

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, JANUARY 14, 2013
7:00 PM

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

ATTENDANCE

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

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Finance Officer Mandy Cartrette, Utilities Director John Poteat,

Motion made by Commissioner Baldwin seconded by Commissioner Foley to approve the Ceremonial Agenda.

Vote Aye-4 Nay-0

CONSENT AGENDA

Motion made by Commissioner Baldwin seconded by Commissioner Farrell to approve the consent agenda moving #3 to Old Business #5. Commissioner Baldwin would like to discuss #3.

1. Approve minutes of the December 10, 2012 regular meeting.

Motion carried 4-0

2. Resolution of Respect for Daniel Kuhfahl.

Motion carried 4-0

Approve Project Agreement with the North Carolina Department of Transportation (NCDOT) to extend sidewalk on East Street. Moved to Old Business #5

Motion carried 4-0

3. Review Resolution and Ordinance Amending Capital Projects Budget for the Hillsboro Street Transmission Line Replacement Project to accept additional Community Development Block Grant funds.

Motion carried 4-0

4. Add Resolution of Sympathy to the Family of Charles J. Johnson.

Motion carried 4-0

Budget Ordinance Amendment as follows:

A RESOLUTION ACCEPTING THE OFFER OF ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$100,000 FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE, DIVISION OF COMMUNITY ASSISTANCE FOR THE PURPOSE OF COMPLETING THE HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT

WHEREAS, The Town of Pittsboro accepted a \$750,000 from the North Carolina Department of Commerce, Division of Community Assistance for the purpose of completing the Hillsboro Street Transmission Line Replacement Project; and

WHEREAS, The Town of Pittsboro requested and received approval for an additional \$100,000 from the North Carolina Department of Commerce, Division of Community Assistance for the purpose of completing the Hillsboro Street Transmission Line Replacement Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town of Pittsboro accepts the additional CDBG Grant funds of an additional \$100,000 from the North Carolina Department of Commerce, Division of Community Assistance for the purpose of completing the Hillsboro Street Transmission Line Replacement Project.

An Ordinance Amending Capital Project Budget for the Hillsboro Street Transmission Line Replacement Project is as follows:

TOWN OF PITTSBORO
ORDINANCE AMENDING CAPITAL PROJECT BUDGET
FOR THE HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT

Be It Ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 14th day of January, 2013.

To Amend the Capital Project Budget Ordinance for the Hillsboro Street Transmission Line Replacement Project

Section 1. That the following **HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT REVENUE ITEMS** be amended to the amounts indicated:

823850100	TOWN CONTRIBUTION	\$405,803.00
823850000	CDBG GRANT	850,000.00
823850200	USDA REDLG LOAN PROCEEDS	240,000.00
823850300	BANK LOAN PROCEEDS	249,000.00
823850400	CONTRIBUTION FROM CHATHAM CO	78,000.00
TOTAL		\$1,822,803.00

Section 2. That the following **HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT EXPENDITURE ITEMS** be amended to the amounts indicated:

823000000	CONSTRUCTION	\$1,458,125.00
823000150	GRANT ADMINISTRATION	75,000.00
823001041	LEGAL SERVICES	2,500.00

823001100	ENGINEERING/DESIGN	141,365.00
823001800	CONTINGENCY	145,813.00
TOTAL		\$1,822,803.00

Section 3. That the following **CAPITAL RESERVE ENTERPRISE REVENUE ITEM** be increased by the amount indicated:

713990000	FUND BALANCE APPROPRIATED	\$405,803.00
TOTAL		\$405,803.00

Section 4. That the following **CAPITAL RESERVE ENTERPRISE EXPENDITURE ITEM** be increased to the amount indicated:

713990082	TRANSFER TO HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT	\$405,803.00
TOTAL		\$405,803.00

A RESOLUTION A RESPECT FOR DANIEL KUHFAHL IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 1

A RESOLUTION ACCEPTING THE OFFER OF ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$100,000 FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE, DIVISION OF COMMUNITY ASSISTANCE FOR THE PURPOSE OF COMPLETING THE HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 2

AN ORDINANCE AMENDING CAPITAL PROJECT BUDGET FOR THE HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 1

A RESOLUTION OF SYMPATHY TO THE FAMILY OF CHARLES J. JOHNSON IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 3

CEREMONIAL AGENDA

Former Water Plant Superintendent Scott Jewell wanted to congratulate the Board on the selection of the Town Manager – he feels the board made an excellent choice and he has been very impressed with him so far.

Mr. Jewell stated that when he was hired by Mr. Terry and Mr. Poteat he was made aware of the challenges he faced at the water treatment plant. He said all the success at the plant was a huge team effort. He stated John Poteat is a true asset to the Town and said it is so refreshing to have a supervisor to support you and empower you to do your job. There is still a lot of work to be done.

Mr. Jewell stated he has worked with Adam for two years and he is very focused, calming person, he has a true knowledge of the water business and a lot of experience. Mr. Jewell introduced Adam Pickett as the new Water Treatment Plant Superintendent.

Adam Pickett said he looked forward to working in this capacity for the Town and he will do everything he can to make sure our water plant stays on top. He is going to need support from everyone. He said they have come a long way but they still have a long way to go, but it can be done and he looks forward to doing it.

It was stated that the water plant has be in compliance for 36 straight months.

Mayor Voller welcomed Adam and thanked Scott for his service.

Mayor Voller read the Resolution for Daniel Kuhfahl into the record as follows:

**RESOLUTION OF RESPECT
IN RECOGNITION OF DANIEL E. KUHF AHL**

WHEREAS, on the 28th day of December, 2012, death brought to close the life of town employee Daniel “Dan” E. Kuhfahl;

WHEREAS, Dan dedicated his life to the Town of Pittsboro during his year employment with Pittsboro;

WHEREAS, Dan served our town with distinction, and demonstrated deep and genuine love for the Town through his hard work and devotion;

WHEREAS, his dedicated interest and loyalty to duty had a valuable effect on the efficiency and morale of his coworkers;

WHEREAS, Dan earned the respect of employees, and a host of area residents who are proud to have called him “friend”;

NOW, THEREFORE, on behalf of the Town of Pittsboro, its citizens and staff, the Board of Commissioners of the Town of Pittsboro does, by this Resolution and public record, recognize the service of Daniel K. Kuhfahl;

BE IT FURTHER RESOLVED, that this Resolution be made a part of the official minutes of the Town of Pittsboro and that an official copy of this expression of our deepest sympathy be presented to the family of Daniel E. Kuhfahl.

Manager Voller read the Resolution of Sympathy for the Family of Charles Johnson, it read as follows:

IN SYMPATHY TO THE FAMILY OF

Charles J. Johnson

WHEREAS, the people of the Town of Pittsboro were greatly grieved when Town of Siler City Mayor **Charles J. Johnson**, passed on the 5th day of January, 2013; and

WHEREAS, we mourn his loss and extend to his wife, Lisa, and family our sincere sympathy and express our appreciation for his leadership; his significant impact on the community and Mayor Johnson's willingness to work with Pittsboro and Goldston.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board of Commissioners of the Town of Pittsboro, on behalf of the entire community, does hereby express deep sorrow at the passing of **Charles J. Johnson**, who had a distinguished career in local government and whose life and memory we are proud to honor; and

BE IT FURTHER RESOLVED THAT THE PITTSBORO TOWN BOARD OF COMMISSIONERS as evidence of our sympathy, adopt this Resolution to be spread upon the record and a copy of the Seal of the Town of Pittsboro be affixed this date and a true copy thereof transmitted with heartfelt condolences to the bereaved family.

REGULAR MEETING AGENDA

CITIZENS MATTERS

Max G. Cotten – 133 Pittsboro School Road stated he has been a resident of Pittsboro for fifty years and he is saying that because it ties into what he is going to say.

- He is very concerned about the water and sewer increase that will be going into effective with the February billing. He is greatly concerned about those on fixed income which often use less than 1,000 gallons.
New charges for in-town will be (outside will double)
Water 4.50 plus 13.00 basic charge = 17.50
Sewer 6.75 plus 14.00 basic charge = 20.75
For a total of \$38.25 per month for 1,000 gallons or less
- It is more worrisome that 3M can use up to 3 million gallons re-use water and never pay more than \$4,590.00.

- The basic charge was originally restricted to debt service and major repairs according to 9/24/12 Budget Amendment now being used for operating cost.
- Hillsboro Street water main – Believe approximately one mile of line did not need to be replaced (from Chatham Mills out to the tank). He is concerned about the dead end line as proposed and he hopes it has changed. He predicts it will:
 - 1) Create problems for customers and the Town; i.e. old water lines bursting and poor quality of water because it will be stagnant in the line; no water 2 blocks West Street; No Water 1 block East Street; No Water 3 blocks Sanford Rd.

Mayor Voller asked for clarity about the dead end line he was referencing. Mr. Cotten stated he read in the paper it was ending at the courthouse. Mayor Voller stated it's going to tie into the water system. Mr. Cotten said that wasn't the last he heard, but that was good. Mayor Voller said he could assure him they are not dead ending the lines, he thinks what they meant was the project stops there but it ties into the system.

- Before he left the board in 2008 he left four challenges with the board.
- To form a Water & Sewer Authority with the County. In his opinion Pittsboro has gotten to the point that it cannot support an independent water system.
- Update charter to create voting districts.
 - Ordinance & Vote – GS 160A-102
 - Petition by voters – GS 160-103
 - Petition originated by citizens – GS 160-104
- Update General Ordinances.
- Update Zoning Ordinances.

Mayor Voller said he agreed a water and sewer authority is something to study especially if we go along with Sanford.

Mayor Voller asked Attorney Messick if we are in compliance with the law regarding the voting issue he mentioned. Attorney Messick said to his knowledge we are, he doesn't know what Mr. Cotten is talking about.

Charles R. Devinney – 443 Oakwood Drive, Pittsboro. Mr. Devinney said the Town Board has been established by the Legislature as non-partisan. He said it is not supposed to be about Republicans, Democrats or anyone else, it is supposed to be about the people. The last election candidates for the Town Board sent out information as democrats and he don't think that was right.

