1 ½ inches.

Commissioner Baldwin asked if the budget amendment included the monies from the developer and the homeowners association. Manager Gruesbeck said yes, it is included in the transfer from General Fund.

Mr. Poteat said this street is included on the pavement analysis report we had done and once the street is opened it will deteriorate more quickly and need to be paved before putting the speed tables down.

Mayor Voller asked that Mr. Poteat bring a list back to the Board of paving projects to be done next fiscal year so they will know what is going to be done.

Commissioner Foley said she supports the project. Commissioner Fiocco said he noticed on the update report it has a bid opening on March 5, 2013 does it include these items. Manager Gruesbeck said no it is separate.

Mr. Poteat said he had received the final bid today and the cost is \$25,649 which is for the paving and speed tables. He further stated that he would like to use one contractor to do both projects.

Commissioner Farrell asked what this is going to leave in the Powell Bill Fund. Mr. Poteat said that is a question for Mandy. Manager Gruesbeck said it should be enough for the two sidewalk projects.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the Ordinance Amending the Capital Project Budget for Connection of Springdale Drive and Fox Chapel Lane.

Vote Aye-3 Fiocco/Baldwin/Foley
Nay-1 Farrell

The ordinance is as follows:

TOWN OF PITTSBORO
ORDINANCE AMENDING CAPITAL PROJECT BUDGET
FOR CONNECTION OF SPRINGDALE DRIVE AND FOX CHAPEL LANE

Be It Ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 25th day of February, 2013.

To Create a Capital Project Budget Ordinance for the Connection of Springdale Drive and Fox Chapel Lane

Section 1. That the following **GENERAL FUND REVENUE ITEMS** be amended to the amounts indicated:

103990000	GENERAL FUND BALANCE APPROPRIATED	\$44,000.00
103990010	POWELL BILL FUND BALANCE APPROPRIATED	\$34,000.00
TOTAL		\$78,000.00

Section 2. That the following **GENERAL FUND EXPENDITURE ITEM** be amended to the amount indicated:

103790085	TRANSFER TO SPRINGDALE DR/FOX CHAPEL LN	\$78,000.00
TOTAL		\$78,000.00

Section 3. That the following **CONNECTION OF SPRINGDALE DRIVE AND FOX CHAPEL LANE REVENUE ITEM** be amended to the amount indicated:

853850000	TOWN CONTRIBUTION	\$78,000.00
TOTAL		\$78,000.00

Section 4. That the following **CONNECTION OF SPRINGDALE DRIVE AND FOX CHAPEL LANE EXPENDITURE ITEMS** be amended to the amounts indicated:

853001000	CONSTRUCTION	\$67,000.00
853001100	ENGINEERING/DESIGN	\$ 2,000.00
853001150	CONSTRUCTION ADMINISTRATION	\$ 3,000.00
853001800	CONTINGENCY	\$ 6,000.00
TOTAL		\$78,000.00

AN ORDINANCE AMENDING THE CAPITAL PROJECT BUDGET FOR THE CONNECTION OF SPRINGDALE DRIVE AND FOX CHAPEL LANE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 40

**TEXT AMENDMENT
HYDRAULIC FRACTURING**

Commissioner Fiocco said he would like for the Board to consider and take action this evening on one portion of the text amendment that we reviewed in October. The public hearing was held in October and at that time the board deferred action on the amendment looking to provide additional conditions above and beyond the standard ordinance conditions that would apply in an M-2 zone. He thinks those additional conditions will take much longer to develop but he thinks it is important to move forward with this idea of establishing hydraulic fracturing for oil or gas extraction operations to be permitted in the M-2 zone only by Special Use Permit. What that would mean is amending our table of permitted uses to include under the mining category – would suggest the language oil and gas drilling operations by means of hydraulic fracturing treatment as the use and simply putting an “S” in the M-2 zone and the land use code would be 5 as well.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the text amendment for hydraulic fracturing.

Vote Aye-4 Nay-0

NEW BUSINESS

None

CAPITAL PROJECTS REPORT

MANAGER’S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck reported:

PROJECT: Hillsboro St Water Main Transmission Line Replacement Project

Wet and cold conditions caused some delays. Another break occurred close to Chatham Mill as the Contractor nicked a valve stem. Water was restored before 6am the same morning. Work continued around Chatham Mill and individual water services on Hillsboro St.

