

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, MAY 28, 2013
7:00 PM

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

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Commissioner Farrell.

ATTENDANCE

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

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Finance Officer Mandy Cartrette and Water Plant Superintendent Adam Pickett.

CONSENT AGENDA

Commissioner Fiocco said that on page 5 of the May 13, 2013, paragraph four should read as follows: Commissioner Fiocco asked where the additional line was installed. Ms. Smith said the water line failed on Sanford Road and they installed 12" all the way down to the pedestrian crossing. It was originally to terminate at the west crosswalk – now it is at the south pedestrian crosswalk.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the consent agenda with the correction made by Commissioner Fiocco.

The Consent Agenda contains the following items:

1. Approve minutes of the May 6, 2013 Budget Work Session.
Motion carried 5-0
2. Approve minutes of May 13, 2013 Regular Meeting. (with correction made above).
Motion carried 5-0

REGULAR MEETING AGENDA

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the regular meeting agenda as submitted moving the FY 2013-2014 Budget Public Hearing to the second hearing and the rezoning public hearing to the first hearing.

Vote Aye-5 Nay-0

CITIZENS MATTERS

None

PUBLIC HEARINGS

REZONING REQUEST FROM RANDOLPH DEVELOPMENT GROUP, LLC FROM C2-CONDITIONAL USE DISTRICT TO C2 CONDITIONAL ZONING DISTRICT

Planner Bass reported Randolph Development Group LLC is proposing to rezone 2.46 acres of vacant, undeveloped property off of US 15-501 from C2-Conditional Use District to C2-Conditional Zoning District.

The property was formerly part of the American Asset Corporation rezoning, which involved a 46.77 acre tract. The property was zoned from R-A2 to C-2 CU, Highway Commercial Conditional Use District, on May 13, 2008.

Planner Bass said this is also a Conditional Zoning District request (our first) as recently approved on March 11, 2013. The associated site plan is part of the rezoning consideration. He has provided a description of a conditional zoning district by David Owens and he provided a copy of the adopted ordinance for reference.

Planner Bass gave an overview of the staff analysis:

STAFF ANALYSIS

REZ-2013-01

May 28, 2013

Public Hearing

APPLICANT: Randolph Development Group, LLC
1827 Old Plank Road
Randleman, NC 28317

RELATIONSHIP

TO PROPERTY: Property Owner

LOCATION: Portion of Northeast Quadrant, US 64 and US 15-501

EXISTING USE: Vacant, undeveloped property

AREA: Approximately 2.46 acres

EXISTING

ZONING: C-2 CU, Highway Commercial Conditional Use District,
C-2 Highway Commercial

PROPOSED

ZONING: C-2 CZ, Highway Commercial, Conditional Zoning District

ADJACENT

LAND USES: North – Vacant property, Carolina Living and Learning Center

South – US 64, Bellemont Station Development

West – Northwood High School, vacant, undeveloped property

East – Office building on Russett Run, vacant, undeveloped property

ZONING

HISTORY: The subject property was part of the American Asset Corporation rezoning that involved 46.77 acres from R-A2 to C-2CU, Highway Commercial Conditional Use District, on May 13, 2008. The bulk of this property is just north of the proposed rezoning.

The O&I zoning on the property at 420 Russett Run was approved September 10, 2007.

The C-2 zoning to the east was approved on August 27, 2012 and totals approximately 32.48 acres.

ANALYSIS: The following staff analysis is structured to address the information that should be considered for a map amendment as outlined in the Zoning Ordinance and city zoning enabling statutes for the State of North Carolina.

1. Relationship of the proposed map amendment to the Land Use Plan and Future Land Use Map.

The Subject property is designated as Commercial on the Thoroughfare Business on the Future Land Use Map (October 2012).

These areas are located with convenient access to US 64 Business and US 15-501, particularly near major intersections. Encouraged uses are those that benefit from convenient highway access, including general commercial, restaurants, building supply, light manufacturing, distribution, and professional services. Development in these areas

should be well-planned with street-front and interior lot landscaping, coordinated building styles, attractive signage, and shared driveways/access where appropriate.

The property is also in the designated Transportation Overlay District. The Major Transportation Corridor District is an overlay zone that is intended to enhance the economic and aesthetic appeal and orderly development of lands adjacent to major transportation corridors in the Town of Pittsboro zoning jurisdiction. The Major Transportation Corridor District extends 1,250 feet from the right-of-way boundary on both sides of the roadway.

