

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, JANUARY 28, 2013  
7:00 PM

Mayor Pro Tem Pamela Baldwin called the meeting to order and called for a moment of silence.

**ATTENDANCE**

Members present: Mayor Randolph Voller (arrived at 7:05 p.m.), Commissioners Pamela Baldwin, Jay Farrell, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planning Director Stuart Bass and Chief of Police David D. Collins.

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

Vote Aye-5 Nay-0

**CEREMONIAL AGENDA**

**RESOLUTION OF APPRECIATION FOR DAVID D. COLLINS**

Mayor Voller read the following resolution into the record:

**RESOLUTION OF APPRECIATION FOR 30 YEARS OF SERVICE  
TO THE TOWN OF PITTSBORO FOR  
DAVID D. COLLINS, CHIEF OF POLICE  
TOWN OF PITTSBORO, NORTH CAROLINA**

**WHEREAS**, we are all aware of the many demands made upon a Chief of Police and the many hats one must wear. We are also aware that the rewards in this profession are few and far between, but the quality and quantity of their work are never less; and,

**WHEREAS**, there comes a time when all too soon, it is time to end a chapter. For after all, careers in local government are but a chapter in the book of life and the history of a Town. It is time to move on to other things – another chapter in his life; and

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO that:**

**David D. Collins, Chief of Police for the Town of Pittsboro**, be recognized for the unselfish giving of almost thirty years of service to this Town, and gracious giving of

his time and talent in carrying out the many duties and responsibility associated with his position as Chief of Police and that a copy of this resolution be presented to Chief Collins as a token of sincere appreciation for his professionalism, his loyalty and dedication as Chief of Police of the Town of Pittsboro; and

**BE IT FURTHER RESOLVED**, that sincere best wishes are hereby conveyed to Chief Collins as he undertakes this new chapter in his “Book of Life” – a chapter that includes doing whatever he pleases, whenever he pleases as of January 31, 2013, a chapter entitled –

### **“RETIREMENT”**

David Collins thanked the board for the support given to him and stated he has enjoyed working for the Town. He also wanted to thank his wife and children for putting up with his work schedule.

Chief Collins also recognized former Chief of Police Larry Hipp and thanked him for giving a 20 year old a chance.

Larry Hipp stated David touched on one subject that he would like to mention also – that the family pays the cost for him being in law enforcement. He stated that if anyone falls short it is the family because the community comes first and then the family. That may not be the way it is supposed to be but it is. He stated he hopes the Town (especially the elected board) appreciates what David has contributed to this town for thirty years.

Chief Collins said that Larry was his mentor and second father and that one thing missing tonight was his father being here.

Commissioner Farrell thanked him as a Commissioner and friend for everything he has done for the Town.

Commissioner Foley asked if they could talk him out of it. Commissioner Farrell said he has already tried.

Commissioner Baldwin thanked him for his service.

Mayor Voller stated David has served the Town well. The department has changed under his leadership.

Commissioner Fiocco wanted to thank him for his service. He stated he knows of several occasions in the last three years where he had shown exceptional judgment in tough situations.

Mayor Voller stated Chief Collins understands the importance of community policing.

Commissioner Turner thanked him for meeting with her when she was first elected to familiarize her with the department.

## CONSENT AGENDA

Motion made by Commissioner Foley seconded by Commissioner Fiocco to approve the consent agenda as follows:

1. Approve minutes of the January 14, 2013 regular meetings.

Motion carried 5-0

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

Vote Aye-5 Nay-0

## REGULAR MEETING AGENDA

### CITIZENS MATTERS

Max G. Cotten – 133 Pittsboro School Road stated three things are bothering him a great deal. They are as follows:

- 3M  
Original agreement – 0-3,000,000 gallons  
March 2004  
Charge \$1.50 per 1,000  
Addendum to original – June 2008  
Charges – December 2012  
Used 1,353,300 gallons – billed \$4,590.00 (which is the maximum amount paid per month, per the contract)  
They don't pay taxes to the Town. Need to let them buy reuse water from the County or Sanford.  
It is doubtful this amount pays the electric bill and cost of extra treatment to meet the requirements imposed by 3M.  
Conclusion: Pittsboro taxpayers are subsidizing 3M.  
It is time for a new agreement or to cease selling re-use water to 3M. His preference is the latter.
- Rock Ridge Park  
In his opinion it should be turned over to the county for the following reasons:
  1. Out of Town of Pittsboro jurisdiction.
  2. Not easily accessible by residents of Pittsboro
  3. County has full time staff to manage and maintain.
  4. Questionable whether Pittsboro is in compliance with GS 160A Article 18
- Advice for 2013-2014 Budget

By law the Manager develops the budget and if the Commissioners have any special projects they need to be submitted to Manager prior to preparation of the budget.

Don't repeat last year revising budget and increasing taxes after the public hearing.

Mayor Voller stated there is a good reason why the board started down this road back in 2001 regarding reuse water. The backbone is in place where we can connect others to the line. He thinks the Town made a good decision looking towards the future. He said we need more customers on the line. But, he also thought that it should be a 12 inch line with fiber optical cable. He sees it as a valuable asset in the future.

Mayor Voller stated the board had many challenges presented last year and they held many meetings. As you know it was a divided vote. It is not the intent of the board to charge more than necessary, but we had situations that needed to be addressed.

Commissioner Farrell asked if the Board could get a comparison of rates from other municipalities for reuse water. Mayor Voller stated Manager Gruesbeck should be able to get that from NCLM.

Max Cotten stated 3M is demanding more treatment than most reuse customer require.

**WRITTEN COMMENTS SUBMITTED BY MAX G. COTTEN IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 40-41**

Jim Nass, Chairman, Pittsboro ABC Board stated revenues are doing very well. They received their post audit report from the State and they are on the first page of the State list instead of the last page. He would like to thank Faye Ward and Nancy Gooch for all their hard work.

Mr. Nass stated as you have seen in the newspaper there was another embezzlement in December, a deposit was stolen in the amount of \$1,453.26 but, because of the financial controls put in place it was caught very quickly and the personnel was dismissed and is awaiting trial.

Mr. Nass said he is here tonight to present the Town checks in the amount of \$15,399.00 and he thinks they will be on target for the \$50,000 that was budgeted.

Mayor Voller asked about privatization. Mr. Nass stated the board has talked about it and on February 8, 2013 NC Associations of ABC Boards will meet and arm boards with information that will be useful. He said as a board they have been discussing what steps they should take to protect their assets for the Town if it were to happen. It is on their agenda.

Mayor Voller stated when he first came on the board we were not getting any revenue from the ABC Board so this is great!

Mr. Nass thanked Commissioner Fiocco for his support as the town's liaison on the board.

## **PUBLIC HEARINGS**

### **TO EXPAND THE EXTRA TERRITORIAL JURISDICTION (ETJ) (STUART BASS)**

Planner Bass reported that on August 13, 2012, the Town received a request from Chatham Park Investors LLC, requesting that the Town expeditiously take action to extend out Extraterritorial Jurisdiction (ETJ) to include about 1,900 acres of land owned by Chatham Park Investors LLC. The legal authority for such an action is discussed in the Town Attorney's memorandum of September 6, 2012 inserted below.

#### The Process of Expanding our ETJ

The Town of Pittsboro currently contains approximately 2,629.28 acres of incorporated area and approximately 27,601.77 acres of Extraterritorial Jurisdiction area. This is a large area relative to the size of the town. Based on a 2005 survey by the School of government, Pittsboro is within the five (5) percent of North Carolina municipalities that service an Extraterritorial Jurisdiction area of up to three (3) miles.

The Town Board of Commissioners adopted a resolution requesting that the County consent to the extension of the Town's extraterritorial planning jurisdiction on October 22, 2012. The Chatham County Board of Commissioners adopted the resolution agreeing to the ETJ expansion on November 19, 2012.

A Public Hearing was scheduled for tonight. Ultimately, the Town Board of Commissioners will need to consider two separate actions; (1) Adopt an ordinance expanding extraterritorial planning jurisdiction and delineating its boundary, and (2) Amend the city zoning ordinance to add the expanded area to the zoning map. This action also must comply with the notice and hearing requirements for all zoning map amendments.

Planner Bass stated the Planning Board discussed this proposal at its past two regularly scheduled meetings, in December and January. One of the items discussed was the need to amend the zoning ordinance to add the area to zoning map. The majority of the area is being proposed for RA-2 zoning. A smaller area is being proposed as RA-5 zoning, as suggested.

#### **Attorney Messick submitted the following memorandum.**

Historically a North Carolina city or town could not extend its regulatory or police powers beyond the city limits without specific legislative authority. This is an aspect of the limited powers enjoyed by municipalities. For example, the North Carolina Supreme Court ruled in 1894 that Washington did not have the authority to regulate the throwing of dead fish from a pier into the Pamlico River beyond the town limits established by the General Assembly. Now, by specific statutory authority, a town's planning and zoning jurisdiction can extend up to 3 miles from the contiguous town limits to cover portions of the unincorporated county. Subdivision approvals, building permits and rezoning cases in these areas can be processed through the Town's staff, Planning Board and Town Board, as needed. The purpose of this authority is to

anticipate portions of the unincorporated county that are urbanizing, and bring them under a set of urban standards for development. The ETJ process tries to anticipate that these areas will become part of the Town in the future. By causing development in these areas to be constructed to Town standards, the extension of Town zoning and subdivision standards into these urbanizing areas of the County ensures that they can be adequately and efficiently served by municipal services when that time comes. County residents of ETJ areas are represented on both the Board of Adjustment and the Planning Board.

The current statutory scheme of tiered extraterritorial jurisdiction of from one to three miles based on Town population was adopted in 1971; G.S. 160A-360(a) provides that the extraterritorial area may extend up to one mile from the primary Town limits for cities with populations of less than 10,000. If county approval is secured, cities with populations of between 10,000 and 25,000 may extend their jurisdiction for up to two miles; cities with populations of more than 25,000, up to three miles. G.S. 160A-360(e) also requires that county agreement be secured for the extension of Town extraterritorial jurisdiction into any area wherein the county is enforcing zoning, subdivision regulations, and the state building code. These distances set the maximum statutory extraterritorial area, but cities may choose to exercise only part of their potential jurisdiction.

Subsequent amendments to Chapter 160A included provision for vested rights when jurisdiction shifts, allowed for annual updates to be used in determining Town populations, and clarified the process whereby a county assumes authority in extraterritorial areas when a Town relinquishes jurisdiction. In 1996 the statutes were amended to require mailed notice to affected property owners when zoning jurisdiction is being extended to an extraterritorial area and to add a requirement for proportional representation of extraterritorial residents on Town planning boards and boards of adjustment. In 2011 bona fide farms located in the extraterritorial area were exempted from the exercise of any municipal jurisdiction.

By a local act adopted by the General Assembly in 1989 the Town of Pittsboro was given authority to extend its extraterritorial jurisdiction beyond the one mile limit with the consent of Chatham County. The current ETJ limits are significantly more than one mile from the town limits in all directions. Within the past few years the town did relinquish a portion of the ETJ to Chatham County, but no area has previously been added.

Cities may apply any ordinance adopted under Article 19 of Chapter 160A of the General Statutes in the extraterritorial area. While a city may not apply an ordinance in the extraterritorial area that is not also applied within the cities corporate limits, there is no statutory mandate that all of the ordinances applied within the city also be applied in the extraterritorial area. Zoning regulations are by far the most frequently applied municipal regulation in the extraterritorial area. According to a School of Government survey other frequently applied land development ordinances included subdivision regulation (92 percent), manufactured home park regulation (88 percent), sign regulation (87 percent), telecommunication tower regulation (74 percent), floodplain zoning (69 percent), adult entertainment location regulation (69 percent), junkyard regulation (54 percent), watershed protection regulation (50 percent), storm water management regulation (45 percent), sediment and erosion control regulation (37 percent), and historic district regulation (17 percent). Of municipalities responding, 59 percent reported that the city

administers the building code and 32 percent reported applying their housing code in the extraterritorial areas. (See Owens, David; “The North Carolina Experience with Municipal Extraterritorial Planning Jurisdiction”, Special Series No. 20, January 2006)

Since Pittsboro’s jurisdiction over the additional area could be implemented either by annexation or an extension of the town ETJ limits, the policy issue for the Board is whether it wishes to accept responsibility for the administration of Article 19 ordinances within the additional ETJ area prior to annexation. It appears that Chatham County currently enforces at least subdivision, sediment and erosion control, telecommunication towers, watershed and flood plain regulation, junkyard and stormwater regulations in this area. The town’s ability to do the same is hampered by limited staff and financial resources. Once annexed the area would presumably generate tax revenues commensurate with the services to be provided.

**PUBLIC COMMENTS:**

Max G. Cotten – 133 Pittsboro School Road stated he would like to endorse the ETJ expansion as proposed the way it read (he hopes it has not changed). He said in the future Pittsboro will be annexing that area and Pittsboro should be involved in the Planning.

John Wagner – 210 Jessamine Lane stated he thinks it is an excellent idea adding to the ETJ and having the area zoned it will give the Town zoning authority over that property.

Mayor Voller stated he would like to go on record echoing what the previous two speakers said.

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

Vote Aye-5 Nay-0

**PROPOSED INITIAL ZONING OF THE EXPANDED EXTRA TERRITORIAL JURISDICTION (ETJ) – PROPERTY TO BE ZONED RA-2 AND RA-5 (RESIDENTIAL/AGRICULTURAL) (STUART BASS)**

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

Vote Aye-5 Nay-0

Planner Bass said this is the initial zoning of the property. It is a continuation of what exists in the current ETJ. He said the Planning Board agreed by consent.

**PUBLIC COMMENTS:**

None

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

Vote Aye-5 Nay-0

## **OLD BUSINESS**

### **REQUEST TO SUBMIT APPLICATION FEE ON BEHALF OF THE RETIRE NC GRANT (BRYAN GRUESBECK)**

Manager Gruesbeck stated Commissioner Foley has been working with the Pittsboro Certified Retirement Community Program Steering Committee to designate the Town of Pittsboro as a Retire NC community. The designation would help market Pittsboro to retirees from around the country as a desirable place to live.

The Certified Retirement Community Program is a self-supporting program and requires a \$10,000 application fee. The local steering community has successfully raised \$10,000 from the following businesses:

- Carolina Meadows
- Galloway Ridge
- UNC Hospitals (Siler City and UNC)
- Fitch Creations
- Newland Communities
- Progress Energy
- Straight-Up Realty
- State Farm Insurance

The Steering Committee has received money from most of the donors, with the balance expected on January 28, 2013. If the application is successful, the Steering Committee also expects to raise an additional \$5,000 to support targeted marketing efforts. The Town of Pittsboro is acting as the applicant and fiduciary for this project and will not be held financially responsible by the Retire NC Steering Committee.

Commissioner Foley commended Pat Richardson for the work she put in this. She stated all of the businesses that pledged are well established businesses and she believes they will follow through on the pledge.

Pat Richardson said that Pittsboro was featured in Our State Magazine this month and that it was very good for PR.

Commissioner Foley said the response from the community was really great and they all donated at the gold level.

Mayor Voller recommended that we go forward.

Commissioner Foley wanted to thank all the members that helped. There were two committees: a fundraising and application committee. She said everyone worked very hard.

Commissioner Fiocco thanked Commissioner Foley for her leadership and made a motion to approve payment of the application fee in the amount of \$10,000 for the Retire NC Grant Application submittal seconded by Commissioner Foley.

Vote Aye-5 Nay-0

**COPY OF APPLICATION FOR THE RETIRE NC GRANT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 9-35**

**REVIEW REVISED LANGUAGE FOR PROPOSED CONDITIONAL ZONING ORDINANCE (STUART BASS)**

Mayor Voller said this item was tabled last meeting because Commissioner Fiocco was not present and Commissioner Farrell asked that Commissioner Fiocco go over it and to make comments.

Commissioner Fiocco stated he has spoken with staff and will be meeting with them tomorrow at 4 p.m. on another matter and he can go over his concerns about language. He gave an example of 10.6.3.5 a-i – he stated the language structurally is very confusing for him but he thinks he understands the intent. He would like the language to be so we can understand the intent years from now.

Commissioner Turner asked if he felt after the meeting tomorrow he would have a clearer understanding. Commissioner Fiocco answered he thinks so.

Mayor Voller said it should be clear to Commissioner Fiocco because he does it every day – we need to clarify some of the gray area.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to table this until next meeting.

Vote Aye-5 Nay-0

**NEW BUSINESS**

**REQUEST FOR WASTEWATER ALLOCATION REQUEST FOR KENSINGTON PARK RESIDENTIAL SUBDIVISION (STUART BASS)**

Planner Bass stated we have received a formal request for wastewater allocation from Kensington Park Subdivision, which is required prior to the submission of a subdivision application and plans. This request is per the Town's adopted wastewater allocation policy, adopted (December 12, 2011).

The request is for an allocation of 7,680 gallons of wastewater capacity to construct a residential subdivision, which would consist of sixteen lots.

The Board approved four allocation requests {Commercial 5,300 gpd, Residential 9,360 gpd} in 2012, totaling 14,600 gallons per day for the year. This was well within the

amount, (80% of the total that may be allocated or approximately 72,000 gallons per day) that the Board established as a guideline formula for wastewater allocation per the policy.

This is the first request for this calendar year. The request is for more than the 5,400 gallons per the policy by 2,280 gallons. However, the policy does allow for some flexibility and provides the ability by the Board to augment the request from the discretionary category.

Staff recommends approval of this request.

Mayor Voller asked where this is located. Planner Bass said Park Drive. Commissioner Fiocco asked the developer if he was aware that there was an intermittent stream there and that the homes experience some flooding. He wanted them to be aware of it so they can try to design in a solution.

Commissioner Fiocco asked if the frontage would allow for a 50 ft. public r-o-w. Planner Bass yes, he is assuming it was left there for that reason.

Commissioner Baldwin asked a representative of Triangle Construction if they were aware of the flooding issue or not. He advised they had met with some of the homeowners adjacent on either side. He said the home that was sold last summer on the right has a double culvert and they have no problem what so ever. But, the house that was built four or five years ago is experiencing a little bit of an issue with runoff and they will work with him on his situation while they are out there doing the work. They will be able to pipe the culvert which will help that situation. He said they have 2 BMP on the site to handle the water.

The representative said they have been working with Becky Smith and Karen Hall.

Commissioner Fiocco asked the representative if they had looked at connectivity to Hillsboro Street. He said there are multiple property owners and there is a very vague easement and he further stated they are working to see if they can give the Town an easement for future upgrades.

Commissioner Fiocco said he thinks that is a good idea and also to have connectivity if they could. Commissioner Fiocco said having multiple entries/exits from the property would be helpful.

Commissioner Farrell said he realizes we are just discussing wastewater allocation tonight. But looking at the map there is one way in and one way out and he wondered if it had been reviewed by the Fire Chief. Commissioner Farrell also asked if they were going to be allowing parking on the street because that has caused some problems in Powell Place.

The representative from Triangle Construction said they have reached out to the Fire Department about turning radius and water pressure.

Commissioner Farrell asked that the map be shown to the Fire Department and the Fire Marshall.

Mayor Voller asked if he could come up with cost share to bring the line to Hillsboro Street to loop the line around.

Commissioner Fiocco asked what their schedule was for submitting the plat.

The representative said they will submit the plan in March or the first of April.

Commissioner Fiocco said he was supportive of the project and the allocation with the conditions that they submit a preliminary plat within a year or they would lose the allocation and that the maximum allocation for 16 4-bedrooms homes, be approved with the stipulation that if you lose a lot or two the allocation will be lowered by that amount.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the maximum allocation for the equivalent gallons per day for 16 4-bedroom homes with the stipulation that if the plat is designed with less than those number of lots that the gallons per day be adjusted according to the number of lots time 4 bedrooms times 120 gallons per day and that the preliminary plat be submitted within one year of this date or the allocation will revert back to the Town.

Vote Aye-5 Nay-0

**A COPY OF THE REQUEST FOR ALLOCATION AND THE MAPS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 36-39**

## **CAPITAL PROJECTS REPORT**

### **Manager's Update on Capital Projects**

#### **Hillsboro Street Water Main Transmission Line Replacement Project**

Manager Gruesbeck stated construction crews continued to work in the traffic circle, which caused some congestion during the early morning hours. Cold temperatures delayed construction during the week of January 21, 2013. The contractor hopes to begin connecting individual services to the main downtown sometime later this week. The contractors were moving along pretty well until they got to the traffic circle. They will be working west of the traffic circle this evening. Manager Gruesbeck mentioned a broken line that they cannot find out where it goes. Mayor Voller suggested cutting it off and see who is without water.

Mayor Voller asked is Becky adding this into the GIS system.

Manager Gruesbeck stated he has asked that as built be created from this.

Mayor Voller said he met a Professor at UNC that would like to send an intern to Pittsboro to work on GIS, GPS and mapping for us. The Professor is interested in setting up a program so we will always have someone in here doing this type of work as an intern. That would give us that valuable input and they would get experience. If the Board is interested he can bring them back.

Commissioner Fiocco said it is his understanding that Hydrostructures has a lot of that.

Mayor Voller said they do, but the interns can do other things too.

Commissioner Fiocco said he thinks it is a valuable option to look at when you can get talented people to do it for free.

Mayor Voller said he will invite them back and tell them to get in touch with staff.

### **WATERWATER TREATMENT PLANT (WWTP) ROBESON CREEK DISCHARGE**

Manager Gruesbeck reported that he and Mayor Voller had a good meeting with NCDENR Water Quality Division staff. Essentially, NCDENR agreed to reopen the issue, particularly with regard to phosphorus limits in the creek. They agreed that the last study of the creek occurred during a drought season that could have obscured the true capacity of the stream. We will be receiving a response letter from NCDENR regarding our next steps in the process. He asked Mayor Voller to speak on the matter.

Mayor Voller said they meet with the Director of DENR and all seven department heads to talk about Pittsboro. They had an open mind when we went in. They had the letter from us with the assistance of Fred Royal and with supporting documentation including letters from the Haw River Assembly and Robeson Creek Watershed Council. They were open to consider different options for the Town.

One, at the very least we wanted to know could we change what the designation is for Robeson Creek by doing some type flow analysis. They were definitely open for that. They were open to helping the Town work on changing the formulation on whether to use 120 per bedroom or exactly what we can do for paper flow versus our actual flow.

He said they started running numbers on the spot about total nitrogen, phosphorus, etc. It was theoretically correct that we could double our capacity right there.

Mayor Voller said they were very receptive and thanked us for coming. He said they did not get a “no” for anything they mentioned. They were told to get them more information.

Commissioner Fiocco said that was good news.

### **IMPROVEMENTS ON 15/501 AT SPRINGDALE DRIVE**

Manager Gruesbeck reported Samir Bahho, Project Engineer, is preparing bid documents to reconstruct the intersection. Bids will be sent to local bidders in an effort to minimize costs. Staff is researching speed table options for Springdale Drive. This should be ready in the next couple of weeks.

### **EAST STREET SIDEWALK EXTENSION (CHATHAM BUSINESS PARK DRIVE TO WHITE'S MOBILE HOME PARK ENTRANCE) – CMAQ GRANT**

Manager Gruesbeck stated the Project Agreement has been forwarded to NCDOT. Staff will seek an estimate from Hydrostructures, LLC on project design and secure approvals from NCDOT. Once we gain this approval from NCDOT, we will begin design of the project and gain final determination on issues like project costs and whether we will need to acquire additional easements to complete the work.

### **HIRE TOWN ENGINEER**

Manager Gruesbeck stated he has interviewed three candidates for the position. The final decision is on hiatus until we gain consensus on Town Hall space issues. We need to reschedule a meeting to begin exploration of Town administration and Police Department operations as they relate to Town workspace.

### **2013-2014 BUDGET**

Manager Gruesbeck report department heads are working on proposed budgets. The Town Board postponed the Strategic Planning session. We should decide whether to reschedule an alternate date for the session.

### **OTHER NEWS**

Manager Gruesbeck said that on February 1, 2013 he will be appointing Lt. Lesia McCullough as Interim Police Chief for a period lasting through March 2, 2013.

Effective March 3, 2013, he will be appointing Chief Collins as Interim Police Chief during the search for a permanent Police Chief in order to ease the transition as we seek permanent leadership for the department. The 30-day hiatus allows the Chief to maintain his retirement benefits as they are currently arranged.

Once the search and appointment process has been completed Chief Collins will resume his “full-time” retirement.

Manager Gruesbeck said he would work with Mr. Messick to develop a contract that will formalize this arrangement between Chief Collins and the Town of Pittsboro.

Manager Gruesbeck said he is looking forward to commuting to a seminar on wastewater finance at UNC’s School of Government on February 5 and 6. On February 6 he will be attending the annual North Carolina City and County Management Association Winter Seminar. These are both great opportunities for him to learn more about recent local government issues in North Carolina meet some new people and gather some new ideas from different parts of the state. He will report back to the board what he learns.

Manager Gruesbeck stated he has received some interest from two (2) different individuals on a single piece of property in Pittsboro. There are some old utility issues that will need to be

answered if it gets to that point. He will seek direction from the board once he has more information from Hydrostructures.

Commissioner Farrell asked if staff had notified the other people that were nominated to the committee. Manager Gruesbeck said he had not. Mayor Voller said he had a few more names to add – Dr. Michelle Berger who served on the last search committee and also Commissioner Baldwin recommended Rev. Anthony Davis, Pastor of Mitchell Chapel Church. He stated they both are town residents.

Mayor Voller said someone from the fire department should be on the committee also.

Manager Gruesbeck said Chief Collins has offered assistance in helping with the certifications of the new Chief.

Commissioner Fiocco asked have we secured the driveway permit from NCDOT. Manager Gruesbeck said yes.

#### Mayor Updates

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

Mayor Voller said he has mentioned it before that we need to meet with Chatham County in a discussion about a joint venture working on office space for the town and county.

Manager Gruesbeck said he has had brief conversation with the County Manager on the subject and he said they are planning on rehabbing that building and he did mention that the town was interested in some space and would possibly like going in with them.

Mayor Voller would recommend that we talk about it because it is right in the middle of town and it has been pointed out by many wise men in this room that the county is not paying taxes to the town so they ought to make the Town beautiful, which would attract businesses. He said if we could come to an accommodation that would do that it would do better than rehabbing what he consider being not an appealing asset. It is not a beautiful building people don't even like going in that building it is dark wet and it has a fountain that doesn't even work.

Mayor Voller said he went in Heather Johnson's business to make copies and she said I'm looking at the side of this building and it's ugly. This is the reason this board should weigh in on this.

Mayor Voller said what he understands from the Fair board meetings is that the county are considering (since the input session on the placement of the memorial) giving it away for one dollar to some third party group. That property was brought with tax dollars so isn't the Town of

Pittsboro an entity that can go in and say give it to us for a dollar? He can't understand how on earth they are going to do that.

Mayor Voller said by the way Mr. Bass, he asked the question a couple of months ago, what is our authority for jurisdiction over what they are planning to do. Mr. Messick had said it was a potential accessory use. But they have a site plan over there, are we going to allow them to put a 50 ft. statue over there without any input? This really is an issue, it opens up a whole lot of questions and he feels we should weight in now because he has heard they are getting ready to let contracts and if we don't say something now people can't fix it two years from now.

Commissioner Fiocco said he thinks their schedule is something to contend with and the numbers they shared with him is the difference between renovation and reconstruction is four million dollars. Mayor Voller said but it wasn't apples to apples. Commissioner Fiocco said it never is.

Mayor Voller said what he is saying is we should not let this pass without having this dialogue and frankly aren't we the ones that control land use in the Town?

Mayor Voller said they have not brought a request before the town about putting a monument in town.

Commissioner Fiocco said Mr. Bass you stated you thought the construction of a monument would not require the submittal of a site plan, is that correct? Planner Bass said even if you are looking at a site plan you are talking about parking, utilities and that kind of stuff it is not talking about design.

Commissioner Fiocco said no it's talking about use – so clearly the county would need to submit a site plan to put a monument on that land.

Commissioner Baldwin said she thinks they would need to because they are talking about building up the property with dirt so it seems they would need to present something to the town because they are not just building a monument they are changing the terrain.

Commissioner Fiocco said that is his expectation, is there some reason not to expect them to submit a site plan to building something inside the town limits.

Planner Bass stated there is the size requirement for a site plan. Something like this he guesses you could consider it an amendment to the existing site plan.

Commissioner Fiocco said so that would change all the impervious surface calculations based on stormwater for the parcel, Planner Bass said maybe, Commissioner Fiocco said clearly it would.

Mayor Voller asked Mr. Messick to weigh in. Mr. Messick said he sent the board a memo on this.

Mayor Voller asked why don't we direct Attorney Messick to send a letter to their attorney Mr. Rose saying we expect to see a plan on this.

Commissioner Farrell said he thinks we might be getting a little overboard or something but the way everybody here is perceiving it, you guys think it's going to be a thrown out there monument. He is sure the County is not going to just clear the land throw the monument up and then let grass grow knee high on it. He is sure it will be kept up very well and that it will be presented very well.

Mayor Voller stated he feels our request is reasonable the public has a right to make comments on it.

Commissioner Baldwin said they are changing the property substantially.

Mayor Voller asked would the County allow the Town to go out in the County and build without submitting a plan – no they would not.

Manager Gruesbeck said he would have that conversation with them.

Commissioner Fiocco said it is his expectation that our ordinance would require a site plan for any land development in town.

Attorney Messick said a site plan only covers non-residential development in excess of 3,000 sq. ft.

Commissioner Fiocco said and we have had that discussion and this is probably appropriate for the discussion because he thinks there have been those who have interpreted 3,000 sq. ft. to mean some kind of building space and he has always argued that is not true. Because if you could have a park-n-ride lot that could be four acres of asphalt with zero square feet of building you would definitely want that covered under a site plan and have the ability to approve it. If this has the 3,000 sq. ft. of land distributed he would say it qualifies for a site plan.

Mayor Voller said we are not trying to give anyone a hard time but he thinks it is required.

Mayor Voller said Manager Gruesbeck will write a letter communicating that we would like the plan presented to the board and also to line up a joint meeting with the county so everyone can be clear.

### **COMMISSIONER CONCERNS**

Commissioner Turner stated her only concern was has the Space Use Committee met and that question has been answered.

Commissioner Baldwin asked that a meeting of the Space Use Committee be scheduled for this week. The meeting was scheduled for Wednesday at 5:30 p.m. at Town Hall.

Commissioner Foley said she had a conversation with Commissioner Bock back in December and he said the county may help fund new Christmas decorations.

Commissioner Foley said she is on the Affordable Housing Board and that \$900,000 was set aside to build affordable housing in Briar Chapel and that money has been turned over to the county to be spent outside of Briar Chapel. She said affordable apartment housing is needed in Pittsboro and wondered how we could participate in bringing affordable apartment rental to Pittsboro.

Commissioner Foley mentioned that she, Mayor Voller and Commissioner Turner attended the NCLM meeting last week and that she would send the list of 25 goals that were decided for 2013 to everyone.

Mayor Voller said we needed to start dialogue for affordable housing in Pittsboro.

Commissioner Farrell said he had mentioned earlier about the possibility of a no truck route through Pittsboro. Manager Gruesbeck said we need to get in touch with NCDOT to see what the process is. Mayor Voller said to have Planner Bass bring it up at the next RPO meeting. Commissioner Fiocco stated the County is presently working on their Transportation Plan and that maybe an avenue to get a designation on a map.

Manager Gruesbeck said February 5, 2013 is the next Main Street Meeting, that the benches have been ordered and that Circle City Books was featured in the New York Times.

Commissioner Fiocco asked were the trash cans ordered.

Commissioner Foley said she spoke with Mr. Horne about that and that the money ran out and he only ordered one trash can.

Commissioner Foley reported that Oakleaf Restaurant was rated the top restaurant in the Triangle by the News and Observer and that Fearrington was on the cover of a gardening magazine this month.

## **ADJOURNMENT**

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to adjourn at 9:15 p.m.

Vote Aye-5 Nay-0

FYI -

1. Bi-Weekly Progress Report – Hillsboro Street Water Main Project
2. Memorandum: Preliminary Attributes for Town Hall Operations.
3. Memorandum: Interim Police Chief Appointment
4. Memorandum: Police Chief Job Description

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, NCCMC  
Town Clerk