

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, FEBRUARY 27, 2012
7:00 PM

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

ATTENDANCE

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

Staff present: Manager Bill Terry, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Assistant Planner Paul Horne, Finance Officer Mandy Cartrette, Chief of Police David Collins, and Traffic Enforcement Officer Lt. Lesia McCollough.

Mayor Voller noted there are a couple of adjustments to the agenda. Manager Terry said he would ask that Mandy give her report right after Consent Agenda or Citizens Matters. Mayor Voller asked if there were any other items that needed to be changed. Manager Terry said New Business #2 that officer is not available tonight so we can remove that from the agenda and reschedule Sgt. Dotson. Mayor Voller instructed to amend the agenda that the update on the Police Department Traffic Enforcement Program will be moved to March. We will move New Business #1 right after Citizens Matters. Commissioner Fiocco said he would like to take item 2, Zoning Ordinance Amendment - Electronic Gaming, off the Consent Agent and put it into New Business for discussion. Mayor Voller said it would be moved to New Business #2.

CONSENT AGENDA

1. Approve minutes of the February 13, 2012 regular meeting.
2. Zoning Ordinance Amendment – Electronic Gaming.

Mayor Voller said since the minutes from last meeting were quite copious and not everyone has had time to make any amendments, adjustments or review what was said, you could table that approval to our next meeting or if you want to go through it tonight we can do it. Commissioner Baldwin made a motion to table review of the minutes from last meeting until next meeting. Motion seconded by Commissioner Foley.

Vote Aye-5 Nay-0

Mayor Voller said we will move Item #2 from Consent down to New Business. We are going to move Mandy's report up to after Citizens Matters. If no other changes, I ask for a motion to approve the agenda as amended. Commissioner Fiocco makes the motion. Motion seconded by Commissioner Baldwin.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

Mayor Voller asked Clerk Lloyd if we have anyone who signed up in Citizens Matters to speak. Clerk Lloyd responded no sir. Mayor Voller asked if there was anyone in the room or hallway that would like to speak to a matter that is not on the agenda this evening. There was no response.

NEW BUSINESS (moved to proceed before OLD BUSINESS per amendment to the Agenda)

1. Mid-Year FY 2011/2012 Financial Report

Finance Officer Amanda Cartrette addressed the Mayor and Board and took the opportunity to give them a brief synopsis of where the Town is financially for FY 2011/2012. The first two things I want to point out are some figures from FY 2010/2011. The ending Reserve General Fund Balance was \$1,635,153 and that amounts to 54% of the General Fund Expenditures. At the end of FY 2010/2011, the Enterprise Fund balance was \$1,181,401, which amounts to nearly 51% of total Enterprise Fund expenditures. That gives you an idea of where we left off last year.

Town Staff expects their revenue will exceed budgeted projections by nearly \$116,000 dollars this year. The primary reason behind that is that our sales tax revenue is ahead of where we thought it would be when we did the budget. We expected that the Town would receive \$477,000 for sales tax revenue for 2011/2012 and we have currently received \$328,719 that is already nearly 69% of what we have projected so we are expecting to receive approximately \$600,000 in sales tax revenue.

The second area where we have received a little bit more money than we thought was Powell Bill funds and that is for the maintenance and repair of Town streets, right-of-ways and sidewalks. The Town estimated that it would receive \$90,000 for its Powell Bill distribution, but it has actually received a total of \$114,970 in Powell Bill Funds. So that should be all that we are receiving for this fiscal year but it is a little bit more than what we originally anticipated.

A third area we have done pretty well in is the ad valorem property tax collection. The Town has budgeted \$1,172,000 and, as of the end of January, we had already collected \$1,110,275. So that

is almost 94.5% of what we have projected. The Town still has five months to collect property taxes this fiscal year and Town staff expects that it will be \$1,175, 000.

One area the Town expects to receive a little bit less revenue than what was budgeted is the Utility Franchise Tax Distribution. Because of the mild weather this past winter, we do not expect to collect as much utility franchise tax or natural gas tax as what we budgeted.

The next page in your packet should show General Fund Departments and how much we have budgeted and how much we have actually spent thus far. In total, we expect to under expend our projections by around \$64,000. And you can see the departments and how much we expect to under expend in the chart that has been provided for you. I will note that one particular area of concern in the Town expenditures is the rising cost of fuel. As fuel goes up, departments have to use Town vehicles a lot and operate a lot of equipment and may struggle to stay within their budgets in the fuel line item.

For Water and Sewer Fund Revenues, we expect to exceed projections by \$146,300. Our water revenue is expected to be \$94,000 more than what was projected, and sewer revenue is expected to be \$31,000 more than what was projected. With Townsend closing, the Town budgeted very conservatively as it projected water and sewer revenue for this year. In addition, the water and sewer revenue from Townsend did not completely disappear. They are still using some water and sewer at their plant.

I have also provided the chart that shows the Water and Sewer Fund Department and the amount of the budget and the year to date actual expenditures through the month of January. Again, we expect to under expend our budgeted expenditures by around \$62,000. But, like the General Fund, fuel expenditures are a matter of concern in the department.

One of the purposes of providing the Board with this summary is to provide information on whether the Town should provide salary increases to Town staff. Mr. Terry and I have given you six basic options that you can take. The Board can choose to approve a 3% raise that is in line with the Consumer Price Index and make that retroactive to January. The Board can choose to approve a 3% raise that is in line with the Consumer Price Index and make that raise effective for a future date. The Board can choose a lower percentage for employee salary increases. It can choose a higher percentage for employee salary increases. Or the Board can choose to provide a one-time bonus as either a flat dollar amount or a percentage of salary to include in employee paychecks in a future paycheck this fiscal year. Or the Board can choose not to opt for any salary increases at this time. And there is a chart enclosed in your packet that shows the cost of just the salary increase at .5% all the way up to 5%. But the Manager's recommendation at this time is to award a 3% raise to all Town employees, excluding the Town Manager, effective back to the first full payroll in January. The Board was asked if they had any questions.

Commissioner Fiocco asked if she knew what kind of revenue the Enterprise Fund is seeing from Townsends' plant. Ms. Cartrette said she did not know. She said she and Mr. Terry had discussed it and she believes they are doing some maintenance and some custodial things. Manager Terry said it has basically been reduced down to what is essentially a residential account. They have a caretaker operation out there. They are not processing chicken anymore but they do have a few people that are doing maintenance and so they are using like a residential residence so it is the rough equivalent of somebody's house so it is not dramatic.

Mayor Voller asked so you project that the sales tax revenues are going to be up approximately 38% for the year if it keeps going at that rate. Ms. Cartrette said she estimated conservatively still and I said that we are going to get a total of \$600,000. Mayor Voller said so the Powell Bill funds are 26% higher, which is really good, and you've got the ABC collections that are coming in which are excellent. Ms. Cartrette said that is not noted in here but we also did receive more ABC revenue than what was originally anticipated. Mayor Voller said so you are looking at a 25-38% increase. We have sales tax revenue possibly; we have more money for roads, which is excellent, and the Enterprise Fund, even with the near closing of Townsend, which is good.

Mayor Voller said this is a good opportunity so all the Board members got the letter from Scott Jewell. The Board responded yes. Mayor Voller said he sent out a letter announcing that we have now complied again and this is for the 10th consecutive quarter of compliance and we are at .024 and you have to be at .08 for TTHMs and .0094 and the Town Hall .0068 milligrams/liter and you have to be at .06 so I think the Town should send a thank-you to Scott and staff because all those investments don't really mean anything if the staff isn't actually working very hard to make the water as good as it can be. That affects the new school so the water in Pittsboro is many times better than it was before and the thanks go to investments by this Board and previous Boards and staff. I think that is excellent news and the fact that the fund is solvent and, even with the loss of Townsends, making money...that's good that is what we are supposed to be doing. Manager Terry added that the revenue estimates on the Enterprise Fund side are also conservative. We basically have achieved that level of surplus, unexpected level of revenue, as we sit here today and, typically, as we get into the warmer spring and summer months water use will likely increase so the projected overage that Mandy and I have put in there is actually conservative and it could be conservative by half. Water and sewer revenues are going to be very good. Mayor Voller asked for Mr. Terry's feelings about Scott Jewell and the team. Manager Terry said amazing, fantastic, they are doing great work out there and I visited recently and one thing I meant to tell the Board is I did see Commissioner Harrington the other day and I shared it with him. But some of you may recall that there is a lot of discussion about powdered activated carbon or whether or not to use that when we were wrestling with this problem initially, and basically since Scott is in the room he can give you more details but I believe it is his impression that chloramination got us in compliance but it was powder activated carbon that drove the numbers really down to what you are seeing today.

Mayor Voller asked Scott to come up and join Mandy. Applause from the group. Mayor Voller said Scott is very open to giving tours to children and other folks interested in the water plant to understand how your water is made. We get our water from the Haw River, it is not a consistent source in that the chemistry is very challenging and changing day to day but, due to Scott and his staff's work, he has managed to spin silk from a sow's ear so to speak so I think he deserves a lot of credit because the Town of Pittsboro's water, for years, was not seen as a good thing and now it is actually a high point. In fact, where do we compare to the rest of the Triangle? Scott responded we are in the game with them. Mayor Voller said in the past we were not seen in a positive way. Scott responded that was correct. He welcomed anybody that would like to give us a call; we would like to take you on a tour. We are really excited about what we are doing out there. I am a Water Treatment Operator but I am also a water quality guy and there is a little bit of a difference, so I am really proud of what we're doing. It is a complex raw water source that we have coming out of Haw River. Mayor Voller said he thinks that anyone that lives in town or has a business in town should be happy to see that these investments have paid off and please go tour the plant. This is the man to contact but he deserves the credit and the staff deserves the credit so thank you very much, Scott. Applause from the group.

Commissioner Fiocco asked Mandy what we projected as revenue from the ABC Board. Mandy responded we have two separate revenue lines. One is General ABC Revenue. We projected \$18,000 and thus far we have gotten \$14,742 this year. The other line is ABC revenues that are used for law enforcement. We projected \$1,300 and we have received thus far \$1,607 and this is the first year in some time we have received regular revenue every quarter. We were just getting it once a fiscal year but they have been pretty good about sending it. Commissioner Fiocco said he was thinking our tally for this fiscal year was \$32,000. Mandy said that is not what we have recorded. Commissioner Fiocco said he thinks that is what we have actually received. Mayor Voller said we received more than was budgeted. Ms. Cartrette said this is just through January so we have those other two – I believe they came in February. Manager Terry said Commissioner Fiocco there may have been one payment that the auditor reversed to the prior year. Ms. Cartrette said there was one thing we received in the fall that was reverted back to the prior year by our auditors and then we have one other allocation that we received and I believe it was this month. Commissioner Fiocco said he would like to follow up on the Manager's recommendation. I think we spend a lot of money in this town on equipment and things and the Town doesn't work without people and I would like to take this opportunity to reward and invest in our people and I make a motion that we adopt the Manager's first recommendation to approve a 3% raise as in line with the Consumer Line Index and make the raise retroactive to January. Motion seconded by Commissioner Farrell.

Vote Aye-5 Nay-0

Manager Terry said they will bring a budget amendment to the next meeting to put the appropriate funds in the appropriate accounts.

Mayor Voller said since most everyone is here for Item #3 and seating is scarce, we are going to move forward and go straight to Item #3. If folks want to stay they are welcome.

Item 3. Special Use Permit – School (academic) private, Haw River Christian Academy, 50 West Salisbury Street.

Mayor Voller said first we need a motion to recuse Commissioner Fiocco. Commissioner Fiocco said he has a potential financial interest in the property and I think that would create a conflict of interest and I ask that you recuse me from this item. Commissioner Baldwin made a motion to recuse Commissioner Fiocco as requested. Motion seconded by Commissioner Foley.

Vote Aye-4 Nay-0

Mayor Voller said we have now been through a couple of public hearings. All members have probably had an opportunity to review the evidence as stipulated in this meeting and set forth in the quasi-judicial hearing. Has everyone had an opportunity to review said evidence and feel comfortable with that? Mayor Voller asked if all parties are comfortable at this point that there is no bias that exists and they can make a vote free of any prejudice or bias. Mayor Voller addressed each remaining Commissioner and they all responded yes.

Mayor Voller said we were charged to do two things: one was to ensure that the application was complete. I think as of the last quasi-judicial hearing and given the information submitted by Mr. Robinson and his consultants that the application was deemed complete. Mayor Voller asked Mr. Messick if we have to take any motion on that. Attorney Messick said no sir if you go forward. Mayor Voller said that after that our job was to review the evidence as submitted in the hearings that were started in August and that continued into the fall and then due evidence that was accumulated and submitted on February 13, 2012. Mayor Voller said you are charged to only vote based on the evidence submitted, not based on a whim or outside information or someone talking to you...it is only based on the evidence submitted at those hearings and we have to deal with factual evidence. There are the four-findings of facts. The burden of proof - in that case is on any opponent. The presumption is that once the application is deemed complete that if folks have an issue in the four-findings of fact they have to present evidence that would sway this Board to vote to deny. Is that correct Mr. Messick? Attorney Messick responded yes sir. Mayor Voller said you are charged then to have reviewed said evidence and to render a decision based on the evidence that was submitted to the record. This has been a due process. Some may feel it has gone on too long. At this point it will end. You have two resolutions, Resolutions A and B. Resolution A would approve the application with stipulations. If all Board members can review said resolution and then you have Resolution B. But it seems to me that the will of the Board and

the evidence, and I may be wrong, is that Resolution A is where we will be going. That being the case, I would like for you to review the resolution so that when we vote on it we will vote on it with stipulations and it will pass with stipulations, so please review and make sure everyone is comfortable with the vote.

Mayor Voller addressed Mr. Robinson. He said this rendering of the building was presented at the hearing last meeting on February 13, 2012 and you also presented this to the Town. I have labeled this as Elevation because the technical language in the Resolution is that this is an elevation. You have presented this as what the product will be. Mr. Robinson said that is correct and he is comfortable with that. Mr. Robinson said the only stipulation was that the island will change some due to where we had to change the parking lot, that is the grassy area next to the car, and the sign will, I'm sure, be smaller because there is a regulation that stipulates how much of the building can be used for signs. Mayor Voller said I am going to label this based on that so this is submitted to the Town..."Island will change subject to plans," and that will be submitted to the Town with the site plans. Mr. Robinson said this was correct. Mayor Voller said the sign, Mr. Bass; the applicant is stating that the sign may change. Mr. Bass said the sign permit is issued through a separate application. Mayor Voller noted the sign will be handled through the sign permit application. Mayor Voller said he wanted to make sure that they are all comfortable with this. This is what is submitted as the product that is being submitted to the Town that will be built and that is what the resolution will tie to. Mayor Voller said this will be submitted to Mr. Bass and he will have it in his office for any member of the public to review.

Commissioner Baldwin said Resolution A, number 11, where it talks about the street, which is actually number 10, it was number 11, which indicates the last sentence, should say about the future of traffic impacts, attributable to the school should be remedied by the school if so caused. That should be added on there, it was removed from the last time but we want to re-add that. Mayor Voller said he thought essentially that was just referring to the testimony and evidence about stacking and handling that so if there is a stacking issue that is what that would address. Mr. Robinson said that was correct.

Mayor Voller said the approval is essentially based on the utilization and reuse of the vacant building within a C-4 zoning district, increasing curb appeal with the site appearance, increasing economic activity for downtown business, and providing additional parking at certain times for the general public. That was all presented on the record and stipulated to. The rest of this is just a straight forward, special use permit that starts with construction and you have had an opportunity to see this, it has been available for a couple of meetings now but I think the main issue is to make sure all four Board members are comfortable with that issue.

Mayor Voller presented a question to Mr. Robinson. I don't see Dr. Barringer here, but at the last meeting there was a question where in the stipulation in the parking that you were open to letting patients park there. Mr. Robinson said that is correct.

Mayor Voller asked if there was anything else on the resolution that you want to address before we call for a vote. Commissioner Farrell asked if we needed a motion. Mayor Voller said we would need a motion on the changes that were set forward. You had Commissioner Baldwin offer one sentence that was in the previous package that you had that essentially is going to slightly change it. Commissioner Baldwin said it was adding on to number 10. Mayor Voller said it was adding on to number 10, traffic at the cost of Haw River Christian Academy, and we have confirmed that subject to the sign ordinance and other things that are obviously illustrative, that this is the building and Mr. Robinson is comfortable with submitting to the record that the island will change subject to construction. Mayor Voller said other than that, I'm not sure there is anything else - those were the main issues that had been discussed all along.

Mayor Voller said we would need a motion that would approve Resolution A subject to the slight changes that were offered. Commissioner Farrell made a motion that we accept Resolution A that was stipulated with the changes. Motion seconded by Commissioner Foley.

Vote Aye-4 Nay-0

Mayor Voller said this passes with stipulations 4-0. Applause from group. Mayor Voller recognized Mr. Robinson who wished to speak. Mr. Robinson said before everybody leaves here let me just have a word. First and foremost, as we said last time we were here, we want to thank those that supported us. We want to thank the Town for allowing us to go through this process. I know that there have been people from both sides of the argument that have been very passionate and I just want to assure you that our goal all along was to become a viable part of downtown, to be good citizens and neighbors, and to be in harmony with those around us. That has always been our intent and that will be our intent going forward. I also would like to reiterate that sometimes in the heat of a discussion we will say things that maybe we would not say normally and that we all live together, we all have to get along, we all should try to get along, and through this whole process we have sought one thing and that was God's confirmation. Either this is where He wanted us to be or it wasn't where He wanted us to be. But to be obedient to Him we had to take every step along the way and we thank you for allowing us to do that. We will be the very best neighbors that we can be.

Mayor Voller asked for a motion to readmit Commissioner Fiocco. Commissioner Turner made a motion to readmit Commissioner Fiocco. The motion was seconded by Commissioner Baldwin.

Vote Aye-4 Nay-0

Resolution:

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT

FOR HAW RIVER CHRISTIAN ACADEMY, INC.

WHEREAS, HAW RIVER CHRISTIAN ACADEMY, INC. has applied to the Town of Pittsboro for a special use permit for a certain tract or parcel of land containing approximately 1.27 acres with an existing vacant structure thereon containing 12,746 square feet located between Hanks and Salisbury Streets with an address of 50 West Salisbury Street (Chatham County Tax Parcel Identification Number is 9741-77-1706) for use as an academic school facility; and

WHEREAS, the special use requested to be permitted herein will not materially endanger the public health or safety if located and developed according to the plan as submitted and modified as hereinafter set forth; and

WHEREAS, the special use requested meet all required conditions and specifications; and

WHEREAS, the special use requested to be permitted herein will not substantially injure the value of adjoining property if developed in accordance with the plan as submitted and modified as hereinafter set forth; and

WHEREAS, the proposed special use, if developed according to the plans and elevation drawing submitted and modified as hereinafter set forth and approved hereby, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Pittsboro and its environs; and

WHEREAS, the utilization and reuse of a vacant building within the C-4 zoning district will have a positive and beneficial effect on the downtown area as follows:

- a. Increasing curb appeal of the site's appearance;
- b. Increasing economic activity for downtown businesses;
- c. Providing additional parking at certain times for the general public; and

WHEREAS, the Traffic Analysis prepared by Ramey Kemp & Associates dated November 7, 2011 and the associated revised site plan submitted by the applicant, adequately address concerns over the school traffic flow and indicate that the site can adequately handle the traffic impacts associated with the operation of the school; and

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

That a Special Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Town of Pittsboro hereby approves the application for the special use permit in accordance with the plans of HAW RIVER CHRISTIAN ACADEMY, INC. revised December 12, 2011 and the elevation drawing submitted as a part of the record on February 13, 2012 and confirmed by the applicant on February 27, 2012 attached hereto and incorporated herein by reference.

Stipulations Specific to the Development.

1. Construction Deadlines. This permit shall automatically expire on the first anniversary of its issuance unless (a) construction has commenced after issuance of certificates of zoning compliance and building permits; or (b) a timely filed application for an extension of time has been approved by the Town. This permit shall automatically expire on the second anniversary of its issuance unless the construction of all required improvements has been completed. No School may be allowed to operate unless the premises are in compliance with the appropriate provisions of the North Carolina State Building Code and ICC/ANSI A117.1-2003 America National Standard (Accessible and Usable Buildings and Facilities).

2. Land Use Intensity. This special use permit approves:

Gross Land Area	1.27 acres
Maximum Impervious surface area	78%
Maximum Number of Lots	1
Maximum Number of Structures	1
Maximum Number of Students	150

3. Fire flow. Adequate fire flow shall be demonstrated prior to issuance of a certificate of occupancy including any required sprinkler system. Adequate access for emergency services shall be shown on the plans and approved by the Chatham County Fire Marshall's Office and the Pittsboro Fire and Rescue Department.

4. Lighting Plan Approval. All lighting shall meet shoe-box type lighting standards. All parking lot, street, walkway, under-canopy lighting shall be sodium vapor daylight corrected. No areas shall exceed a spill-over level of 1 foot-candle at the property line.

5. Utility and Access Easements. Easement documents, if any, required by the Town shall be recorded prior to issuance of a Zoning Compliance Permit.

Stipulations Regarding State and Federal Government Approvals

6. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from the Town of Pittsboro be obtained and copies submitted to the Town prior to the issuance of a Zoning Compliance Permit..

7. Improvements. Off-site improvements required by the Town of Pittsboro or any other agency shall be constructed at no cost to the Town.

Stipulations Regarding Required Improvements

8. Parking areas. The on-site parking area shall be available for public use during periods when the school is not in operation. The area not involved in construction of the school shall be available immediately. The terms and conditions of such use shall be evidenced by a separate agreement with the Town. All parking areas for the project shall be constructed and/or functional prior to issuance of a certificate of occupancy. Parking area and roof treatments shall conform to low-impact development applications where practicable, including bio-retention areas, designated areas of green parking or alternative paving such as porous/pervious concrete or equivalent, open and landscaped/grassed swales, level spreaders and vegetative strips, roof runoff applications, and grassed and vegetative medians in roadways and parking areas. All such applications shall be shown on the final site plan. The on-site parking area shall also be available during business hours to the adjacent dental office so long as such use does not unreasonably interfere with the operation of the school.

9. Play Area. The on-site play area for the school shall be converted from asphalt to an appropriate surface material prior to issuance of a certificate of occupancy and depicted upon the final site plat to be submitted pursuant to Paragraph 15 herein.

10. Streets. Street or driveway plans shall be approved by the Town prior to issuance of a certificate of zoning compliance. All streets and parking areas for the project shall be constructed prior to issuance of a certificate of occupancy. Curbs and gutters shall be designed and installed as required by the Town requirements. School start and stop times shall be staggered, at appropriate intervals, in order to facilitate traffic flow and lessen any associated impacts. Also, there shall be at least two drop off points shown on the final site plan as recommended by the applicant's traffic study. Future traffic impacts attributable to the school shall be remedied by the school at its sole cost.

11. Utilities.

(a) The developer shall demonstrate availability of adequate water and wastewater supplies to serve the property and plans for provision of the same shall be approved by

the Town Manager prior to issuance of a zoning compliance certificate. Such plans shall be in conformity with any Town policies then in effect and the developer shall pay all fees and charges associated with the project, if any, including then current utility access and capital reserve fees, review and inspection charges prior to issuance of a certificate of zoning compliance. The entire cost of extending such utility services shall be borne by the developer. Water and wastewater facilities shall be offered to the Town for acceptance for maintenance upon completion in accordance with the approved plans and policies of the Town. Acceptance shall be conditioned upon provision of adequate security to warrant the construction for a period of not less than one year.

(b) Adequate water service may include the provision of an above-ground storage facility at a site satisfactory to the Town if necessary to adequately provide fire flow pressures for the project and surrounding area.

(c) Adequate wastewater service may include provision of a gravity collection line of sufficient size to accommodate current and projected demand of the project to the Town's existing collection system to be constructed at no cost to the Town.

(d) The Hanks Street driveway shall be for entrance-only during school hours. The Salisbury Street driveway shall be for both entering and exiting, but may be restricted to a right turn only exit by the Town if necessary.

(e) All plans for underground utilities including water distribution, wastewater collection, gas, electric distribution, communications and cable television, if required, shall be approved by the respective utilities involved prior to issuance of a certificate of zoning compliance. Upon completion the Town shall be provided as-built plans for all utilities to be accepted for maintenance.

Stipulations Related to Landscape Elements

12. Landscaping/Screening. All required landscaping, screening and buffers shall be in place prior to issuance of a certificate of occupancy. Existing vegetation may be used to fully or partial fulfill the landscaping and buffer requirements of the Town. The extent to which the same can be used shall be determined by the Town Manager prior to issuance of the zoning compliance certificate.

Miscellaneous Stipulations

13. Solid Waste Management Plan. A detailed solid waste management plan, including recycling and management for construction debris, be approved by the Town Manager prior to the

issuance of a Zoning Compliance Permit. The final plans shall include a detail of proposed service areas and respective access drives. This plan shall include the location and proposed use of containers for refuse and recyclables. No outside open storage of any kind shall be permitted.

14. Detailed Site Plan. A final detailed site plan, grading plan, utility/lighting plans, storm water management plan with hydraulic calculations, and landscape plan, be approved by the Town Manager before the issuance of Zoning Compliance Permit and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions of the Town's ordinances.

15. Erosion Control. If applicable, an erosion and sedimentation control plan be approved by the North Carolina Department of Environmental Health and Natural Resources and submitted to the Town Manager prior to the issuance of a Zoning Compliance Permit.

16. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt, mulch, or other material originating from the site onto adjacent properties and streets.

17. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

18. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

19. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the Town as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Town of Pittsboro hereby approves the application for a special use permit in accordance with the plans and conditions listed above upon acceptance thereof by the applicant.

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR HAW RIVER CHRISTIAN ACADEMY, INC. IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 10-15

OLD BUSINESS

1. Request for Voluntary Annexation of the Northwood High School Property.

Mayor Voller thanked Mr. Robert Logan, Superintendent of Chatham County Schools, and Mr. David Hamm, Chair of Board of Education, and David Moody, Assistant Superintendent Auxiliary Services for coming. We appreciate you all coming. The Town got the request last meeting and we wanted to have a dialogue and then figure out where to go from here. We have our Superintendent and the appropriate people with him so let's start.

Mr. Robert Logan led the discussion. Mayor and Commissioners, good evening. Thank you for this opportunity to come and talk with you about the rationale behind our request. Without going into a great deal of detail, because you have all the facts and most of the figures, I want to thank the Town staff for working with us as we looked at this issue. What it amounts to is the voluntary annexation would be a vehicle or mechanism by which we could bring the high school into the town limits of Pittsboro, thus being able to retain the in-town water rate for the school. As you are well aware, we provided payment for three-years back at the out-of-town water rate (we had paid the in-town rate), about \$98,000 this year, during a very tough budget cycle and we are facing another as most municipalities and school systems in the state are. We are going to have to cut our budget again in the coming year to somewhere between \$3 and \$6 million. The reason for the wide range of those numbers is that we don't have all the information we need from the state at this point to nail it down further. When we get planning allotments we will be able to find precisely exactly how much the deficit will be for the 2012-2013 school year. But there will be a deficit so, just as most school districts are, we are looking for ways we can reduce that deficit. One such way would be going back to paying the in-town water rates that we were paying prior to the change. We understand the rationale for the change, there is no issue about that. We understand that you are well within your legal rights to do that and we understand why the Commissioners have made that decision. But we are asking for consideration relative to being able to annex the school into the town and, in doing that, we could go back to the lesser water rate. I think you are aware of how much we are talking about. We estimated somewhere around \$40,000. Your staff has estimated it somewhere around \$45,000 a year for Northwood alone - just this one particular high school. We are paying double now as is your policy and, again, we are not taking issue with any of that, that is your policy and the town is well within its legal rights to set its policy as such. But basically we are having to ask for your consideration from the standpoint that dollars are tight, we have cut our budget for three consecutive years now, we have lost over \$5 million in state funding in the last three years and approximately 54 positions from the school system as a result of this. One might say, "What is \$45,000 out of a \$75 million budget?" That is the current expense budget for the school system. What is \$45,000 in \$75 million? \$45,000 is a couple of TA's or just about enough for a teacher. So we are looking for every way we can to save money so that we can keep services for the children strong and at a high quality level. The school system is performing well and we want to continue to perform well and we have been good stewards of the money and, again, we understand all the ramifications, you are well within your rights to do everything that you have done. Believe me, I know that you are. But we are asking you consideration in considering the annexation of the high

school so that we can go back to the lower water rate. We have full knowledge of what it will do, that you need the water and sewer funding as well, due to the loss of some revenue prior to this action taking place.

We looked back and we couldn't find anything there was obviously never any agreement what was spoken 20 years ago, who knows. Northwood was built in the early '70's, who knows what agreement was arranged between the town and the school system at that time. But nothing was put in writing so there is nothing in writing thus the school system has always paid the lower water rate. Rather than ask you to make an exemption to the water rate policy that you have, another way that you could do this would be to annex the school into the town and thus we are making that request. Mayor Voller said then you would be a member of the community. Mr. Logan said then we would be a member of the Pittsboro Community as well.

Mayor Voller said one thing for the Board to consider is we have three new Board members who came on after this started. It came up last year when we did an audit and Mr. Terry can correct me on this, when Townsends was starting to shut down and not pay we audited accounts and it was discovered that some accounts were being billed inaccurately, a few, and this was one of those. Mayor Voller asked Mr. Terry if that is how he would portray this being discovered. Manager Terry responded he thought it was discovered as part of our work with Jordan Lake Partnership actually. We did an exhaustive audit of the accounts, Cathy Stinson was doing it in conjunction with Becky Smith, I believe. It was more tied to the work of the Jordan Lake Partnership and preparing our request for a water allocation of the Jordan. It was trying to help project what our future use would be. Mayor Voller said so during an audit process it was discovered. So, as Mr. Logan is presenting, we had never gotten this revenue before so it isn't as if we were missing something that was never part of it. They were always paying in-town then they graciously agreed to pay the three years back when it was realized that it had not been billed. We have a former Board of Education Chair and then I am going to recognize Mr. Hamm. Mr. Cooper, you were on the Board or on the Board sometime after this all started, is that correct? Mr. Cooper said he got on in 1984. Mayor Voller asked Mr. Cooper if he remembered them ever thinking that this was in town or, when it was built, it was pretty far out. Mr. Cooper said they have always called it Pittsboro High School, it always said Pittsboro, even on the news; it said Pittsboro, not Northwood. Mayor Voller asked if the two high schools that were merged were both in town, Pittsboro High School and Horton High School, so they have always been in town. Mr. Logan asked to clarify one thing he said, he said that it existed for 20 years, it is really 40 years between 1972 and now, so it has been about a 40-year period of time that we have paid the in-town water rate. Mayor Voller recognized the Chair, David Hamm. Mr. Hamm said he was just going to say that for 39-40 some years this Board or previous Boards or previous Mayors, etc. it has been an oversight and I would think that this type of revenue would not have been an oversight so the original intent of how this came about (handwritten note or something)

makes a logical sense of it is still a town school and so that is probably how and why the rate stayed where it was. Mayor Voller asked if there were any questions for Mr. Logan.

Commissioner Fiocco asked how many students are at Northwood. Mr. Logan responded right at 1,100 this year. At one point, when the economic growth stopped and the housing leveled out, the school did not grow for about two years – the two prior years to last year. This year the school experienced a growth and next year we're projecting a growth at the school again, so we are right at 1,100. Commissioner Fiocco asked how you will manage the growth with additional students. Do you build new buildings? Mr. Logan said that is an issue that is under consideration and discussion between the County Commissioners and the public right now. Whether or not to start building a 4th high school somewhere in the north.

The core of the school has a capacity of about 1,200. So we have not reached the core number yet but we have enough modulars and what we call a pod, which is more of a permanent type modular, that are handling the additional students that we don't have classrooms for. So the core can handle another 100 and then we do have the mobile classrooms and a pod that could probably easily accommodate 1,300 hundred students in the school so we could take another 200 before the school was actually crowded. That's where we are right now.

Commissioner Fiocco asked how many acres? Mr. Logan said there are 99 acres so we have room to grow; it is not a problem if there was ever a decision to expand Northwood there is room to expand. Commissioner Fiocco said you are getting your effluent to our treatment plant via a pump station and I understand there are capacity issues there with the flush that we receive during what I guess is lunch hour. I think it is something to monitor and be aware of it. I don't know what the conditions are but whether or not improvements will need to be made to that system. Mr. Logan said we actually made some upgrades to that system, we put a new pump in about two years ago, and the busiest time is probably between 11:00 am and 1:00 pm, but we do monitor that and we keep an eye on that. We have been maintaining that pump station so that hasn't been a cost. We replaced that pump at the cost of the school system.

Commissioner Fiocco understands that you may need to run a larger wet well to provide a greater buffer because I think that the Town is going through some gymnastics to valve this off or valve that off, send it to one place or the other. Manager Terry said he hasn't been part of that discussion so he is not sure if that is correct. Commissioner Fiocco said he believe Mr. Poteat was telling him about that recently. Mr. Logan said they haven't been apprised of that that he is aware of but it is something that we can look at. Commissioner Fiocco said that it sounds like with some additional growth may require some improvements. Mr. Logan said it very well could, especially if we get up around 1,200 or 1,300 students.

Mayor Voller asked how much excess land you have outside the core there. You have 99 acres; do you have any idea how much land you are talking about? Mr. Logan said the actual footprint

of the school in his estimation, if you talk about the ball fields (soccer, baseball, tennis, football) ... Mayor Voller said my question is are you using about half? Mr. Logan said he believed it was less than half that is being used.

Mayor Voller said most of your buffering looks like it is toward 15-501. Mr. Logan responded that was right. Mayor Voller said you have something on the back, south of the baseball field? Mr. Logan said he didn't think there was anything, it was a wooded area. Mr. Hamm said there is a field there, but down below that it is just a wooded area. Mr. Hamm said the area is not real flat. Mayor Voller asked if you would ever perceive of any possibilities that the Board of Education, David, could entertain some cooperation with the Town with our Parks Department or think we could work together. Mayor Voller said you have the land and we are all here to serve the community – Chatham County and citizens of Pittsboro, would that be something you would be open to discuss? Mr. David Moody said absolutely we are still open to looking at the soccer field because we did widen that field to make it where you could host tournaments and things of that nature, because the regular playing field on the stadium is not wide enough. Mayor Voller said we have a Parks Planner who does a great job and I know that you have to worry about a lot of campuses and you don't necessarily have one person dedicated to that, but if we knew we could work with you on that. Mr. Moody said that any facilities we share save us both money. Mr. Logan said we currently have such a collaborative agreement presently in place with the county so we are receptive to such.

Commissioner Baldwin had two things for Mr. Logan for clarification. The new high school that was proposed, has that been delayed for a short while? Mr. Logan said it had been pushed back a couple of times on the county's Capital Improvement Plan due to whether or not we have the numbers that would justify moving forward with it again. You don't want to build a school before you have the children to put in the school. Presently it is on the Capital Improvement Plan for the funding stream to start up again this summer, beginning in July for the 2012-2013 fiscal year, that we would start receiving money to move back into a planning phase with the school to actually start construction not in 2012-2013 but in the 2013-2014 school year, with plans to open the school in 2016. That is the way it is presently laid out. There is conversation by the Commissioners at this time on how to proceed with that.

Commissioner Baldwin asked also, if we were to approve in-town rates for you and you would not need the annexation, is that correct? Mayor Voller said no, we have to annex to do it. Attorney Messick said you have to have uniform rates unless you can somehow classify Northwood as its own different category and I can't imagine why or how you would do that. They have to be the same as any other out-of-town customer.

Commissioner Foley said she had an observation more than a question, but it seems to me that it could be argued that if you have a strong school system it impacts the property values of the Town so that is certainly something to consider, because when the school is strong it benefits all

of us. Mr. Hamm said the day the new school is open Northwood's bill will be basically cut down. Mayor Voller said then as growth comes to town you would start to fill up...yes, they are going to siphon off a number of students which then will put us back to another situation.

Mayor Voller said Mr. Logan a question that occurred to some of us just chatting is you are talking roughly about \$40,000 to \$45,000 a year and, if the Town were to see in its wisdom to do the annexation but not require a survey which would save you roughly \$10,000, it would be great if the Town could see that money go to good programs at the school, like a teacher or two teachers aides would in fact be hired back, or the money went toward the athletic department and arts department, toward scholarships, ... I would like to see that money go toward kids, children and for programming, and not just we saved the money. Because ultimately we are all on the same side here, this is all tax dollars, it is all investment in community, and we would like to know that the money was being invested in the community. I don't know how anyone else feels and I know from an educator's stand you would like to see that. Mr. Logan replied definitely, that is why we want the resources. If we use the resources for utilities, then those are resources we can't use for programs that serve the children and again, this is going to be the roughest of the past four years in that we have a greater deficit and they have already advised us that there will be more cuts from the state this year and the federal money is gone...no more federal money for education, no increase, so we have lost federal money and we have been told there will be further cuts from the state and we have not submitted a budget to commissioners yet so hopefully there will not be any cuts at the county level.

Commissioner Baldwin said back to the annexation, if that were approved and there was a savings of that amount I would like to see it go toward student under-achievers to bring them up to par, things such as that. Mr. Logan said we do have programs that such resources could be directed toward, already in place it could be used to support.

Mayor Voller said he knows that you can't speak for the whole Board, Mr. Chair, but basically what we are saying is if the Town was willing to do this because we understand the need but we would like to see the money reinvested back in the school, do you think your Board would be fine with that? Mr. Hamm said speaking for him he didn't think that was an issue. That was the one thing that came up when we were asked to pay the back pay, was we had numerous conversations trying to get people to understand that basically that was \$100,000 which is two teachers. If we continue to pay this we will have to continue to cut and that would be a problem and we know now that we have been very lucky with that cuts that we have enough attrition, enough retirements and people moving that we haven't had except in two cases had to have a face-to-face conversation that they were losing their position or their job. All those were taken care of and we can't make that promise now. This money has to go toward the utilities we have to take care of that, we understand that.

Commissioner Fiocco asked Mr. Terry what other expenditures the Town would incur as a result of annexing the property. What other services might we need to provide that we are not providing at this time? Manager Terry said the only two that come to mind are police protection and solid waste service but I think the school system has its own solid waste service so they would probably not participate in the Town's. There may be some shift in the work load between the Sheriff's Department and our Police Department in respect to how they handle traffic accidents at that intersection in front of the school. Mayor Voller recognized Chief Collins since this is your area we ask that you come to the front of the room. Chief Collins said it would not be a problem. The police and sheriff departments work together anyway, we have Horton Middle we have the elementary school so it would not be an issue. As for traffic, we are not annexing 15-501, you are just talking about the entrance to Northwood so that would be the Highway Patrol responsibility for accidents that were on the road way. Manager Terry said it was certainly not something that would require us to add staff. Mayor Voller said we don't handle highway patrol issues on 501. Mr. Logan said the campus has an SRO (school resource officer) that is assigned to the school 100% of the time so there is an officer on campus all the time.

Commissioner Farrell said he understands what David said but what about sporting events, football, basketball, is the Police Department going to 100% handle that? Chief Collins said the Chatham County Sheriff's Department will handle all sporting events just like they always have. Chief Collins said Horton has a school resource officer and they (the Sheriff's Department) handle all their events. Mr. Logan said he would be happy to check with the Sheriff to see if that would change but since we have a SRO officer at the school that is responsible not only to handle inside the building but the whole campus as well.

Commissioner Fiocco asked Mr. Messick if he had an opinion. Attorney Messick responded no sir he did not have an opinion but that it is a policy decision for the Board. Mayor Voller asked Mr. Messick if he saw any legal issue for them. Attorney Messick said we talked about the satellite annexation subject and they are not prohibited they are just limited. Mayor Voller ask so 96 or 99 acres would be what percentage? Attorney Messick said Stuart probably knows. Stuart Bass said he looked at the percentages some months ago but he wasn't sure now. Mayor Voller said theoretically everything north of 64 would be a satellite, so once they are in everything else after that is not a satellite? Attorney Messick said a satellite is any annexation that isn't contiguous with any already annexed pieces of town so people call them donut holes. Mayor Voller said so what you are saying that all the parcels south create this annex. Attorney Messick said that is correct, the city limits is on the southern edge of 64.

Commissioner Foley said as the town grows instead of growing in that direction at what point is it not considered satellite? Attorney Messick replied when you annex what is in between and the way things are going it would either be a voluntary annexation like this or if it qualifies, theoretically, if they don't change the law, you might be able to do an involuntary annexation.

Commissioner Foley asked if we annex property it goes to 64 would that still be considered a satellite. Attorney Messick said yes because this property is not contiguous to 64. If you got property owners between 64 and the school to agree. Commissioner Foley said that might be something we would want to pursue, annexing all the property between Hwy. 64 and the school. Attorney Messick said that would be a good sell but it might be something they could explore. Commissioner Fiocco said so to confirm, public right of way is not an exclusion as is referred to as properties being contiguous. Attorney Messick said if it was on the other side of the highway or road it would be considered to be contiguous. Obviously with any involuntary annexation you need to consider what services are needed and what you can deliver...whether you can do it in a cost-effective manner.

Mayor Voller asked Mr. Logan and Mr. Hamm depending on what you perceive to be your annual savings, would you be able to take guidance back to the Board to invest a third of it toward tutoring, a third of it toward the arts, and a third of it toward your athletic department so everyone benefits, all the kids? I know it is your decision but our hope would be that it would benefit all in some way. Pam really wants to help the kids with tutoring and I know personally those other groups are always looking for support and they most of your constituent kids in there. Mr. Hamm said that he can sell it as hard as he can. Mayor Voller thinks that would be a guide point coming from us and I don't think no one could argue helping the kids but everyone would benefit.

Mr. Logan had a question and one more point of clarification as to what impact this would have. We have already checked with the various permitting requirements, structural permitting requirements, and the town's are so close to the county's anyway they are aligned with what type of building construction permits exist so as the decision would be made to build on to Northwood, expand, or make changes to the structure we would meet the city construction requirements as well as the county's because the two are almost synonymous. The other point Mayor Voller I would like to inquire is to what is the Commissioners' position as to the survey that your present application process requires a boundary to boundary survey which we would have to have done. Mayor Voller said that what they are saying is Attorney Messick said last time that if possible we could just annex it subject to ... Attorney Messick said it was his understanding there was a survey. Mayor Voller said there was a survey of record that was done under the previous Board of Education. You have a Board member here present, Mr. Cooper, and Attorney Messick advised we could accept that. Mr. Logan asked if they would accept what they got from the Register of Deeds office. Attorney Messick said yes unless something had changed since the original, 42 years ago. Mayor Voller said that with the savings that would make we would just want to go by this formula just give it back to the school and split it up equally so that all these departments benefit. I know it is subject to your Board to do but I don't think they are going to argue with trying to invest it back in the schools and everyone benefits. That way everyone will feel comfortable and the Town and the County will be working together

and everyone wins. Mayor Voller said we are obviously looking to work with you on the property that we currently have a lease on anyway so it is in all our benefits to work together. I think that was the property that was leased over there and I think, Mr. Messick, that lease was recently extended. Attorney Messick responded yes, where the tennis courts are located. Mayor Voller said a group wants to do a skate park on part of it. Mayor Voller asked what the Board would like to do at this point.

Commissioner Fiocco said he would advise the school to move forward with their application. Mayor Voller said we are not requiring them to put in a new survey as long as Mr. Messick is happy with the previous one. Commissioner Fiocco said he felt we need a legal application and if the town attorney believes the survey is adequate then I would rely on that as interpretation. Manager Terry said the next step would be at the next Board meeting we would have a Consent Agenda item for authorizing the Clerk to certify the application and we can put that on the agenda for the March 12, 2012. Mayor Voller said we asked you to come here so that you could feel comfortable moving forward so we are going to move forward with that. You can go talk to your Board about what we've given back to you that we think everyone wins it is good for the children and you can give us feedback on that but that is what we are looking for, splitting it among the component groups. You have told us you are willing to work together with our Park Department; I don't know what else we have to talk about.

3. Contract Award: Jordan Lake Local Stormwater Management Program.

Mayor Voller said Mr. Terry had submitted something and asked if he had anything to add. Manager Terry said he had a brief discussion with Commissioner Fiocco this afternoon regarding he had some questions about what was the position of DENR and what was the capability of the engineering firm to deliver a product in time to satisfy DENR but I did make some phone calls this afternoon and talked to Mr. Jason Robins with DENR and he indicated that the time pressure that they are under is that they have to have all these ordinance submitted from cities and counties to the Environmental Management Commission by mid-April which gives them about six weeks and therefore they are asking for submission so they can get it reviewed. I called Mr. Doug Jewell, Jewell Engineering Consultants, who we recommended take on this work and explained to him that timeline and he said that it was a tight timeline but because they have done six or seven of these for other towns they don't have to reinvent the wheel. They believe they can, in all probability, deliver that piece of the scope award, just the draft ordinance, in time to get it to your Board meeting on March 26, 2012 and if you approve it that night we can get it in the mail to DENR the next morning and DENR will have a couple of weeks in April to review it and get it to the Environmental Management Commission in time to meet their deadline.

Commissioner Fiocco asked Mr. Terry if one of the deliverables is a database of practices and installed BMP's. Throughout the ordinance there are many references to the official stormwater map, what would be the format of the database and would it require the Town to purchase new

software? Manager Terry said he was not sure about that, he would have to check with Mr. Doug Jewell. That doesn't sound like anything that would be more complicated than an Excel spreadsheet but I can inquire about that. Commissioner Fiocco said the stormwater map ultimately would be a long term thing that the Town will have to maintain and I'm not sure that we would be doing that on paper and I'm not sure what kind of GIS software we have. Perhaps this is something we could talk about partnering with the county. Assistant Planner Paul Horne said my background is geography with a GIS concentration. If we are doing a lot of GIS work whether utilities would have their own system I'm sure that could use any GIS data. I would imagine they would have to acquire a lot of new data which is more data acquisition than the first step. Manager Terry asked what software we have. Mr. Horne said we have ArcView. Manager Terry said so if the contractor provided us a product that ArcView would be manipulated at your station. Mr. Horne replied yes. Commissioner Fiocco said it was his understanding that we will only be required to monitor or document the BMPs that come on line as a result of this ordinance so I don't think it is tracking back historically to identify – I don't think so. Commissioner Fiocco said he knows we have struggled with this and it is not something the Town can avoid. It is a complicated program. There is a lot of moving parts to this ordinance and I think it makes sense to hire professionals to work with us on these very sophisticated systems of managing our BMPs or the BMPs that will be constructed in our Town, I don't know that we want to own any of them. In fact, I'm sure we don't and how do we create those systems that the developers understand that, one, we have to fund this, we have to inspect it, we have to maintain these items and we have to review their plans for adequacy that speaks throughout this document for the stormwater administrator and I fully believe that is going to be an engineer and I think we are going to have to pursue hiring an engineer. I think this document is wrought with needs of an engineer and so I think we have delayed long enough, perhaps I hope not too long, and I would make a motion that we move forward with hiring Jewell Consultants. I make that motion that we adopt the attached resolution authorizing the Town Manager to award a contract in the amount of \$34,600 to Jewell Engineering Consultants for the Pittsboro Local Stormwater Management Program. The motion was seconded by Commissioner Baldwin.

Commissioner Baldwin wanted to add since this was supposed to have been completed are we receiving any penalties or anything in reference to it. Manager Terry said not as yet although the most recent email did bring up the issue that that at least could be forthcoming. When I was talking to him I tried to get him to quantify that and he wouldn't mention a number but he said the first step would be, before we got any monetary fine, would be a formal letter of a notice of violation and, while he was hard to pin down he seemed to indicate that if we can get this thing into him before the end of March that we could possibly avoid that. We might get the letter of violation no matter what we do but we could avoid the possibility of monetary fines if we can expedite this and get it to them by the end of March. Commissioner Baldwin asked so DENR thought we could get this completed in time. Manager Terry said Mr. Jewell said it would be a challenge but he thought he could do it. Manager Terry said Scott Jewell, our Water Plant

Superintendent is a different Jewell no mean to confuse everybody-he is not related to Doug Jewell, the engineer from Kernersville), but our Mr. Jewell worked in the stormwater section of Burlington before we hired him and made him. He worked for a PE there who had to deal with this and he related to me the difficulty with which an in-town engineer had in getting into compliance with this project. Manager Terry asked Mr. Jewell if he would like to share some of that information.

Scott Jewell said the stormwater program is massive. I'm not sure if the Board really understands how massive it is. It is a whole change in thinking about how we construct and manage our water when we are developing so the EPA has promulgated these things to us and of course the state is in charge of administering it to us and it drills down to us and it is massive. Manager Terry asked Mr. Jewell how long his PE engineer boss took to get into compliance, doing it in-house and doing it himself. Mr. Jewell replied it took him about a year and he is really still not in compliance. He is working on it – it is massive. It is a new animal. I consider myself a fairly sharp individual but it is a just another language and trying to put all the pieces together tends to overlap and it is quite massive. Mayor Voller said the county and the town are pretty far ahead because people were concerned about this issue years ago and development slowed down but the impervious surface calculations and our proximity to the critical area of the Haw River Watershed has been on our forefront for awhile but we have not had to do this program. Commissioner Fiocco said he believes we have been ahead of the curve from some of the other towns and cities that are in the watershed of Jordan Lake only because of our proximity we have always had the water supply watershed regulations so we're used to impervious surface limitations, we are used to BMPs, and that kind of thing. We probably are a little bit better off than somebody starting from scratch. Mayor Voller said we have had non-profits or a non-governmental organization like what Karen Hall does, helping the town for years which others have not had. And we have been doing water and sewer retro fits which was all basically I & I, stormwater. Manager Terry said for a long time we had the benefit of close cooperation with Fred Royal, the stormwater engineer for the county until, because of budgetary constraints the county had to eliminate his position so we have lost that.

Vote Aye-5 Nay-0

Resolution:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AWARD A CONTRACT IN THE AMOUNT OF \$34,600 TO JEWELL ENGINEERING CONSULTANTS, PC FOR THE DEVELOPMENT OF THE TOWN'S JORDAN LAKE LOCAL STORMWATER MANAGEMENT PROGRAM.

WHEREAS, the Town of Pittsboro publicly advertised a Request for Qualifications for a Jordan Lake Local Stormwater Management Program; and

Whereas, based upon the review of statements of qualifications from eight firms and interviews of three highly qualified firms, Jewell Engineering Consultants, PC was selected as the most qualified to meet the needs of this project; and

Whereas, Jewell Engineering Consultants, PC has submitted a satisfactory fee proposal in the amount of \$34,600 to perform the work; and

Whereas, the Board of Commissioners of the Town of Pittsboro wishes to accept the offer of Jewell Engineering Consultants, PC to perform the initial programmatic development of the Jordan Lake Local Stormwater Management Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town Manager is authorized to enter into a contract in the amount of \$34,600 with Jewell Engineering Consultants, PC for the development of the Town's Jordan lake Local Stormwater Management Program.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AWARD A CONTRACT IN THE AMOUNT OF \$34,600 TO JEWELL ENGINEERING CONSULTANTS, PC FOR THE DEVELOPMENT OF THE TOWN'S JORDAN LAKE LOCAL STORMWATER MANAGEMENT PROGRAM IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 9

Commissioner Fiocco made a motion that we adopt the attached budget amendment appropriating \$34,600 in the General Fund Balance to the Professional Services line of the Planning Department. Motion seconded by Commissioner Turner.

Vote Aye-5 Nay-0

Budget Amendment:

**ORDINANCE AMENDING THE
TOWN OF PITTSBORO
2011-2012 OPERATING BUDGET**

Be it ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 27th day of February, 2012.

To add funds to the Planning Department Budget for the Pittsboro Local Stormwater Management Program

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

103990000	Fund Balance Appropriated	\$34,600.00
TOTAL		\$34,600.00

Section 2. That the following **PLANNING DEPARTMENT EXPENDITURES** be increased by the amounts indicated:

104900040	Professional Services	\$34,600.00
TOTAL		\$34,600.00

AN ORDINANCE AMENDING THE TOWN OF PITTSBORO 2011-2012 OPERATING BUDGET IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 3

Mayor Voller said again, Mr. Jewell, I would like to thank you for your good work. What I would like the Board to think about is a lot of the things that have come up over the last couple of months we have not effectively communicated some of the challenges and also some of the successes to the public, something that Commissioner Farrell brought up about community trust and it is more that people don't have all the information, it is not that the Town is trying to work the process, it is just that people don't know. They feel like they don't know. I would like the Board to consider how we can advertise things like Mr. Jewell's success, because as an economic development tool, if we go out and tell people the Town of Pittsboro has excellent water, it helps us but, frankly, people don't know that. I still get people telling me Pittsboro's water is bad...they are thinking of Pittsboro's water in 2000 or 1998 or when you started. So this is a message that has to get out and I don't know if we need to hire a PR firm or whether we need to seriously consider providing help to Manager Terry on this but it is great for us to get it but the public doesn't know it. The message needs to get out. People need to know when the water is bad because we mail it then but they also need to know when it's good and they need to know what you are doing to make it good and other good things that are going on here. Commissioner Turner said she thought putting it on the water bill is a good start since you are mailing it out anyway. Manager Terry said we do send out an annual water quality report that all customers get but it is once a year and so it is easy to forget that you got it in the mail. Mayor Voller said our town's economic development depends on getting our successes out there and being frank about our failures and fixing them. Commissioner Turner said she thinks this is being addressed by the Main Street Program, there is a promotions committee and I think they are addressing of those issues but I think if anything we can communicate with the Main Street promotions committee because they are working on some really good things. Mayor Voller said that segues into an issue, again we don't have an update line with the Main Street Committee so I think we might want to consider hearing from them every meeting what is going on. Commissioner Turner said she thought that would be a great idea. I think there are a lot of great things going on and people don't necessarily know about it and it is even a way of letting people know about the Main Street Program is going to be going on for the next two years and we need a constant flow of individuals who are participating in the Main Street Program. Mayor Voller asked Mr. Horne how he would like to handle that. Mr. Horne said that this next Main Street meeting March 8,

2012 is going to be a very important one because a lot of the economic and market studies that Pate was compiling are now complete so those will be revealed to the county at that time and I think that would be very useful for the downtown merchant, government, and all the parties. Commissioner Fiocco asked is there also going to be any presentation of façade treatments that Stephanie is organizing. Mr. Horne said Stephanie is going to do the design element she has been working on a number of things. She will be at the March 8, 2012 meeting so it is an important meeting.

Mayor Voller said Mr. Terry like we do Capital Improvements Updates I think we would like to hear some recurring report on the process. Mr. Horne, since you are the liaison here, what do you think would be appropriate, every meeting, once a month but I think there is a will to hear about it and to get this out there. Manager Terry said he thought we might be able to do a summary for the first Board meeting after every Main Street meeting we could have a short summary. Mayor Voller said let's have Mr. Horne give the report the first Board meeting after these meetings and answer questions and anything that comes up.

Commissioner Farrell said we could also add this water quality on to the website. Mayor Voller said on the water bill you can put 70 characters on there because I worked with Cathy Stinson before so I'm not sure whether you want to just say this or put a link to the website. Would you like to direct Mr. Jewell to come up with some language that would fit 70 characters? What we are saying, Scott, when people get the bill let's get the message out there. Manager Terry said he and Scott can take care of that. We have a billing cycle coming up pretty quick. Mayor Voller wants to toot his horn because this is the single biggest thing that people focus on – water. Mr. Jewell would suggest that we actually put it on the water bill and the website and I would love to engage the Main Street Committee that falls as the liaison and not have them come here but me go there and talk about water quality and how good our water is and water treatment guidelines. Mayor Voller asked if the Board had a problem with Scott engaging with the committee, because again to me this is a key issue. Mr. Jewell said maybe Paul can help me get on the agenda. Commissioner Fiocco asked Scott to come to the next meeting, March 8, 2012, here at 6:00 pm, Town Hall. Commissioner Turner said it looks like March 8, 2012 might be full but it might be April but if you want to talk to Mr. Murphy and do something brief. Commissioner Foley said after this meeting it should loosen up more to find a place in the agenda for it.

Mayor Voller asked Mr. Terry if there were any updates on Capital Projects. Manager Terry said we put Zoning Ordinance Amendment – Electronic Gaming on the Consent Agenda because they were asking for a public hearing to be scheduled on a zoning text amendment but the Board has questions about it before we schedule the public hearing. Mr. Bass said he has been getting inquiries and we don't have anything in our ordinance. Mayor Voller asked if the inquiries were from people who want to open these or people who are not happy with them. Commissioner Fiocco said he guessed they would just rely on the catch-all retail businesses not otherwise listed.

Is that what we would be categorizing? Mr. Bass said I have been resisting categorizing these inquiries to date until we had something in place. I suppose someone could make that case. This is a moving target that has been litigated in the past couple of years and localities are struggling to try to come up with something. We have reviewed it twice with the Planning Board.

Commissioner Baldwin asked if there was anything else that was outstanding that was not listed here, in your opinion that may need to be addressed in the ordinance as well. Mr. Bass said no. Commissioner Fiocco said so the proposal is to allow electronic gaming operations in the C2 zone only with a special use permit. Mr. Bass said that is the current draft. Commissioner Fiocco said then tattoo parlor C2 and MUP by right. What is the difference in C1 and C2? Mr. Bass said C1 is local business, more of a neighborhood described as opposed to the C2 which is our broadest commercial district which allows by far the greatest number of commercial activities, you can imagine it is classified as along the main thoroughfares.

Commissioner Foley asked could someone explain exactly what is electronic gaming operations, what does it involve? Mr. Bass said these businesses have computer games for the opportunity to win money.

Mr. Bass said there was a court case in the City of Greensboro that the city lost. The company that makes the machines there was another court case, I think it was last week, in the Town of Lumberton and it had a huge fee on these things and it was a split decision so that will probably get appealed to the Supreme Court so it is a moving target. Attorney Messick said it is called a gaming establishment as opposed to a gambling establishment. Gambling is generally illegal, gaming is recreation. Commissioner Turner asked if those are the machines they have in bars? Commissioner Farrell said it is like a computer terminal where you go on line and play poker. It sounds like Mr. Farrell knows. Commissioner Farrell said actually it is like a computer terminal where, say everyone here had a computer terminal in front of us, we would pay someone \$100 he gave us \$100 worth of credit on our machine. If we went up and we decided to cash out, he paid us our balance. If we went down, we owed him the difference. It is actually just legalized gambling. Somehow it is through the web, I guess, that is the way they get overseas. Some of them sell or give alcohol so that is another factor you can run in to. Commissioner Turner said she is confused because they have games in Virlie's and they have games in the Quick Mart and I see people sitting and playing. Is that for money or is that different? Commissioner Farrell said that is pretty much the same but these are on computers. Commissioner Farrell said some machines out in the area do pay off. Manager Terry said he thinks the difference is if you go into Virlie's and you pay \$.50 you get to play an amusement game for 10 minutes and your \$.50 is gone that is amusement. These I think you go in and buy time on the computer and you can walk away with more or less money than you walked in with. Attorney Messick said gambling is a game of chance. If there is skill involved it is not necessarily chance. Commissioner Fiocco said so this would not include a pinball machine. Commissioner Fiocco said he thought the definition

could be construed to include a pinball machine because I could put my \$.25 in and I could win another game, which would be an item of value. Commissioner Turner said or ski ball where you win tickets and you cash them in. Attorney Messick said these are considered to be legal now so you can't prohibit them so the reason for the request is that they need a place to be and if they are going to be here in Pittsboro ever then these are the conditions upon which they would be located and whether you think these are appropriate then the public hearing. If you want to make it less restrictive then you can do that and if you want to make it more restrictive then you need to make that decision before you have a public hearing or else you will have another one. Commissioner Baldwin said she thought we needed to make it more restrictive on both of those things, the tattoo parlor and the gaming also. Attorney Messick said if it is legal then you can't prohibit something that is legal, it is a business. Commissioner Foley said we can decide where to put it, we can't say it can't be in the town but we can say where it goes. Commissioner Baldwin said we could have some very strong guidelines. Attorney Messick said the proposal is pretty strong. Commissioner Baldwin said she doesn't know about the tattoo parlor, she doesn't think that is too strong. Attorney Messick said tattoos are ubiquitous now; there are a lot of them. Mr. Bass said there has been a generational change, I think it could be interpreted as Commissioner Fiocco alluded to earlier we can otherwise permit and I have gotten some inquiries on that as well, trying to get some clarification in the ordinance. Sometimes they go into beauty salons now; you will have a tattoo artist that operated in an art gallery. Mayor Voller said so we need to set the public hearing. Commissioner Fiocco made the motion to set the public hearing. The motion was seconded by Commissioner Foley.

Vote Aye-5 Nay-0

Capital Projects Update

Mayor Voller asked for Mr. Terry's report on Capital Projects. Manager Terry said on our Hillsboro Street Transition Line Project, Becky Smith actually brought me the document to review so we are getting to the point where we may have bid documents out on the street within a week to 10 days. Later this week, Friday, we have a meeting with Dennis Branch, the project officer from the Commerce Department; he will be here on a compliance check. He is coming to make sure we are spending the money like we are supposed to be. There won't be a lot for him to look at but he is coming on Friday. In preparation, our grant consultant, Mr. Warren, will be here tomorrow to help us make sure we have all of our paperwork in order for the inspection on Friday. After I get a chance to look at the bid documents, Mr. Messick and I will work with Becky. I am hopeful we can get this in the newspaper a week from today and open bids, possibly before the end of March or early April. I will have to talk to Becky about how long she thinks it needs to be out there so that we get the broadest spectrum of good contractors that we can. This is a big project; I don't want to just put it out there for 10 days. I think it needs to be advertised for a longer time so that we can get five or six good high quality bids on it.

Mayor Voller asked if we had any follow-up with partnering with the county with the water, we talked about it a couple of meetings ago on Hillsboro Street, talking to Charlie or bringing him in here about perhaps investing in that or working together. Manager Terry said we had some discussions with him around when we were working on the sewer line project but nothing concrete. Mayor Voller asked if he could ask him to come to the next meeting so we could talk to him. I think we need to talk about that still. Attorney Messick asked if what he was interested in is their willingness to help pick up the cost over \$750,000. Mayor Voller added to ask if they were willing to talk to us about any other improvements out of the circle, how they would get involved, what they want to do. Mayor Voller said we should find out sooner than later. Manager Terry will make the invitation.

Mayor Voller said he didn't know if the Board was aware but I believe the jail is going to be put up for a referendum so the allocation we did, there was discussion about putting up for referendum and Superintendent Logan kind of referred to the high school and the jail. So that would be in the November ballot so if the citizens didn't vote for it I assume that our allocation would come back. Manager Terry asked if it was a bond referendum. Mayor Voller responded yes. Attorney Messick said I think they have to have a jail sooner or later, but if it is a bond referendum and people decide to vote against it then the county still has an option for financing other than general obligations and I think the pressure to have a new jail is paramount, it is going to happen sooner or later and probably sooner. Mayor Voller said he thought the Board should know that this an option and I'm not sure where they are going with the financing. Attorney Messick said they probably made that decision because they get cheaper money off a general use fund than they will off certificates of participation, which is a more common way to do a project when there is not an alternative.

Commissioners Concerns

Commissioner Foley said this is not a concern but I met with Tom Hargle of the North Carolina Native Plant Society today, which is the oldest plant rescue organization in the state. They are interested in coming to places that are about to be developed and rescuing native plants. They are very professional. He is with the North Carolina Botanical Gardens. They are willing to share a portion of the plants that they rescue with the Town of Pittsboro, which we could use in a local park. They are covered by insurance. They work with developer's site plans. They are interested in coming to a meeting and doing the presentation here before the Board, possibly March 26, 2012. Commissioner Farrell said maybe they would be interested in fixing that box in front of Elizabeth's. Commissioner Foley said it might be a good Main Street project. There is a nice greenway behind the new physicians' center; there is a great space there for a picnic table you could even have a native plant garden there. There are all sorts of possibilities for not only the Town but also for the county. They welcome participation of people in the community to be a

part of the rescue. Mayor Voller said to work with Mr. Terry for the agenda for March 26, 2012. If that date doesn't work we will go to another date.

Commissioner Fiocco said he was just looking at our tentative future agenda's, we have several items listed (request for voluntary annexation, public hearing, old business on March 26th meeting and then we have an application for annexation and public hearing under Old Business for April 23rd and low and behold in October the Town Clerk is going to determine sufficiency of the application for annexation. Manager Terry said we have some cleanup to do here. It is a work in progress and we will get it cleaned up.

Commissioner Baldwin said she attended the Triangle J Council of Government meeting last Wednesday. There is going to be a meeting on March 8, 2012 in Sanford to discuss fracking and it would be good if someone from the Board would go because they are going to discuss issues relevant to fracking and the impact it may have on the municipalities and the counties.

Commissioner Fiocco is going. Mayor Voller said he had been involved all along, he and Freddy Bowers have been talking, and there is a resolution that has been put together to bring facts so anyone else can go. Commissioner Baldwin said this is a very important meeting, they think the Legislature is going to pass that without consulting with the municipalities or the counties they are probably going to make a decision to approve, but we definitely need to know what impact it would have on the counties and the cities. Commissioner Fiocco said the meeting is to provide municipalities with tools to deal with the zoning regulations, etc.

Commissioner Turner said we have received two applications for the Grants Committee. I have been working on getting this on the agenda for next time and hope that these people are approved and we can get started again.

Commissioner Foley thanked the Board for the opportunity of the training she attended last week. She thought it was very worthwhile. (Commissioner Farrell and Commissioner Turner agreed)

Commissioner Baldwin said Triangle J is trying to implement another program called Grants Partnerships, where they sort of help you with the grant but they are working on that right now so it is not concrete as to how they are going to help... whether there will be someone on the staff that helps you with the application or whether they are just going to locate grants for a municipality or a county. I will be back to report more on that.

Mayor Voller asked if we could get Mr. Horne an update from the Main Street Committee on who the original steering committee members are and where we stand on that. Are people falling out?

Mayor Voller said today we showed The General Store with John Justice, Commissioner Foley and I, went over there with some people that were interested so I think perhaps we may have some people and we will keep the Board apprised if there is any interest in the property.

Mayor Voller said perhaps Mr. Culpepper might want to set some time where we meet with you and talk about the proposal that you are going to be bringing forward. Mr. Culpepper said we met the other day and talked about the sewer capacity. We are available to meet any time. We are going to be moving forward with some solid proposals soon. They will be in the Northwood area; it appears that is where we are going to start. We are getting a positive feedback for the first time now with DOT about starting on the construction of the interchange that we proposed at 64 bypass, half way between 15-501 and the square, so we are finally getting the transportation plans in place and now we are able to start talking to them about construction and we have also been bringing ourselves up to date on some of the issues about fracking. That meeting in Sanford, they have another one at East Chapel Hill High School so if you don't make that night there is another one in two weeks. We are wide open for meetings. Mayor Voller said we would like to be able to meet and move things forward and bring back to the Board so we will be in touch with the Board members so we can meet and talk about those projects.

Commissioner Fiocco made a motion to adjourn. Motion was seconded by Commissioner Baldwin.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk