

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, FEBRUARY 10, 2014
7:00 PM

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

PLEDGE OF ALLEGIANCE

Commissioner Farrell led the Pledge of Allegiance.

ATTENDANCE

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

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Engineer Fred Royal, Water Plant Superintendent Adam Pickett, Finance Officer Mandy Cartrette and Police Chief Percy Crutchfield.

CONSENT AGENDA

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the consent agenda as submitted.

The Consent Agenda contains the following items:

1. Approve minutes of the January 27, 2014 regular meeting.

Motion carried 5-0

2. Approve a Resolution Honoring Eagle Scout Christian Hunt Quinlan.

Motion carried 5-0

Mayor Terry read the resolution into the record:

RESOLUTION
HONORING EAGLE SCOUT
CHRISTIAN HUNT QUINLAN

WHEREAS, on behalf of all of the citizens of Town of Pittsboro we, the Board of Commissioners of Town of Pittsboro, wish to recognize the attainment of high honor by young citizens of Town of Pittsboro and,

WHEREAS, Christian Hunt Quinlan has demonstrated strong leadership abilities and

has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Christian Hunt Quinlan has completed the arduous and demanding requirements necessary to be awarded the rank of EAGLE SCOUT, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Town of Pittsboro Board of Commissioners recognize and congratulate Christian Hunt Quinlan upon his attainment of the rank of EAGLE SCOUT.

RESOLUTION HONORING EAGLE SCOUT CHRISTIAN HUNT QUINLAN IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 1

REGULAR MEETING AGENDA

Commissioner Fiocco stated he would like to add a third item to New Business to appoint a member to the ABC Board.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the regular meeting agenda adding #3 New Business to discuss appointing an ABC Board member.

Vote Aye-5 Nay-0

CITIZENS MATTERS

Glenn Wright – Mt. Gilead Church Road, Pittsboro. He is speaking as a resident and employee of UNC Hospital. They had submitted three applications to the state (1) skilled nursing facility which was denied and they are not sure if they will appeal the decision. (2) A 10 bed unit in patient hospice facility. The critical factor on the hospice unit is when they put in the application they said the building would be operational & functioning with its first patient no later than July 15, 2015. (3) Is a 25,000 sf. Medical building that will house Dr. John Corry's office with the addition of a couple more providers; orthopedic; obstetrics & gynecology, urology and maybe some general surgery.

Mr. Wright stated they are six months behind on where they wanted to be for the medical office building. The Medical Building does not require a CON so they can move on with that as timely and quickly as everything permits. He would encourage the board to do everything you possibly can to help them move these facilities forward so they can meet their deadlines.

Commissioner Fiocco asked what they needed to move forward with the Medical Building. Mr. Wright said board approval for appropriate zoning. He said both projects are a part of the proposed Chatham Park.

Diana Hales – 528 Will Be Lane, Siler City – read the following prepared statement into the record:

Oppose State Usurpation of Local Government Authority

I am here tonight to ask the Town of Pittsboro to fight to retain local government ordinance controls over environmental regulations. The North Carolina Legislature's City and County Ordinance Working Group is charged with studying whether or not the state should restrict all local governments from enacting any environmental protection that exceeds state or federal minimum standards, as defined by the Legislature.

The Legislature, through its Environmental Review Commission, is actively seeking to roll back environmental protection for citizens in North Carolina [see *Section 10.2.(c) of S.L. 2013-413 (H74)*]. The assumption is that minimal baseline environmental standards apply equally well in mountainous terrain, the coastal plain, swamps, and the rolling piedmont with its myriad streams, wetlands, riverine systems, and groundwater configurations. Scientific evidence is clear that one-size-does-not-fit-all when it comes to specifics of geography and long-term consequences.

It is just wrong for the State to strip local government officials from considering their unique environmental characteristics, infrastructure requirements, and development responsibilities. Local control implies elected officials are responsible for protecting their community, not state officials who don't live here.

We, the three signers of this letter, strongly encourage the Pittsboro Town Board to make a strong public comment in opposition to this proposal.

The public comment opportunity is this Wednesday, February 12, 2014 at 3:30 pm in Room 414 of the Legislative Office Building. Senator Brent Jackson and Representative Chuck McGrady are co-chairs of the City and County Ordinance Working Group.

Contact Towers Mingledorff at Towers.Mingledorff@ncleg.net if you can speak at the meeting. Or, call Mr. Mingledorff at 919-733-5705 and cell: 904-703-5878. Please send written comments to Senator Jackson and Representative McGrady.

Signed by:

Karen Howard, Candidate for Chatham County Commissioner, District 1

Diana Hales, Candidate for Chatham County Commissioner, District 3

Jim Crawford, Candidate for Chatham County Commissioner, District 4

OLD BUSINESS

SITE PLAN – LEMONS DAY CARE (SP-2013-04) (STUART BASS)

Planner Bass made the following presentation:

Background

Owner: GM Lemons LLC
Location: 29 Old Rock Springs Cemetery Road
Current Zoning: C2 (Highway Commercial)
Adjacent

Zoning: R-12 (Residential) and MUPD (Mixed Use Planned Development)
Acreage: 1.8291 acres total, .8550 acres to be developed.
Existing Use: Vacant
Proposed Use: Day Care Facility
Utilities: Water, available. Sewer, available.

This proposal is being presented to the Board as a Site Plan for review and approval. The property is zoned C2, Highway Commercial General. The proposed use is permitted by right in this zoning district. The portion of the property to be developed is vacant. (The existing lot will be subdivided in half, from the house at the front). The applicant is proposing to construct a 5,000 square foot building for a day care facility. Water and sewer service are available to serve the proposed use.

The plans have been reviewed in accordance with the Town's applicable development ordinances by the appropriate departments and revised accordingly.

Recommendation: Staff recommends approval. The Planning Board recommended approval at its regularly scheduled meeting on January 6, 2014.

Commissioner Fiocco asked if they had considered his request on locating the driveway to the western most portion of the site.

Planner Bass stated it is his understanding it was looked at. The driveway is located there because of grade considerations and the way the stormwater management plan is laid out. It is approximately 325 ft. to 15-501

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve the Site Plan for Lemons Day Care.

Vote Aye-5 Nay-0

KENSINGTON PARK FINAL PLAT REVIEW (STUART BASS)

Planner Bass submitted the following report:

The Developer has submitted a Final Plat for review and consideration. The proposed development is a 16 lot subdivision located on Park Drive west of the intersection of Hillsboro Street, (15-501).

The property is zoned R-12 and totals 7.741 acres. Minimum lot size is 12,000 square feet. All lots are greater than 14,000 square feet in size, larger than the minimum required. The Pittsboro Town Board of Commissioners, at their regular meeting of January 28, 2013, approved an allocation of wastewater for the proposed development.

The Pittsboro Town Board of Commissioners, at their regular meeting of March 25, 2013, approved the concept design allowing for the (1) the absence of curb and gutter, and (2) the allowance of a sidewalk on just one side of the street. Both issues related to the design and associated stormwater runoff, as stipulated for in the Ordinance. The Town Board of

Commissioners voted at its regularly scheduled meeting on August 26, 2013, to approve the Detailed Preliminary Plat. The Final Plat conforms substantially to the approved Preliminary Plat, as per the Ordinance.

The Subdivision Ordinance provides for conditional approval of the Final Plat, subject to guarantees of final construction improvements. Based on cost estimates provided by the Project Engineer, the authorized work is approximately 89% complete, with the street paving and minor grading remaining. To that end, the developer has provided a letter of credit for the final street paving and grading.

Staff Recommendation: Recommendation for Conditional Approval, subject to the execution of the Subdivision Improvement Agreement with appropriate financial surety. The Planning Board recommended Conditional Approval at its regularly scheduled meeting on February 3, 2014. Applicant will proceed to complete the final construction items.

After discussion a motion was made by Commissioner Fiocco seconded by Commissioner Foley to approve the Final Plat for Kensington Park contingent on execution of the Subdivision Improvement with appropriate financial surety.

Vote Aye-5 Nay-0

NC 87 SIDEWALK CONSTRUCTION OPTIONS (FRED ROYAL)

Engineer Fred Royal reported they are looking at two options. One with curb and gutter and the other without curb and gutter. He said the cost with curb and gutter is doable at a cost of about twice the amount of non curb and gutter (\$61,870). Non curb and gutter estimate is approximately \$27,000. This can be funded out of Powell Bill.

Manager Gruesbeck said they are just providing information tonight and will come back with more information later.

After much discussion a motion was made by Commissioner Farrell seconded by Commissioner Baldwin to move ahead with the curb and gutter option.

Vote Aye-4 Baldwin/Farrell/Foley/Turner

Nay-1 Fiocco (he would like to explore the options)

Mayor Terry said a budget amendment needs to be prepared and brought back for approval to the next meeting.

NEW BUSINESS

APPOINT PLANNING BOARD MEMBERSHIP (MAYOR TERRY)

Mayor Terry stated he submitted a recommendation to the board.

The purpose of this memorandum is to present the Mayor's recommendations for appointments to the Planning Board as required by Chapter 27, Article XII of the Town Code. (See the attached text from Chapter 27, Article XII).

The Town published a public notice in the Chatham Record soliciting applications from individuals interested in serving on the Town's Planning Board on December 12th, December 19th, January 9th and January 16th. Concurrently, we placed a Planning Board vacancy announcement on the Town's website beginning on December 9, 2013. (See attached notice.)

To date, the Town Clerk has received valid applications from six candidates to fill one in-town vacancy and applications from three candidates to fill two vacancies from within the Town's ETJ. I have reviewed all applications as required by Chapter 27, Article XII and summarized each application on the attached spread sheet. The applicants are listed in the order of my recommendations for appointment to the Planning Board. The full applications are also attached for your review and consideration.

MAYOR'S RECOMMENDATIONS

1. That the Board of Commissioners appoints Carolyn Efland to the vacant in-town seat on the Planning Board. I believe that Ms. Efland's extensive executive leadership and management experience while serving as the Associate Vice Chancellor for Campus Services at UNC Chapel Hill will bring a very high level of professionalism to the Planning Board. Her experience in dealing with development agreements between the Town of Chapel Hill and the University of North Carolina will be relevant to Pittsboro's task of managing the development of Chatham Park. Her appointment will also provide better balance of gender diversity on the Planning Board.
2. That the Board of Commissioners appoints Mr. Brian Taylor to one of the vacant ETJ seats on the Planning Board. While Mr. Taylor has only been a resident of Pittsboro for two years, his formal education in political science at Auburn University and his previous service on citizen advisory boards in Florida and North Carolina make him an excellent candidate for appointment to our Planning Board.
3. That the Board of Commissioners re-appoints Raeford Bland to one of the vacant ETJ seats on the Planning Board. Mr. Bland has served on the Planning Board for three years beginning in 2011. His continued service on the Planning Board will provide continuity as we move forward with issues surrounding the development of Chatham Park.
4. That the Board of Commissioners direct the Town Manager to forward the nominations for appointment from the ETJ to the County Manager for review and approval by the Chatham County Board of Commissioners.

Nominations:

Commissioner Farrell nominated – Steve Barker, for in town seat Commissioner Baldwin seconded it.

Commissioner Foley nominated Carolyn Efland for the in town seat seconded by Commissioner Turner.

Vote:

Steve Barker – Commissioner Farrell/Commissioner Baldwin

Carolyn Elfland – Commissioner Foley/Commissioner Fiocco/Commissioner Turner

Carolyn Elfland was appointed to serve as the in-town representative on the Planning Board.

Out of town nominations (two seats available)

Commissioner Fiocco seconded by Commissioner Baldwin nominated Raeford Bland.

Commissioner Turner seconded by Commissioner Foley nominated Brian Taylor.

Vote:

Raeford Bland – Commissioners Farrell, Foley, Fiocco, Baldwin, Turner

Brian Taylor – Commissioners Farrell, Foley, Fiocco, Baldwin, Turner

Raeford Bland and Brian Taylor were appointed for the two out of town seats.

Mr. Kenneth Hoyle submitted his resignation as a member of the Planning Board immediately.
It is as follows:

February 9, 2014

Town Commissioners
Town of Pittsboro, North Carolina

Dear Commissioners,

As you know I have served the Town as a member of your planning board for over twelve years, much of that time as Chairman. In the past few years the role of the Planning Board has been marginalized and there has been very little interaction between the Commissioners and the Planning Board. In order for the Planning Board to best serve you, this trend should be reversed. The Planning Board, with strong staff support, can be a very useful advisory board. It is my hope that you will work to strengthen this relationship.

I thank you, and those before you, for the opportunity to serve on your Planning Board and may I wish you all the best.

Sincerely,
Kenneth Hoyle

p.s. While I understand the desire of Mr. Terry to support candidates for appointment to the Planning Board, I find his idea of "rank ordering" all of the candidates as unnecessary and divisive.

**CONSIDERATION OF THE FORMAT OF THE MINUTES OF BOARD OF
COMMISSIONER MEETINGS (BRYAN GRUESBECK)**

Manager Gruesbeck submitted the following memo regarding format of the minutes.

Background: As you are aware, our current minutes are recorded electronically and reproduced on paper verbatim. The verbatim format provides a relatively “complete” record of comments and discussion from each meeting, but causes our Town Clerk to spend too much time trying to decipher and type recorded dialogue – especially when meetings have numerous speakers and the meetings last for long times.

Attached please find a memo from the Town Attorney (“Minutes”). Essentially, the Town is not under legal obligation to provide a verbatim set of minutes from its Board meetings. As an alternative, I propose that the Board consider a simpler version of its written minutes to include basic information – for example: date of the meeting, time the meeting begins, Board and Staff attendees, citizen speakers and issues, agenda items, motions and decisions, Board member comments, Staff comments, and time the meeting adjourned. The Town Attorney and Town Clerk may suggest additional items.

I would further recommend that the Town Clerk maintain the recorded copies of the minutes in the event the board or the public wishes to obtain a copy. Staff should explore available options to make the recorded minutes available over the Internet.

Action Requested: Discussion and consideration. Provide direction to Staff or Town Attorney, as appropriate.

There was discussion about looking into using the Historical Courthouse as our meeting spot. Manager Gruesbeck stated that the Board of Education uses it on the second Monday in each month.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to prepare tonight’s minutes in summary format as an example.

Vote Aye-5 Nay-0

**CONSIDERATION OF NORTH CAROLINA GENERAL
ASSEMBLY/ENVIRONMENTAL REVIEW COMMISSION PUBLIC HEARING W/R/T
LOCAL ORDINANCES. (BRYAN GRUESBECK)**

Manager Gruesbeck submitted the following memo.

Background: You recently received an email from a resident who wished to bring attention to a State legislative issue (Section 10.2.(c) of S.L. 2013-413 (H74)) under review by the North Carolina General Assembly’s Environmental Review Commission (ERC) which studies the ability of cities and counties to enact ordinances that are, essentially, “more stringent than the State or federal statute or State rule.” Senator Brock and Representative McGrady will be hearing from interested parties on February 12, 2014 at 3:30pm in Raleigh.

A few Board members expressed an interest in this issue and asked if it would be appropriate for the Board to send a representative to the meeting. Mayor Terry also asked if I could seek guidance from the North Carolina League of Municipalities (NCLM).

After some follow-up, I learned that the NCLM will be speaking on the matter and is organizing comments and speakers in support of the ability of cities and counties to enact such ordinances. I also spoke with the aid to Senator Brock, who indicated that he could schedule anyone who is interested in providing public comment. He is also willing to forward written communication to the ERC in advance of the meeting for their record.

It appears there are a couple of options. 1) As a Board, you could consider taking a formal stance on the issue through resolution and forward it to the ERC – either in-person or electronically, or 2) an individual Board member (or members) could speak or forward written comments on their own behalf.

Action Requested: Consideration and direction to Staff, if appropriate.

Mayor Terry and Commissioner Fiocco agreed to attend tomorrow's meeting if the weather permits.

There was discussion about preparing a resolution in opposition tonight. Attorney Messick said the board could adopt a resolution requesting the Commission not limit local government's ability to enact environmental related ordinances.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to ask that the Town Manager prepare a resolution requesting that the Commission not limit local government's ability to enact environmental related ordinances.

Vote Aye-5 Nay-0

ABC VACANCY

Commissioner Fiocco said the ABC Board has been without a third member for several months. He and Jim Nass (Chair) met with Dick Harris and think he would be an asset to the board.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to appoint Dick Harris to fill the vacancy on the planning board.

Mayor Terry stated for the record that this vacancy has been continually advertised on the town website and we hadn't received any applications. So this is not something Commissioner Fiocco thought of at the last minute.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck gave the following updates:

PROJECT: Downtown Pocket Park – staff met with Rob Emerson to discuss initial design concepts for the anticipated park property on Hillsboro Street adjacent to the Bradshaw and Robinson Law Office.

PROJECT: Proposed Chatham Park Planned Development District Master Plan review – The Board will receive a presentation from Mr. Lewis on February 24, 2014. Staff has looked at the courthouse as the location for this meeting. Board agreed to have the meeting at the courthouse.

PROJECT: Jordan Lake Partnership (JLP) - NCDENR has approved a two (2) month extension for the JLP to submit allocation information.

PROJECT: Waste Water Treatment Plant - Generator Replacement Project - The anticipated completion date is mid-February.

PROJECT: Park Street Storm Water Improvements – work as delayed because of weather. Staff will notify nearby residents prior to construction.

PROJECT: NC 87 Sidewalk – this was discussed earlier tonight.

OTHER NEWS:

- The North Carolina City and County Managers Association (NCCCMA) hosted a “speed coaching” exercise which gave me the opportunity to meet and speak with over 30 graduate students about local government administration as well as the possibility of retaining a future public servant for a summer/fall internship.
- He participated in the Chatham Council on Aging annual bake-off cutting desserts on Sunday..
- Construction will begin on the NC 87 bridge construction during this calendar year. Staff is working with NCDOT to get notifications out about detours, etc.
- Wastewater Treatment Plant is having a problem with I & I because of all the wet weather we have had this year. He said it is an expensive problem and we need to correct it. They are trying to find where it is coming from.
- There was talk about a WWTP walk through. If there is still interest he would like some dates from the board so it can be scheduled. Mayor Terry said he will send out an email to get dates.
- Staff is working on the FY 2014-2015 budget.

Mayor Updates

- EDC – The first Power Point presentation (about super sites and Chatham Park) at Chapel Ridge was well attended. A few days after that there was a radio broadcast (Carrboro) on

a local am station. He and Dianne Reid were panel members and responded to questions about economic development issues in the County. He said the next presentation will be held at Galloway Ridge on February 20, 2014 at 3:00 p.m.

- RPO – Commissioner Fiocco said he was appointed by this board to serve but he found out today that Larry Cheek from Siler City has already been appointed and he will not be attending those meeting and if he does it will be as an alternate.
- Solid Waste – Commissioner Turner said their meeting has been postponed again due to the lack of content.
- Fairground Association
- PBA/Downtown

COMMISSIONER CONCERNS

Commissioner Farrell thanked Adam and the crew at the Water Treatment Plant for their work after the spill in Burlington.

Commissioner Fiocco said he was doing some research on the website today and he could not find the recently adopted Jordan Rules posted. Manager Gruesbeck said he will follow up on that.

Commissioner Fiocco thanked Ken Hoyle for his twelve years of service with the Planning Board. Mr. Hoyle stepped aside earlier today.

ADJOURNMENT

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to adjourn at 8:35 p.m.

Vote Aye-5 Nay-0

William G. Terry, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC, Town Clerk