Commissioner Fiocco stated it seems we are way behind contract completion time. He would like a thorough update at the next meeting on why we are so far behind and when are we going to pick up the pace.

Manager Gruesbeck said it should be completed within one month to one and a half months.

Mayor Voller asked how close we are in budget. Manager Gruesbeck said about 85% of the budget is expended. Mayor Voller said if we are going to be getting into contingency we should let the county know.

Commissioner Fiocco asked was the paving a change to the contract. Manager Gruesbeck said yes.

Mayor Voller asked have we received any feedback on flow. Mr. Poteat said no one is actually on it yet. The contractor needs to make some of the big taps and then they will be on. Mr. Poteat mentioned the pipes he brought in for the board to see.

Commissioner Foley said it would be nice to get something in the paper as to when the paving will be done.

Manager Gruesbeck said we discussed this item already:

PROJECT: Improvements on 15/501 at Springdale Drive

UPDATE: The bid package is complete and has been mailed to prospective bidders. Bid opening scheduled for 3/5/13; Board review of bids is scheduled for 3/11/13. Reconstruction of the intersection is expected to start on 4/8/13. Local contractors are being encouraged to submit a proposal. Staff is also recommending resurfacing of Springdale St. at an estimated cost of \$24,000. The Powell Bill would cover money for the speed tables and the resurfacing.

PROJECT: Chief of Police – Hiring Process

UPDATE: The Chief selection committee met on February 13, 2013 and generated the timeline and essential desired attributes of the new police chief. He is especially grateful for the discussion because it provides us a guideline for the selection. He has received over 70 resumes to date and responded to all of them with regard to the current state of the process. He is currently going through each resume with the goal of reducing the number of candidates by half.

The committee is meeting again on February 27, 2013 to discuss the resumes that have not been eliminated, following this meeting, he anticipates that we will schedule interviews and begin initial background investigations as required by the State of North Carolina.

Commissioner Baldwin asked if the sheet on Chief qualities, are all requirements. Manager Gruesbeck said they are the guideline the selection committee came up with. They will not all be weighed the same.

Mayor Voller asked if we have heard anything back from the NC Retire Application. Commissioner Foley said we will hear something in six weeks from submittal. She said they do have a webpage thanks to Mr. Horne. Commissioner Foley said the marketing committee is meeting in a couple of days to plan how they are going to greet people when they come to Pittsboro.

Manager Gruesbeck said this item has already been discussed:

PROJECT: Planning / Engineering Space; Town Hall Space

UPDATE: He has looked at a couple of additional properties - one (1) owner has asked to remain anonymous. He is making a recommendation to allow him to execute a lease agreement with the owner of the house at 41 Fayetteville Street to relocate the Planner(s) and the Town Engineer due to its size, accessibility, price and location. Should the board agree, he would ask the Town Planner and Parks Planner to begin the moving process. He would also formalize an offer to a Town Engineer.

OTHER NEWS:

- I have been busy with a number of community meetings as of late. On February 18, I attended my first Chatham County Board of Commissioners meeting, but wasn't able to formally introduce myself. My first ABC Board meeting was on February 20, my first Chatham Chamber of Commerce Board meeting (as an ex-officio board member) was on February 21 and I met with Staff at the United Way of Chatham County for the purpose of participating in their fund distribution process. Each meeting is exciting because it leads to additional opportunities for me to serve the community.

Mayor Voller asked if there had been any follow up from the County on items we had discussed like space.

Manager Gruesbeck said he hasn't heard anything about space, but he did hear about the proposed memorial.

Mayor Voller asked did they offer they would be bringing an application before the town like it was discussed a couple weeks ago. Manager Gruesbeck said they don't feel it is necessary because it is a memorial and they did not feel it was appropriate for a memorial of that nature to be discussed with the Town.

Mayor Voller said they didn't think it was necessary when they amended the site plan for the Town to review it. Mayor Voller said he rejects that. If that is the way we want to go then everything we want to do in town we can just call it a monument and there would be no review.

Commissioner Fiocco asked if the land that is going to house this monument is included in the Judicial Center site plan. Commissioner Baldwin said it was not included in the site plan because they did not own it at that time.

Commissioner Fiocco said so this is a separate development all together. Commissioner Baldwin said it is separate.

Mayor Voller said they referenced it on the site plan but they didn't own the property, they only recently obtained the property, but there is discussion that the property is going to be given to a third party, which means it is now in private hands whether it's a non-profit or private entity. So at the point it is not county property. So his question again, is how on earth we could say that we would not have some review of a site plan for a monument.

Mayor Voller said if he was running a business here he would say he doesn't have a sign it's a monument, Mr. Bass and I don't have to obey regulations. He said we need to be consistent with our regulations.

Commissioner Fiocco said one of the purposes of the site plan is to approve compliance with the Town's regulations that include buffer, setbacks, impervious surface cover, disturbed area limits, whether or not it requires an erosion control permit or not those are all things the Town has an obligation to check and confirm for the health, safety and welfare of the citizens of this town.

Commissioner Fiocco said he is of the opinion that a site plan is required to do land development within the Town limits – within its zoning jurisdiction.

Mayor Voller said we should request the county submit a site plan and we should follow through and make the request.

Commissioner Fiocco said he has heard the county stated a site plan review by the Town is not required to construct a monument but he also thinks he heard there has really not been any discussion about whether a site plan is intended to be submitted or not. His statements are all bound with the idea there has been an expression that a site plan is not required and he believes that to be a false position, he believes it is this town's obligation to provide for the public health and safety of the citizens of the Town and one of the ways it does that is it reviews/controls land development so that it assures the public it adheres to the standards that are established, that promote the public health and safety of the community and to suggest that some developers are outside of that requirement, or that the Town acts in an arbitrary or capricious way in deciding which applicants must submit to these proofs is not a good path to go down.

Commissioner Fiocco stated the zoning ordinance requires site plans to be submitted for land development projects for different types of land uses and how the ordinance regulations mitigate the impacts of land use projects. So to suggest that a land development project would occur

within the municipal limits without the municipality providing a zoning compliance check off he thinks is absurd for any applicants.

Mayor Voller said a letter should be sent to the Board of Commissioners and the County requesting the submittal of a site plan.

Manager Gruesbeck suggested it be put in the form of a motion.

Commissioner Farrell said it seems to him we are getting ahead of ourselves. He understands they do not have a direct site plan or design made up yet. Commissioner Foley said when they do they need to submit it. Commissioner Baldwin stated they do actually have a plan. They have a drawing and everything because she has it and they are planning to destroy the buildings on that property. They are going to have to bring some dirt in and build it up, so you are actually making changes and she feels the board definitely needs to look at that.

Commissioner Farrell said he has seen several ideas but they were sketched ideas.

Mayor Voller said basically we want to send a letter to let them know we are pleased to know they are building a monument to honor firefighters, emergency workers and once they decide where they want to build it, that a site plan be submitted.

Commissioner Fiocco said he doesn't feel a motion is required because it is an ordinance requirement. Mayor Voller asked what the issue is about a motion. Manager Gruesbeck said there is no issue and he will write the letter. Poll – 4 yes to send a letter (Foley/Fiocco/Voller/Baldwin) 1 – Nay (Farrell)

COMMISSIONER CONCERNS

Commissioner Farrell said he feels if we are going to discuss the memorial we should have people from both sides and the county here. He is for it and he don't think there is a better place in town for it. Commissioner Foley said she don't think anyone is talking about approving or disapproving the design we are just talking about whether they should be required to submit a site plan just like anyone else that is building on land in town.

Commissioner Foley said she has already given an update on RetireNC.

Commissioner Fiocco said regarding the monument the Town of Pittsboro does not have an appearance commission or any board that looks at appearance issues so the site plan does not look at appearance it looks at just how the land use regulations apply to the land.

Mayor Voller asked if it was within the board's statutory authority to appoint an appearance committee. Attorney Messick said sure.

Commissioner Baldwin said she has a TJCOG meeting on Wednesday and if anyone had anything to let her know. She stated Commissioner Farrell has brought it up about truck traffic

and she wanted to know where that stands. Manager Gruesbeck said he has not gotten in touch with NCDOT.

Commissioner Foley asked who would be attending the next breakfast meeting with the Chatham County Commissioners. Commissioner Farrell said it would be him and Commissioner Turner.

Mayor Voller stated Commissioner Baldwin is in line to the Chair of TJCOG.

Mayor Voller said the letter from NCDENR is favorable. He asked where we stand in regards to hiring an engineer. Manager Gruesbeck said it was a space issue and that has been addressed tonight so it should not be that much longer before an engineer is on staff.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to adjourn at 8:50 p.m.

Mayor Updates

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

Commissioner Concerns

FYI -

1. Chief Selection Committee Notes – New Chief Qualities

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk