

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, September 23, 2013  
7:00 PM

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

Pledge of Allegiance was led by Commissioner Farrell.

**ATTENDANCE**

Members present: Mayor Randolph Voller, Commissioner 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., and Engineer Fred Royal.

**CONSENT AGENDA**

Commissioner Farrell stated under Commissioner Concerns of the September 9, 2013 regular meeting regarding Log Barn Rd. it should read that the 35 and 55 speed limit signs needs to be moved south. Commissioner Fiocco said he had some minor clarifications on some of the statements about stormwater and post development discharge versus pre development discharge and had submitted them to Manager Gruesbeck. Commissioner Fiocco said he also had questions about item #2 and #3 and would like them moved to new business.

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

The Consent Agenda contains the following items:

1. Approve minutes of the September 9, 2013 Regular Meeting with the above mentioned corrections.

Motion carried 5-0

2. Approve Jordan Lake Partnership Supplemental Articles No. 5 & No. 6. (**Moved to new business for discussion.**)

Motion carried 5-0

3. Thompson Street and Park Drive Drainage Improvements. (**Moved to new business for discussion.**)

Motion carried 5-0

4. Approve ordinance for CDBG Close-Out and authorize Mayor Voller to sign the letter.

Motion carried 5-0

Ordinance and letter is as follows:

September 18, 2013

Ms. Vanessa Blanchard  
Department of Commerce  
Community Investment and Assistance  
4313 Mail Service Center  
Raleigh, North Carolina 27699-4313

**Re: Project Closeout – 05-D-2087 Community Revitalization**

Dear Ms. Blanchard:

Please find enclosed the following required documentation for the closeout of the 05-D-2087:

- Certification of Completion / Closeout Accomplishments Package
- Affidavit of publication of closeout public hearing notice
- Certified minutes of the August 12, 2013 Town Board meeting

Should you have any questions or need additional information, please contact John Dilley, The Wooten Company, at 919-828-0531.

Thank you for your assistance.

PITTSBORO INFRASTRUCTURE COMMUNITY DEVELOPMENT PROGRAM

**CLOSEOUT GRANT PROJECT ORDINANCE**

Be it ordained by the Pittsboro Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted:

Section 1. The project authorized is the Community Development Project described in the work statement contained in Grant Agreement 05-D-2087 between the Town of Pittsboro and the North Carolina Department of Commerce. This project is more familiarly known as the Hillsboro Transmission Line Replacement.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the North Carolina Department of Commerce and the budget contained herein.

Section 3. The following revenues were received to complete this project:

Community Development Block Grant	\$ 850,000
Pittsboro Funds	<u>37,500</u>
Total	\$ 887,500

Section 4. The following amounts were expended for the project:

Water Improvements	\$787,600
Water Improvements (Pittsboro Funds)	37,500
Administration	62,400
Total	\$ 887,500

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the Grant Agreement and Federal and State regulations.

Section 6. Funds were requisitioned periodically from the State after submission of documentation to the Town. Disbursement of funds was made by the Town upon actual receipt of invoice from the vendor. Compliance with all federal and state procurement regulations was required.

Section 7. The Finance Officer reported monthly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Finance Director was directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to the Board.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Finance Director for direction in carrying out this project.

**AN ORDINANCE FOR THE PITTSBORO INFRASTRUCTURE COMMUNITY DEVELOPMENT PROGRAM CLOSEOUT GRANT PROJECT ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 182-185**

Mayor Voller stated he is glad the project has been closed out and the only thing we need to do is make sure all the valves have been uncovered by the paving company. It looks great.

**REGULAR MEETING AGENDA**

**CITIZENS MATTERS**

Alicia Ravetto – 1459 Redbud, Pittsboro, she is an Architect, was Chair of the Green Building Task Force and a member of Pittsboro Matters Group.

She stated as the board is aware Pittsboro's population is 4,033 and Chatham County's is 63,751. With Chatham Parks thirty year build out of 50,000 homes it will more than double the population of Chatham County.

She stated the land is located on steep slopes, adjacent to the Haw River and the drinking water supply.

The Master Plan calls for stream buffers that more than likely would cause sedimentation and runoff for the interment streams of Haw River and Jordan Lake. As presented by the town staff the last time that is one of the main reasons of pollution of our water supply.

Ms. Ravetto stated because the State of North Carolina has designated much of Jordan Lake as impaired Pittsboro must be especially careful to require a Chatham Parks Master Plan that fully protects Jordan Lake's water quality and the character of Pittsboro. Not giving them a blank slate as it seems to be right now in the way it was presented.

Ms. Ravetto said she read in detail the recommendations of staff that came out at the August 24, 2013 worksession. Their recommendations are very thorough and well documented. She urged the Board to revisit recommendation number one – which is what they are sort of trying to ask you to look at – basically to respond to the petition they submitted at the last meeting before any votes on rezoning, annexation, etc. are done. She would like to see public input, transparency and an open process.

Sonny Keisler – 3006 River Forks Road, on the Rocky River. Mr. Keisler stated about three or four weeks ago you received a document forwarded by Chatham Citizens, Haw River Assembly and Friends of Rocky River with 16 questions they thought should be raised. So, his first question is if they ever get answers to those questions could they be made public so they may see what the answers are.

Mr. Keisler said he would like to highlight what you were just told. The property has a lot of steep slopes and if you are going to protect Jordan Leake you are going to have to have a whole lot better stormwater protection than you have now. Stream buffers need to be provided and you really need to restrict development on slopes 15% or greater. If you don't you will have problems.

## **OLD BUSINESS**

### **STORM WATER ORDINANCE (FRED ROYAL)**

Mr. Royal said this was a follow up to last meeting relating to the stormwater ordinance that has been adopted by DWQ, EMC and the Town of Pittsboro.

He has brought it back with a few minor changes. Adding Section 7 – Stormwater Utility Service Fee and Section 8 – Illicit Discharges.

Mr. Royal said Section 7 was included to allow the Town the authority to establish a stormwater utility and enterprise fund if the Town determines to generate revenues for stormwater programming in this manner in the future.

Mr. Royal said Section 8 is required by Jordan Lake Stage One Adoptive Management Program. These provisions allow the Town to regulate materials that enter the storm drainage system.

Mr. Royal said at the request of Commissioner Fiocco he has removed Appendix A, he felt that should be done when we do the UDO process to get it thoroughly vetted.

Mr. Royal said the key point on Appendix A other than administrative procedures he thought would be helpful was the peak discharge provision so that the post development hydro graph matches the pre development hydro graph for a 2/5/10 year 24 hour design storm. The current ordinance already covers the 1 year 24 hour design storm.

Commissioner Fiocco said for clarity the one year that we currently have in our ordinance only comes into play when the project is a high density project – is that correct. Mr. Royal said that is correct.

Commissioner Fiocco stated so if you were a low density project it would not be required. Mr. Royal said yes. Commissioner Fiocco said what this will do is require it regardless to whether it was high or low density.

Mr. Royal said they have presented some fee changes as listed below (ordinance was drafted by Mandy):

Zoning Inspection Fees

- a. Engineering plan review for Water and Sewer \$165.00/hr

A. Storm Water Fees.

1. Storm Water Management Plan Review Fee. \$125.00/acre of site or subdivision to be reviewed with a minimum of \$300.00 per application and a maximum limited to the Town's cost for engineering review plus 10%. This fee shall be paid at preliminary site plan review or subdivision construction plan submittal.
2. Storm Water Management Permit Fee. \$125.00/acre of site or subdivision to be permitted for storm water management.

Water Deposit Schedule for New Water Accounts

	Inside	Outside
Property Owner	\$50.00	\$100.00
Non-Property Owner	\$75.00	\$125.00
Commercial	\$75.00	\$125.00

Mr. Royal stated he did not have an explanation on the increase in water deposits and asked Manager Gruesbeck if he knew. Mr. Gruesbeck said he did not know.

Commissioner Fiocco questioned the fees. Mr. Royal said he talked with the County and they use this metric and it seems to work. He said this is just a start – we can give it a shot and see how it works.

Commissioner Fiocco said the County deals with small sites as well – so okay.

Mr. Royal said if there are any other questions they can work on them.

Mr. Royal said the ordinance approved to date has language that suggests or requires some sort of a surety for these BMP's. So the question is how do you want to set up that instrument, how do you want to enforce it. Is it a cash surety, is it a letter of credit. It also describes HOA's and escrow accounts and seeking funds like that. This needs to be discussed and determined how we want to handle it.

Attorney Messick recommended a Letter of Credit if you are going to do it.

Mr. Royal stated the ordinance left it open as how to manage these ongoing cost.

Commissioner Fiocco stated if we were to approve this tonight we still have that step to resolve. So if someone came in tomorrow and this is in effect we don't have the rest of the equipment in place to go ahead and execute. Mr. Royal said that is correct.

Attorney Messick stated not as far as that item is concerned, you have choices. Attorney Messick stated what Fred's problem is does he make a choice or does the Board make the choice? He thinks Fred is prepared to make the choice as the administrator. But if you all want to have a say in how it's done then the answer is yes, but otherwise the answer is no you don't have to wait on that.

Commissioner Fiocco said he thinks if they are going to wrestle with the idea do we have adequate surety to perform these functions and are asking a developer to do that. He thinks the board ought to be involved in that understanding what the costs to the community are.

Attorney Messick said it is two different situations. One is the construction of the facility in the first place and the second is future maintenance after it is completed. The ordinance gives you the authority to be involved in both situations. You can provide for future maintenance to be provided by escrow by the future homeowners association.

Attorney Messick stated the question is does the Town want to be responsible for future maintenance or tell the HOA they are responsible. We would have the right to inspect if someone were to complain and we could make them fix it or do you want to be in the position where you go fix it.

Commissioner Fiocco said he thinks they want to do both. That they want the HOA (or whatever organization it is) to have the primary responsibility, but if for whatever reason they don't have the funds to do the job the town would need to make sure it gets done for the health. Safety and welfare of our citizens to make sure they are functioning properly.

Attorney Messick said that is a decision the board needs to make. It is going to create administrative problems for a long, long time.

Mayor Voller asked where the line is drawn on stormwater construction on who's responsible for them between the town, NCDOT and private landowners.

Mr. Royal said the ordinance clearly states it is on the responsible party that is signing and notarizing the operation plan. They are the ones stating legally it is their responsibility.

Mr. Royal said if it out of the right-of-way it is their responsibility. If it is in the right-of-way it is the town's responsibility.

Mayor Voller stated there needs to be a mechanism where the town can go in and do the work if the private entity does not and they should be charged for it. The Town should be responsible and bill the HOA.

Commissioner Fiocco said we need to set up a fund so that the town can do it if we choose to go that way.

Attorney Messick said we don't have to obligate to fix them. Mayor Voller said we need to do some public education regarding this matter.

Mr. Royal said he is going to have a booth at the street fair.

Commissioner Fiocco said in the language in Section 7 and 8, he is assuming this is not broiler plat language from DENR. Mr. Royal said actually it is from the Chatham County Ordinance and he cross checked it with an ordinance from Chapel Hill.

Commissioner Fiocco asked if this has to be submitted to DENR for approval. Mr. Royal said yes, since it is a change in the original approval. He said again it doesn't change the water quality standard required by the Jordan Lake rules since this is added on. He doesn't see it being a problem at the state. But procedurally we do have to get approval.

Commissioner Fiocco asked if we need to have another public hearing since we have made changes.

Attorney Messick said it would be a good idea because of all the changes.

Commissioner Baldwin said reference performance security. Shouldn't they have a time period to have it completed? Mr. Royal said yes and thanks for bringing that to his attention.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to schedule a public hearing on the matter for October 28, 2013 at 7:00 p.m.

Vote Aye-5 Nay-0

### **SEDIMENTATION AND SOIL EROSION ORDINANCE (FRED ROYAL)**

Mr. Royal said this was a follow-up from last meeting also. He stated Chatham County has a Soil Erosion and Sedimentation Control Ordinance in effect in unincorporated Chatham County.

It has been recommended that the Town of Pittsboro adopt the Ordinance and that it be administrated by Chatham County. We are currently under the State of North Carolina and State Staff (before the cuts) have a staff of one person per seven counties which means on an average they would visit the site once every other month.

Mr. Royal said if Chatham County were to do it we could probably get on site visits once a week.

Commissioner Fiocco said it is a very good idea to have our inspections locally. It would definitely be more inspections than the state can provide. He endorses the idea. However, he has a couple of questions.

Chatham County Ordinance is based on a 25 year storm event. In his mind and reality he thinks that burden put a burden on erosion control measure it's trying to protect against. Because it would require a larger facility than a ten year storm and it will require more land disturbance.

Mr. Royal said he would give an example:

- For 4 acres of disturbed land and 4 acres of drainage area. When you run the numbers (state and local) in the end you end up with the sf required as 6,224 sq (local) 6,577 (state) this is surface area. However, the volume is larger for Chatham County because of the intensity of the storm is higher. The volume is 14,000 cubic feet (local) and 7,500 cubic feet (state).

Commissioner Fiocco said he was interested that Chatham County has experience with these type basins. He said it costs a little more for the developer up front.

Attorney Messick stated the County's Ordinance is in place and it can apply throughout the County including the corporate limits of Pittsboro and you can just stand back and let them do their things.

Attorney Messick said the way this ordinance is worded it allows for variances, appeals, enforcement mechanisms and all those type things. If you want to stay out of that the county has the programs in place to do all that.

Attorney Messick said if you want to have some role we are talking about some type arrangement to take care of the Town. If you want to do that the ordinance needs to be modified for that.

Commissioner Fiocco said he caught that because it talks about final appeals going to the County. He thinks the town should retain that authority, so he thinks a modification should be done. The document is good and will serve the town very well, but he thinks the appeals should be retained by the Town.

Motion made by Commissioner Fiocco seconded by Commissioner Turner that Attorney Messick review and modify the document as mentioned and bring it back to the October 28, 2013 meeting for the Board's review.

Attorney Messick stated the County is interested in something similar to include the current building inspections program and fire protection program. It may be easier to do all three at the same time, but he does not know how far along they are on that.

Commissioner Fiocco said he doesn't want to bog this down he would like to see it addressed at the October 28, 2013 meeting.

Vote Aye-5 Nay-0

### **NEW BUSINESS**

#### **JORDAN LAKE PARTNERSHIP - SUPPLEMENTAL ARTICLES NO. 5 & NO. 6**

Commissioner Fiocco asked did anyone know why Chatham County is optioning not to entertain the study.

Commissioner Fiocco asked who represents the Town, is it still HydroStructures?

Manager Gruesbeck said Stuart and Becky use to attend but he has been stepping back and Fred has been attending with Becky from HydroStructures.

Mr. Royal said he has not been told Chatham County was not participating so he is going to assume they are unless he hears different at the next meeting. He stated David Hughes has been attending the meetings.

Commissioner Fiocco said they are not included in the scope of this project. Mr. Royal said he would get that verified.

Mr. Royal stated that Chatham Park's allocation is included in our totals.

Commissioner Fiocco said he would like to know what the County is thinking.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve Articles No. 5 & No 6 for signature by the Town Manager.

Vote Aye-5 Nay-0

#### **THOMPSON STREET AND PARK DRIVE DRAINAGE IMPROVEMENTS**

Commissioner Fiocco asked if the \$27,500 includes a new culvert under the roadway on Thompson Street.

Mr. Royal said the only culvert is on Hillcrest. There is a resident at the corner of Park and Hillcrest that has chronic ponding of water due to poor maintenance of the right-of-way swale and the culvert that travels under Hillcrest. The intent is to increase the hydraulic capacity of that swale and culvert to make sure it is graded properly all the way down to the next drain it can flow into. It is to alleviate the nuisance flooding of the property. It has nothing to do with floodplain flooding or the stream across the street. This is just where town maintenance should occur.

Mr. Royal said assuming this gets approved tonight he is going to back the contractor and check elevations.

Charles Devinney said this involves his property. He said all you would be doing is moving her water onto him. The culvert in the curb and the Howards house is lower than the creek stream is so all that water is going to come from her property to his property because it doesn't have anywhere to go.

Mr. Devinney said the stream is higher than the pipe. So there are more problems where they are talking about. He would like for them to look at this a little longer.

Mr. Royal said Mr. Devinney has some good points. They are going to shoot elevations and if he finds it is something different he will get back with the board.

Mayor Voller asked what he was intending to do in front of Margaret Farrell's.

Mr. Royal said the right-of-way section of the area will be graded out to maximize the flow off of the street and into the creek. The plastic pipe will be removed and a shallow rip-rap line swale will be constructed. The culvert that conveys the creek requires a headwall and wing-walls to improve the hydraulic efficiency at the entrance and to stop the erosion to the road bed.

Mayor Voller asked if he had looked at increasing hydro capacity going under there. He said there are multiple problems in that area.

Mr. Royal said we are only doing work in the right-of-way. If they find they need to do something different he will get back with the board.

Mayor Voller asked that he look into putting pipe in at Masonic & Thompson Street on the west side of the road by the trailer park.

Mr. Royal said he is also looking and 15-501 and he will bring them back together.

Commissioner Farrell is it a possibility that we can replace the pipe at Ms. Farrell's house. Mr. Royal said that would be more expensive.

Commissioner Fiocco stressed that he be very thorough when measuring elevations.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the budget amendment for \$27,500 for drainage related projects.

Vote Aye-5 Nay-0

Budget amendment is as follows:

ORDINANCE AMENDING THE  
TOWN OF PITTSBORO  
2013-2014 OPERATING BUDGET

Be it ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 23rd day of September, 2013.

**For Expenditures Related to Drainage Projects**

Section 1. That the following **GENERAL FUND REVENUE** be increased by the amount indicated:

103990100	Powell Bill Fund Balance Appropriated	\$27,500.00
<b>TOTAL</b>		<b>\$27,500.00</b>

Section 2. That the following **PUBLIC WORKS DEPARTMENT EXPENDITURE** be increased by the amount indicated:

105400400	Powell Bill Expenditures	\$27,500.00
<b>TOTAL</b>		<b>\$27,500.00</b>

**AN ORDINANCE AMENDING THE FY 2013-2014 BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 100**

**CAPITAL PROJECTS REPORT**

**MANAGER'S UPDATE ON CAPITAL PROJECTS**

Manager Gruesbeck went over the capital updates:

**PROJECT: Hillsboro St Water Main Transmission Line Replacement Project**

**UPDATE:** NCDOT contractor – ST Wooten paved Hillsboro Street. The Town contracted to add “angle” parking stripes in the downtown area of Hillsboro Street. An NCDOT/Wooten contractor will be adding additional stripes/white lines on Hillsboro Street.

They have more work to do shoring up shoulders at the edge.

**Park Street/Thompson Street Storm Water System Improvements**

**UPDATE:** Storm water control in the swales along parts of Park Street (generally between Hillcrest Drive and Circle Drive) and Thompson Street (generally between Chatham Forest Drive and Fire Tower Road) have been challenging during high-energy rain storms. Staff has solicited and is reviewing bids from two (2) excavators to perform improvements in these areas and will review them with the Board of Commissioners during the September 23 meeting.

Manager Gruesbeck said this was discussed earlier.

**PROJECT: Soil Erosion/Sedimentation and Storm Water Ordinances for New Development**

**UPDATE:** Fred Royal, Town Engineer, presented proposed ordinance language at the September 9 Board of Commissioners meeting. Additional material will be placed in the September 23 Board agenda packet. Staff will lead a discussion of the materials.

Manager Gruesbeck said this was discussed earlier.

**PROJECT: Annual Town Audit**

**UPDATE:** The auditing firm has completed a review of financial information from the Town's previous auditor. The Audit will be completed and forwarded to the Local Government Finance Commission by December 1, 2013.

Mayor Voller said he would like to get the numbers before it is sent to LGC.

**PROJECT: Waste Water Treatment Plant - Generator Replacement Project**

**UPDATE:** Staff collected three (3) bids on September 12. Each proposal will be evaluated and presented at the October 14 Board of Commissioners meeting.

Manager Gruesbeck said they had planned to look at the bids today but it was changed to tomorrow.

**PROJECT: East Street Sidewalk Extension**

**UPDATE:** Staff secured statement of qualifications from two (2) firms to survey the property where the sidewalk extension is anticipated for construction on East Street (from Chatham Business Center to Town limits). Staff has selected one of the firms Summit Engineers (Cary, NC). Staff is seeking approval from NCDOT for their approval of the cost proposal.

**PROJECT: Energy Audit at Water Treatment Plant (WTP) and Waste Water Treatment Plant (WWTP)**

**UPDATE:** Waste Reduction Partners (WRP) completed an audit of WTP and WWTP facilities on August 27. There is no cost to the Town for this service because it is funded by the State. WRP is looking at electric usage, water efficiencies (e.g. "non-revenue water"), water loss and

other possible system improvements. WRP will submit the report to Town Staff for review by early November.

Mayor Updates

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

### COMMISSIONER CONCERNS

Commissioner Fiocco said he placed in front of them the bids for the decorative crosswalks around the courthouse circle and the two immediately north. He has put three scenarios before the board tonight. CACTX is the contractor that has been doing this type work around the state. Burlington has been very pleased with their work. The District Engineer for NCDOT out of Greensboro is very satisfied with their work.

Commissioner Fiocco said it is his recommendation that we do the full streetscape which would be \$96,000.

Commissioner Fiocco said he spoke with NCDOT and they have money to put in the crosswalks but not decorative. Some of the work would have to be done for the crosswalk with NCDOT funds, so this \$96,000 he thinks it will end up costing around \$90,000. He would like for the Town Board to find a way to fund this. We have money in the general fund balance.

Commissioner Fiocco said he spoke with Chatham County about contributing but he doesn't have an answer back yet.

Commissioner Fiocco said he feels it will go a long way towards revitalizing and changing the appearance of downtown. We have the new Justice Center opened up and we are going to have new asphalt. These crosswalks would do a lot to improve the entrance to downtown.

Commissioner Fiocco said the other scenarios is to just do the Circle and Salisbury at a cost of \$72,390.60 and the other one is for doing the circle only at a cost of \$42,297.51.

Commissioner Fiocco said his preference would be to do the full streetscape. He feels it is not only image but also safety.

Commissioner Fiocco said he asked DOT if they would participate and they looked but didn't have any funding.

There was a discussion about how much was in the fund balances.

Commissioner Fiocco stated in regards to the Pocket Park the owner has a sent a letter of intent to donate the land and he would like to move forward with the design of the project.

Commissioner Fiocco said he has someone in mind to design the project. He spoke with Mr. Messick and the amount is under the \$30,000 threshold so it does not have to be put out for bid.

Commissioner Foley would like to look at local designers as well.

Commissioner Fiocco said he is looking at Rob Emerson from Durham. He knows his work and is very comfortable moving forward.

Commissioner Farrell said he was not for the park during the budget season. He does not feel it is the time to spend taxpayer's money on this park even though it was budgeted.

Commissioner Foley said we need to support downtown as much as possible. If this designer has experience doing parks in the County she is okay with it.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to move forward with the design of the pocket park using Rob Emerson.

Commissioner Baldwin said she is not in favor of it because of finances.

Attorney Messick said shouldn't they wait until they get the deed of trust for the property before they start spending money on it.

Commissioner Fiocco said we have a very strong letter of intent but we can wait until we have the deed to start the design work.

Vote Aye-3 Fiocco/Foley/Turner  
Nay-2 Baldwin/Farrell

Letter of intent reads as follows:

531 Marvin Edwards Lane  
Chapel Hill, NC 27517  
September 17, 2013

Michael Fiocco  
Town of Pittsboro  
635 East Street  
Pittsboro, NC 27312

Dear Mr. Fiocco,

I'd like to confirm my intentions to give the lot adjacent and south of the Hall London house to the town for use as a public park. It would be a gift in memory of my wife, Page H. Vernon, district court judge, lawyer, and long time resident of Chatham County, who died in February 2013.

Page practiced law with Barber, Bradshaw and Vernon from 1991 until 2002. Their offices were in the Hall London house and her office was on the second floor southeast corner looking out over the side yard. She would often meet her friends and colleagues for lunch on the picnic table in that yard. It was a favorite spot and a place she loved.

I am ready to move forward with the gift and will retain legal help to represent my children and me in this regard. I'll let you know who that is when I've made that decision.

Yours truly,

A handwritten signature in black ink, appearing to read "J. Vernon", with a long horizontal flourish extending to the right.

James W. Vernon

Mayor Voller asked what the fund balance is. Manager Gruesbeck said he did not. Commissioner Fiocco said he thinks it is about 1.8 million for the general fund.

Commissioner Foley said we should ask the County to pay for the crosswalk at the circle.

Commissioner Baldwin said if we are going to do a presentation to the County for full streetscape we should give them the other two scenario's as well.

Mayor Voller said maybe it can be approved contingent upon Chatham County contributing.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to forward with the decorative crosswalk project contingent upon a cost sharing agreement executed with the County for half of the price of the improvements.

Commissioner Turner said she also agrees with what Commissioner Baldwin said about making a presentation to the County. Commissioner Foley and Commissioner Fiocco agreed to make the presentation to the County.

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

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to take a five minutes break.

Vote Aye-5 Nay-0

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

Vote Aye-5 Nay-0

### **CLOSED SESSION**

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

Vote Aye-5 Nay-0

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

Vote Aye-5 Nay-0

Mayor Voller said the owner of Alpha Install is supposed to send an update on the project to Mr. Gruesbeck.

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

Vote Aye-5 Nay-0

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, NCCMC  
Town Clerk

DRAFT