Mr. Devinney said the Board has hired a new Town Manager and his salary was not disclosed to his knowledge and whether he was paid a relocation allowance. Mayor Voller said it is all public record.

Manager Gruesbeck said he do not remember if Mr. Wilcox put his salary in the paper but he could tell him right now. His salary is \$75,000 per year and he did receive a relocation allowance which is standard for Managers.

Mr. Devinney said the work up town is nice put the streets are in terrible shape. Commissioner Foley explained about the conditions of the roads and said they will eventually be beautiful once construction is finished.

Mr. Devinney said he is concerned over the water and sewer rate increase and what really bothers him is you go out and annex Northwood High School to reduce their rates but you are increasing everyone else's.

A COPY OF MAX COTTEN'S WRITTEN COMMENTS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 4-5

OLD BUSINESS

RELOCATION OF PLANNING/ENGINEERING DEPARTMENTS TO OFFICE SPACE OUTSIDE OF TOWN HALL (BRYAN GRUESBECK)

Manager Gruesbeck went over the memorandum he had sent the board that stated:

Background: In 2012, the Town Board of Commissioners directed Staff to hire a Town Engineer. Staff has advised the Board that existing space in the Town Hall is not sufficient to house the additional person. Funds in the 2012-2013 Budget have been allocated to move Staff to a new location, as well as to make basic operational furniture and equipment purchases. In December 2012, Staff presented two (2) facilities: Main Street Station to the west of Town Hall and the Platinum Commons complex to the east (adjacent to the Chatham County Board of Elections). The Board subsequently requested an additional breakdown of price per square foot of area. That criteria, and other factors, are offered in the table below.

	PLATINUM COMPLEX	MAIN ST STATION
Location/Proximity	Yes	Yes
Accessibility	Yes (barrier-free ground floor)	Yes/No (elevator/stairs)
Square Feet	2000 ft ²	617.5 ft ²
Price/Month	\$1,900 ft ²	\$999
Price/Square Foot	\$0.95	\$1.62
Lease Term Flexibility	Yes	Yes
Move-In Readiness	Yes	Yes

Tenant Pays:	“35% of power water and sewer” for building, plus phone and internet	Electric, phone and internet
--------------	--	------------------------------

The most important consideration between the two properties is the complete barrier-free accessibility at the Platinum Complex. The Planning Department enjoys frequent contact with the general public, and while an elevator is available at the Main Street Station, I have never seen one operate consistently. The Platinum Complex is also more functional in terms of the amount of space available for the significant volume of document and equipment storage necessary for all three departments.

Action Requested: Authorize the Town Manager to secure a lease agreement with Platinum Holdings, LLC for property at the Platinum Commons complex. Manager Gruesbeck stated Town Hall is already cramped and adding another staff person would not work so we will have to move out a bit.

He stated Commissioner Fiocco asked at the last meeting that he get more of a breakdown of costs (which is listed above).

Manager Gruesbeck said he has scheduled interviews with three Engineer candidates for this week and before he can hire anyone he needs to have a place for them to go.

Commissioner Farrell asked isn't 2,000 sq; ft. for three offices a little more than necessary. Manager Gruesbeck said it is not considering all the maps, equipment Planning has.

Commissioner Farrell said he thinks the Police needs to move out worst than the Planning department.

Commissioner Foley said it is her understanding that we need office space immediately that why we are looking at leasing something.

Commissioner Baldwin asked Mr. Gruesbeck if the lease would have to be for at least one year. Manager Gruesbeck said yes, anywhere from one to three years. Commissioner Baldwin stated she agrees with Commissioner Farrell and would prefer the Police Department move out and the Planners/Engineer stay here because of the monies that need to be collected.

Manager Gruesbeck said it easier to relocate two than the entire Police Department.

After discussion a motion was made by Commissioner Farrell seconded by Commissioner Baldwin to table this until the next meeting.

Commissioner Farrell stated he would like for the old post office to be looked at in depth.

The board agreed that the committee formed last meeting to study this issue should meet before next meeting and bring back a report to the board.

Vote Aye-4 Nay-0

REVIEW A POLICY FOR THE ACCEPTANCE OF CREDIT CARDS FOR PAYMENT OF WATER AND SEWER BILLS. (MANDY CARTRETTE)

Mandy Cartrette stated that Town of Pittsboro water and sewer customers can currently pay their bills by cash, check, setting up an electronic draft from their checking accounts, or setting up online bill payments through their own banks. The Town currently does not have a mechanism for accepting credit cards for water and sewer bill payments, but there are two options for accepting credit cards for payment:

1. The Town can accept face-to-face credit card payments at Town Hall.
2. The Town can accept credit card payments online through a third-party vendor or through the Town's website.

Face-to-Face Credit Card Payments

Credit card companies typically charge fees for each credit card transaction that is processed by a vendor. Many credit card companies contractually prohibit a local government or public authority from assessing these charges on their customers. As a result, if local governments agree to take credit card payments face-to-face, they have to only take those credit cards that allow governments to charge a convenience fee to customers, or they must accept the loss in revenue for each transaction that is paid for with a credit card.

I met with representatives from First Citizens Bank to discuss this option in more detail. The first step that the Town would need to take to accept credit card payments in Town Hall is to purchase a credit card machine. The cost of the machine is approximately \$400 with a monthly EMS fee of \$6 for insurance on the terminal. In addition, the Town would be required to pay a percentage of the cost of each transaction that is processed through the credit card machine. These percentages vary depending on the type of the card that customers present for payment, and the specific rates are as follows: 1.3 percent for a regulated debit card, 2.5 percent for a mid-qualified card, and 3.55 percent for a non-qualified debit card. In addition to a fee per transaction, the Town would be required to pay \$6.95 per month for the ControlScan PCI 1-2-3 Compliance Program. This program is a service to ensure that the Town is handling credit card information securely. As part of this service, the Town would have to complete a PCI Compliance Attestation, which involves answering questions about how credit card data is handled and stored. If the Town accepts credit cards in person, it will have to address the security of how it stores citizens' and businesses' credit card information.

In a previous Board meeting, the Board had mentioned accepting payments through a device called a square. In investigating the square, Mandy found that the Town must have an iPhone or an iPad to accept payments with a square. In addition, the cost of using a square is 2.75 percent per transaction or \$275 per month. Please see the attached article courtesy of Mr. Bill Wilcox for more information on the square technology.

Online Credit Card Payments

Many municipalities use third-party vendors, such as Official Payments, to accept online credit card payments for water & sewer bills and tax payments. The citizen goes onto the third-party vendor's website and completes the necessary steps through that website to pay a bill. The citizen can use his or her credit card, and he or she is assessed a convenience fee by the third-party company. These convenience fees can be as high as \$6.50 per transaction. The third-party company sends the municipality an e-mail with a list of the customers that have paid using their service, and the municipality must still enter each payment into its own financial system to show that each account is paid. From the Town's perspective, there is no advantage to using a third-party company for accepting credit card payments. The third party company is benefitting from these transactions by collecting convenience fees that citizens must pay when they use this service, but the Town and citizens do not receive any financial benefit from these transactions. It is simply for customer convenience.

Since the last discussion of accepting online credit card payments, I have learned of another option. The Town's financial software company has a mechanism in its software that allows an online link to the Town's billing software. The Town would put a link on its website in which a citizen could access his or her billing information through that link. The citizen would then have the option of looking at his or her account history and paying the bill online using a credit card. The citizen would be charged a convenience fee for the transaction. The fees associated with this service are on the attached quote.

RECOMMENDATION

That the Board of Commissioners discuss the acceptance of credit card payments and if the Board decides that it wishes to pursue this option, that it permit Town staff to gather more information and pursue the option of accepting online payments through a third-party vendor or through the service provided by the Town's financial software company.

Mayor Voller said he would recommend that we go with the third party vendor to see how much interest we receive and he don't think we would want to have to store customers credit card information, that is probably the reason the county doesn't do face to face credit card payments.

The Board asked Ms. Cartrette to get more on-line payment information; they felt that would be the way to go.

After discussion a motion was made by Commissioner Baldwin seconded by Commissioner Turner to authorize Ms. Cartrette to set it up to accept on line credit card payments.

Vote Aye-4 Nay-0

DISCUSS DRAFT TEXT AMENDMENT FOR A NEW CONDITIONAL ZONING ORDINANCE (STUART BASS)

Planner Bass stated the Board held a Public Hearing on November 26, 2012 for consideration of this text amendment. The draft language for the text amendment has been modified based on comments. The revisions are highlighted in bold.

DRAFT
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF PITTSBORO

- A. Delete Section 4.1, Article IV of the Zoning Ordinance and substitute the following in lieu thereof:

4.1 Zoning Districts

The Town of Pittsboro, North Carolina, and its area of extraterritorial jurisdiction are hereby divided into general and overlay districts:

R-A	Residential - Agricultural
RA-2	Residential - Agricultural (2 acres)
R-A5	Rural - Agricultural (5 acres)
R-15	Low Density Residential
R-12M	Medium Density Residential and Mobile Home Park
R-12	Medium Density Residential
R-10	High Density Residential
O-1	Office and Institutional
C-1	Neighborhood Commercial
C-2	Highway Commercial
C-4	Central Business District
M-1	Light Industrial
M-2	Heavy Industrial
WSIV-CA	Watershed Overlay Critical Area
WSIV-PA	Watershed Overlay Protection Area
MUPD	Mixed Use Planned Development

- A. ***Or alternatively Add the following to Section 4.1 (and continue to have Conditional Use Districts zoning as well ;)***

In addition to the general zoning districts delineated above, a Conditional Zoning District (bearing the designation CZ) corresponding to the general purpose zoning districts and to the mixed use districts may be established as authorized in this ordinance.

RA (CZ)	Residential - Agricultural Conditional Zoning District
RA-2 (CZ)	Residential - Agricultural Conditional Zoning District
RA-5 (CZ)	Rural - Agricultural Conditional Zoning District
R15 (CZ)	Low-Density Residential Conditional Zoning District
R-12M (CZ)	Medium Density Residential and Mobile Home Park Zoning District
R-12 (CZ)	Medium Density Residential Conditional Zoning District
R-10 (CZ)	High Density Residential Conditional Zoning District
O-I (CZ)	Office and Institutional Conditional Zoning District
C-1 (CZ)	Neighborhood Business Conditional Zoning District
C -2 (CZ)	Highway Commercial Conditional Zoning District

- C-4 (CZ) Central Business District Conditional Zoning District
- M-1 (CZ) Light Industrial Conditional Zoning District
- M-2 (CZ) Heavy Industrial Conditional Zoning District”

B. Add to Section 5.1 the following:

- O. Conditional Zoning Districts

These are zoning districts which correspond to the general purpose zoning districts, but in which the development and use of the property is subject to predetermined standards and rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.”

C. Delete Section 10.6 and all of its subparagraphs and insert the following in lieu thereof:

”SECTION 10.6 CONDITIONAL ZONING DISTRICTS

Conditional Zoning Districts (bearing the designation CZ) correspond to the general purpose zoning districts as authorized in this ordinance.

10.6.1. Purpose

Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted comprehensive plan, and adopted district and area plans.

The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

Zoning petitions to establish a conditional district will be processed in accordance with the provisions of Article 10.1 through Article 10.4 for zoning amendments as well as this section. A conditional district classification will be considered only if the application is made by the owner of the property or his/her authorized agent.

10.6.2 Uses within District

Within a conditional zoning district, only those uses listed (or determined to be equivalent uses) as permitted uses or special uses in the corresponding zoning district shall be permitted, and no use shall be permitted except as a conditional use subject to approval of a conditional zoning district rezoning authorized by the Town Board of Commissioners as provided herein.

10.6.3. Conditions

1. In approving a reclassification of property to a conditional zoning district, the Town Board of Commissioners may request that reasonable and appropriate conditions be attached to approval of the rezoning. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Town Board of Commissioners may find appropriate or the applicant may propose.
2. Such conditions to approval of the rezoning may include dedication to the Town or State, as appropriate, of any rights-of-way or easements for roads, water, or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Town Board of Commissioners.
3. Before filing an application for a conditional zoning district, the applicant(s) is encouraged to meet with the Planning Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.
4. In a conditional district, conditions may specify the location on the property of the proposed use; the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, and access streets; design elements of the proposed use; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of rights-of-way and other areas to be dedicated for public purposes; the alteration of streets to mitigate traffic and environmental impacts; use limitations; and other matters the applicant proposes as conditions upon the request.
5. **The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request**

is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

a) **Consistency with Land Use Plan.** The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the Land Use Plan.

b) **Compatibility.** The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

c) **Design minimizes adverse impact.** The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

d) **Design minimizes environmental impact.** The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

e) **Impact on public facilities.** The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

f) **Health, safety, and welfare.** The proposed Conditional Zoning (CZ) District use's affect on the health, safety, or welfare of the residents of the Town or its ETJ.

g) **Detrimental to adjacent properties.** Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

h) **Not constitute nuisance or hazard.** Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

i) **Other relevant standards of this Ordinance.** Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

6. All applications must include a schematic plan drawn to scale and supporting text which will become a part of the ordinance amendment. The applicant should include at least the items listed below.

a) A boundary survey showing the total acreage, present zoning classifications, date, and north arrow.

b) The owners' names, addresses, and the tax parcel numbers of all adjoining properties.

c) All existing easements, reservations, and rights-of-way, and all yards required for the zoning district requested.

d) Proposed use of land and structures. For residential uses this should include the number of units and an outline of area where the structures will be located. For nonresidential uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located.

e) Traffic, parking, and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.

7. Additional requirements. When dealing with the conditional district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board and/or Board of Commissioners may request additional information as they deem necessary. This information may include but is not limited to the items listed below.

a) Proposed screening, including walls, fences, or planting areas as well as treatment of any existing natural features.

b) Delineation of areas within the regulatory floodplain as shown on official Flood Hazard Boundary Maps for the Town of Pittsboro.

c) Existing and proposed topography at four foot contour intervals or less.

d) Generalized information on the number, height, and size or, in especially critical situations, the location of structures.

e) Proposed number and location of signs.

f) Approximate completion time of the project and proposed phasing, if any.

8. Any conditions imposed in association with a conditional district and so authorized are perpetually binding upon the property included within the conditional district unless subsequently changed or amended as provided for in this section.

9. In approving a conditional district, the Town Board of Commissioners may, with agreement of the applicant, impose more restrictive requirements than would otherwise be required by this ordinance and those in the application, as deemed necessary to ensure that the purposes and intent of this ordinance are met.

10. A new public hearing is required for consideration of a substantial change in conditions, as determined by the Planning Director (Zoning Enforcement Officer).
11. No condition on a conditional district application may have the effect of removing or amending any requirement of this ordinance.
12. Other than use conditions, no proposed condition can be a mere repetition of an already applicable requirement of this ordinance. The Planning Director (Zoning Enforcement Officer) may order the removal of any such condition from the application. The Planning Director (Zoning Enforcement Officer) may remove from the application any condition deemed unenforceable or unclear.
13. Prior to the issuance of any permits, the applicant must submit detailed plans to the Town Planning Director (Zoning Enforcement Officer) for final review.

10.6.4 Community Meeting

1. The applicant is required to hold a community meeting prior to the application deadline for a conditional zoning district rezoning. The applicant shall provide proof of mailed notice of the meeting. Notice of the meeting shall be provided to owners of abutting property, as listed with the Chatham County Tax Department, and include properties directly across a street, easement or public or private right of way. Notice may be sent to additional properties by the applicant. At a minimum, the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of notice may be provided by the applicant.
2. A written report of the community meeting shall be included as part of the application packet. The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.
3. Revisions to existing Conditional Zoning Districts and existing Conditional Use Permits shall not require a community meeting if the physical boundaries of the district or permit are not proposed to be expanded.

10.6.5 Scope of Approval

1. Any conditions approved in association with a Conditional Zoning District and so authorized shall be perpetually binding upon the property included in such Conditional Zoning District unless subsequently changed or amended as provided for in this Article.
2. The applicant shall obtain certification of the approval of the Conditional Use District, and shall record the legal description and accompanying map exhibit/site plan in the office of the Register of Deeds of Chatham County.

3. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any of the conditions of approval, the Conditional Zoning District shall be deemed null and void and the governing body shall initiate proceedings to rezone the property to its previous zoning classification. Continued or repeated violation of the conditions in an approved Conditional Zoning District shall constitute an applicant's failure to accept said conditions.
4. Any violation of a condition in an approved Conditional Zoning District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.
5. The approval of a zoning map or text amendment does not authorize any development activity. Application for a Certificate of Zoning Compliance and any other administrative permits required by this Ordinance shall be required.
6. If an application for conditional zoning is approved, the development and use of the property shall be governed by the **existing** ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning maps.
7. If an application is approved, only those uses and structures indicated in the approved application and site plan shall be allowed on the subject property. A change of location of any structures may be authorized pursuant to applicable provisions of this ordinance.
8. Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.
9. Any approved conditional zoning district shall have vested rights.

10.6.6 Alterations to Approval

1. Except as provided herein changes to an approved conditional zoning district application or to the conditions attached to the approval shall be treated the same as a new application for a conditional zoning district and shall be processed in accordance with the original procedures.
2. The Planning Director (Zoning Enforcement Officer) shall have the authority to approve an administrative amendment change to an approved site plan. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any changes that increase the intensity of the development are limited for nonresidential development to 10% of the approved building square footage or 5,000 square feet, whichever is less. For residential development, increases in density are not allowed as an administrative change.

3. The Planning Director (Zoning Enforcement Officer) shall always have the discretion to decline to exercise the delegated authority because a rezoning application for a public hearing and Town Board of Commissioners action is deemed appropriate under the circumstances. If the Planning Director (Zoning Enforcement Officer) declines to exercise this authority, then the applicant can only file a rezoning application for a public hearing and Commissioner decision.

Mayor Voller asked Attorney Messick if he had any comments. Attorney Messick said that he worked with Mr. Bass on this.

Mayor Voller asked Planner Board Chair Ken Hoyle if he had any comments. Mr. Hoyle said the Planning Board recommended approval and he thinks we should go for it.

Mayor Voller asked about a vote. Planner Bass said it was before the Board tonight for discussion it is not in the form of an ordinance.

Commissioner Farrell asked if it would remove quasi-judicial hearings. Planner Bass said that was a good question it is done both ways, some towns leave it in and other delete it.

Attorney Messick stated he personally did not think we needed both.

BUDGET RETREAT AGENDA

Mayor Voller said he has spoken with Mr. Gruesbeck about rescheduling because this is MLK Holiday weekend and there is a MLK breakfast that people expect elected officials to attend. He knows there was a conflict with Commissioner Foley. Commissioner Foley said she has gotten off that morning.

Commissioner Baldwin asked if we could have it some afternoon during the week.

After discussion the budget - retreat scheduled for Saturday, January 19, 2013 and reschedule it for some Monday or Thursday between the hours of 5-9.

Members are to get in touch with Ms. Lloyd about what dates are best for them.

Manager Gruesbeck asked if we wanted to use the same facilitator. Commissioner Baldwin said that would be her preference.

APPROVE PROJECT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) TO EXTEND SIDEWALK ON EAST STREET

Manager Gruesbeck stated this is for additional sidewalk on East Street from Chatham Business Park Drive to White's Mobile Home Park. The Project Agreement would obligate the Town of Pittsboro to provide a \$34,000 match (an 80/20 split) and a NCDOT grant in the amount of \$136,000 for a total of \$170,000. The Project Agreement also directs the Town to complete an Environmental Document, gather NCDOT approval of engineering and design costs (if we seek

grant funds for engineering costs) and certify that it owns the required right of way to construct the project and the project will need to be completed by 12/31/14.

Manager Gruesbeck said he will have to work close with the State to make sure everything is reimbursable through the grant.

Commissioner Baldwin said he had answered her question.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to authorize the Town Manager to provide necessary signatures to the NCDOT Project Agreement, thereby extending sidewalk on the south side of East Street.

Vote Aye-4 Nay-0

NEW BUSINESS

RESOLUTION OF THE BOARD OF COMMISSIONERS AWARDDING TO RETIRING POLICE CHIEF DAVID D. COLLINS HIS BADGE AND SERVICE FIREARM (BRYAN GRUESBECK)

Background: Attached please find the letter of resignation from Chief David D. Collins, effective 2/1/13. His retirement would mark the end of a 30-year career of service to the Town of Pittsboro.

Also attached please find his request to retain his issued service weapon and the corresponding resolution which, if approved, provides your formal approval. The Town has previously allowed for Town of Pittsboro Chiefs Hipp and Clapp to retain their firearms. North Carolina law (G.S. 20-187.2) grants “governing bodies of law enforcement agencies” the ability to “award” badges and service weapons to retiring members.

Action Requested: Approve the Resolution, thereby authorizing Chief Collins to retain his firearm and badge upon retirement.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve A Resolution awarding Chief David D. Collins his badge and service sidearm.

Vote Aye-4 Nay-0

The resolution reads as follows:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE TOWN OF PITTSBORO, NORTH CAROLINA
AWARDDING TO RETIRING POLICE CHIEF DAVID D. COLLINS
HIS BADGE AND SERVICE SIDEARM

WHEREAS, G.S. 20-187.2 provides that retiring members of
municipal law enforcement agencies may receive, at the time of their

retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, G.S. 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

WHEREAS, the value of the firearm has little value and is deemed to be surplus equipment; and

WHEREAS, David D. Collins has served as a member of the Pittsboro Police Department for a period of thirty years as a Police Officer and retiring as Police Chief from the Pittsboro Police Department on January 31, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro, North Carolina as follows:

The Town Manager or his designee is hereby authorized in accordance with the provisions of G.S. 20-187.2 to transfer to David D. Collins the badge worn by him during his service with the Pittsboro Police Department and his service sidearm, a Sig Sauer .45 caliber, Model P220 serial number G328-869 at a price of \$1.00.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO, NORTH CAROLINA AWARDED TO RETIRING POLICE CHIEF DAVID D. COLLINS HIS BADGE AND SERVICE SIDEARM IS RECORDED IN THE BOOK OF RESOLUTION NUMBER ONE, PAGE 6

REVIEW DISC GOLF FUNDRAISING PROPOSAL

Park Planner Horne gave an update on the park.

Planner Horne reported the Disc Golf Course at Rock Ridge Park has undergone 2 of 3 phases of design and fairway clearing. The final design phase will be completed by January 31, 2013. Clearing and construction of tee pads and installation of baskets will continue afterwards with the course opening slated for around July of 2013.

The course has generated quite a bit of excitement among disc golfers in North Carolina. Local and regional volunteers have contributed over 428 hours of work, mostly consisting of cutting and removing trees to establish fairways. This translates to over \$8,000 dollars contributed using North Carolina's official *dollar value of a volunteer hour rate* of \$18.80 per hour. Volunteers have regularly come from as far away as Burlington, Raleigh, Durham and Sanford with occasional helpers from Charlotte. A dedicated local group has provided the majority of work.

In June of 2012 the board contracted with one of the top designers in the nation to design this course. This was an important decision because, given the same piece of land to work with, the quality of design differentiates a potential 'destination course' from a run-of-the-mill mediocre course. The investment in a top design firm left funds for construction unfeasible within the 2012-2013 budget cycle. As such no funds have been allocated to fund the construction of concrete course tee-pads, comprehensive signage, or other necessary course elements. We have received a proposal from Houckdesign is an innovative way to fund the course while minimizing public investment. The proposal envisions a local, regional and national fundraising campaign which would sell tasteful advertisements on the tee-signs, and seek sponsorships for the course. The Houck team has good relationships with national disc golf related industries that would be willing to invest in a top course in this part of the country, one of the fastest growing disc golf markets.

The creation of a destination quality disc golf course has been endorsed by the Chatham Chamber of Commerce, the Pittsboro Business Association, the Pittsboro/ Siler City Convention & Visitors Bureau. A number of Pittsboro restaurants, bars, and bed and breakfasts have informally committed to contributing to such a fundraising campaign, should one get started. Along with just being good corporate citizens they also have a direct interest in steering out of town visitors to their businesses.

He stated that John and Dee Houck were present and they also had Jason with them.

Commissioner Farrell said he was out there and wasn't under the understanding that we would go to Mr. Blackwelder's property. He has called him numerous times and that he was under the impression that land was going to be left wooded for his "privacy".

Planner Horne said they have looked at re-arranging two of the holes. He said Mr. Blackwelder's property line is very close to the edge and they are trying through the design to incorporate his concerns.

Commissioner Farrell asked if there was no greenway through the golf course. Dee Houck said disc golf is a green sport therefore it is low maintenance.

Dee Houck stated that in 2012 out of 5,000 courses Mr. Houck had the number one and number two courses in the world.

Mr. Houck thanked Paul Horne for everything he has put into this project. He would like to get this park in the Top 10 in the world as well.

Commissioner Baldwin stated she was looking at the contract for consulting services (1) states the contractor agrees to perform those duties described in Exhibit A and she wanted to know where Exhibit A was. Attorney Messick stated Exhibit A is percentage based.

Commissioner Baldwin stated her question is how much the Town of Pittsboro will have to pay them. Planner Horne said it is performance base pay. Commissioner Baldwin said then it needs to be changed to make it clearer.

Planner Horne said he would work with Mr. Messick and clear that up.

Mr. Houck said he had spoken with Mr. Blackwelder and made it clear to him that he is doing everything he can to keep things away from him. When he talked to him, Mr. Blackwelder did not indicate that he had an agreement with the Town that that area would never be touched. Manager Gruesbeck stated the Town does not pay anything.

Commissioner Baldwin stated #4 should also be clarified. Planner Horne said maybe it should be called a reimbursement. Attorney Messick said it would not be a reimbursement because the money will be paid to the town and disbursed out.

Commissioner Baldwin said she did not want any misunderstanding for future boards.

Planner Horne said he will work with the Attorney for verbage and make sure Commissioner Baldwin is satisfied with them.

A 4:40 second video was presented on disc golf.

Commissioner Farrell asked that they work with Mr. Blackwelder. Mr. Houck said he will do what he can.

Motion made by Commissioner Turner seconded by Commissioner Foley to approve the resolution authorizing the Town Manager to sign the contract with Houckdesign to conduct a fundraising campaign to support the Rock Ridge Park Disc Golf Course with changes mentioned to the contract for design.

Vote Aye-4 Nay-0

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN THE CONTRACT WITH HOUCKDESIGN TO CONDUCT A FUNDRAISING CAMPAIGN TO SUPPORT THE ROCK RIDGE PARK DISC GOLF COURSE.

WHEREAS, the Board of Commissioners of the Town of Pittsboro are supportive of high quality parks, recreational amenities and quality of life enhancements for their citizens; and

WHEREAS, the Board of Commissioners of the Town of Pittsboro recognize the tourism and economic development impacts of a successful destination disc golf course in Pittsboro; and Whereas, the Town of Pittsboro has an offer from Houckdesign to conduct a fundraising campaign to fund course construction, signage and other amenities,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town Manager is authorized to sign a contract with HouckDesign to conduct a fundraising campaign to support the Rock Ridge Park Disc Golf Course.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN THE CONTRACT WITH HOUCKDESIGN TO CONDUCT A FUNDRAISING CAMPAIGN

TO SUPPORT THE ROCK RIDGE PARK DISC GOLD COURSE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 7

CAPITAL PROJECTS REPORT

Manager Gruesbeck stated that there was a water line break in the downtown area last night the nicked an old 2” line and to the construction company’s credit they got it fixed quickly. The work downtown should be completed in a few weeks and they will go back and make connections. Hopefully the repaving will begin in early spring.

Springdale Connection - Permit request has been forwarded to NCDOT, he has worked with the engineer and he will have the contract at the next meeting.

Sidewalk – he is working to get the documents finalized.

Manager Gruesbeck stated they had hoped to have the auditor here tonight, but they have had trouble getting the auditor in house, it has been put off and put off. He said if we don’t hear something this week we would need to replace them. We actually probably need to go ahead and bid it out.

COMMISSIONER CONCERNS

Commissioner Farrell since SunTrust on West Street is closing it would be nice to get some 15 minutes parking spaces in the front of SunTrust on Main Street. He said the merchants are parking on the street all day and that the police needs to enforce that.

Commissioner Farrell said he received a call from a lady in Bynum that had a water leak and one month her bill was \$400 and the next it was \$200 he would like for us to look at a policy that would help our customers.

Commissioner Foley stated some other surrounding municipalities offer a one time a year relief.

Commissioner Farrell said he would like to see the parking downtown changed from three hours to two hours.

Commissioner Foley said she was sure everyone got their email about Retire NC. She said it has been great seeing the community come together to work on this.

Commissioner Baldwin asked when the WWTP Permit is set to expire. Manager Gruesbeck said 2016. Mayor Voller said the letter we sent went over very well. Manager Gruesbeck said we have a meeting scheduled with the department next week.

Commissioner Turner said she has had several citizens ask about credit card payments and she now has something to tell them.

Mayor Voller said he went to the opening of the Judicial Center and a number of folks asked if the Town is going to work with the County to remove that building somewhere else it sits between two beautiful buildings. Maybe it could be used for parking.

Motion made by Commissioner Turner seconded by Commissioner Foley to take a five minute recess.

Vote Aye-4 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Turner to go back into regular session.

Vote Aye-4 Nay-0

CLOSED SESSION

Motion made by Commissioner Farrell seconded by Commissioner Foley to go into closed session pursuant to GS 143-318.11(a)(6) regarding a personnel matter.

Vote Aye-4 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Turner to go out of closed session.

Vote Aye-4 Nay-0

There was a discussion about starting a Town Facebook page.

Motion made by Commissioner Baldwin seconded by Commissioner Farrell to adjourn at 10:30 p.m.

Vote Aye-4 Nay-0

FYI -

1. Bi-weekly process report – Hillsboro Street Transmission Line.

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk