

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, OCTOBER 24, 2011  
7:00 PM

Mayor Randy Voller called the meeting to order at 7:00 p.m. and called for a brief moment of silence.

**ATTENDANCE**

Members Present: Mayor Randy Voller, Commissioner Pamela Baldwin, Gene T. Brooks, Clinton E Bryan, III, Michael Fiocco and Hugh Harrington.

Staff : Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul Messick, Jr., Planner Stuart Bass, Assistant Planner Paul Horne, and Finance Officer Mandy Cartrette.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to approve the agenda as proposed.

Vote Aye-5 Nay-0

**CONSENT AGENDA**

The Consent Agenda contains the following items:

1. Approve minutes of the September 26, 2011 regular meeting.
2. Approve minutes of the October 10, 2011 regular meeting.
3. Authorize the Town Clerk to determine sufficiency of the application for annexation from Brick Capital Community Development Corporation (A-2011-03).

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to approve the consent agenda as presented.

Vote Aye-5 Nay-0

**REGULAR MEETING AGENDA**

**Citizens Matters**

Charles R. Devinney, of 443 Oakwood Drive, gave special thanks to Commissioners Brooks and Harrington for serving the Town, and he expressed appreciation for all that they had done.

Mr. Devinney mentioned a recent newspaper article, which reported that the Town had collected back water and sewer fees from Northwood High School and that the school was upset about that. Mr. Devinney said that the Town had stepped up and pulled the school out of a jam and that the Town deserved credit for doing so. He said that the Town did not get the credit it deserved for the services it provided to County buildings and non-profits. Mr. Devinney stated that there was \$42,496,000 worth

of non-profits in Town, located on non-taxable property.

Mr. Devinney complained that the back side of Powell Place was a shame and an insult to the people who lived there. The air conditioners and all should be facing the road, he said, and the Board should change the ordinance, if necessary, to ensure that nothing like that was built again. It's wrong, he said, reminding the Board that its job was to protect the health, safety and welfare of the citizens in Town. Mr. Devinney said that Powell Place was the sixth such building in a town with 3,800 people. He felt upset by the situation, he said.

Mr. Devinney expressed annoyance over an increase of Town debt by \$110,000 in addition to a loan for \$240,000. As a homeowner, he was concerned about how the Town would pay that money back, he said, and he worried about the effect on taxpayers. Mr. Devinney asked that the Board let citizens know about all of the financial matters of the Town.

Tina and Tommy Meeks, owners of Shot of Spro Mobile Espresso, they live in Siler City, expressed concern about the off-premise sign ordinance, specifically the prohibition against directional signs. Ms. Meeks read a written complaint that she had submitted to the Town. In her complaint, she pointed out that many of the Town's sign ordinances gave exemptions for non-profits, churches, community events, yard sales, etc., but refuse to do so for commercial businesses. Ms. Meeks said that about 30 percent of their customers were commuters who rely on directional signs.

Ms. Meeks noted that the County (in this case Pittsboro) wanted to change its image to one that's more business friendly, but it is not practicing what it preaches, she said. She told Commissioners that she had grown exhausted from the constant battles that they had faced, and said that the community was tired of businesses being chased away and receiving little support from those in power. Ms. Meeks expressed objections to being asked to put political signs in or on their property and said she was afraid to refuse.

Ms. Meeks said she had no problem following rules as long as those rules apply and are enforced equally for all. She said that if their temporary directional signs could not be put out and picked up daily, their business would greatly suffer. She expressed concern about the future of their business at their site, whether they operate out of a mobile van or in a brick-and-mortar setting.

Ms. Meeks stated that Pittsboro was headed in the same direction as Siler City if attitude, favoritism, and leadership did not drastically change. She asked the Board to reconsider an amendment to the Town's ordinance that would support commercial directional signage. Ms. Meeks said that she was not asking the Board to make an exception for her, but to visit other local businesses as well, make exceptions for all commercial businesses, and enforced policies equally.

Written comments submitted by Tina Meeks:

Good Evening,

My name is Tina Meeks and this is my husband Tommy, of Shot of Spro Mobile Express. I am here today to stress my concerns about the off-premise sign ordinance, specifically directional signs. I initially came here today to make you aware of the illegal signage that I knew of, I opted not to so I don't target other fellow businesses in public forum so let me redirect by concern.

As stated in many of your sign ordinances, you have exceptions for non-profits, churches, community events, yard sales, etc., but when it comes to commercial signage you immediately refuse it with no

exceptions in just one clear statement. Now, is this business friendly? Advertising is critical for a business to survive. If any of you had a business, you would understand, especially with this poor economy. Not everyone uses computers or reads the paper. About 30% of our customers are commuters who rely on our directional signs. You want to change the public's perception of Chatham, in this case, Pittsboro, as being business friendly? With the types of ordinances, policies, procedures, and so forth that I have read, you are NOT practicing what you preach. People in the community have come to realize this after losing several of their favorite businesses in the last few years, which is why they are showing you they want change. Not all of the businesses that wanted to come here or had to close were due to the economy. We've heard the horror stories. Leadership is just the start, attitude and actions are also important. I've been told by a few leaders that Pittsboro does not want us here because we are not the right business model for your town. The majority of the community does not agree with you. I have become exhausted with the constant battles we've faced and I am not talking just about issues regarding town or county policies. We have faced several attacks by others both publicly and personally. Let me stress...your community is tired of businesses being chased away or receive little support from those in power because they aren't playing on the same political ticket, mingling with the same crowd, or get targeted when they stand up for themselves. I have received numerous personal visits and/or e-mails from current and former business owners thanking me for standing up and making things known to the community. The biggest outrage is concerns of others over competition. Shouldn't the community who is purchasing the products have a right to choose where they get their merchandise? Rumor is that some of the powers-that-be are investors in brick-and-mortar businesses that we compete with and that is the reason they don't want us or another competing business in the town. Our mobile business is just an excuse. The most recent concern is being asked to put political signs in or on their property and being afraid to say no. People feel that there is only a small amount of people that are trying to take Pittsboro into a direction that not everyone agrees and not every county/town department are on the same page. Many of us are very thankful to see the Main Street Program come into play. I only tell you these things so you know what is being talked about regarding your community. I have only publicly spoken out on a very small amount of the issues we have faced. I am a stickler when it comes to fairness and equality and have no problem following rules as long as those rules apply and are enforced to all.

In our case, we only purchased the temporary directional signs at the request of our customers. Many were having a hard time finding us, even the locals. We did not realize that NOT many people knew where the local Fire Department was located. These signs weren't meant to be permanent. We are waiting on the development of the business in the building we operate from so we can start working on a coffee shop as the economy improved. If our temporary directional signs can't be put out and picked up daily by us, our business will greatly suffer and I am concerned about the future of our business at this site, whether we operate out of the mobile van or in a brick-and-mortar setting.

Pittsboro is headed in the same direction as Siler City if attitude, favoritism, leadership, and attitude doesn't change drastically. I hope you reconsider an amendment to your ordinance to support commercial directional signage because there are a few of us that need it.

Let me summarize, I am not asking for you to make an exception for me, I am asking you to visit other local businesses and rethink your sign ordinances to make exceptions for all commercial businesses and please be sure it is enforced equally.

Thank you.

Commissioner Fiocco told Ms. Meeks that Town planners were in the process of combing through the Town's ordinances. Now would be the perfect opportunity for her to make suggestions about how to modify the sign ordinance, he said. Commissioner Fiocco noted that there would be a Planning Board work session on Wednesday and suggested that Ms. Meeks attend and contribute her ideas. Ms. Meeks replied that she would attend that meeting.

**A COPY OF TINA MEEKS COMMENTS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 149**

Brian Bock, of 133 Saxapahaw Run in Chapel Hill, spoke about the sign ordinance as well. He said he understood that the ordinance was complicated and difficult to change. However, it was a good example of an unfriendly attitude toward businesses because if a business owner cannot get people to the door, the business will fail, he said. Mr. Bock stated that he understood that the Planning Board would be combing through the ordinances, but he also understood how long that would take. He asked the Board of Commissioners to consider a temporary moratorium on enforcement of those signs. One week is a long time when you cannot get people through your doors, he said. Mr. Bock stated that a lot of small businesses would appreciate having a temporary fix while the Planning Board worked on the permanent one.

Lot Voller, of 157 Chatham Mill Rd., pointed out that Veterans Day this year would fall on the 11<sup>th</sup> day of the 11<sup>th</sup> month of the 11<sup>th</sup> year. That had never happened before and would not happen again for 100 years, he said. Mr. Voller explained that Woodrow Wilson had declared Armistice Day on November 11, 1919, after the end of WWI. In 1938, Armistice Day became a legal federal holiday, he said, and the name was changed to Veterans Day in 1954 and it became a day to honor all veterans of all wars. Mr. Voller said that he believed it was appropriate for the Town of Pittsboro to issue a Veterans Day proclamation honoring all veterans, especially those returning from the two very long wars in Iraq and Afghanistan.

Mayor Voller stated that his father had obviously brought this up tonight because there would not be another Board meeting where he could do so. Commissioner Brooks suggested doing what the Town had done the previous year and making sure to include veterans from those two most recent wars. The Board agreed, and Mayor Voller verified with the Town Clerk that this could be done by consensus.

**A RESOLUTION HONORING VETERANS AND MEN AND WOMEN CURRENTLY SERVING IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA**

**WHEREAS**, The United States of America was founded on the principles of liberty, opportunity and justice for all; and

**WHEREAS**, America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and freedoms; and

**WHEREAS**, on Veterans Day we recognize the men and women of our Armed Forces past and present, who have valiantly defended these values throughout our Nation's history; and

**WHEREAS**, on Veterans Day we also remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom, beginning with those who

suffered through the harsh winter at Valley Forge and up to those who are keeping the peace and defending our values around the globe today; and

**WHEREAS**, we honor all men and women currently serving in the military for their sacrifices; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Pittsboro Board of Commissioners does hereby recognize all veterans and the men and women that are currently serving in our armed forces around the world.

Adopted this the 24<sup>th</sup> day of October, 2011.

**A RESOLUTION HONORING VETERANS AND MEN AND WOMEN CURRENTLY SERVING IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 151**

Lesley Landis, of 21 Randolph Court, began by thanking Commissioner Brooks for his service as a teacher and as an elected official. She said that she had great respect for what he had done for the Town and its citizens. Ms. Landis also complimented the Town on its recent street fair, which she said had been the best of all street fairs ever. She thanked Town staff and law enforcers for their work on the fair and said she hoped there would be more of that.

Speaking as president of the Chatham County Arts Council, Ms. Landis said she had been heartened by Town candidates' remarks during a recent forum on the importance of the arts and how it was a key component of tourism and central to creating a vibrant community. She expressed appreciation for the candidates' positive view of the arts and said she hoped that would continue. Ms. Landis mentioned that the Chatham Arts Cinema Series would present "All the Real Girls" the next evening at the Ferrington Barn. The Bluegrass Experience would perform there on Friday, November 4, she said.

Dee Reid, of 590 Old Goldston Road, said that the Pittsboro Parks and Recreation Advisory Board had asked her, a board member, to speak about why she loves the parks and recreation in Town. She said that her family used the parks on a regular basis. They have walked the beautiful trails, used the playgrounds, and enjoyed seeing the abundance of flora and fauna that live there. Ms. Reid noted that parks bring people together, have the potential to connect all areas of Town, attract business and tourism, and enhance Pittsboro's reputation as an outstanding place for young families and active people of all ages. She said that the Town parks had leveraged hundreds of thousands of dollars in grants, thanks to the efforts of Planner Horne.

Mayor Voller thanked Ms. Reid for her service on the Board and he thanked the other Board members as well. He also thanked Commissioner Harrington, who had spent a good part of his term as Board of Commissioners' liaison to that Board and hiking those trails.

Mr. Devinney asked to add one more thing to his previous comments. He said that people come from out-of-Town to use the park and he wanted to make sure that it was known that Pittsboro residents were paying for it.

Noting that Commissioner Brooks had often brought up the issue of Lyme Disease, Mayor Voller said that one of his favorite dogs had come down with it. The dog was in a great amount of pain, he said,

and he cautioned people to be very careful. The ticks are biting and people need to check their dogs and check themselves regularly, Mayor Voller pointed out.

Commissioner Brooks said there had been more than 3,000 deer reported killed by hunters during the previous year in Chatham County. That figure did not include those that had been hit by autos, or killed illegally, or not reported, or dead from natural causes, he pointed out. Commissioner Brooks stated that there was a very large deer herd in the area and that they were carriers of numerous ticks and many kinds of diseases. This was a growing problem that had been recognized as such by state epidemiologists, Commissioner Brooks said.

Mayor Voller agreed that it was a problem. He said that Valerie Hinkley, a Pittsboro resident, had finally gotten out of bed after seven years with Lyme Disease. People really need to pay attention to this issue that Commissioner Brooks had been talking about for a while now, he said. Mayor Voller said he'd had no idea how terrible the effects were until he saw his own dog writhing in pain. "It's terrible," he said.

Jim Nass, commented that there had been a woman present at the last "First Sunday," who had survived Lyme Disease after being bedridden for seven or eight years. That woman had been trying to educate people and was willing to speak with groups about the different kinds of ticks, what to do, and so forth, he said. Mr. Nass said that he could provide contact information if the Board was interested in inviting her to speak and raise awareness in Town.

Mayor Voller said that was an excellent idea. He noted that there had been a Rocky Mountain Spotted Fever issue in the community as well. These were growing problems that citizens needed to be aware of, Mayor Voller said.

## **PUBLIC HEARING**

### **1. Special Use Permit – School (academic) private, Haw River Christian Academy, 50 West Salisbury Street.**

Manager Terry said that the applicant had commissioned a traffic impact analysis (TIA), as requested by the Board of Commissioners. However, work on the TIA had not yet been completed, he said. The staff recommendation was to continue the public hearing until November 14, 2011, Manager Terry said.

Mayor Voller expressed hope that the applicant would have the TIA completed by November 14, 2011. Commissioner Fiocco said he hoped it would be available before that so the Town would have a chance to review and analyze it.

Motion made by Commissioner Harrington seconded by Commissioner Brooks to continue the public hearing until November 14, 2011.

Vote Aye-5 Nay-0

## **OLD BUSINESS**

### **1. Financial Report on the Pittsboro ABC Store. (Ned Kelly, Chairman, Pittsboro ABC Board.)**

Ned Kelly, board chair of the Pittsboro Alcoholic Beverages Commission (ABC), said that he had delivered a check for \$18,189 to the Town on behalf of the board. He had also given an audit for this fiscal year to Commissioner Fiocco. Mr. Kelly said that he had another distribution check for approximately \$6,000, which would be the first quarterly distribution. There would be two more checks, and then one at the end of the year that would include a bonus based on formulas, Mr. Kelly said.

Mr. Kelly summarized the findings of an audit by Edwards Falls Renegar, PLLC. The Commission had spent approximately \$500,000 to purchase products to sell and had made about \$880,000, he said. Mr. Kelly said that the percentage of gross revenue that they should have paid for the wholesale product was about 54 percent. So, "if everything had been on the up and up," ABC would have paid only 54 percent for the revenue they had generated. However, they paid about 57 percent, Mr. Kelly explained, and that amounted to about \$50,000 of additional revenue, according to the auditors. Mr. Kelly stated that an investigation of the matter had been resumed by the State Bureau of Investigation, but he had not yet received feedback from them.

Mayor Voller said that revenue was up quite a bit from 2010 in both mixed beverage and gross liquor sales. He said that was positive, as was the fact that the ABC had figured out how to make the revenue to do the distribution. He said he had read the report and had noticed that the auditor made suggestions regarding inventory that would help going forward. Because they were not a multi-store system and not enough staff to achieve an economy of scale, the ABC board had to be more involved in the monitoring the business aspects, Mayor Voller pointed out.

Mayor Voller mentioned moving some of the inventory between Siler City and Pittsboro and perhaps instituting better controls. Once that has been addressed then some of the issues will probably go away, he said, adding that he thought next year would be better. Mayor Voller thanked the ABC board for making the distributions. He clarified with Mr. Kelly that the board had made all of last year's distributions and was making its quarterly payments again. That's very positive, he said, and he pointed out that Mr. Kelly had brought a check for about \$18,000 to the previous Board of Commissioners meeting. Mayor Voller apologized for not recognizing him at that time, and thanked Mr. Kelly for that as well.

Mr. Kelly noted that the ABC board was down one member at the moment. He certainly would like to have one more, he said, because, as Mayor Voller had pointed out, the board had to be active and involved and diligent enough to prevent malfeasance. The history of the ABC store in Pittsboro had, on multiple occasions, documented that fact, he said. Mr. Kelly said he understood that there had been several such incidents over time and that having an active board was a real public service.

Mayor Voller noted that former Commissioner Walker had called the Town and expressed regret that he could not continue on the ABC board.

Mr. Kelly said that the board had changed its meetings to the 4<sup>th</sup> Wednesday of each month, with the exception of November. Commissioner Fiocco said that he had apologized to Mr. Kelly privately for the oversight at the recent meeting and would do so again publicly now.

## **2. Extension of the 2009 Development Moratorium.**

Manager Terry noted that this item had been tabled at the Oct 10, 2011 meeting in order to allow more time. He said that he, Attorney Messick, Commissioner Harrington, Commissioner Fiocco and Planner Bass had met on the October 15, 2011 and discussed several ideas, including a recap of the capacity as they know it today. They had looked at allocation policies from other municipalities, Manager Terry said.

Manager Terry stated that the group had agreed by consensus that it probably would be necessary to extend the moratorium again. There was some capacity available and that number might grow as some reservations expire on December 14, 2011 he said. Therefore, the group had agreed that it made sense to modify the moratorium and allow additional latitude with respect to residential development, he said. The number they had settled on was 3,600 gallons per day per project, which matches up with current allowable allocations for commercial projects, Manager Terry said.

Manager Terry noted that extending the moratorium for 60 days would have it end on December 25, 2011. During that time, the staff would draft a new moratorium ordinance for the future and a policy that the board could use when considering smaller development applications, he said. Manager Terry also recommended that the Board schedule a public hearing for November 28, 2011, in case it needed to extend the moratorium beyond 60 days. He said that the staff's recommendations were pretty much the same as before, with the addition of the 3,600 gallon capacity for residential and the public hearing on November 28, 2011.

Commissioner Harrington inquired about the target date for having recommendations for the wastewater allocation policy. Manager Terry replied that he would like to have that to the Board before the public hearing so that it could be discussed as part of that process.

Commissioner Fiocco asked Attorney Messick if there was any language that detailed how the flow was calculated using DENR formulas. Attorney Messick replied that there was not. "We just say 3,600," he said.

Commissioner Fiocco said that he thought to do other than the state required would be a violation. However, he thought that 3,600 gallons per day of public water and wastewater utility services would exclude irrigation because the permit would never be issued on a flow calculation that would include irrigation, he said. Commissioner Fiocco explained that he wanted to make sure that if a home does request an irrigation meter the Town would not calculate that into the flow requirement. The Town is worried about sewer capacity, and irrigation typically does not flow to the sewer treatment plant, he said.

Manager Terry replied that this was how he assumed it would be. Under the new law any new residential irrigation had to be separately metered, so that would not apply to this, he said.

Mayor Voller said the Town had come up with the 3,600-gallon figure during discussions, but he wondered if there was any hard and fast rule prohibiting it from going to 5,400. Looking at the report, it appeared that the Town could have a little more than 3,600, Mayor Voller said.

Commissioner Fiocco said that was a valid point. About six months ago, when the Town originally pegged the 3,600, it had merely doubled the 1,800 limit, he pointed out. The Board had thought that

would provide the incentive, or flexibility, that folks needed to follow through with some of the projects that it thought were imminent, he said. Commissioner Fiocco added that he did not think that, technically, there was any science behind the 3,600 amount.

Mayor Voller said there was a rational nexus upon which they originally set the amount. If you look at the average daily flows before the EQ basin went in and the I & I reduction project work was completed you can really see an effect, he said.

Mayor Voller said that it appeared to him that if the Town extended the moratorium to be safe it could still raise that figure and allow flexibility if someone came in here with a request that was reasonable, good, and needed that much capacity. He said that 3,600 was not that much and that 5,400 would be 156 lots. It was just a lot more flexibility, Mayor Voller said. Commissioner Harrington agreed, but said he would like to have the allocation policy ready first.

Mayor Voller asked, if it would work if someone came in and said that the 3,600 figure represented 120 gallons per bedroom and they had a project that had 3,600 in one unit. Commissioner Fiocco replied that it would work.

Mayor Voller said that he viewed it as a bedroom issue. He would like, as Commissioner Harrington had said, to get the policy in place and then move forward, he said. Mayor Voller said that it appeared to him that the Town had flexibility. If anyone studied what the Board had done on infrastructure projects they would see that it had been very positive, he said. There had been a lot of rain in September and the data was showing that those investments were working, Mayor Voller pointed out.

Commissioner Harrington moved to adopt the ordinance to extend the moratorium for 60 days, to set a public hearing for November 28, 2011 and to clarify that the Board was expecting at least a draft recommendation on allocation policies in time to read it before that public hearing.

Commissioner Fiocco asked if the motion included adopting modifications to the moratorium to include major subdivisions. Commissioner Harrington accepted that as an amendment. He asked that it be made clear that the newly proposed revisions to the moratorium allow for that. Commissioner Fiocco seconded the motion.

Commissioner Fiocco stated to Mr. Bill Wilcox, reporter with The Chatham Record, that there had been several developers in the audience at the last meeting who had been surprised to learn that the Town had changed the moratorium threshold from 1,800 to 3,600. He said that it would be great if that could make it into the newspaper.

Vote Aye-5 Nay-0

**AN ORDINANCE EXTENDING THE MORATORIUM  
ON THE APPROVAL OF MAJOR SUBDIVISIONS, PLANNED UNIT  
DEVELOPMENTS, AND NON-RESIDENTIAL DEVELOPMENT OF LAND IN THE  
TOWN OF PITTSBORO AND ITS EXTRATERRITORIAL JURISDICTION AREA**

WHEREAS, an ordinance was adopted by the Town of Pittsboro on Oct 12, 2009 pursuant to the authority conferred in Section 160A-4 and 160A-381 of the North Carolina General Statutes establishing a moratorium on the approval of major subdivisions, planned unit developments, and non-residential development of land in the Town of Pittsboro and its extraterritorial jurisdiction area; and

WHEREAS, the 2009 moratorium ordinance was extended by an ordinance adopted on October 10, 2011 until October 25, 2011; and

WHEREAS, certain work contemplated by the 2009 moratorium ordinance has been completed and certain conditions have changed so that this extension is deemed appropriate and necessary, including, but not limited to, the following:

1. The Town has prepared and submitted an Environmental Impact Statement (“EIS”) and an application for a National Pollutant Discharge Elimination System (“NPDES”) permit for a new 3.2 million gallon per day (mgd) wastewater treatment plant. The NPDES permitting process was completed on June 2, 2011. The Town has also completed improvements to the existing wastewater treatment facility in order to improve its hydraulic treatment capacity.

2. The Town is currently exploring the possibility of a connection to the City of Sanford’s wastewater treatment facility as an alternative to the construction of a new treatment facility for the Town. An evaluation of this option is anticipated by December, 2011.

3. In order to accomplish either option, the Town is proceeding to develop a funding plan which will be ongoing until at least June 2012. The Town is also preparing to solicit qualifications for the design of an appropriate new facility. Completion of design is not anticipated until June, 2013. Construction of a new facility will not be completed until at least December 2014.

4. In addition, the Town is currently revising its Land Use Plan and anticipates the subsequent development of a Comprehensive Plan which will have a utility component. Completion of the draft Land Use Plan is contemplated to be completed in December 2011 with adoption of the approved Land Use Plan in early 2012.

5. The Town has also completed improvements to the existing wastewater treatment facility in order to improve its hydraulic treatment capacity. Despite those improvements, the current tributary flow and the permitted, but not yet tributary, flow and obligated capacity, is a significant portion of the improved hydraulic treatment capacity of the plant.

WHEREAS, at least some of the conditions above may be resolved within the next 60 days and the conclusions to be made by the Town as to future wastewater capacity issues will be more refined within that period of time; and

WHEREAS, during the pendency of this extension the Town will be able to consider a longer term extension of this moratorium after the completion of said plans and studies as well as the appropriate terms of such an extension with proper notice and the opportunity for the public to be heard prior to implementation; and

WHEREAS, improvements completed on the wastewater collection system and the wastewater treatment plant over the past two year have made it reasonable to consider modify the restrictions on new residential development to allow new residential developments requiring up to 3,600 gallons per day of wastewater capacity; and

WHEREAS, without the existence of this ordinance, an unlimited number of subdivisions,

PUD's, and non-residential developments could be approved and constructed without taking into account the ability of the Town to provide wastewater treatment for the new residential and non-residential developments. The subdivisions, PUD's and non-residential developments constructed during the time the Town is taking the necessary steps to provide for additional capacity for the collection and treatment of wastewater could pose a detrimental effect on the ability of the Town and the safety of the public, thus threatening the long term economic health of the Town's population.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO as follows:

1. That Article IV of the Development Moratorium be, and it hereby is, deleted and the following inserted in lieu thereof:

“ ARTICLE IV  
REGULATION OF RESIDENTIAL SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS and  
MULTI-FAMILY RESIDENTIAL DEVELOPMENTS

For the purposes of this ordinance, any major subdivision of land, planned unit development, or multi-family residential development proposed for the establishment of new residential units within the Town of Pittsboro and any major residential subdivision, planned unit development, or multi-family residential development requiring more than 3,600 gallons per day of public water and wastewater utility services within the zoning jurisdiction of the Town shall be considered to be subject hereto.”

2. That except as modified herein, all of the provisions of the Moratorium Ordinance adopted October 12, 2009 as heretofore amended, be confirmed and ratified and extended until and through December 25, 2011.

Adopted this 24th day of October, 2011.

**AN ORDINANCE EXTENDING THE MORATORIUM ON THE APPROVAL OF MAJOR SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND NON-RESIDENTIAL DEVELOPMENT OF LAND IN THE TOWN OF PITTSBORO AND ITS EXTRATERRITORIAL JURISDICTION AREA IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 71-73**

**NEW BUSINESS**

**1. Budget Amendment for Debt Service Payments.**

Finance Officer Mandy Cartrette noted two budget amendments in Commissioner's packets. The first was to appropriate money from the Water and Sewer Fund Balance for payment of debt service. She explained that during fiscal year 2011/2012, the Town would be required to make two payments of \$12,000 each on the USDA REDLG loan from Central Electric Membership Corp. One payment would come be due in January 2012 and the other would be due in April 2012, she said. Finance Officer Cartrette said that these debt service requirements had not been included in the Town's 2011/2012 operating budget because details had not been known at the time of budget deliberations.

Mayor Voller ascertained that these were essentially straight principal amortizations of a zero interest loan.

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to adopt the ordinance amending the FY 2011/2012 budget. Commissioner Fiocco commented on the quick repayment schedule, noting that the Town had received a check at its last meeting, so the Town needs to get busy on the project.

Manager Terry commented that Finance Officer Cartrette had worked on that and had tried to persuade Central Electric not ask for a payment until the project was completed. That had not been negotiable, however, Manager Terry said, noting Central Electric wanted to begin the repayment cycle when they distributed the first of funds. So the Town was under the gun to get that project going, he said.

Mayor Voller commented that, in theory that money was to be allocated back in 2001 when the Town first started the project with 3M. Central Electric had earned interest on that money for 10 years, he said. Mayor Voller stated that he was happy to receive the money but was amazed that they wanted a principal amortization that fast when they had had that money sitting in an interest bearing account for a decade. "But, so be it," Mayor Voller said, adding that one cannot argue with zero interest money.

Vote Aye-5 Nay-0

**AN ORDINANCE AMENDING THE FY 2011-2012 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 74**

**2. Amendment to Capital Project Ordinance for the Hillsboro Street Transmission Line Replacement Project.**

Finance Officer Cartrette said that staff had made changes to this project ordinance. One was to recognize an additional \$40,000 in loan proceeds, she said. She explained that when they began, staff did not have a clear amount but thought the Town would receive about \$200,000. However, it turned out that the Town received \$240,000, so staff was revising revenues in the ordinance to reflect that additional \$40,000, Finance Officer Cartrette said.

The other change, Finance Officer Cartrette explained, was the addition of \$26,285 in engineering fees to satisfy requirements that were mandated by NCDOT. The Town was asking for some leniency on those requirements, but had not yet had a response from NCDOT, she said.

Manager Terry noted that the Town had sent a letter to NCDOT, asking them to reconsider some of the provisions it had asked the Town to include in the project. But the Town had not yet received a response, he said. Mayor Voller remarked that he thought the Town should take a copy of that letter to its representative David Burns, and make its case with a NCDOT board member.

Manager Terry commented that even if the Town got some relief and was able to save some of the engineering fees, it would still have to subcontract the traffic control plan, and a portion of the \$26,285 would have to be used.

Mayor Voller noted that NCDOT would be doing the traffic control plan with the courthouse and the judicial center. He proposed trying to coordinate projects and leverage the fact that these are similar

types of plans.

Manager Terry said that NCDOT had been asking for specifics on where the Town was going to put the work zones for this particular project along Hillsboro Street.

Mayor Voller said that it made sense to him to bid the project to work at night when there would not be as much traffic in the area and businesses would not be disturbed. Manager Terry replied that NCDOT wanted the area from the courthouse up to about Chatham Mills done at night.

Commissioner Fiocco asked if the response from the NCDOT would inform the Town as to whether or not the \$26,285 would be spent on engineering. Manager Terry replied that getting some relief from NCDOT might reduce the amount partially, but the Town would still have to spend money for the traffic control plan. There probably would be a small deduction to have Jay Johnston break that out, but that's probably a small portion of the \$26,285, Manager Terry said.

Commissioner Harrington received verification that Jay Johnston was doing the profiles.

Commissioner Fiocco asked Manager Terry if he had heard anything back from Reuben Blakely, the district engineer. Manager Terry replied that he had not. He noted, however, that the Town's letter to Mr. Blakely had been sent only last week. Manager Terry said he would contact Mr. Blakely this week to make sure that he received the letter and to discuss it with him.

Commissioner Harrington asked if the \$26,285 was for engineering planning. Manager Terry replied that it was for planning and specification writing and those sorts of things. If the flowable fill fee stayed in, then that would be an approximate \$300,000 item on the construction project, he said. Mayor Voller commented that the Town definitely want to remove that expense.

Commissioner Fiocco said there were two issues: the filling of the pipe, and the flowable fill. So really, the cost represented in the \$26,285 was mostly for a traffic control plan and to do profiles of the water line installations, he said.

Manager Terry explained that he had asked for the budget amendment tonight so the Town could direct Hydrostructures to move forward accordingly once it got a definitive answer from NCDOT. Commissioner Fiocco asked if there was a time-frame for how long it would take to finish the plans.

Manager Terry replied that the majority of the project was designed and ready to go. These were changes that NCDOT had added, so he did not think it would take a great amount of time, he said. Manager Terry said he was not inclined to schedule the work during the Thanksgiving and Christmas holidays anyway. If the Town had received a response from NCDOT by then, he thought they could have it ready to bid in January, he said, or they might bid it earlier with the provision that construction would not begin until January.

Mayor Voller pointed out that NCDOT was going to do some of the street and sidewalk improvements that rated highly at the RPO. That needed to be coordinated so that the Town did not double pay or design things that NCDOT was planning to do, he said. Mayor Voller said that at some point in the future there would be a three-lane road all the way up to Powell Place. And the sidewalk plan had made the list as well, he said. Mayor Voller stated that people would be coming out to do those projects and the Town needed to coordinate its plans with them.

Manager Terry said that the message he took from what the Mayor had just said was that this was not a project that the Town wanted to do after the other work had been done. “Exactly,” Mayor Voller replied, adding that there was something regarding the water line that they planned to do sooner rather than later. The Town should try to coordinate with them and perhaps get some relief, Mayor Voller said. He noted that if NCDOT was planning to do an overlay in that area that could help the Town.

Manager Terry replied that he thought they had scheduled the overlay for Highway 64 through Town for the summer. Mayor Voller said that 15/501 north of the courthouse was understood to be next summer as well.

Mayor Voller agreed that getting relief from the things that Commissioner Fiocco had mentioned would keep the price more in line. The Town needed to take Manager Terry's letter and go straight to David Burns, he said. Mayor Voller said that he would do that, as he had last time, and would start advocating on behalf of the Town.

Commissioner Fiocco said he would like to discuss the idea of having to do the profiles, even if it was just with the district engineer. He said he thought that type of graphic documentation would not add much value to this project. And that probably was at least half of the \$26,285 he said. Commissioner Fiocco said that he would like the opportunity to try and save \$13,000 and put it toward the project rather than toward engineering costs.

Commissioner Fiocco said he thought they could explore the perceived value of that work at the meeting, stating again that he did not think there was a lot of value there. He said that this particular type of utility was not dependent upon gravity. It can move up and down, he explained, adding that it was under pressure and if you run into an obstacle you go under it or over it. You won't know where a lot of the obstacles are because they are not documented, Commissioner Fiocco explained, so it is just an educated guess and he did not think it was very valuable. You are bound to have surprises when you start digging, Commissioner Fiocco said. He questioned whether the profiles would alleviate those surprises.

Mayor Voller agreed that since this was not a greenfield site, one has no idea what it looks like underneath the street until it is opened up, except in areas where exploratory digging had already been done. Some of that area must be 80 years old, he said.

Manager Terry said that he would ask Mr. Blakely about that. He said he wondered if it was a holdover from the days when they were asking the Town to pave the road. Commissioner Fiocco said he thought that any contractor would acknowledge that one can draw any profile and put down so much over the top of what is out there.

Mayor Voller agreed that there were better ways to spend \$13,000 than on drawing a fancy set of plans. Commissioner Fiocco was right, he said, they would probably end up throwing the money out the window as soon as they start digging. And the pipe could move horizontally as well, based on field conditions, said Mayor Voller, adding that he thought it would be worthwhile to ask for that variance.

Commissioner Fiocco moved to amend the capital project ordinance to recognize the additional \$40,000 loan proceeds from the RDLEG loan and hold off on the \$26,285 until the Board was able to sit down with the district engineer and figure out how much it needed to spend.

Manager Terry noted that putting an amount in the budget ordinance did not mean spending it. Commissioner Fiocco replied that he was aware of that but also realized that the Town always seemed to spend the money once they put it there. Mayor Voller said that Commissioner Fiocco could make a motion to hold the money until the meeting with the engineer to try to reduce it.

Commissioner Fiocco revised his motion. He moved to amend the capital project ordinance for the Hillsboro Street Transmission Line Project in order to recognize an additional \$40,000 loan proceeds from the RDLEG loan and to add an additional \$26,285 in engineering fees to satisfy engineering requirements mandated by NCDOT. Commissioner Harrington seconded.

Vote Aye-5 Nay-0

**AN ORDINANCE AMENDING CAPITAL PROJECT BUDGET FOR THE HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 75**

**3. Deed Restrictions for the Southern Park Property.**

Planner Horne said that this item was really just a housekeeping issue. Staff had submitted a final reimbursement request and the state noticed that the request had not had the precise language in the deed that it was looking for, he said. This does not add anything new, but was merely an addition of specific language and project numbers, Mr. Horne explained.

Mayor Voller pointed out that it was a requirement and needed to be done. Attorney Messick said the Town was basically agreeing that this portion of the property would not be converted to other than recreational use. Commissioner Brooks asked if it did not also call for outdoor recreation use, and Attorney Messick replied that that was a federal requirement and this pertained to the state.

Commissioner Brooks said that by approving this the Town was agreeing to something that it had to do anyway since it had already received the money. Planner Horne agreed that this was correct. Manager Terry commented that this was consistent with how the Town planned to use the money anyway and was consistent with the master plan for the park.

Commissioner Harrington moved to authorize Mayor Voller to execute the notice of limitation of use for the Southern Park property and that the Town record the document with the Chatham County Registry of Deeds. Commissioner Fiocco seconded.

Vote Aye-5 Nay-0

Notice of limitation:

**WHEREAS**, the Declarant is the sole owner of certain real property in fee simple containing 27.58 net acres, more or less, located in Center Township, Chatham County, North Carolina, and more particularly described by metes and bounds on the attached Exhibit "A", which is incorporated by reference as if fully set forth herein, (hereinafter "Property").

**NOW, THEREFORE** the Declarant hereby unconditionally and irrevocably declares that the Property shall be held and subject to the following restrictions, covenants, and conditions as set out herein, to run with the subject real property and be binding on all parties that have or shall have any

right, title, or interest in said property.

**ARTICLE I.  
DURATION OF RESTRICTIONS, COVENANTS, AND CONDITIONS**

These restrictions, covenants, and conditions shall be perpetual and shall run with the land.

**ARTICLE II.  
RESTRICTION ON USE**

1. The property identified as Town of Pittsboro Southern Park consisting of 27.58 net acres, has been acquired and developed with State financial assistance from the North Carolina Parks and Recreation Trust Fund, PARTF Project Agreement # 2007-537, for development, and pursuant to a contractual requirement that this property may not be converted to other than public recreation use (whether by transfer, sale or in any other manner) without approval of the North Carolina Department of Environmental and Natural Resources.
  
2. The property identified as Town of Pittsboro Southern Park consisting of 27.58 net acres, has been developed with Federal financial assistance, LWCF Project Agreement # 37-01029 provided by the National Park Service of the Department of Interior in accordance with the Land Water Conservation Funded Act of 1995, as amended, 16 U.S.C. and S46015 *et seq.* (1970 ed). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

**IN WITNESS WHEREOF**, Declarant has hereunto caused this Notice to be executed by its Mayor, attested by its Clerk, all by authority duly given, the day and year first above written.

**TOWN OF PITTSBORO**

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**NORTH CAROLINA  
CHATHAM COUNTY**

I certify that the following person(s) personally appeared before me this day, and:

- I have personal knowledge of the identity of the principal(s);
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification and with the principal's photograph in the form of \_\_\_\_\_;
- A credible witness has sworn to the identity of the principal(s);

Each acknowledging to me that he/she [*if an individual*] [or is the \_\_\_\_\_ of TOWN OF PITTSBORO, and that by authority duly given and as the act of the town he/she] voluntarily executed the foregoing instrument for the purposes therein expressed and in the capacity indicated:

\_\_\_\_\_ (names/capacities of principals).

WITNESS MY HAND and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_, Notary Public

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

STAMP/SEAL

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY-

All that certain tract or parcel of land denominated as Tract 1, containing 27.58 net acres, more or less, according to plat entitled, "Boundary Survey for Pittsboro Recreation Complex" prepared by Hobbs, Upchurch & Associates, P.A., revised January 2010 recorded in Plat Slide 2010-74, Chatham County Registry, reference to which is hereby for a more particular description.

### NOTICE OF LIMITATION OF USE FOR SOUTHERN PARK PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 152-155

#### 4. Recommendation to Change the Name of Southern Park to Rock Ridge Park.

Mayor Voller noted that this item had come from the Parks and Recreation Advisory Board and Commissioner Harrington. Commissioner Brooks said it was absolutely fine with him, but he pointed out that the Town had never officially named it Southern Park. All the Board of Commissioners needed to do was officially name it Rock Ridge Park, he said.

Manager Terry said that Southern Park had been the name of the construction project, and that Commissioner Brooks was correct that the Town had never officially named it.

Motion made by Commissioner Baldwin seconded by commissioner Bryan to name the park Rock Ridge Park.

Vote Aye-5 Nay-0

#### 5. Budget Amendment for Wastewater Treatment Plant Temporary Salaries.

Manager Terry explained that a key employee in the Town's wastewater treatment plant would be having surgery to correct a medical condition. An orthopedic surgeon had said that the employee

would be out of work for about 90 days, which would necessitate bringing in a temporary worker to fill the void, he said. Manager Terry said there was not money in the budget to support that position and that this budget amendment would provide that temporary help at a pay rate of \$15 per hour.

Commissioner Brooks moved to approve the budget amendment to hire someone for 90 days as a temporary Wastewater Treatment Plant employee. Commissioner Bryan seconded, and asked if the replacement person had been identified. Manager Terry said that the Town would advertise the position.

Vote Aye-5 Nay-0

**AN ORDINANCE AMENDING THE FY 2011-2012 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 76**

**CAPITAL PROJECTS REPORT**

**1. Manager's Update on Capital Projects.**

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

Manager Terry said there was not much to report. The Town was still working with Chatham County on the joint services agreement and the Sanford proposal, he said, adding that he needed to contact David Hughes and check on the status of that. Everything else had already been discussed, he said.

**2. Mayor Updates**

Mayor Voller reported on a conversation with the Town's Water Treatment Plant Superintendent, Mr. Scott Jewell, on Saturday. Mr. Jewell had pointed out that if you look at the NC DENR website you can see that the Town of Pittsboro was producing water that was as good as, or better than, anyone in the Triangle, he said. Mayor Voller pointed out that this was quite significant, given the challenge that the Town has of getting it out of the Haw River. He said this was a credit to the staff for the work they were doing.

Commissioner Fiocco asked Manager Terry to help him understand the role that Chatham County was taking in working with the Pittsboro and Sanford in devising this scope of services. Manager Terry replied that the County had three indefinite delivery contracts with firms for small projects that come up and with an independent third party that helped with analysis. He made an initial scope of work and the staff at Sanford and David Hughes were reviewing and refining it, Manager Terry said. Once they get it refined, then there will be an agreement in principle and they will pick up a certain portion of it, he explained. Manager Terry said that the City of Sanford would pick up about half.

Commissioner Baldwin asked if the staff was still looking at other funding sources while looking at the possibility of doing this with Sanford. Manager Terry replied that he and Finance Officer Cartrette had a lot more work to do and sort out with the development community. Commissioner Baldwin said that

the Town needed to look at that because it could be a very valuable option that it could pursue.

Manager Terry said that the Town used to have fairly regular meetings with the Development Community but had not done that in more than a year. Perhaps it was time to resume those meetings and reengage the development community, he said. Commissioner Harrington recommended having that meeting as soon as possible.

Mayor Voller asked for a quick update on Southern Community Park. Manager Terry proposed having the grand opening of what was now Rock Ridge Park on November 5, 2011 at 10 a.m. The Board agreed.

Commissioner Harrington asked about the status of the park fence. Planner Horne replied that about two-thirds of it had been laid out, as had the post locations. In theory, they could start on that now while continuing to mark it out, he said.

Manager Terry said that the Town needed to get a surveyor out there in order to determine exactly where the property line was, so that it did not end up with a fence post impacting the cable or going off the park and onto somebody's property.

Mayor Voller said that Mr. Milholen, who was on the EDC Board with him, had asked whether Pittsboro would entertain the idea of connecting the water lines on 64, perhaps going into Siler City to the Rural Center. The recent summer had been very tough for them and Pittsboro could sell them water, or provide water, if the two towns were connected, he said.

Mayor Voller said that, considering the issues with keeping the reservoir filled and so forth, it seemed sensible that this connection should be made. He pointed out that this had been discussed in the past, and said he was bringing it up again because it had been mentioned at a couple of EDC meetings involving infrastructure. Mayor Voller pointed out that the Board would need to take leadership on this if it wanted to do it.

Commissioner Brooks replied that it would be worth sitting down and talking to whoever was there. Mayor Voller proposed authorizing Manager Terry to contact Mr. Brower and start the discussion. Commissioner Brooks advised getting the County involved up front.

Manager Terry reminded Commissioners that the Town had been anticipating the Jordan Lake Partnership and its inter-connectivity study of Jordan Lake partners throughout the region. That particular link had been mentioned as one that was worth looking into, he said, adding that it had come up more than once. Manager Terry said he thought the distance between the County and the Town systems was less than three miles.

Manager Terry said that this was a perfect project for the Rural Center. He pointed out that there was a limit to how many Rural Center projects a town could have open at any one time. However, when Pittsboro closed out the Credle Street III and IV projects, then it could go ahead and start developing that connection as a Rural Center request, he said.

Mayor Voller said that the Town had a need to sell water and that such a project made sense. He said the consensus on the Board was that it wanted Manager Terry to talk with Mr. Brower and Mr. Horne and bring back a report. Mayor Voller pointed out that Commissioner Brooks had brought this issue

up a long time ago and it had now come full circle.

Commissioner Harrington said it a great idea, but said that Manager Terry had higher priorities in the near term. He suggested that Manager Terry do it in his free time, which produced laughter all around.

Commissioner Brooks proposed that the Mayor write to Siler City's mayor, Charles Johnson, and tell him that Pittsboro was interested in sitting down and discussing the possibilities. Mayor Voller agreed to write that letter, adding that he would work with Manager Terry on it. Commissioner Harrington seconded the motion.

Vote Aye-5 Nay-0

Mayor Voller said that he had taken all of the Board's suggestions to the RPO and had been able to get some of Town's projects moved up the list. The 15/501-Hillsboro Street project was considered a statewide one, he said, so this meant that the Town had only a 10 percent vote. However, he had been able to convince the RPO that it was really a sub-regional or regional project, and that had raised the Town's points to 25 percent, he said.

Mayor Voller said that through negotiations with Moore, Orange and Lee Counties he had been able to get Commissioner Baldwin's sidewalk project moved to the highest priority in four counties. The Town had also gotten Thompson Street, and a few other things, including what Commissioner Brooks had wanted, he said. Mayor Voller stated the projects that made the list would be done at some point over the next five years.

Commissioner Fiocco asked when the new spot ranking would come out. Mayor Voller replied that he thought it would be the first of the year. He said that he was proud to say that the project that Commissioner Baldwin had always wanted had made the list and that the Powell Place crosswalk project had made it to Number 1. "It took a lot of horse trading, but it's done," Mayor Voller said.

### **Commissioner Concerns**

Commissioner Brooks encouraged Mr. Poteat, Utilities Director to set a date for the beginning of the leaf collection pickup schedule. That was a popular service in Town, he pointed out.

Commissioner Bryan thanked staff for a very successful street fair on Saturday. The weather was perfect and there was great attendance, he said.

Commissioner Fiocco said he wanted to echo that sentiment about the fair. He had seen the Police Department working on some very sensitive issues and thought they had done a fine job, he said.

Commissioner Fiocco said that it looked like progress had been made on the Land Use Plan update, and ascertained from Planner Bass that he was feeling good about it.

Mayor Voller agreed that it had been a wonderful street fair. He offered a couple of constructive comments about things that had been brought to his attention, however. Next year, perhaps the Town should monitor how many of each type of vendor apply in order to deal with redundancy, he said. Other than that, it was a great street fair, Mayor Voller said.

Commissioner Baldwin said she agreed with all that had been said. It was a great street fair and

everyone had enjoyed it. Those who were not there missed a treat, she said.

**CLOSED SESSION**

Go into closed session pursuant to GS 143-318.11(a) (6) to consider the qualifications, competence, and performance of the Town Manager. (Annual performance evaluation.)

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to take a five minute recess.

Vote Aye-5 Nay-0

Motion made by Commissioner Harrington seconded by commissioner Fiocco to go into closed session pursuant to GS 143-318.11(a) (6) to consider the qualifications, competence, and performance of the Town Manager’s annual performance evaluation.

Vote Aye-5 Nay-0

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

Vote Aye-5 Aye-0

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to adjourn the meeting at 10:15 p.m.

Vote Aye-5 Aye-0

FYI -

1. Town Manager’s letter to NCDOT; RE: Hillsboro Street Transmission Line Project
2. Chapel Hill Express Bus Ridership Data for July and August
3. Bar Chart: Pittsboro WWTP Average Daily Flows

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk