

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, MARCH 23, 2015  
7:00 PM

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

**PLEDGE OF ALLEGIANCE**

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: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Parks Planner Paul Horne, Lt. Marc Houston and Finance Officer Nancy Emslie.

**CONSENT AGENDA**

Motion made by Commissioner Foley seconded by Commissioner Fiocco to approve the consent agenda as submitted. The Consent Agenda contains the following item:

1. Approve minutes of the March 9, 2015 regular meeting.  
Vote Aye-5 Nay-0

Commissioner Fiocco said he would like to add a closed session to consult with the Attorney at the end of the regular agenda.

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the regular meeting agenda as submitted adding a closed session pursuant to GS 143-318.11(a)(3) to consult with the Attorney to the end of the agenda.

Vote Aye-5 Nay-0

**REGULAR MEETING AGENDA**

**CITIZENS MATTERS**

Carolyn Elfland – 440 Old Graham Road, Pittsboro – stated she has concerns about water and wastewater infrastructure planning. She feels Chatham Park presents an opportunity to address the existing needs along with future needs in comprehensive fashion. She would like to see the Town leverage the funds Chatham Park has to spend in the best interest of the entire town by developing a comprehensive water and wastewater treatment plan that address current and future needs.

Her biggest concern is the waste water plants Chatham Park is planning. McKim and Creed are a good engineering firm but they are working at the direction of Chatham Park not the Town of Pittsboro. She feels the Town needs to hire our own infrastructure consultation team for water and wastewater infrastructure needs current and future.

Mike Watkins, 400 Prince Creek, Pittsboro – stated he has a concern that the Town of Pittsboro is incurring considerable costs and staff time dealing with current and future projects associated with Chatham Park Master Plan while the Master Plant is subject to legal action.

### **PUBLIC HEARING**

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

Vote    Aye-5    Nay-0

### **REQUEST FROM TRILLIUM MONTESSORI TO REZONE APPROXIMATELY .95 ACRES, AT 1601 HILLSBORO STREET, FROM R-12 (MEDIUM DENSITY RESIDENTIAL) TO C-2(HIGHWAY COMMERCIAL). REZ-2015-02**

Planner Bass went over the Staff Analysis provided in the agenda packet.

Mayor Terry said no one had signed up for public comments. He asked the applicant if they would like to say anything.

Seemi Abdullah asked them if they had any questions.

Commissioner Fiocco asked if it was her intent to open a preschool. She replied yes.

Commissioner Fiocco asked if she was classified as a daycare. She said in Cary they are but the State doesn't license them because they are under four hours per day.

After discussion, Commissioner Fiocco said a school would be permitted in the existing zoning without having to go through the rezoning process. Traffic concerns were discussed.

Commissioner Fiocco said C-2 is a pretty broad zone and has several uses that he thinks is inappropriate for this site (Auto parking lot, adult book stores and others).

Commissioner Fiocco said there is another avenue available and that is a conditional zoning.

After discussion Mayor Terry said to let the applicant make the decision on whether she wants it to come back for a vote at the next meeting or go with Commissioner Fiocco's suggestion of conditional zoning.

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

Vote    Aye-5    Nay-0

## **OLD BUSINESS**

### **FAÇADE PROGRAM UPDATE (PAUL HORNE)**

Mr. Horne gave an update of the Façade program and spoke about the renewed interest in the Main Street Program.

The board commented on how the program has improved the image of Downtown.

### **AGREEMENT WITH CHATHAM PARK INVESTORS TO PROVIDE FINANCIAL SUPPORT TO THE TOWN OF PITTSBORO FOR WORK ASSOCIATED WITH CHATHAM PARK DEVELOPMENT AND PLANNING**

Manager Gruesbeck stated the agreement signed on June 23, 2014 with Chatham Park Investors allowed the Town to receive an annual payment from Chatham Park Investors in the amount of \$300,000, less the amount of ad valorem taxes created or collected as a result of the “Development” (“Additional Costs”). This payment was to be made when the Master Plan was no longer subject to a judicial challenge.

Since both approved plans are subject to a judicial challenge Chatham Park Investors has agreed to revise the Agreement to allow for the payments without regard to the current litigation. The first payment would be made on March 31, 2015 in the amount of \$75,000. Subsequent payments of \$75,000 will be made quarterly. Beginning in 2016, the payment would be reduced by an amount reflective of ad valorem taxes collected by the Town from the Development in 2015.

All other facets of the Agreement remain the same as the previous version. The payments will continue until the Town collects more than \$300,000 in ad valorem taxes from the Development. The Agreement continues its protection of the Town against litigation.

Attorney Messick stated a revised copy of the agreement was given out tonight incorporating comments from Mayor Terry.

The changes were: adding page numbers to the document, changing the reference to Chatham Park Investors to CPI and on page 3, first paragraph add the word “costs” after additional.

After discussion a motion was made by Commissioner Fiocco seconded by Commissioner Turner to authorize the execution of the agreement as amended.

Vote Aye-5 Nay-0

### **AN AGREEMENT WITH CHATHAM PARK INVESTORS LLC IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 172-176**

## **NEW BUSINESS**

### **REVIEW OF SUPPORT FOR HB 108 TO CREATE A LOAN FUND FOR THE DEVELOPMENT OF SITES OR BUILDINGS (BRYAN GRUESBECK)**

After a brief discussion a motion was made by Commissioner Baldwin seconded by Commissioner Foley to approve the Resolution of Support for HB 108 to create the site and building development fund.

Vote Aye-5 Nay-0

**A RESOLUTION OF SUPPORT FROM THE TOWN OF PITTSBORO, NORTH CAROLINA FOR HB 108 TO CREATE THE SITE AND BUILDING DEVELOPMENT FUND IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 177**

**PRESENTATION FROM WHITNEY BEERS SCHMIDT (SOLAR PANELS PLUS)**

Ms. Schmidt made a presentation to the Board requesting that the Town host a Solar Powering Your Community Workshop sponsored wholly by the US Department of Energy. Ms. Schmidt volunteered to serve as the community volunteer for the Workshop planning and execution and as a liaison to the SOP when necessary.

She stated it may take 20 hours of staff time, but everything else would be funded by the US Department of Energy.

There was discussion about getting Chatham County and CCCC involved in this.

Commissioner Foley said maybe we should consider this while working on the UDO.

After further discussion Ms. Schmidt said she will find out what the typical costs would be for the town and what the next step will be (this week).

**WASTE WATER ALLOCATION REQUEST FROM CHATHAM COUNTY FOR CHATHAM COUNTY ANIMAL SERVICES FACILITY**

Planner Bass said the request is for an allocation of 2,666 gallons of wastewater capacity to serve the existing Animal Services facility and a planned future expansion. The existing facility will likely begin discharging when the pump station serving the bus garage is online in 2016. Construction of the new facility will take place after that.

Planner Bass stated the approval is subject to access and capital recovery fees being paid.

Commissioner Fiocco said previous allocations have been tied to site plan submittal. He would like to have some time frame on this one as well.

Planner Bass said they will not have to submit a site plan to us because it is not in our zoning area.

Commissioner Fiocco said he would like for them to have to secure a building permit within three years or they will have to come back and request an extension of the allocation.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve the allocation request with the condition that the allocation expires if a building permit has not been attained within three years. Vote Aye-5 Nay-0

## **UPDATES AND REPORTS**

### **MANAGER'S UPDATE ON CAPITAL PROJECTS**

Manager Gruesbeck a meeting is scheduled for Wednesday regarding the UDO.

Chatham Park Utility Planning – They will be meeting with The Wooten Company this week and hope to have a draft agreement for approval at the next meeting.

US 64 Sidewalk Project – will be rebid April 27, 2015 and hopefully completed in July, 2015.

Staff updates – Ileana Platon will be replacing Cathy Stinson and Crystal Ours will replace Ileana. The Collections position is being advertised.

### **FY 2014-2015 FINANCIAL REPORT AS OF FEBRUARY 28, 2015**

Ms. Emslie went over the financial report included in the agenda packet. She stated she is in the process of reviewing all departmental expenditures details to make sure everything is posted to the correct account number. She has done some updates to the website and is working on the 2015-2016 Budget.

There was a discussion about some line items that are over expended. Ms. Emslie said she is going to be doing some reallocations after reviewing the details.

#### **Mayor Updates**

- EDC – included a copy of the Chatham County Economic Development Strategic Action Agenda 2015-2020 as a FYI item. He stated he could have Ms. Reid come make a presentation if the Board so desires. NC Retire – Updating literature.
- RPO
- Solid Waste
- Fairground Association
- PBA/Downtown – Commissioner Fiocco said they have changed the format to meet and greet for businesses, he has had conflicts with board meetings.

## **COMMISSIONER CONCERNS**

Commissioner Fiocco stated on his way to the meeting he noticed a fair amount of auto glass in the street.

Commissioner Baldwin said she had Triangle J meeting on Wednesday.

Commissioner Turner said she forgot to bring the letter she received from Chatham Trades for funding. There was a brief discussion on the letter.

FYI –

1. Chatham County Economic Development Strategic Action Agenda 2015-2020
2. National Walking Day (4/1/15) Press Release and Flyer
3. NCDOT Standard Practice for Traffic Generators that Do Not Warrant Guide Signing on the State Highway System

**CLOSED SESSION**

Motion made by Commissioner Fiocco seconded by Commissioner Turner to go into closed session pursuant to GS 143-318.11(a)(3) to consult with the Attorney.

Vote Aye-5 Nay-0

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

Vote Aye-5 Nay-0

**REGULAR MEETING**

Motion made by Commissioner Fiocco seconded by Commissioner Turner for the Town on its own motion to re-consider the text amendments to the Zoning Ordinance creating the PDD-general purpose zoning district and conforming provisions in the subdivision regulations in order to cure deficiencies alleged in the pending litigation over Chatham Park.

Vote Aye-4 Baldwin/Farrell/Fiocco/Turner  
Nay-1 Foley

Motion made by Commissioner Fiocco seconded by Commissioner Turner to schedule a public hearing on the proposed text amendments for April 27, 2015 at 7:00 p.m.

Commissioner Foley said she feels we should wait.

Vote Aye-4 Baldwin/Farrell/Fiocco/Turner  
Nay-1 Foley

**ADJOURNMENT**

Motion made by Commissioner Baldwin seconded by Commissioner Turner to adjourn.

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William G. Terry, Mayor

ATTEST:

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Alice F. Lloyd, CMC, NCCMC  
Town Clerk