2. Suitability of proposed zoning district classification.

The current zoning C-2 CU, is defined by the description of C-2 zoning which is described as certain areas that are primarily designed for citizens using the major highways that run through or around the City. The district is customarily located along the major arterial highways. This district is intended to provide retail, office and service areas for the benefit of residents in nearby areas and non-residents. This district accommodates intensive commercial uses such as shopping centers and strip centers as well as free-standing, highway-oriented business establishments. Included also are certain functions, such as warehousing, that are compatible with the primary uses. Additional conditions were placed on the property via the Special Use Permit and included limitations on certain uses permitted by right in the C-2 District.

The proposed zoning C-2 CZ, in essence, would supplant those conditions in that the proposal would be defined by the accompanying site plan.

3. Availability of public facilities.

There is currently a sewer line and a water line along US 15/501 at this location. There are currently lines serving the Carolina Living and Learning Center.

4. Population change.

There would be little or no associated population change, it would be limited to the activity associated with commercial development, as opposed to permanent residential dwelling units.

5. Transportation patterns.

The properties in question front on US 15-501. This is a primary north/south transportation corridor and is designated as a Principal Arterial. The latest traffic counts provided by NCDOT indicate approximately an Annual Average Daily Traffic count of 14,000 vehicle trips per day. Access for the development of this property would be off of Russett Run Road and Suttles Road as depicted on the site plan.

STAFF RECOMMENDATION:

Conduct the Public Hearing and solicit Public Comment. Refer the application to the Planning Board with relevant comments for review and recommendation.

CONSIDERATIONS:

(1) Consideration of prohibiting the following uses allowed by right in the C-2 Zoning District.

- Boarding and Rooming Houses
- Cemetery or Mausoleums
- Outside storage of used, wrecked, inoperable or dismantled automobiles
- Funeral home or crematorium
- Theater, outdoor
- Automobile sales, new and used
- Automobile painting, and fender works; truck repairing
- Flea markets
- Fuel oil sales
- RV, boat, agricultural implement, heavy machinery sales, rental storage
- Transportation terminals, freight
- Carwash, self-service LP gas refueling station (small gas tank exchange operations to be allowed as accessory uses to convenience stores or other retail businesses)
- Construction Storage Yards
- Convenience Stores, {with or without gas pumps}
- Kennels, Commercial

(2) Annexation requirement of the property.

Commissioner Fiocco asked Mr. Bass to correct him if he was wrong that the condition regarding prohibited uses are just transferring from the other zoning that occurred that is already overlaid on this property.

Planner Bass said he is suggesting that the board consider those listed as part of the rezoning. Commissioner Fiocco said these are identical to those. Planner Bass said, yes sir.

PUBLIC COMMENTS:

Patrick Bradshaw – 128 Hillsboro Street is present representing Randolph Development Group, LLC on their rezoning request.

Mr. Bradshaw introduced Bob Stroud and Joe Millikan owners of Randolph Development Group, III and Brian Upton of the Isaacs Group.

Mr. Bradshaw stated they are requesting that 2.46 acres at 15-501 and Russet Run Road be rezoned to Conditional Zoning District with C-2 uses for the Bojangles and a secondary building likely for retail.

Mr. Bradshaw said the board approved the wastewater allocation last summer.

Mr. Bradshaw said all this land is already zoned C-2 Conditional Use or C-2. The Town's Land Use Plan recommends the use of the property for commercial purposes.

He stated this was part of American Asset Corporation zoning approved in 2008. AAC had 47 acres, but the land has been sold to two different owners, the balance is owned by Chatham Park Investors LLC.

Mr. Bradshaw said Chatham Park Investors has applied for a Planned Development District for the portion of the property they own.

Mr. Bradshaw said it is not practical to use this land under the old ACC special use permit because that permit requires detailed plans for the entire 47 acres, including watershed management, stormwater control and architectural guidelines before any portion of it can be developed.

He said this application will simply allow the 2.46 acres to be developed independently as a Conditional Zoning District in accordance with the submitted site plan.

Mr. Bradshaw stated the Planning Board discussed and Planner Bass has suggested it would be appropriate to exclude some uses that would be allowed in C-2 (as Planner Bass mentioned earlier), as was done in the ACC special use permit. Mr. Bradshaw said this is acceptable to the applicants. He said the applicant would also agree to the condition that requires annexation of the property.

Mr. Bradshaw reported that during the review of the proposed site plan by staff and adjacent property owners, an issue had arisen concerning placing more than one building on a single lot. Section 3.2 of the Zoning Ordinance does say that you can only have one main building per lot, but it excludes multi-family development, PUD's, MUPD's, and some special uses. He had to assume given the purpose and function of Conditional Zoning Districts, that they would be excluded from the one building per lot requirement like PUD's, MUPD's and other special uses, but that did not happen when the ordinance was adopted.

Attorney Bradshaw said his clients have enough land to create two lots for the two buildings, but because the property is in the Major Transportation Corridor overlay, lots are limited to a two acre minimum. The MTC is designed to protect the appearance of generally rural areas along highways in the town's jurisdiction. The character of this area is changing and soon will not be rural.

Mr. Bradshaw said Chatham Park Investors has or will be requesting to remove the MTC overlay from their property that is located both to the north and south of this parcel, so this would be a 500 foot island of MTC overlay, which is not consistent with the purpose of the MTC.

Attorney Bradshaw said he would suggest the way to solve the problem is with a condition in the approval of the Conditional Zoning District that Phase Two of the project cannot be commenced until either: (1) the Zoning Ordinance is amended to allow more than one building per lot in a Conditional Zoning District; or (2) the MTC overlay is removed from this property and the parcel is recombined into two lots.

He stated Randolph Development Group is very eager to bring Bojangles' to Pittsboro. They are very proud of their product, it is popular and will improve the quality of life for the town's citizens. This will be their 7th store and they request that the town approve a Conditional Zoning District and the proposed site plan for Randolph Development Group.

Mr. Bradshaw said Mr. Upton would speak about the site plan. Mr. Upton said he is the Civil Engineer for the project and he gave the following highlights of the plan:

- They are adding a turn lane on 15-501 onto Russett Run to help move traffic off main highway on Russett Run.
- They will provide curb and gutter along the frontage of Russett Run as well as Suttles Rd.
- Stormwater retention and water quality measures that would serve Bojangles and the retail building if it were ever built.
- The landscaping would meet Town requirements preserving a row of trees along 15-501.

Commissioner Fiocco stated Mr. Bass had mentioned water and sewer is available to the site but one of the notes on the plans say that it will be into a manhole (and coordinating will be with another engineering firm). Commissioner Fiocco wanted to know does that manhole exist today. Mr. Upton said that manhole does not exist today and that it would be extended up through the adjacent site.

Commissioner Fiocco said it seems reasonable that one of the conditions should be that the manhole be up, in place and functioning prior to them breaking ground. Commissioner Fiocco said from his prospective he would not start construction before he knew he had that connection and he doesn't know if the town would like to see you start construction without a viable project.

Mr. Bradshaw stated that was a point they are well aware of and they need to coordinate the timing of that with Chatham Park Investors.

Commissioner Fiocco said another thing that he feels is appropriate is the road improvement approval from NCDOT be included as well prior to beginning construction. Mr. Upton said that they are going through that process with NCDOT.

Commissioner Fiocco asked if they had considered having a driveway that is not off Russett Run. It does seem the flow for the drive through traffic would work a little better that way because it seems now you have to go around the building to get in the queue. Mr. Upton said they have considered various locations throughout the land, and they will work through the various alternatives with NCDOT. Mr. Upton said the configuration is to allow a log of stacking room for cars to prevent any change of the drive through traffic interfering with traffic on either Suttles or Russett Run as well as congesting the parking lot.

Commissioner Fiocco stated the plans are unclear as to when Phase 2 would occur and he sees the dilemma but he has read the section about multiple buildings on one lot and it seems to him the spirit of conditional zoning could be that a condition be that the additional building be on a single lot. Because one of the ideas for flexibility was to get enhanced development by entering into zoning conditions that both parties can agree to for the benefit of the development and community. So under that guide he asked Mr. Messick did he think it is possible to have a condition of the rezoning that two buildings can be on a single lot.

Attorney Messick said he thinks Mr. Bradshaw's solution is better and that the condition be placed that they won't build it until such time that is determined that the minimum lot size for the MTC is changed or the conditional zoning ordinance is interpreted the way you see fit or some other alternative. He thinks that would be a better solution and we can think about how to change, interpret or alter in the future.

Commissioner Fiocco said to Mr. Bradshaw that one of his suggestions was to amend Section 2.2 of the Zoning Ordinance.

Mr. Bradshaw said if that is the way the board would like it done they will do it that way. He stated his clients are very eager to begin the Bojangles so if this is approved he can come back with the text amendment language for the other building (they are more flexible with it).

Commissioner Fiocco stated the site plan would be one the conditions so the site plan would have to be amended to remove one of the buildings or he guess there could be a condition that it could be constructed if and when one of the two things are done.

Mr. Bradshaw said their proposal is that the board approves it with the condition that construction of Phase 2 could only begin if one of those two issues is met.

Commissioner Fiocco asked Mr. Bradshaw if he has thought about how that plays with the period of validity of a site plan.

Mr. Bradshaw said he is not sure he has thought that all the way through. But he thinks in the site plan provisions is good for one year and they can come to get it extended for a year so that gives two years for the site plan.

He said they would rather come back with a request and extension to the site plan rather than to have to go through the process of reapproval of the site plan.

Commissioner Fiocco said two of the plans don't show detail design for Phase 2. It shows rough grading and not even a building pad for that situation. If it is a site plan that gets approved it seems like it should include all the construction. Mr. Upton said that is correct but not knowing the ultimate footprint, they have a general idea that is why they mass graded it. Mr. Upton said it would depend on what the demand is – the building size could shrink, depends on the market.

Commissioner Fiocco said he would think that could be a modification to the site plan so he would suggest that it be shown larger (it is easier for it to get smaller).

Commissioner Fiocco stated they are proposing a sand filter and our ordinance demands it be a wet pond – (we need to let our engineers weigh in on that). Mr. Upton said they are concerned with the wet pond. He doesn't know if the water would be able to evaporate out.

Commissioner Fiocco said there is a 2 to 1 slope on the downstream side of the dam would be tough to maintain. If you could get it 3 to 1 it would be better.

Commissioner Fiocco said you don't seem to be providing diffuse flow and we did adopt buffer standards that require that.

Commissioner Baldwin asked Mr. Bradshaw if they had contacted Carolina Living and Learning Center. Mr. Bradshaw said they have not because they are 1,200-1,400 feet from their property. Mr. Bradshaw said it is his understanding that Mr. Smith with Chatham Park Investors have spoken with them on two occasions.

Philip Culpepper stated that Mr. Bradshaw is correct, they have (Mr. Smith) spoken with them. They are aware to his knowledge, that Bojangles is coming, but Chatham Park is their neighbor.

Commissioner Foley asked about getting Bojangles on the highway sign. Mr. Upton said once they break ground they will contact NCDOT about that.

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

Vote Aye-5 Nay-0

PROPOSED FY 2013-2014 BUDGET

PUBLIC COMMENTS:

Commissioner Farrell stated that Max G. Cotten could not be here tonight and would like for his written statement be read into the minutes of the meeting. Mayor Voller read Mr.

Cotten's letter in its entirety:

To Mayor and Commissioner:

I am very concerned about the 2013-2014 budget which is being considered. Please permit me to express my opinions about parts which I am most concerned:

1. No salary increases for those employees who do the work which keeps Pittsboro running. Merit Pay only works when base salary is adequate.
2. No funds should be budgeted for Chapel Hill Transit. Those who use it should pay total cost.
3. The increase in Fire Protection is very reasonable as it will compensate them for providing First Responder Services which they have provided since East Chatham Rescue ceased to exist.
4. The Unified Development Ordinance can be delayed. The current one is adequate if properly enforced.
5. The Capital Improvements Budget should have been included in Managers Recommended Budget so citizens can comment on it during the Required Public Hearing.
6. The Enterprise Fund is being supported by transfer of funds from General Fund. This use to be illegal in North Carolina. The contract with 3M is not in Pittsboro's favor. The residents of Pittsboro are subsidizing 3M.
7. I question increase in salaries for Planning Department.
8. What is justification for Professional Services increase in the Planning Department.

There are many other concerns which I have, especially in the area of recreation and the enterprise fund. I apologize for not appearing in person but I had another obligation at the same time. I sincerely hope you will give due consideration to issues about which I have written.

Thank You

Max G. Cotten – 133 Pittsboro School Road, Pittsboro, NC

Charles R. Devinney – 443 Oakwood Drive, Pittsboro stated he had the following comments/concerns.

- He noticed last year the board raised the water and sewer rates and property taxes and gave themselves a raise.
- He noticed the town is anticipating \$17,000 on the revenue side for Springdale Improvements. He asked does that mean you didn't collect all the money you were supposed to get so that road could be opened. He said he would like to know how much that cost the tax payers.
- Mr. Cotten had a lot of the things he was going to say on his list. He said he was just going to tell the board if they keep spending all this money out of fund balance there isn't going to be any more left.
- We need some business in here to help pay the bills – houses aren't going to do that.
- As far as water goes he is still upset with the Board annexing NHS. If you work with the County the County should work with the Town and he didn't see them working with the Town on the downtown water project. The board gave up \$146,000 to Northwood each year.
- You can keep spending money uptown but it isn't doing any good. Buying benches is fine. Those people up there should fix their own facilities we shouldn't do that – it's just not right.
- The sidewalks need to be fixed. We don't need any parks uptown right now.
- We need to spend our money wisely (not on flowerbeds like at Elizabeth's Pizza they look tacky).
- There is enough money in this budget where you can fund money to give the employees. We can't afford to lose some of these folks. If it wasn't for the street department he can't tell you how bad this town would be. The employees need a raise and he doesn't mind if you raise his taxes for the employees but not just to throw it away on stuff that is unnecessary and you have a lot of it in the budget.
- The budget needs to be balanced with growth. If you don't in a couple more years of dipping into fund balance you will basically have nothing left.
- He loves this town. He is not against the board he just hopes they will look at some of this stuff.
- Spending money on all these parks for a town with a population of 3,800 people. We are going to get bigger but you have to wait for that growth to get here and it can't come from houses.

Bill Terry – 92 South Freeman Drive – Pittsboro, NC. Mr. Terry stated he would like to say that the 3M contract has a clause where you can adjust the rates for CPI up to 3% in any given year.

Comments:

A. Asking for an Ad Valorem Tax increase of not less than \$0.04, \$0.06 would be better. Why?

1. Pittsboro has the lowest tax rate of all cities and Towns within about a 75 mile radius.

2. Over the past six to seven years, we have cut taxes until last year when a tax increase of about \$0.065 was approved. Even with this increase, our tax rate is at a historical low when tax revaluation years are considered.

3. Over the course of the years when we were reducing taxes, we were concurrently increasing the level of services that the Town provides and adding significant numbers of staff. By my count, we have added 11 positions since 2007 as follows:

- 2007/08
 - Finance Officer
 - Assistant Planner Parks & Zoning Enforcement
 - Domestic Violence Officer (Grant Supported)
- 2008/09
 - Laboratory Technician
 - Water Plant Operator
 - Wastewater Plant Operator (part-time to full-time)
 - Community Policing Officer (COPS Grant)
 - Utility System Mechanic
- 2009/10
 - Traffic Patrol Officer (GHSP Grant)
 - Water Plant Operator
- 2010/11
 - None
- 2011/12
 - None
- 2012/13
 - Town Engineer

4. The growth in Town government was pretty much funded from the Town's very healthy fund balance which was over 100% in 2007. Of course, that fiscal policy is not sustainable over many years. Eventually, fund balance will be depleted to a level dangerously close to the statutory limit of 8% of the Town's budget.

5. Why more taxes now? Chatham County voted to move the property revaluation to January 1, 2015 in order to give property values some time to recover from the recession; however, property values are recovering at a rate slower than the stock market. I believe there is a high probability that the revenue neutral tax rate for FY 2015/2016 will be a tax rate increase, possibly for the first time in the Town's history. That gives the Board on 2013/2014 and 2014/2015 (two years) to restore the balance between the Town's revenues and expenses. In order to do that, I believe that tax rate increases of about \$0.04 (with no growth in the size of the government) will be necessary in the next three budget years, with the third year being the revaluation year. So, that final \$0.04 may gain you zero dollars in revenue.

B. Comments on the Police Department:

1. From time to time we have heard criticisms of the size of our Police Department. Before we try to balance the budget on the back of this one department, I would ask the Board to do some simple math as a reasonableness test for the size of the department. How many staff hours does it take to keep two officers on duty at all times and how many officers does it take to keep up that level of service? The answer is 8.4 officers without any factor for vacation, sick leave or training time. So, let's round up to ten. Next, add in your overhead and supervision, Chief, Lt, Detective and you are up to about 13 which are right where you are now.

2. Police Take Home Vehicles. You will have to take this privilege away some day, but the dollars will be small for the Town and big for the individual Police officer. Please find a way, such as a differential pay raise, to share the burden when you feel that you must terminate this take-home policy.

C. One final suggestion: Look at a list of the Town's real estate and liquidate what we historically have left to sit idle. I can think of two parcels, one on Small Street and one on Hillsboro Street; there may be others. While this idle property stays on the books of the Town, it ties up capital and keeps the land out of the hands of taxpaying private citizens.

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

Vote Aye-5 Nay-0

Commissioner Fiocco mentioned the Town/County partnership on the Hillsboro Street Transmission Line Project. He shared that the County put in with contingency about \$225,000 on this project and that matches what the Town put in on the project. The remainder of the project was funded through grant money. Commissioner Fiocco said the fact in this case is it was a very good partnership with the County.

Mayor Voller said he would like to address one item which was the issue of coordination. The board discussed the coordination of the lines numerous times. Unfortunately it didn't quite happen. The board did recognize the issue of the water tank and 12" line the timing was not able to come forward. We have extended the line down further and as funds are available more of the distribution lines will be improved.

Commissioner Fiocco said he thinks they have some unfinished business on the Randolph Development Group request. He thinks the intent was to send it to the Planning Board for review and recommendation.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to send the rezoning request from Randolph Development Group, LLC to the Planning Board for their thorough review and recommendations.

Vote Aye-5 Nay-0

Manager Gruesbeck stated staff did make some calculations for salary increases effective July 1, 2013 for staff and for the board. This would affect both the water & sewer and general fund but they appear to be manageable. He said obviously it will require more to come out of both fund balances. The increases could be 2 or 3 percent and they could come back later and do some type merit system if the board chooses.

Commissioner Farrell asked Manager Gruesbeck what he found out about the Chapel Hill Transit “ghost bus”. Manager Gruesbeck stated he included some information in an earlier board packet back in April where they gave some financial information for what they had spent. But what they didn’t include was actual hard ridership numbers and he will bring that back to the Board.

Commissioner Baldwin said the contact person for Chatham Transit is Brian Litchfield.

Mayor Voller stated when the board went through the process of approving that contract years ago one of the stipulations was that ABC revenues would cover it. It took awhile but now ABC revenues more than covers the \$12,000 contribution the town gives for the program that allows us to have access to infrastructure that would cost us hundreds of thousands of dollars. Yes, the board can decide it doesn’t want to invest in it any more. But the revenue generator for it has in fact been generating more revenue to this board.

Commissioner Farrell said he has followed the bus several times into the Lowes parking lot and seven people got off. He feels we are wasting \$12,000 on that bus when we could be using it in this budget. Commissioner Farrell said if we need it down the road when Chatham Parks comes in, fine, then we can bring the bus system back.

Mayor Voller said you would not bring the bus system back in the future once you cut it off. Commissioner Farrell said you can bring anything back. Mayor Voller said he tends to disagree.

CAPITAL PROJECTS REPORT

MANAGER’S UPDATE ON CAPITAL PROJECTS.

Manager Gruesbeck submitted the following updates:

PROJECT: Hillsboro St Water Main Transmission Line Replacement Project

Manager Gruesbeck stated they are meeting tomorrow with NCDOT to work out the flowable fill work in the traffic circle. He said the thinking is the flowable fill in the circle will take place this weekend, but it has to be planned and approved by NCDOT. He will report back before the work starts.

PROJECT: Improvements on 15/501 at Springdale Drive

UPDATE: Manager Gruesbeck stated this work has been completed and the final coat of asphalt and markings will be made when NCDOT goes through to resurface Hillsboro Street this summer. Manager Gruesbeck reported the chain is actually removed from

Springdale and Fox Chapel Lane. The police have been going through there. He stated traffic seems to be pretty manageable at this point (he can see from his porch).

Manager Gruesbeck said he has received three emails thanking him for getting the road opened. He said if the board has any concerns please let him know what they are.

Mayor Voller said his only concern is to address the Park Drive intersection with 15-501. It has been a problem for a while. He said perhaps the Town can call NCDOT to look at that.

PROJECT: East Street Sidewalk (CMAQ Grant)

UPDATE: Staff submitted proposal for design and project administration to NCDOT. This “in-kind” labor would be considered part of the Town’s matching component of the grant. The next steps would be design and certification of right of way on the property where sidewalk would be constructed.

PROJECT: Chief of Police Selection

UPDATE: Manager Gruesbeck said he has reached an agreement with Percy Crutchfield of the Chatham County Sheriff’s Department on basic terms of employment, pending completion of psychological evaluation – probably by the early part of the week of 5/27/13. He is estimating that Mr. Crutchfield could begin his service with the Town in mid-June.

PROJECT: Fire Hydrant Testing – Fire Department Tests

UPDATE: Manager Gruesbeck said the Pittsboro Fire Department has been testing fire hydrants at various locations around Town to determine proper pressure flow testing. According to Fire Chief Daryl Griffin, water pressure and overall flows have increased at most testing sites. The ISO, scheduled for late-September/Early October of this year could be positively affected and ultimately result in savings for property owners in the Town of Pittsboro.

Chief Griffin stated they are seeing between 150-600 psi increases on hydrants. He said everything so far has been pretty impressive but they have only gotten to Pittsboro Primary but they will start through town tomorrow.

PROJECT: Water Treatment Plant - Generator Replacement Project

UPDATE: Manager Gruesbeck said they are waiting for the Rural Center to authorize Staff to let the project for bids so that we can use the remaining \$98,659 in grant funding. In the meantime, we are developing specifications for a new generator.

OTHER NEWS:

- He attended the Research Triangle Regional Partnership “State of the Region” Breakfast in Durham on 5/23/13. He said it was a great opportunity to spend some time with the Chatham County EDC, and enjoyed the opportunity to meet other people from the 13-county region and learn about some of the projects that they were tackling.

- He was appointed to the United Way of Chatham County Board of Directors this week.

Mayor Updates

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

COMMISSIONER CONCERNS

Commissioner Farrell said the only concern he really has is the media we have been receiving from our Mayor. He really doesn't know how to handle this and he would like some input from the board. Commissioner Farrell feels our Mayor has embarrassed the Town of Pittsboro with these instances that have been in the media, he is not pleased with it. He also knows a lot of the citizens in Pittsboro are not pleased with it either.

Commissioner Farrell said he is speaking for himself because he doesn't seem to get any comments from other board members but he thinks the board needs to discuss this in closed session.

Commissioner Fiocco stated he shares Commissioner Farrell's concern. The most recent publication was not favorable and he is sure the Mayor is not happy with it.

Commissioner Fiocco said it does not shine a positive light on you (Mayor) and/or the Town and that is of concern. He would be willing to go into closed session to discuss it.

Commissioner Baldwin said we should go into closed session to discuss this.

Commissioner Turner said she met with Mr. Clark a Midway Street resident yesterday about the crosswalk at Chatham Marketplace. Mr. Clark pointed out it is difficult to see one of the signs. Commissioner Turner asked for a recommendation on how to proceed.

Manager Gruesbeck said he just received the email/pictures this afternoon and he will be glad to meet with him and then if he wishes to come before the board he can at that point. Manager Gruesbeck said he would follow up with that.

Commissioner Fiocco advised Manager Gruesbeck at the end of the day NCDOT will make the decision.

Mayor Voller stated the Board should send a letter in support of the Rural Center as they have been the subject to potential budget cuts. Considering this Town has benefitted greatly from the Rural Center we need to send a letter of support.

Commissioner Fiocco said he could support a letter. Mayor Voller said the board can sign it and send it.

Mayor Voller asked Manager Gruesbeck to draft a letter immediately to be signed by each board member and that it is sent to our representatives.

Commissioner Baldwin asked when NCDOT anticipates repaving Hillsboro Street. Manager Gruesbeck said they plan to let bids in mid-July and at the earliest pave sometime in August.

Commissioner Foley said we timed the water project so that it could be paved right after that.

CLOSED SESSION

Motion made by Commissioner Farrell 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 Farrell to go out of closed session.

Vote Aye-5 Nay-0

REGULAR SESSION

Commissioner Farrell said it does concern him quite a bit the way the media has been handling this. He said it all goes back to the Town of Pittsboro and this board because that is all people are asking him, what are you all going to do about your Mayor.

Mayor Voller said he has put a lot of time in here the last eight years – let them come after him that is what elections are for. He said if he is not going to run again that it is a done deal. Mayor Voller said there is a cease and desist letter and lawsuit being filed because of defamation. Mayor Voller said unfortunately, there is a civil war going on through the party that has created a lot of bad press, he didn't ask for bad press it shocks him and upsets him.

Commissioner Foley said from what she has seen there is a lot of mudslinging but he hasn't been charged with anything. Mayor Voller said of course not because there is nothing to charge for.

Commissioner Baldwin said she didn't know what Commissioner Farrell was referencing and she asked him to be more specific.

Commissioner Farrell stated the last one was the Las Vegas trip. Mayor Voller reminded Commissioner Farrell there was a letter of cease and desist for defamation being filed.

Commissioner Baldwin withdrew the request. Mayor Voller said this has hurt other people too and none of it is true.

Mayor Voller said next week a lawsuit will be filed in Orange County against one of the parties and a letter of cease and desist have been sent to the persons who started this.

There was discussion between Commissioner Farrell and Mayor Voller.

Mayor Voller said he probably won't run again and he is not going to keep his mouth closed. He apologized if it has caused any contention.

Mayor Voller said he respects Commissioner Farrell for bringing this out but he also hopes Commissioner Farrell respects him for defending himself.

Commissioner Turner said the board had agreed to talk about things if they needed to and she thinks that is what Commissioner Farrell is doing.

Commissioner Farrell said to Mayor Voller that he appreciates everything he has done but the negative publicity concerns him.

Commissioner Fiocco said it is a difficult question to answer when people ask you about it. Mayor Voller said he would send him a copy of the cease and desist letter. Commissioner Fiocco said that would probably help because he is sure he doesn't know all the facts.

Commissioner Foley said when she reads the articles it's like they try to take something small and turn it into a scandal.

Commissioner Baldwin said Mayor Voller has done a good job as Mayor and all of them at sometime have missed a meeting. She said people had said to her what is up with the Mayor but no one has personally said it was an embarrassment to the town.

Commissioner Turner said she would welcome people to call her (because they don't) and she would listen to their concerns.

Commissioner Baldwin said there is alot of things going on at the Legislature that the board needs to discuss – they want to eliminate local control.

ADJOURNMENT

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to adjourn at 8:51 p.m.

Vote Aye-5 Nay-0

FYI -

1. FY 2012/2013 Financial Summary as of April 30, 2013
2. Town of Pittsboro Planning Department – Annual Report
3. Chatham Park Proposed Planned Development District – Table of Permitted Uses (Updated)
4. 15/501 Speed Study Memo and NCDOT Letter
5. Memo regarding recent Mayor and Board Questions from Mandy Cartrette, Finance Officer. (memo follows)

MEMORANDUM

TO: Mayor and Board of Commissioners

FROM: Mandy Cartrette, Finance Officer

SUBJECT: Supplementary Financial Information

DATE: May 28, 2013

The purpose of this memo is to provide responses to questions and information requests that I have received from the Mayor and Board of Commissioners.

- Attached, please find a report of the Town's vendors with the amount of money that the Town spent with each one for the calendar year. This information is being provided at the request of Mayor Voller.
- The Town has awarded \$21,830 in façade improvement grants. Attached, please find a table (courtesy of Mr. Paul Horne) showing the details of the façade grants that the Town awarded. The budget for façade grants was \$20,000, but, as you can see, the Town awarded a slightly higher amount. The additional \$1,830 will be taken out of Main Street Program Supplies because Town staff expects not to expend all of the funds that were budgeted for this item this fiscal year.
- As of the end of FY 2011-2012, the Town had 1,814 water customers and 1,544 sewer customers. At present, the Town has 1,864 water customers and 1,580 sewer customers. The number of water users increased by 50, which is a 2.8 % increase. The number of sewer users increased by 36, which is a 2.3 % increase.
- Below is a list of the investments in which a municipality can invest in the State of North Carolina:
 - United States Treasury Obligations (Bills, Notes, and Bonds)
 - Direct Obligations of Certain Agencies that are Established and/or Sponsored by the U.S. Government but whose Obligations are Not Guaranteed by it
 - Obligations of the State of NC or Bonds and Notes of Local Governments or Public Authorities, with investments in such obligations subject to restrictions of the secretary of the Local Government Commission (LGC)
 - Top-rated U.S. Commercial Paper issued by domestic U.S. Corporations

- Bankers Acceptances issued by NC banks
- Participating Shares in one of the portfolios of the North Carolina Capital Management Trust
- Repurchase Agreements
- Evidence of Ownership of, or Fractional Undivided Interests in, Future Principal and Interest Payments of Stripped or Zero-Coupon Instruments Issued Directly or Guaranteed by the U.S. Government
- Certain Mutual Funds for Moneys held by either a city or county that are subject to the arbitrage and rebate provisions of the Internal Revenue Code
- Derivatives issued directly by one of the federal agencies listed in G.S. 159-30(c)(2) or guaranteed by the U.S. Government

- Again, please let me stress that the primary goal of investing a municipality's money should be **safety and liquidity before yield**.

- The question of how many water and sewer users the Town would have to add to break even is complex, and it is a question that I cannot provide an answer to. Each residential and commercial user is different and utilizes different amounts of water and sewer services. It is very difficult to provide an exact number of the users that the Town would have to add to eliminate its reliance of fund balance. The amount of funds that the Town has taken out of fund balance to balance the Water and Sewer Fund budget has been very high the past few years. Last year, we needed \$438,388, and in the FY 2013-2014 Recommended Budget, Town staff had to use \$468,377 to balance the budget. It would take the addition of thousands of residential customers to make up that amount of revenue. The addition of commercial users that utilize a lot of water would help to reduce this reliance on fund balance. Mr. Gruesbeck, Mr. Royal, and I are going to meet with representatives from the UNC School of Government Environmental Finance Center to discuss rates, rate-setting, and the finances of the Town's of Pittsboro's utilities so that the Town can begin to address these issues.

- I am working on compiling the information that the Mayor and Board requested about property tax comparisons from last year and this fiscal year, a break-even analysis for property taxes and the Town's General Fund, and the fund balance information for the past few years. This information will be provided to the Board at a subsequent meeting.

Pittsboro Façade Grant Contracts - 20K total Acct 4900-452

Applicant		Address	Project	Encumbered
Wade	Barber	17 Hillsboro St.	Blair Hotel - Paint & Awnings	\$3,000
Steve	Carr	89 Hillsboro St.	Repainting	\$500
Myles	Friedman	121 Hillsboro St.	Bookstore Mural	\$2,600
Welford	Harris	58 Hillsboro St.	Metal Roofing	\$850
Jessie	Spiller	72 Hillsboro St.	Metal Awnings	\$2,423
Elizabeth	Anderson	17 Hillsboro St.	Blair Hotel - Paint & Awnings	\$3,000
Gene	Oldham	64,68 & 85 Hbo. St.	Second Bloom, S&Ts, Turnberry - Phase 1 - Demo	\$3,164
Steve	Carr	90 Hillsboro St.	Mosaic Tile for Doorway	\$1,500
Pat	Harris	17 Hillsboro St.	Back Door Replacement	\$1,116
Gene	Oldham	64,68 & 85 Hbo. St.	Second Bloom, S&Ts, Turnberry - Phase 2 - Awnings	\$3,677

\$21,830

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk