MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, JULY 27, 2015
7:00 PM

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Farrell.

ATTENDANCE

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

Staff present: Attorney Paul S. Messick, Jr., Clerk Alice F. Lloyd, Chief of Police Percy Crutchfield, Finance Director Nancy Emslie, Roger Waldon, Planning Consultant and Engineer Fred Royal. Manager Bryan Gruesbeck was sick.

Mayor Terry recognized Boy Scout Troop 951.

Mayor Terry asked that item #5 on the consent agenda be considered a ceremonial item so that he can read it into the record. The Board agreed.

CEREMONIAL AGENDA

Mayor Terry read the following resolution in the record:

RESOLUTION OF THE TOWN OF PITTSBORO TO HONOR DONORS TO PAGE VERNON MEMORIAL PARK

WHEREAS, Judge Vernon was a long time resident of Chatham County who served Pittsboro and the larger community as a District Court Judge, Assistant District Attorney, lawyer in private practice and active community volunteer; and

WHEREAS, the property adjacent to the Hall-London House owned by the Town of Pittsboro ("Town") was donated to the Town in memory of Judge Vernon in memory of her service and enjoyment of that location to develop as a public park; and

WHEREAS, the James Milton Johnson and Laura Blair Johnson Trust for Pittsboro made a donation of $12,600 to ensure that the Page Vernon Memorial park be constructed to the highest standards and quality; and

WHEREAS, the Trustees of the James Milton Johnson and Laura Blair Johnson Trust include John Blair, Rick Torbert and Gene Brooks;

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

1. The Town of Pittsboro shall express its gratitude by constructing a plaque on one of the benches in Page Vernon Memorial Park that recognizes the donation of the James Milton Johnson and Laura Blair Johnson Trust and its Trustees (John Blair, Rick Torbert and Gene Brooks).

2. A copy of this resolution shall be presented to John Blair.

Adopted this 27th day of July, 2015

Motion made by Commissioner Baldwin seconded by Commissioner Foley to approve the Resolution to Honor Donors to Page Vernon Memorial Park.

Vote Aye-5 Nay-0

A RESOLUTION OF THE TOWN OF PITTSBORO TO HONOR DONORS TO PAGE VERNON MEMORIAL PARK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 221

CONSENT AGENDA

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the consent agenda as revised. The Consent Agenda contains the following items:

1. Approve minutes of the June 22, 2015 regular meeting.

2. Accept FY 2014-2015 Financial Reporting as of June 30, 2015.

3. Schedule a Public Hearing for August 24, 2015 to Consider Applications for a Rezoning and Special Use Permits (REZ-2015-03).

4. Accept ABC Budget; Travel Policy and Appointment of Duncan Murrell as an ABC Board Member.

5. Recognition of Donors to Page Vernon Memorial Park. **(Moved to Ceremonial Agenda)**

6. Approve Resolution to Request a School Zone on US Route 15/501 and Northwood Drive.

Vote Aye-5 Nay-0

A RESOLUTION TO REQUEST A SCHOOL ZONE ON US ROUTE 15/501 AND NORTHWOOD DRIVE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 222

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REGULAR MEETING AGENDA

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve the regular meeting agenda as amended to add #2 New Business – Amendment to the Personnel Policy for Payment in Lieu of Health Insurance Coverage.

Vote Aye-5 Nay-0

CITIZENS MATTERS

Jack Stevens – 145 Hillcrest Drive wanted to give a statement of support. He said the group called Pittsboro Matters (less than 15% of Pittsboro's population) has been trying to get things done their way. He thinks the Town Board has been doing a great job.

Mr. Stevens said in light of what's been in the news lately he thinks we should disregard the title of "sanctuary city" in Pittsboro. He doesn't think we should involve ourselves in this.

Casey Mann – 185 Toomer Loop – thanked the Chief of Police for his work on the Golf Cart Ordinance. She looks forward to the Board approving it in August.

OLD BUSINESS

SITE PLAN FOR LATTER DAY SAINTS CHURCH (SP-2015-03)

Mr. Waldon gave an overview of the memo submitted in the agenda package.

APPLICANT: The Church of Jesus Christ of Latter-Day Saints

LOCATION: Old Rock Spring Cemetery Road

EXISTING USE: Undeveloped Site.

PROPOSED USE: Church

AREA: 5.02 Acres.

EXISTING ZONING: R-12 (Medium Density Residential)

ADJACENT ZONING: R-12 (Medium Density Residential), C2 (Highway Commercial), MUPD (Mixed Use Planned Residential).

UTILITIES: Utilities are within the immediate vicinity and are available to the property.

The applicant is proposing to construct a 12,135 square foot building for use as a church. This is a permitted use by right in the zoning district.

This proposal for Site Plan approval is being presented to the Board of Commissioners for action. The plans have been reviewed in accordance with the Town's applicable development

ordinances by the appropriate departments. The project was allocated wastewater capacity (1,250 gpd) by the Town Board of Commissioners on May 12, 2014.

Mr. Waldon stated Staff recommendation is for approval, subject to issuance of a Stormwater Permit and authorization by the Town Engineer. The Planning Board recommended approval at its meeting on June 1, 2015.

The Engineer for the project presented/discussed a drawing of what the building would look like.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the Site Plan for Latter Day Saints Church (SP-2015-03) subject to issuance of Stormwater Permit and authorization by Town Engineer.

Vote Aye-5 Nay-0

A COPY OF THE SITE PLAN FOR LATTER DAY SAINTS CHURCH CAN BE FOUND IN THE TOWN OF PITTSBORO PLANNING OFFICE.

PRELIMINARY PLAT FOR RIVERSTONE SUBDIVISION. (SUB-2015-04)

Mr. Waldon gave an overview of the memo submitted in the agenda package.

Developer: Piedmont Land Design

Location: US Highway 64, Pittsboro NC

Property Identification Numbers: 9762-40-1867, 9762-51-3093

Current Zoning: RA-2

Adjacent Zoning: RA-2

Acreage: 97.3 acres

Existing Use: Undeveloped

Proposed Use: Single-family Lots

The applicant is proposing subdivision of a 97.31 acre parcel, located along US Highway 64 in Pittsboro. The project consists of the construction of 33 single family lots with associated roadways.

Accompanying this package is a full set of drawings.

This proposal is being presented to the Board of Commissioners as a Preliminary Plat for action. The plans have been reviewed in accordance with the Town's applicable development ordinances by the appropriate departments, and reviewed by the Planning Board.

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Board's review of the application, the applicant offered information suggesting that those two conditions are not necessary, and asked that they not be included as conditions of approval. Information focused on the configuration of lots adjacent to this property, and provisions to be incorporated into homeowners association documents regarding pedestrian access. The Planning Board agreed with the applicant and did not include these conditions in its recommendation for Board of Commissioners' approval. We also find the applicant's request and information to be reasonable, and accordingly recommend that the Board of Commissioners approve the Preliminary Plat application without these conditions.

Mr. Waldon said staff recommends approval and the Planning Board recommended approval at its meeting on June 17, 2015.

After discussion, a motion was made by Commissioner Baldwin seconded by Commissioner Farrell to approve the Preliminary Plat for Riverstone Subdivision (SUB-2015-04).

Vote Aye-5 Nay-0

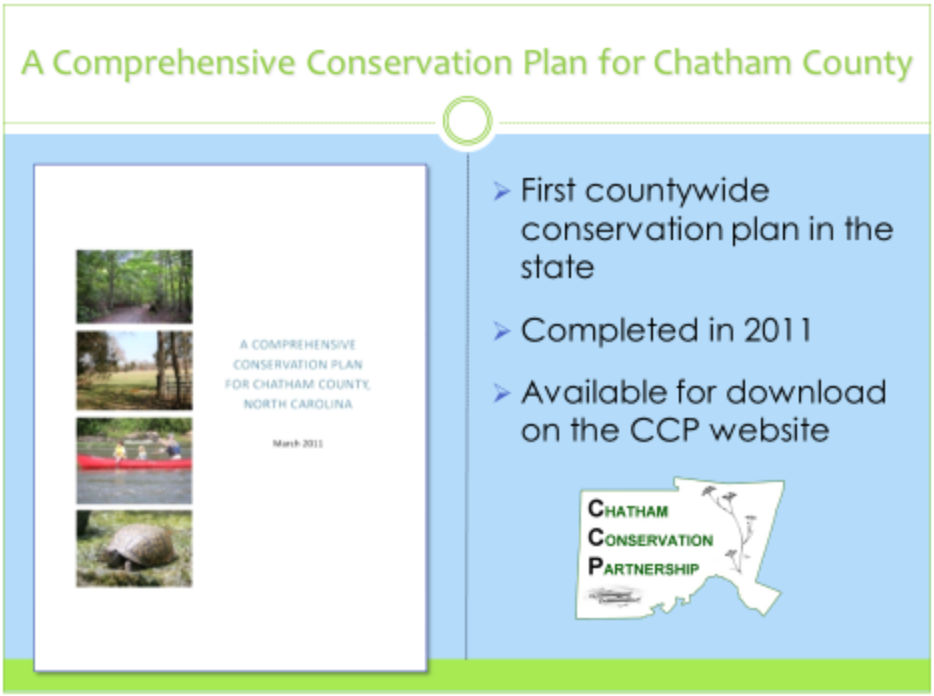
A COPY OF THE APPROVE PRELIMINARY PLAT FOR RIVERSTONE SUBDIVISION PLAT IS ON FILE AT THE TOWN OF PITTSBORO PLANNING OFFICE

CONSERVATION ORDINANCE REVIEW COMMITTEE RECOMMENDATIONS. (BROOK MASSA)

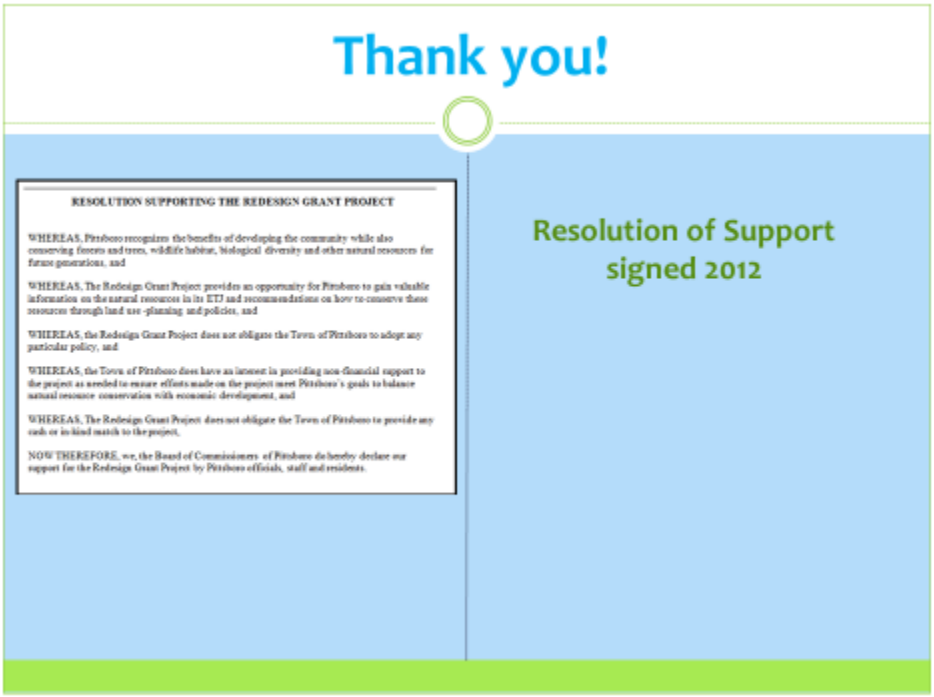
Mr. Waldon introduced Ms. Brooke Massa. He stated she will make this same presentation to the Planning Board next week.

Brooke Massa, NC Wildlife Commission gave the following power point presentation.

Ms. Massa stated this project was developed through the participation of the many partners shown above.



Ms. Massa stated the Planning Tools project began as an effort to implement the Comprehensive Conservation Plan for Chatham County, which was developed by the Chatham Conservation Partnership. Members of the CCP, such as Allison Weakley, presented the plan to the board, and you liked the plan, and through your support they pursued funding to develop ways that the Town could implement the plan.



The town sent a resolution of support for the project, with a stated interest in gaining information and recommendations on how to protect natural resources through land use planning and policies. With that support, they were able to move forward on this project.

Some of the information and recommendations this project provided you with, include a Canopy assessment and ecosystem services analysis – which they have presented some of the results to the Board in the past.

Compilation of best available conservation data for Pittsboro – She and Catherine used the most recent and accurate data available for Pittsboro to map natural resources.

Biodiversity and wildlife habitat assessment – they used this data to prioritize areas in Pittsboro for their importance to wildlife and biodiversity.

Community outreach – Catherine did a lot of work to gain participation from the community and she led the Conservation ordinance review committee.

Economic impact analysis of ordinance implementation – this is almost done, they hope to be able to present this work very soon.

Development of ordinance language to improve protection of natural resources – the conservation ordinance review committee has developed recommendations for ordinance language that Pittsboro could adopt to help protect natural resources.

Creation of tools and publications that can be used by other rural communities. The last part of the project was so that they could make the work they do here easily transferable to other communities, so she and Catherine are working on this last piece this summer.

Conservation Ordinance Review Committee (CORC)

Goal: develop recommendations to present to the Town of Pittsboro on the optional provisions of the Model Natural Resource Conservation Ordinance and the Model Tree Protection Ordinance.

Committee Members:

1. Board of Commissioners: Bett Foley, Beth Turner
2. Planning Board: Bob McConnaughey
3. Recreation and Parks Board: Megan Bolejack
4. Chatham County Extension: Charlotte Glen
5. Certified Forester: Mark Bost
6. Pittsboro Business Association: Maria Parker-Lewis
7. Chatham Park: Philip Culpepper
8. Grand Trees of Chatham: Louise Hobbs
9. Town Staff: Fred Royal

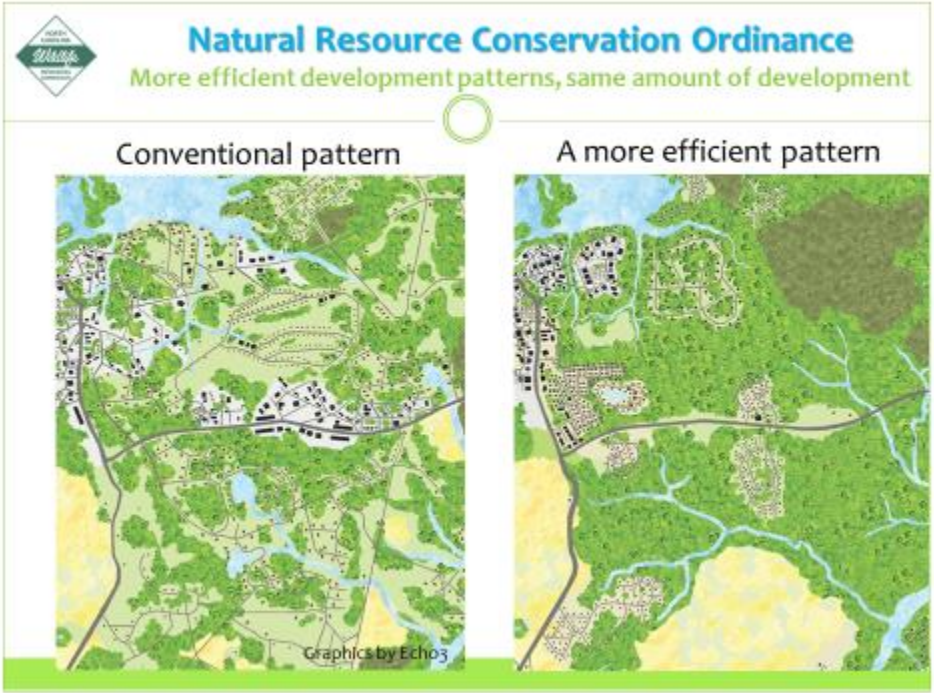
Through the recommendation of the town staff Catherine put together and led the conservation ordinance review committee that met every 2 weeks for the past 6 months. The committee members were determined by town staff, and include two Board Members (Commissioner Foley and Turner).

The work of this committee was to develop recommendations for the two conservation ordinances, the Tree Protection Ordinance and the Natural Resource Conservation Ordinance.

Ordinance Language

Model Natural Resource Conservation Ordinance	Model Tree Protection Ordinance
• NCWRC & Duke University Nicholas Institute for Environmental Policy Solutions • **Encourages the conservation of the <u>most</u> sensitive wildlife habitats** • Natural Resource Conservation Overlay District	• Duke Nicholas Institute & NCFS Urban Forestry Program • **Mitigates some of the impact of development and redevelopment to the tree canopy.** • Creates a framework for communities to follow in deciding how to protect trees.

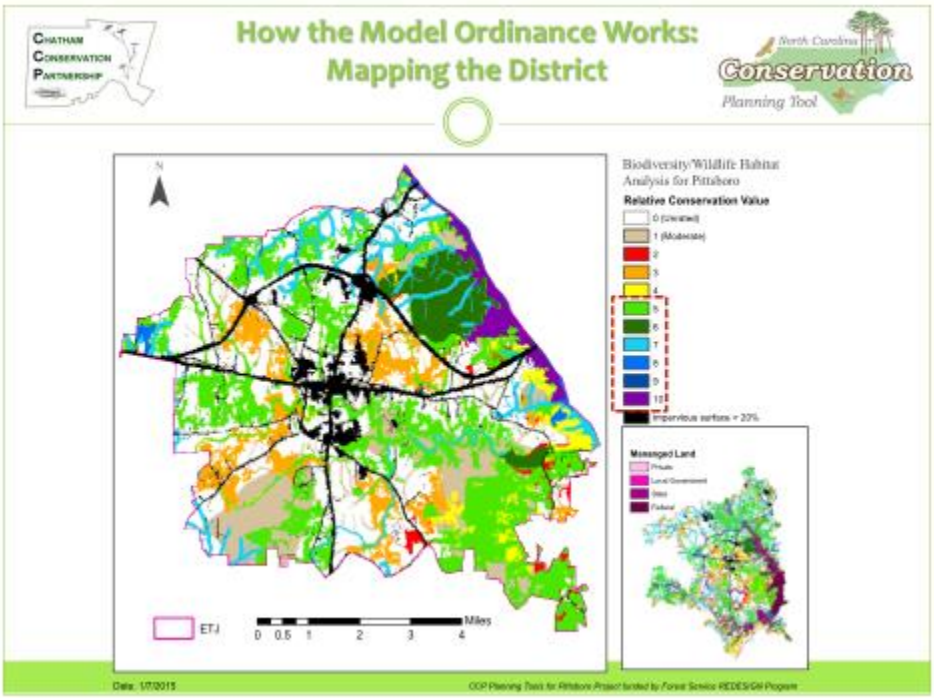
The Natural Resource Conservation Ordinance was developed by the NCWRC and Nicholas Institute for Environmental Policy Solutions at Duke University. It encourages the conservation of the most sensitive wildlife habitats in the Town and ETJ. The Tree Protection Ordinance was developed by the NCFS and the Nicholas Institute at Duke University to protect and mitigate the impacts on the tree canopy that is caused by development. Her expertise is on the Model Natural Resource Conservation Ordinance. She said she doesn't know a lot about the Tree Protection Ordinance and what recommendations were developed.



The goal of the natural resource conservation ordinance is to protect both terrestrial and aquatic habitats and high water quality in streams and rivers and to reduce habitat fragmentation while still allowing for landowner to develop their properties and provide places for our communities to grow.

You'll notice (on slide) a very typical development pattern that we see in North Carolina, where there are houses and business widely distributed throughout the landscape, which necessitates building many roads to connect our communities. As a result, the green space in this landscape, our forests and farm fields, become very disconnected, this is what we biologists call habitat fragmentation, which is a leading cause of wildlife population declines.

The ordinance we're considering asks communities to identify areas that they want to prioritize for protection and to require or incentivize that development in this area provide connected natural areas and cluster development to accommodate this additional open space. Very much like the Conservation Subdivision Ordinance in Chatham County, the main difference being that a district is identified where this type of development is either required or strongly encouraged, due to the presence of very sensitive natural resources in the district.



She and Catherine put together the most current and accurate conservation data available for the Town of Pittsboro and used a ranking system to prioritize the conservation data on a scale from 1-10, with 10 being the most important to conserve. One of the appendices you have in your packet summarizes the process for compiling and ranking this data. You'll notice on this map that almost everything in Pittsboro has some value for conservation, except areas right around the town. But, the ETJ has many important natural resources. One of the most important decisions that the Committee made was to consider all the conservation data that was available and use it to help determine a conservation district that the natural resources protection ordinance would apply to.

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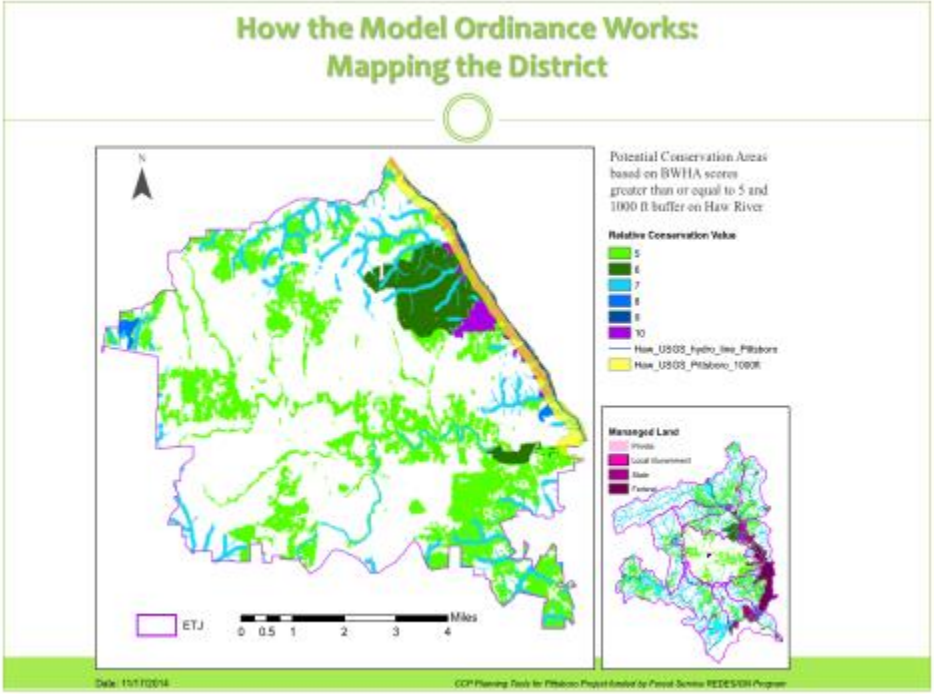
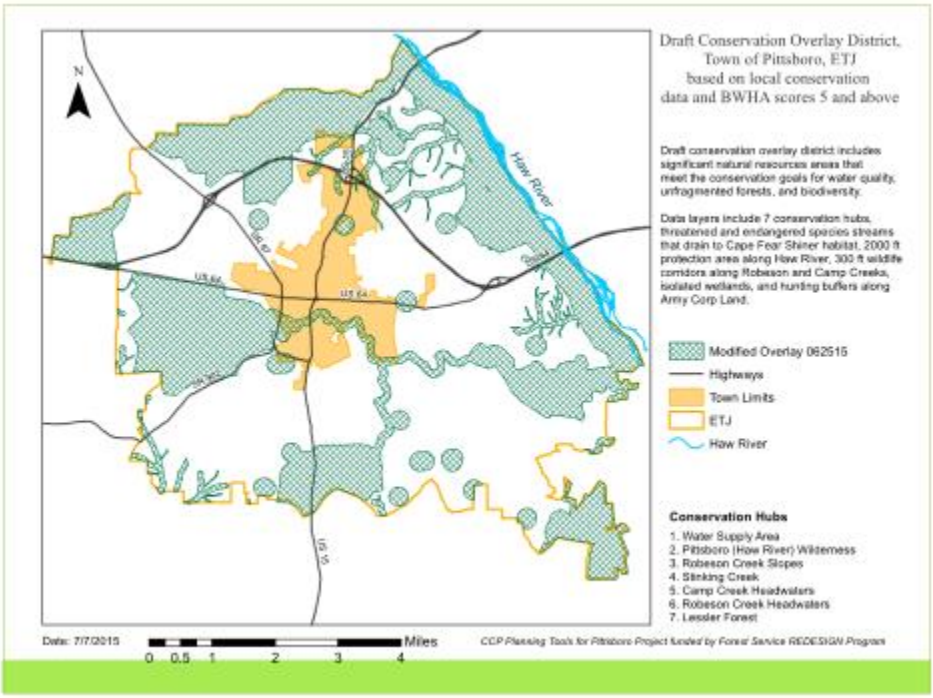
Town staff directed them to use 5 and above as a starting point for the district and to include 2000 ft. along the Haw due to it being protected land in the land use plan.

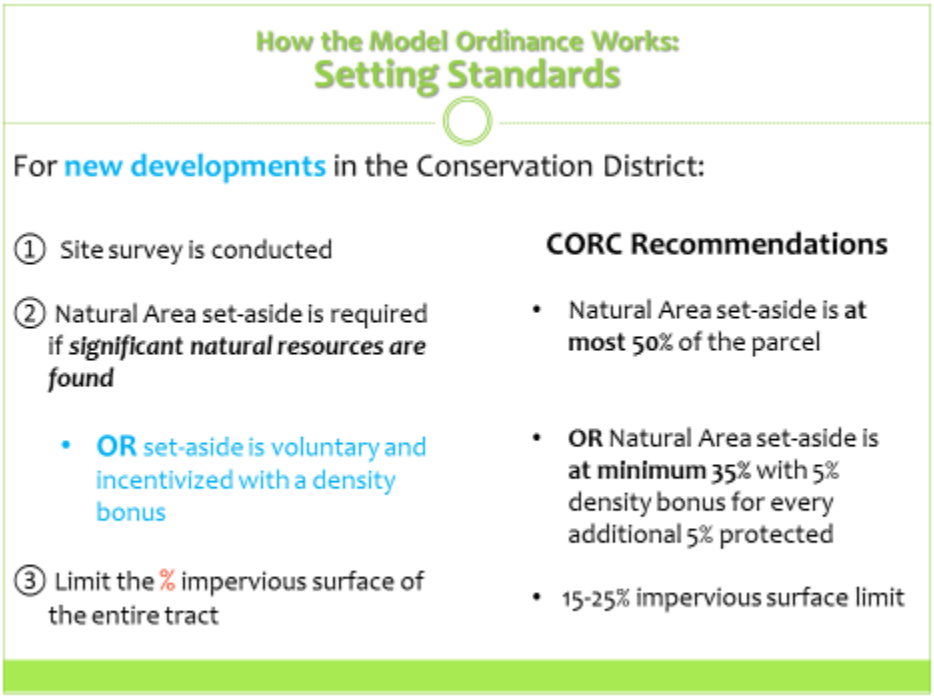


This is what 5 and above, with the Haw River buffer, looks like, you'll see a great reduction in the amount of area that is being evaluated.



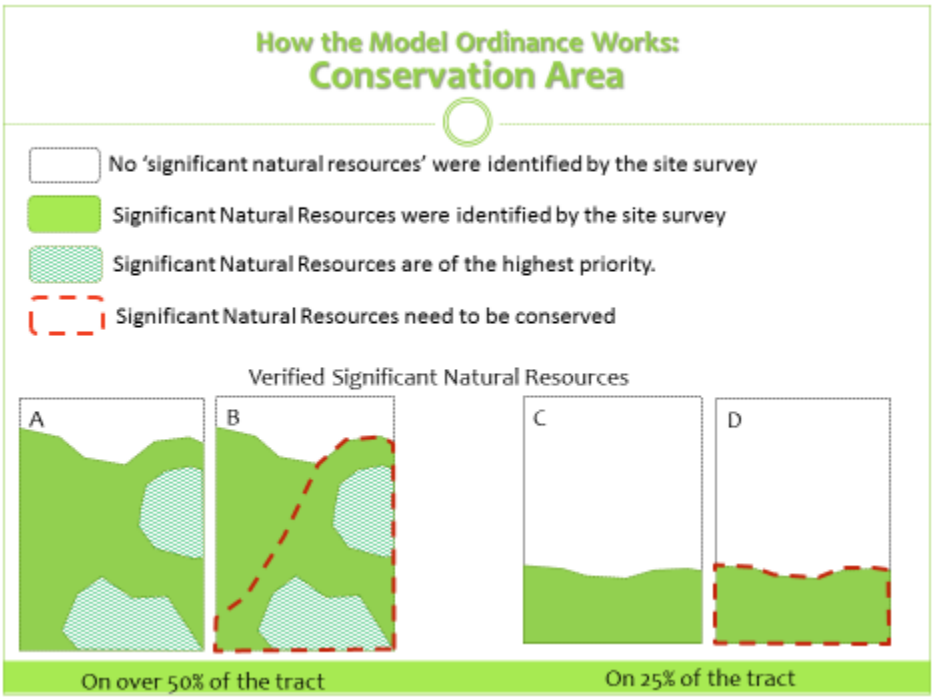
The CORC agreed that 5 and above would be a good starting point for a conservation district, but they wanted to add protection of the streams that feed the Haw above Pittsboro's intake on the

Haw and protection for known small isolated wetlands. So, some of the district was expanded to meet these needs, but parts were also reduced. For example, we know where Chatham Park is planned to develop and where the major thoroughfares will be meet the needs of this development, and considered these roads will reduce the habitat value of the Pittsboro wilderness area, this area of the overlay district in the northern portion of Chatham Park was reduced. So, this conservation district was supported by a majority vote on the CORC. We had hoped to have consensus on it, but one member was not comfortable supporting this district or with the ordinance, as a whole.



So for all new developments that occur in this district, a site survey is required that would ask that the biologist identify and map significant natural resources, which are defined in the ordinance. If these resources are found on the property, then the developer is required to protect at least some of this area. Or, the ordinance can work as a voluntary option, where conservation development with a natural area set-aside is incentivized with a density bonus. The last major piece of this ordinance is that impervious surface is limited too.

The CORC recommended that the natural area set-aside is at most 50%, or, that a voluntary natural areas set-aside is at minimum 35% of the parcel, with a with 5% density bonus for every additional 5% protected. And the impervious surface is limited to 15-25%.



Ms. Massa said if we take the CORC recommendation of a 50% set-aside, this large a set-aside would only occur if significant natural resources occur on 50% or more of the tract. So, in this example, Significant NR are found on over 50% of the tract and there are areas (in green hash marks) where SNR are a higher priority for conservation because they are rarer.

In this case, only 50% of the tract would be conserved so there would be a loss of some resources, but ideally the conservation areas would protect the areas that had the highest priority resources.

If significant natural resources are less than 50%, then the developer would be required to protect them in full. So in this example (C and D) the resources occur on 25% of the tract and the natural area set-aside would encompass that whole area

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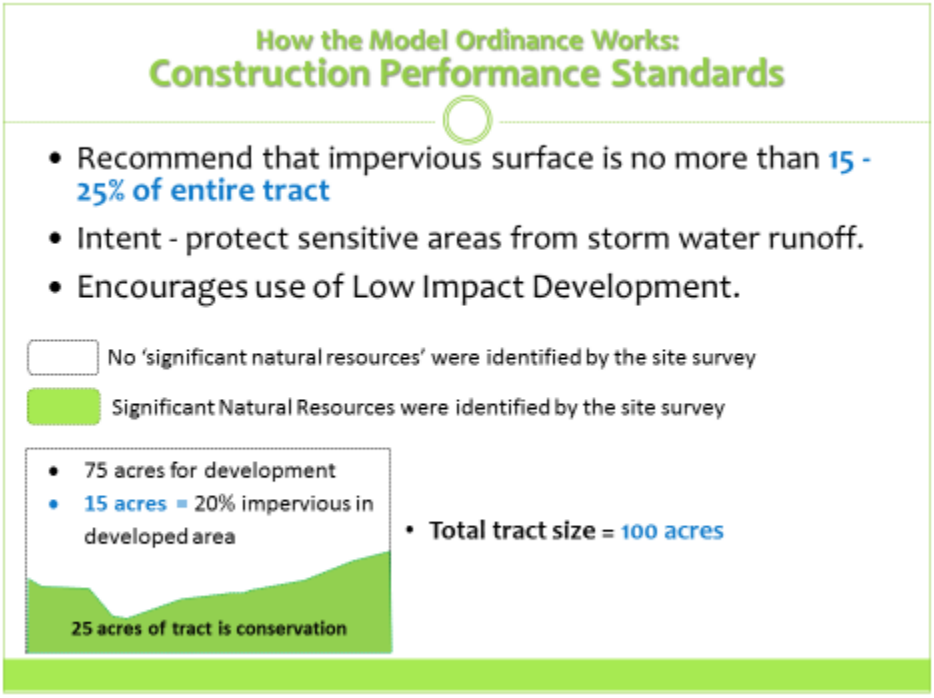
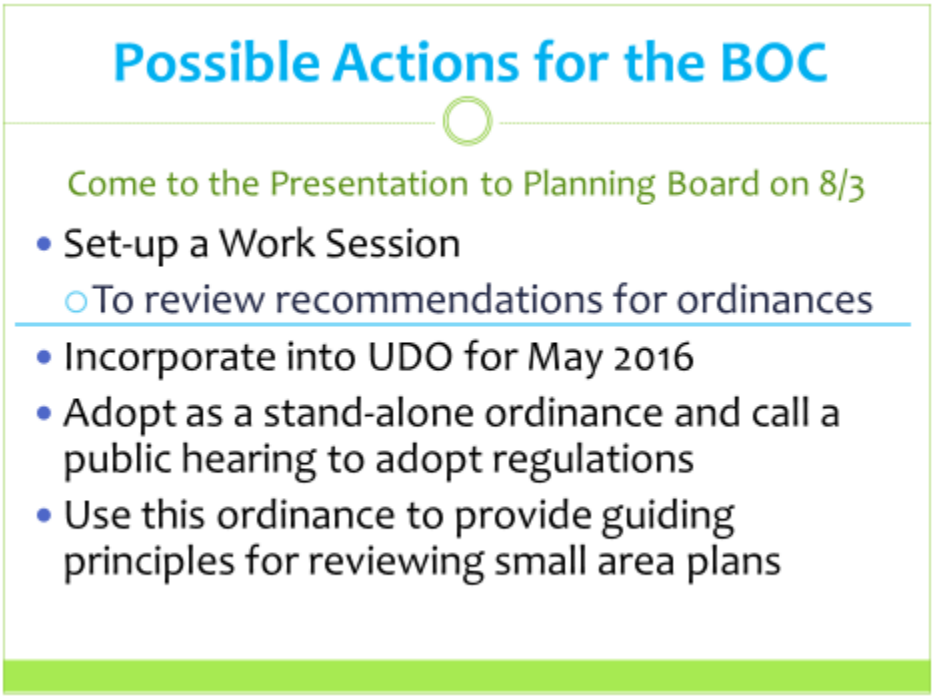


Impervious surface limitations are put in place to help reduce stormwater runoff into streams, the CORC recommended that the town limit impervious surfaces to at most 25%, but preferred going down to 15%. Research on conservation subdivisions has shown that most have about 15% impervious surfaces.



She and Catherine will be presenting more information to the planning board on August 3, 2015. She said it would be great if each board member could attend to learn more about this. Catherine will provide more information too about the Tree Protection Ordinance.

Ms. Massa said she submitted to the board tonight about 20 pages of recommendations for the Tree Protection Ordinance and Natural Resource Conversation Ordinance.

They also thought it might be a good idea to have a work session to discuss these recommendations amongst yourselves and to have members of the CORC there to answer questions.

They discussed with Clarion the options you all have to get a better understanding of how something like this could fit into the UDO process, and together they developed the following ideas of what you could with these recommendations.

If you all agree to implement this work, then the next step would be to either:

1. To work it into the UDO, which is likely to be ready to go in May of 2016.
2. Adopt it as a stand-alone ordinance to go through the process of a public hearing, this would put the ordinance into effect more quickly than if you waited to bring it into the UDO.
3. You could use these recommendations to provide guiding principles for reviewing Small Area Plans for Chatham Park, the process for reviewing the plans has yet to be determined, and this could be made part of the process.

This was a presentation for information and no decision was expected tonight. After discussion the Board asked for a complete copy of the model ordinances with the recommendations in them.

Ms. Massa said she would put that together and email it to Alice Lloyd.

CHATHAM PARK WATER SYSTEM IMPROVEMENTS. (FRED ROYAL)

Engineer Fred Royal stated this a follow-up on an earlier discussion. He went over the following memorandum submitted with the agenda.

On March 9, 2015, the Board of Commissioners received a report from the Engineering Department concerning alternatives for a new water tank in Pittsboro. The Chatham Park engineers and Town staff have discussed all alternatives presented and the alternative selected for recommendation to you was for the design and construction of a 300,000 gallon tank on Chatham Park property with an automated pressurized control valve to feed pressurized water into the Town's existing standpipe. We are referring to this as Phase 1. This phase also includes the installation of a 12" water line to the tank and tapping into to the existing 16" water line coming from the water treatment plant.

As previously discussed, the key issues facing the town in this area are low pressure zones and the issue of water age/water quality. The selected alternative will increase pressure with the elevated tank, however it will not help with the water age issue without an additional automated pressurized control valve installed adjacent to the existing million gallon tank.

The original tank design was a mono-pole ellipsoid for this new tank. It is our understanding that Chatham Park proposes to use a multi-pedestal design for this new tank. This is the same design that Chatham County has incorporated at its North Chatham Elementary School and Mann's Chapel Rd. tanks.

Another issue that this elevated tank will create is the need for individual pressure reduction valves (PRV's) for the residences in the area where pressures will increase by as much as 10 psi. Each resident will need to install a PRV to ensure that their plumbing fixtures don't rupture. The Town will need to send notices to each of these residences of the need to hire a plumbing contractor to install a PRV or the town will need to install them. The precedence, according to Mr. John Poteat is the residences were notified and provided a list of plumbing contractors to contact to have this done at their expense. Staff believes that the Town should plan, finance and install these PRV's as the residences did not create the need for the proposed elevated tank.

They propose the following schedule:

1) Plans, specifications and permit applications presented to the Town and NCDENR for review: December 2015
2) Begin construction: April 2016
3) Construction substantially complete: June 2017

Staff believes that the Phase 1 elevated tank design is the best approach to meet the need to improve water pressure in the north pressure zone of Pittsboro while meeting the near-term pressure and demand needs of Chatham Park.

However, staff also believes that this design should include a second automated pressure control valve in the area of the million gallon tank to allow our operators to by-pass the million gallon tank. The benefits to the town are primarily two-fold:

1) The proposed elevated tank could add to the water age in the southern pressure zone area. Including a second control valve would allow operators to by-pass the million gallon tank and provide fresh water directly into the Horton Middle School tank. This is a critical factor for water age and water quality issues in the southern end of town.

2) The second valve would reduce the need to flush water in the southern pressure zone. Our current water loss challenge is well-known and our strategy to reduce non-revenue water losses includes reducing flushing.

Mr. Royal stated staff also recommends that the Town plan for, finance and install the PRV's at all residences in the proposed new pressure zone as required. The cost is estimated at $15,000.

Mr. Royal said Staff recommends that the Town Board of Commissioners approve this Phase 1 elevated water tank design and schedule to provide sufficient treated water to Chatham Park in order to meet expected needs in the near term. They also believe that this design should include a second automated pressurize control valve to ensure that the proposed elevated tank will not add to water age in the southern pressure zone.

Mayor Terry asked who pays for it, who owns and operates it and who designs the system. Mr. Royal stated those items will be addressed in the development agreement.

Commissioner Fiocco stated he thinks the Town will own and operate it and that is will designed to the Towns specifications.

After much discussion it was decided that Hydro Structure should also be involved to look at the design and how it will work with our system and that it be brought back to a later meeting.

REVIEW OF REQUEST OF REZONING APPLICATION OF FORMER TRILLIUM PROPERTY (REZ-2015-02)

Mr. Waldon reported this item was tabled at the June 4, 2015 because the applicant had a family emergency.

He stated a public hearing was held on March 23, 2015 and it was approved by the Planning Board at its March 2, 2015 meeting.

Donna Rezen (Realtor for Ms. Campbell) was present to answer any questions.

Motion made by Commissioner Farrell seconded by Commissioner Foley to approve the rezoning application for Karen S. Campbell REZ-2015-02.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE TOWN OF PITTSBORO ZONING MAP IS RECORDED IN THE BOOK OF ORDINANCES PAGES 118-123

NEW BUSINESS

STORMWATER MANAGEMENT SURVEY (FRED ROYAL)

Mr. Royal stated he had help with the preparation of the survey from Interim Matthew Deininger.

Mr. Deininger went over the actual survey. He also stated this will be his last meeting he will attend as an interim and he wanted to thank the Town for the opportunity. The Board thanked him as well.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the survey for distribution to the citizens and businesses receiving a water bill within the Town limits.

Vote Aye-5 Nay-0

STORMWATER MANAGEMENT SURVEY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

PERSONNEL POLICY – EMPLOYEE BENEFITS

Mayor Terry mentioned employees shopping for coverage and find coverage that is not as good as the Town's but is cheaper and they can pad their salary. Commissioner Baldwin asked will it affect the group (group rate) by doing this. Ms. Emslie said it could potentially when we do renewal but it is included in the policy that if the group plan is threaten it would be repealed.

Ms. Emslie said it is subject to withholding taxes. It will be treated as additional wages that is why she recommended 90% of cost.

Commissioner Turner asked if a third party administrator would have to be used in order to be in compliance. Ms. Emslie said she would check on that.

After discussion a motion was made by Commissioner Turner seconded by Commissioner Foley to approve the Resolution Amending the Personnel Policy Manual.

Vote Aye-5 Nay-0

Mayor Terry stated he hope we don't discover some unintended consequences.

A RESOLUTION AMENDING THE PERSONNEL POLICY MANUAL IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 225-226

UPDATES AND REPORTS

MANAGER'S UPDATE ON CAPITAL PROJECTS

Ms. Emslie reported that Denice Bryant has been hired as Customer Service Specialist for the Planning/Engineering Department (starting August 3, 2015) and Michelle Meyers has been hired as the Engineering Tech (starting August 13, 2015).

Mayor Updates

- EDC – Mayor Terry said Dianne Reid will be retiring in February 2016
- RPO
- Fairground Association
- PBA/Downtown – Commissioner Fiocco mentioned Thursday meeting.

COMMISSIONER CONCERNS

Commissioner Farrell said he had a citizen come to him after he came down to switch water from a renters name into his name (property owner) and he had to put his social security number on the application. He would like for us to look into requiring social security numbers.

Mr. Messick said they are required for collection purposes. Ms. Emslie said it is also used to verify they are who they say they are.

There was a discussion about security for social security numbers. Ms. Emslie said we are safeguarding that information. Only the last four digits appear on electronic records and the applications are under lock and key.

Commissioner Foley said she posted a photo of Bellmont Apts. under construction on Facebook and have received around 3,000 hits. She was wondering if anyone knew when they would be finished. Mr. Royal said by the end of the calendar year.

Mayor Terry said he was approached by a resident of Powell Place about the lack of speed limit signs in Powell Place. He said he would send Mr. Royal and Mr. Poteat an email about it.

FYI –

1. MEMO: Golf Cart Ordinance Update

CLOSED SESSION

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to go into closed session pursuant to NCGS 143-318.11 (a) (5) to discuss the purchase of real estate.

Vote Aye-5 Nay-0

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

Vote Aye-5 Nay-0

DRAFT

ADJOURNMENT

Motion made by Commissioner Farrell seconded by Commissioner Baldwin to adjourn at 10:18 p.m.

Vote Aye-5 Nay-0

_____
William G. Terry, Mayor

ATTEST:

_____
Alice F. Lloyd, CMC, NCCMC
Town Clerk

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