

**MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, JULY 14, 2008  
7:00 PM**

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

**ATTENDANCE**

Members present: Mayor Randy Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Clinton E. Bryan, III, Hugh Harrington, and Chris Walker.

Staff present: Bill Terry, Town Manager, Paul S. Messick, Jr., Town Attorney, David Monroe, Planner, Paul Horne, Assistant Planner and Alice F. Lloyd, Town Clerk.

**APPROVAL OF AGENDA**

Motion made by Commissioner Walker seconded by Commissioner Harrington to approve the Agenda as submitted.

Vote   Aye-5   Nay-0

**CONSENT AGENDA**

The Consent Agenda contains the following items:

1. Approve minutes of the June 9, 2008 regular meeting.
2. Municipal Statement of Adoption of the Amended Memorandum of Understanding Regarding the Rural Planning Organization for Chatham, Lee, Moore and Orange Counties.

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to approve the Consent Agenda as submitted.

Vote   Aye-5   Nay-0

**REGULAR MEETING AGENDA**

**Citizens Matters**

Elsa Teruel, 2223 Bellemont Road in Chatham Forest, stated that at a meeting in May of last year the Board had adopted a resolution to complete Bellemont Road and open Springdale Drive, and wanted to ask the status of that.

Manager Terry stated he was not sure there had been any change in the status.

Commissioner Harrington said he had drafted a six-point proposal that he would soon put before the Board for consideration regarding that issue.

Kathy Meredith, 378 Chatham Forest Drive, stated she, too, was asking the status of that resolution, noting she had a copy of a letter dated December 6 that was sent by Mr. Terry to Mr. Voller asking for a specific date to open Springdale Drive. She asked had a response been received to that letter. Ms. Meredith said with the current increases in gasoline prices, residents did not want to continue detouring around Town and wanted the road opened.

Ms. Meredith said if that road was not opened it would cause a crisis, because there was a sink hole developing around 378 Chatham Forest Drive, and she feared it would cause an accident. She said if that sink hole was not addressed, then the residents would have no way to get in or out of the community. Ms. Meredith said she was concerned that after eight years the road was still not opened, and feared they may have the same problem getting Bellemont completed on schedule.

Manager Terry stated for the record, the letter Ms. Meredith had mentioned did not deal with the Springdale issue, but was an extended Letter of Credit regarding work on Bellemont Road. Ms. Meredith stated she simply wanted the Board to give them a date when the residents could expect the road to be opened.

Vance Remick, General Store Café, 39 West Street, provided the Board with a written statement regarding the Chatham County Economic Development Strategic Plan. He said he had served on that committee, and he believed that Pittsboro now had a chance to work aggressively with the County. Mr. Remick stated they had an opportunity downtown to take advantage of the building at 50 Salisbury Street, the old PTA Thrift building, and perhaps bring new life to the downtown. He suggested setting up a committee for a short time to consider uses for that building, perhaps for a cultural arts center or a conference center, which could attract conferences from all over the Triangle to spend the day or longer in Pittsboro. Mr. Remick stated he believed it was worth spending a little money now to move in that direction, and noted his written comments included a proposal to allocate \$10,000 to do a feasibility study and perhaps produce a promotional video of the downtown. He stated he was willing to hold a symposium at the General Store Café, perhaps on a Wednesday evening, to get people to start talking about this proposal.

Commissioner Harrington asked what specifically Mr. Remick was asking the Town to do. Mr. Remick responded first to do a feasibility study, noting that they could negotiate with the Justice family to rent the building, and then create a vision for the facility and an estimate of the cost for renovations. He said they could then come back to the Board with suggestions.

Commissioner Walker said then the \$10,000 was not for securing the property. Mr. Remick responded that perhaps a small amount of money would be needed to secure the property for a short time, perhaps 90 days, until a study could be done.

Mayor Voller stated that there might be funds available from the Rural Center and from other sources, and what Mr. Remick was suggesting was really a Downtown Small Area Plan. Mr. Remick stated it could be looked at that way, noting he was trying to promote tourism and commerce, and believed that money spent now would make a difference in achieving that.

Mayor Voller asked Mr. Remick to submit his proposal to the Town Manager, and come back to the Board at a future date with a status report.

Commissioner Walker asked had Mr. Remick presented this to the County. Mr. Remick responded not yet, noting that he had thought to bring it to this Board because the building was in Pittsboro and the Town could really benefit from the use of that building.

Mayor Voller said his thinking was that Pittsboro would take the lead, but believed it was a good idea to take it to the County as well to judge their desire to be involved in that development investment. Mr. Remick agreed, noting perhaps they should approach the EDC as well.

Commissioner Baldwin agreed the proposal should be presented to the County and the EDC.

Mayor Voller said he believed that before this Board committed any funds that they would want something fleshed out about what the actual proposal might be. He suggested that Mr. Remick do that with Mr. Terry and then come back to the Board. Mr. Remick agreed.

Commissioner Walker asked what the status was of the Holly Tree. Mr. Remick said he had spoken with a number of people who believed they could save it, one of which was a local arborist. He said they would soon be using some super nutrients to try and save it, noting the tree was owned by the Justices. Mr. Remick stated there was a chance it could not be saved.

Steve English, 91 Willow Drive, Chapel Hill, and representing the Miller Valentine Group, stated that a letter had been provided to the Board that described a proposal for 72 affordable apartments to be located in Bellemont Station. He said those 72 units would consist of eight one-bedroom, 40 two-bedroom, and 24 three-bedroom apartments. Mr. English said the apartments would be affordable to families earning between \$14,000 and \$46,000 annually.

Mr. English stated they had partnered with the NC Housing Foundation to provide funding for the project, and they would be providing a full support services program that would include homeownership and family counseling and employment programs. He said the apartments would be built to Energy Star standards, and the sewer capacity required for the apartments was 19,200 gallons, which represented only about 3% of the average daily flow. Mr. English stated the water and sewer access recovery fees to be paid would total \$339,200, offsetting a significant portion of the improvements proposed in the operating efficiency study.

Mr. English requested that the Miller Valentine Group be allowed to work with the other developers and the Town to attempt to find a resolution to the sewer issue, and that they be included in the Bellemont Station development process.

Commissioner Harrington asked wasn't the process opened to all developers interested in contributing to the infrastructure. Manager Terry stated that was true for the larger project which already had approved site plans, but was not sure it pertained to a project that would require an upgrade to the infrastructure.

Mayor Voller stated this was on the Master Plan for Belmont Station. Planner Monroe said it was a subset of Belmont Station, in that Belmont Station was the commercial aspect and Belmont Point was the residential, and there was an element for apartments included in the Master Plan for residential.

Mayor Voller said he believed that Mr. English could cooperate with the master developer. He asked, given the difficulties with sewer capacity, how soon could these apartments be occupied and begin contributing flow to the sewer system. Mr. English said if they were able to obtain funding this year, they could begin construction in early 2009 with completion approximately 10 months after that.

Mayor Voller asked did they expect to be fully leased in the latter part of 2009. Mr. English said they would expect to be fully leased by early 2010.

Mayor Voller said he had served on the Affordable Housing Task Force, which Mr. English regularly attended, and that Task Force had been given this information as well as the study that had been done by the Wooten Company for the County which supported the need for this kind of housing. He stated this would be a policy decision for the Board, but all of the studies done over the past few years indicated a great need for affordable housing. Mr. English said they used the same data, and they did need to be able to demonstrate that there was a plan and a reasonable possibility that there was sewer capacity available.

Mayor Voller asked if at this point they had a commitment for the tax credits. Mr. English said not at this time, noting those tax credits were pending on the resolution of the sewer issue. He said they had received approval for a federal bank loan which greatly improved the affordability, but that carried a two-year limitation so there was a timeline associated with that loan.

Commissioner Harrington said he was curious about where the apartments would be sited. Ricky Spoon pointed out the location on the map, noting it was about 6.5 acres. He said the acreage just past that site was the proposed site for a community park and possibly the YMCA.

Mayor Voller stated he believed Mr. English could work through Mr. Spoon and Mr. Terry to attempt to find a resolution to solve the sewer issue.

Bob McTighe, 266 Belmont Road, asked Mr. Terry if the Town had a proposed schedule of completion for Belmont Road and the opening of Springdale Drive. Manager Terry replied he did not have a written schedule but he had been advised by the management of Voller Realty that they were moving aggressively to finish all aspects of the project.

Mr. McTighe asked was it correct that the bond ran out in December. Manager Terry responded he believed that was a safe assumption.

## OLD BUSINESS

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

Manager Terry provided an update on the following capital projects:

- Community House – an inspection of the building had taken place and work had been identified. The front porch was in particularly poor shape with cracked concrete, and that had now been repaired.

Commissioner Harrington asked wasn't there some questions about the porch being structurally unsound underneath. Manager Terry replied that the consultant had determined that at one time the porch had been wooden, noting air vents had been found in the stone work. He said that at some point that had been filled in with dirt and fill and a concrete slab had been poured on top, so there was never air underneath that slab. Manager Terry said over the years the concrete had cracked because of the poor support and had begun to fall in on itself, but there was no danger that it would fall much farther than it already had.

- Wastewater Treatment Plant Operational Effectiveness Analysis – that report had recently been provided to the Board, and the next step was to meet with Mr. Bradshaw, the attorney for Mr. Steele, which would take place within a couple of weeks. They would then begin to flush out the financial aspects of proceeding with the project.
- Credle Street Basin Rehabilitation Project – now considered to be 100% complete, with very minor punch list items remaining.
- Street Resurfacing – Powell Bill funds had been used to resurface a 1,100 foot portion of Diane Street, as well a small portion of Vickers Road.
- Disinfection Byproducts Reduction Project – A plan and specifications had been received from Hobbs and Upchurch and had been reviewed, comments made, and returned. They had also released the permit to Hobbs and Upchurch necessary to go to the State with the project, and the project had now been submitted to the State.
- 3M Reclaimed Water System Project – They were still waiting on the authorization to construct from the State, and would be contacting them to determine the status.

Mayor Voller asked what were the easements being referred to in the report, and if they were by the plant. Manager Terry responded some were along the transmission lines, some in front of the plant on the Credle property, and there may be some easement issues once they crossed the Credle property and got onto 3M's property and went across to the water tower. He said once they got the authorization to construct from 3M, they would advertise for bids.

- Recreation Master Plan – Staff had reviewed sections of the early draft of that plan, and that draft plan would eventually be brought before this Board for its review. He stated it

would likely take another six to eight weeks to complete that work, and believed it would be presented to the Board sometime in September for review.

- Powell Place Park – A Request for Qualifications had been prepared for the design work so that construction documents could be developed. The deadline for submission of the RFQ is this Friday, and once the last ones were in they would begin the process of reviewing them.

Commissioner Baldwin said concerning Disinfection Byproducts Reduction Project, had any of the results of the lead testing been received. Manager Terry stated that a preliminary report had been received but not the final report. He said he would be following up on that to determine when that final report would be provided.

Commissioner Baldwin asked did he believe they would be on target in reference to avoiding the State penalty. Manager Terry replied the initial prediction was that they believed if they expedited the project they might be able to get it done by September, but that would not happen. He said he had reworked the schedule today with Hobbs and Upchurch, and it now appeared it would not be completed until January.

Mayor Voller asked were they using the new grant money just obtained. Manager Terry stated that was correct.

Commissioner Brooks asked did he believe the State would accept what had been done with Hobbs and Upchurch and defer the fine. Manager Terry said he was cautiously optimistic that the State would look at what had been done and consider it a good faith effort to respond to the State's request that the Town take decisive action to address the problem. He said his hope was that the State would see fit to defer the fine.

Commissioner Brooks said it was his opinion that Hobbs and Upchurch were at least partially responsible for them not being further along than they were, and asked if that was a fair statement. Attorney Messick replied he was not sure it was fair or not since he did not know the reasons for the delays.

Commissioner Brooks asked if he thought Hobbs and Upchurch would be willing to help the Town with the fine. Attorney Messick responded he did not believe so, but it was a complicated issue and he could not now offer a firmer opinion.

Mayor Voller said perhaps the Board could authorize a letter to be sent to the Division of Water Quality to ask that the fine either be eliminated or deferred until some other date. He asked why the State would fund a grant to them on one hand, and then take from them with the fine, adding that why would the State give them a grant if they had not shown good faith.

Commissioner Brooks stated they needed to spend that money on improving the water system, not on a fine.

Mayor Voller said at this point the Board had taken a strong stance in working on this issue, and believed they should write a letter to DWQ and state that it was not reasonable to continue with a fine.

Commissioner Walker agreed a letter should be sent to DWQ.

Commissioner Brooks suggested sending a copy of the reports along with that letter to show their good faith effort in trying to solve the problem.

Commissioner Harrington said a part of that was to show that they had brought the TTHM's down with the flushing program put in place, which had certainly made a big difference.

Commissioner Brooks suggested including in the letter some statistical data, such as the population and tax base and budget, so that DWQ would have a better understanding of what the Town was dealing with.

Mayor Voller said they could also copy that letter to other appropriate people at the State that may have an interest. He said that Commissioner Harrington had attended a water quality conference at his own expense, which should be included in the letter to show that the Commissioners had a genuine interest in this issue.

Commissioner Brooks stated that Dr. Bob McConnaughey had compiled information from all over the country and that could be included as well.

Commissioner Walker stated that he believed the Board members should contact via phone or email any of their local representatives to talk with them about this issue, which would add a personal touch to this. He said that \$30,000 fine would be better used to help solve the situation.

## **2. Status Report on the Pittsboro Wastewater Treatment Plant Construction Project.**

Manager Terry stated that he had provided the Board with a draft contract from Hobbs and Upchurch, which was a proposal for the design work on the four million gallon per day plant. He said he believed execution of that contract would be premature at this time, since they first needed to identify how to pay for the project. Manager Terry stated it was his recommendation that the Board exercise its option to waive the requirement to solicit Requests for Qualifications from other firms based on the fact that Hobbs and Upchurch had been involved in this project for over two years, and changing engineers at this point would set them back about another year. Manager Terry said it was his recommendation that the Board adopt the resolution that would allow the Town to exercise its option to waive the requirement to solicit Requests for Qualifications and continue its negotiations for a contract with Hobbs and Upchurch.

Mayor Voller said he believed that some of the Board members might want to communicate to the management of Hobbs and Upchurch that there were certain issues that perhaps needed to be rectified, and wanted that to be done sooner than later. He said he believed the Board would want to go forward but were not pleased with certain performances, but understood that they needed to move forward to finish this.

Commissioner Walker said as a banker, when they got the team together including the financial officer he would like to know when the meetings took place so that he could attend to hear what they were saying and make sure it was clear. Manager Terry stated that he believed they could put one seat on that group for a Town representative.

Mayor Voller stated he believed all of the Board members should attend those various meetings so that they would have a clear understanding of the issues. He said he would certainly be willing to appoint Commissioner Walker to be the Town's representative at those meetings.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the resolution to allow the Town to exercise its option to waive the requirement to solicit Requests for Qualifications and continue its negotiations for a contract with Hobbs and Upchurch.

Commissioner Baldwin asked when an actual contract was brought before the Board for consideration would it contain specific time schedules. Manager Terry said if it did not he would ask that it be included.

Mayor Voller asked Manager Terry to strongly communicate that the Board wanted them to "get in gear" and demonstrate an ability to get this done. If not, he said, the Board could potentially switch firms.

Vote Aye-5 Nay-0

**3. Status Report on the Formation of the Community House Task Force. (Paul Horne, Asst. Planner)**

Planner Horne stated that two seats were identified on the Task Force for this Board to appoint, noting there were six applicants.

Motion made by Commissioner Brooks seconded by Commissioner Walker to appoint Max Cotten and Cindy Edwards to the Community House Task Force.

The Board members discussed the qualifications of the applicants, citing the particular strengths or experience of those who had applied to serve on the Task Force and why they believed particular applicants were more appropriate to serve.

Mayor Voller suggested changing the number of appointees to three, and to include Lindsay Starr as the third Town member on the Task Force. Manager Terry stated the Board had created the Task Force and could certainly add an additional seat if that was their desire.

Commissioner Brooks stated he would agree to amending his motion to include Lindsay Starr.

Commissioner Brooks amended the motion to add a third seat and to appoint Lindsay Starr, seconded by Commissioner Baldwin.

Vote Aye-5 Nay-0

## NEW BUSINESS

### **1. Presentation on “Using Public Education to Prevent Lead Exposure” by Martha Keating, Associate in Research, Children’s Environmental Health Initiative, Duke University.**

Martha Keating commended the Board for taking this step to raise public awareness about lead exposures and lead poisoning prevention, noting that the biggest point she wanted to make was that lead poisoning was preventable. She said the Board had the opportunity to turn this issue into a public information campaign to prevent lead exposure from all sources.

Ms. Keating said there had been several incidents of lead exposure linked to the use of chloramines for water disinfection. She said those most at risk were homes with small children or infants, pregnant women, and homes that had been built prior to 1985. Ms. Keating related an incident last year at UNC where the Chemistry building was being renovated and they had found high levels of lead.

Commissioner Brooks asked was that on the Y campus. Ms. Keating said that was correct. She said it did take some time for biofilm to build up on the pipes. Commissioner Brooks stated he was concerned about the schools here that were built in the early 1970’s, and how they would protect those who used the schools.

Ms. Keating stated the difference she saw between the situation in Pittsboro and that in other Towns was that regulations had changed and more monitoring was done at the tap. She said another was that because of those changed regulations, more pre-testing was done at the plant. Ms. Keating said the water department had the opportunity to design protocol to pay particular attention to the schools and to homes that were at risk. She said elected officials had the opportunity to inform the public that there were simple steps that every family could take to reduce their exposure risk to lead. Ms. Keating said that families should have the opportunity to have their water tested and their children screened for lead levels, and said as a first step the Town should hold public information meetings.

Ms. Keating described a city-wide effort that had taken place in Durham a year ago on this same issue, noting they had experienced several incidents of lead poisoning. She said they had received a lot of bad press because of the confusion associated with testing requirements, and there were clear tensions in the city between the Water Department and citizens groups as well as the State. She said it would be best if Pittsboro could avoid all of that. Ms. Keating said her group had gotten all of the stakeholder groups and citizens together and held many meetings to address lead exposure and poisoning and to address all sources of such exposure. She said that group had developed an action plan that included a web site to provide information to the public. Ms. Keating said the Durham Health Department had offered home visits to any child who tested above a level of six, and believed the Chatham County Health Department could offer a similar service. Ms. Keating said community groups did paint testing in their neighborhoods on Saturdays, and the Water Department had offered testing on site rather than having people bring water samples to the Water Department. She said the Durham Health Department did mailings

to anyone in the city who had a child to provide information about lead exposure, noting that it was a federal requirement that any child on Medicaid must be screened for lead. Ms. Keating said in response to the chloramine issue, by the time all of the issues regarding lead exposure had been made public the chloramine issue had already been resolved, in that they were testing clean.

Mayor Voller asked how that chloramine issue was resolved. Ms. Keating said that the Water Department had looked into the chemistry of what they were doing, and on the advice of Dr. Edwards had changed their corrosive additive, looked at the anti-coagulants, adjusted the pH, and other similar adjustments.

Ms. Keating stated that all information provided to the public should be provided in English and in Spanish, and should state the simple things that people could do to protect themselves from lead exposure. She noted that one was to run your water gently and not blast it through the faucet if the water had been standing in the pipe for more than six hours. Ms. Keating said if you were away on vacation, you should run your water for five minutes before using it. She said another was that you should never mix a baby's formula from water that had been standing in the pipes. She said all of these suggestions, as well as the others contained in the report, were things that people could do every day to protect themselves and their children.

Ms. Keating said she believed the biggest issue was that the Town should be prepared to offer water testing for people who had concerns after the switch was made to the new system. She said that should be made a part of the budget, and the Town should anticipate that.

Mayor Voller asked about people who used filter systems as opposed to those who did not use such systems, and asked had any comparison been done. Ms. Keating said she had not seen any, but did know that such systems filtered out any sediment in well water. She said there was some information in the packet that the Durham Water Department had put together where they addressed filtration systems. Ms. Keating said that Chatham County could be divided into age groups or housing, and informational letters sent out.

Mayor Voller asked would she be working through the Chatham County Health Department to do that. Ms. Keating stated her organization would not participate in that mailing program, but they could provide them with the necessary data. She said her group was developing a model for all 100 counties in the State that looked at lead exposure risk based on age and housing, socioeconomic status, whether your home was owner-occupied or rented, and other factors that contributed to lead exposure risk.

Mayor Voller asked how they could get that data. Ms. Keating said they would be happy to provide it, noting it was all GIS and coded. Mayor Voller said they would like to get that data for the entire County. Ms. Keating stated they would also be happy to meet with representatives from the Health Department and any other groups that might be appropriate. Mayor Voller said he was sure the County would be interested in talking with her. Ms. Keating suggested that the Board look over the recommendations that the Durham Health Department had committed to doing to address lead exposure risk, which included water quality testing of all pre-1990 buildings that housed day care centers and churches, that every fountain and faucet was tested in pre-1990 school buildings, that practices were developed to flush pipes in all schools before

school started, and that a preventive maintenance procedure was developed to maintain filters in water fountains in the schools.

Commissioner Brooks said then essentially all they could do at the schools was to check the filters and to flush the pipes. Ms. Keating said that was correct. She said that Durham had experienced problems at some of their schools, but the problems were in the water fountain units themselves and they had to be replaced.

Mayor Voller asked if the school system had looked into investing in commercial grade filters for their side of the tap. Ms. Keating replied she did not recall that being discussed because they had isolated the issue to specific water fountains in certain schools, and had simply replaced those units. Mayor Voller said then you would have issues with the fountains if they were not regularly maintained and the pipes flushed. Ms. Keating said that was correct.

Commissioner Brooks stated that they had a lot of homes in Pittsboro that were built well before 1985, and asked if she would recommend that people living in those older homes hire plumbers to remove copper pipe and replace it with plastic pipe. Ms. Keating said that was one approach, but you would want to first identify if there was a problem, and also to look at who was at risk in those homes. She said there was some home filtration that could be used to remove the chloramines as it entered a home, you could use bottled water for drinking or cooking, and you could use piped water for baths and toilets. Ms. Keating said it was important that people be aware of the issue and take simple precautions, but testing would have to be done first.

Commissioner Brooks asked if the available water testing kits tested for lead. Ms. Keating said there were some that did, but did not know if they would give an exact level. She said she believed the Water Department testing would be more accurate.

Mayor Voller said if they had the list of homes offered by Ms. Keating, then they could do priority testing of the homes at risk.

Commissioner Brooks said there were also practical things that could be done, such as changing the pipes leading to the kitchen and hot water heater. He said if a home had lead pipes they should be replaced. Ms. Keating agreed. Commissioner Brooks asked had Durham had any problem making the transition back to chlorine to kill the bacteria. Ms. Keating said she was not sure they had done that this year, but did know that they had not done the flushing of the pipes due to the severe drought. Commissioner Brooks asked when they had done it were there any transition problems. Ms. Keating replied she did not know.

Mayor Voller thanked Ms. Keating for her comprehensive presentation, and noted that the Board would be in touch with her.

**2. Offer of a Donation of \$3,500 for Playground Equipment at Kiwanis Park (Don Lein, Chairman, Chatham Parks Foundation).**

Manager Terry stated that the Chatham Parks Foundation was offering the Town a donation of \$3,500 for playground equipment at Kiwanis Park. He stated they would need only about \$650 from the operating budget to supplement the donation in order to purchase the equipment.

Motion made by Commissioner Walker seconded by Commissioner Brooks to accept the donation of \$3,500 for playground equipment at Kiwanis Park and to authorize Mr. Terry to work out the details.

Vote Aye-5 Nay-0

**3. Chatham County Request for Reimbursement of Water/Sewer Access Fees paid for the CCCC Sustainable Technologies Building and the Chatham Community Library.**

Manager Terry said that this was pertaining to a letter the Town had received from the Chatham County Board Chair where it was suggested that the Town reimburse the County for the water/sewer access fees paid for these two County projects. He said the total amount of reimbursement requested was about \$35,100. Manager Terry said he had contacted two nearby municipalities to determine how they handled similar fee structures, and in both cases they did charge similar access fees and did not waive those fees. He said in thinking through this, if the County was building facilities that would serve the entire County, then it was logical that the facilities should contribute to the infrastructure. Manager Terry said based on those two pieces of information it was his recommendation that the Town decline the request for reimbursement.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin that the request for reimbursement be declined for the reasons submitted by the Manager, and that the Manager prepare a letter stating the reasons for declining.

Commissioner Brooks said another rationale was that there were many millions of dollars of County property located in Pittsboro that could not be taxed.

Mayor Voller said that was a good point, noting that another part of that rationale was that other jurisdictions did not reimburse such fees.

Commissioner Walker said his only reservation was regarding the 3M Reclaimed Water System Project, in that on June 9, 2008 this Board had confirmed that the Chatham County Board of Commissioners had passed a resolution accepting the \$1.5 million loan from DENR. He said the Town's agreement with the County was that they would split that debt down the middle, so they were potentially taking on \$750,000 in debt.

Commissioner Brooks said he believed that was an excellent point, but if he was not mistaken 3M was now the fourth largest taxpayer in Chatham County, and Pittsboro did not get a penny from them.

Vote Aye-5 Nay-0

#### **4. Bellemont Station Preliminary Plat for Commercial Subdivision.**

Commissioner Walker asked to be excused from the discussion and vote on this issue due to the fact that his employer did direct business with Mr. Spoon.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to excuse Commissioner Walker from the discussion and vote on this matter.

Vote Aye-4 Nay-0

Planner Monroe stated this was an application for Preliminary Plat approval for Bellemont Station. He said the Planning Board had reviewed this application solely on the merits of the application and made no statement whatsoever regarding wastewater capacity. Planner Monroe said the Planning Board recommended approval of the plan with the condition that no final plat could be approved until such time as the applicant was able to demonstrate that he had access to the necessary wastewater capacity sufficient to allow construction of the project. He stated that the applicant understood that he had brought forward this application at his own risk and that there was no guarantee that the Town Board would either approve his request for capacity or the amount of capacity.

Nick Roberson, representing the applicant, reiterated that the approval being requested was for the technical merits of the preliminary plat, and that before final plat the applicant would have to demonstrate that there was sewer capacity. Attorney Messick said the applicant would also have to demonstrate that before infrastructure in regards to sewer was begun.

Mark Ashness, the engineer for the project, said that was correct. He said what this would enable the applicant to do would be to prepare construction drawings that would be suitable to submit to the Town at such time as adequate wastewater capacity was available for this plat or for a portion of this plat. Mr. Ashness said if such capacity was identified, then the construction drawings would be ready to be submitted and there would not be the normal four to five month lag to prepare the drawings.

Mayor Voller said what the applicant was asking for was the ability to submit plans for review without any commitment by the Town. Mr. Ashness said what they were really asking for was the ability to prepare construction drawings, but would not actually submit those drawings to the Town until there was sewer capacity available. He said they did not want to take the risk of preparing construction drawings without knowing that those general guidelines were approved by the Town Board.

Planner Monroe stated that he would not advise Manager Terry to sign those permit applications unless and until a commitment had been made by this Board to provide sewer capacity to the project.

Mayor Voller asked did he see any risk for the Town in approving the preliminary plat given the stipulations set forth. Planner Monroe said no, given the public acknowledgement by the

applicant that he understood that he was proceeding at his own risk and there was no guarantee being offered by the Town Board.

Mayor Voller asked Mr. Spoon if he understood and agreed with those stipulations. Mr. Spoon stated he was in agreement and understood the stipulations, and that after the vote he would like to provide the Board with a status report of the project.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the Bellemont Station Preliminary Plat for Commercial Subdivision with the understanding that there was no sewer available and the applicant was not requesting any.

Commissioner Harrington asked how unusual was this step, and had the Town ever done that in the past. Attorney Messick said the Town had not done that in the past to his knowledge. Commissioner Harrington asked if other Towns did that. Attorney Messick said he was not aware of any, but it was not outside the realm of reality as long as the applicant had acknowledged the risk.

Commissioner Harrington asked Mr. Messick how unusual this was. Attorney Messick said it was unusual, but the risk was on the applicant and not on the Town. He said if sewer capacity was not available in the next two years then the preliminary plat approval would simply evaporate.

Manager Terry said there were two windows of opportunity here for sewer. He said if they were successful in upgrading the plant to 750,000 gallons a day, then sewer may be available. But, he said, if that failed the next opportunity might not be until 2012.

Mayor Voller said he believed it was a good idea to take this step due to the difficult economic times, and that Mr. Spoon had demonstrated a continual interest and investment in the Town. He said the Town should do whatever possible to support local business people.

Commissioner Bryan agreed, noting that Mr. Spoon had done a good job on that project and had been working diligently. He said time was certainly money to Mr. Spoon, and if approving the motion saved him time then he was in favor of it.

Vote Aye-4 Nay-0 (Walker excused)

Ricky Spoon provided the Board with an update of the status of the project, noting that the McDonald's restaurant was scheduled to open in October, and the Taco Bell/KFC due to open a little later. He stated that he had purchased an additional lot from Mr. Cooper, and he had been successful in leasing five of the six small bays. Mr. Spoon said renters included Andrews Insurance, Stapp Fitness, and a chiropractor. He said he had also recently met with a hair salon who he believed was close to signing a contract for the last bay, and was negotiating with a medical facility for the larger bay. Mr. Spoon stated he was currently negotiating with an Italian restaurant who would occupy an additional building on the site.

Mr. Spoon noted that Pittsboro really needed a meeting area, and they were talking about placing a meeting area beside the hotel. He said they were also considering how catering could be provided for functions at that meeting facility. Mr. Spoon said as well they were talking about a possible County office building on that site so that some of the County satellite offices could be put under one roof.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to bring Commissioner Walker back into the meeting.

Vote Aye-4 Nay-0

##### **5. Westmoore (formerly known as Moore's Ridge) Phase 1 Preliminary Plat.**

Planner Monroe said that this application was exempt from the moratorium, and the applicant was aware that there was no wastewater capacity and had acknowledged that. He said that in the packet were some interesting variations on the typical subdivision design, and highlighted some of those. Planner Monroe called attention to the intersections created as well as the flat faced curb and reinforced cement sidewalks that would allow trucks with large turning radii to actually drive across the sidewalk and therefore not have to drive into the opposite lane to navigate the intersection. He said that feature would only be important to moving vans and other larger trucks, and would not be something that your average trash truck or fire truck would need. Planner Monroe said that DOT had accepted this kind of design in other parts of the State.

Commissioner Walker said signs would be put up to make people aware of that intersection, but asked what about people that were blind. Mr. Ashness said what they had seen in the past was that there would be textured strips placed in the concrete as a warning as you approached the intersection.

Planner Monroe said in the preliminary plat, you could see the variety of streets proposed, noting that the Fire Chief had reviewed the proposed street design plans and had indicated he had no concerns other than that he had stipulated that fire trucks would not use the alleyways. Planner Monroe stated that the Planning Board had reviewed the street variations and had determined that they were acceptable.

Patrick Steele stated that right off of US 64 there was a small commercial area, and they had created a central grade with a meeting house which would look like a church from yesteryear. He said the architecture would be reminiscent of the Courthouse with a covered porch and an area that could be used as an amphitheatre for various events, and the building would have french doors opening up onto terraces on both sides. Mr. Steele indicated the 11 lots noted in yellow on the plat that would have historic houses moved onto the property, noting that two would be placed in Phase I. He said the outside of the homes would be renovated as well as the roofs, landscaping would be provided, and then they would be put on the market for sale. Mr. Steele said two to three homes would be brought in during each phase of the project.

Mayor Voller asked what the current status was of their attempts to interact with the community college next door. Mr. Steele said they were going to rebuild the roadway which was the first

road ever built in the State that went from Pittsboro to Salisbury, and it would be built as a wooden plank road. He said it would connect to the loop around the college, and he was doing everything in his power to get a sidewalk down West Salisbury Street as a walkability path. Mr. Steele said the unique feature of this project was that their demographics were for empty nesters, early retirees, and the newly married, all of whom would potentially take classes at the community college.

Mayor Voller said then ultimately Mr. Steele would like to see connectivity from the historic homes, come up the old plank road, and walk around Salisbury Street on a sidewalk. Mr. Steele replied absolutely.

Mayor Voller asked if this applicant was requesting the same type of approval as the previous applicant. Planner Monroe stated yes, noting that the Planning Board was recommending approval with the condition that no final plat would be approved until the applicant had demonstrated the availability of wastewater capacity.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to approve the Westmoore (formerly known as Moore's Ridge) Phase 1 Preliminary Plat with conditions as stipulated by the Planning Board.

Vote Aye-5 Nay-0

### **Mayor Updates**

- EDC – the EDC would soon present a strategic plan to the Board.
- RPO – a Memorandum of Understanding had been approved with the Triangle Area Rural Planning Organization, noting that there were some recent initiatives set forth and copies would be given to the Board.
- Solid Waste - one of the issues having to do with solid waste was scrap cars and how to handle them.
- Fairground Association – the Fairground Association would again be conducting the fair this year, and they were diligently working on that now.
- Pittsboro Merchants Association/Downtown - that group had been sponsoring the “Wake Up Wednesday’s” which had gotten a lot of business owners meeting together at the Community House. He invited all Commissioners to attend those meetings.

### **Commissioner Concerns**

Commissioner Brooks stated he would like to make his concern a motion, which was about fuel consumption and the high cost of fuel. He said he had heard recently that Chatham County was leading the area in foreclosures with a 36% increase over the year before. Commissioner Brooks said he found that to be shocking, noting that Durham’s percentage increase was only 4.1%.

Commissioner Brooks stated that according to recent statistics, it now took the average family of four \$900 a month to feed themselves, and they had a lot of people that were not making a lot of money. He said people were also getting more concerned about how government spent their money.

Commissioner Brooks said with that in mind, he was making a motion that all employees leave their work vehicles at their work places and provide their own transportation to and from work with no exceptions. He also moved that they adjust thermostats in the Town Hall to 72 degrees in summer and 68 degrees in winter. He further moved that the Manager investigate whether the Town was getting the best price for any fuel they had to purchase.

Commissioner Brooks said in addition, his motion was to include that vehicles needed to be cut off when not in use, with the exception of meter readers during reading time, and Police personnel when they were responding to an emergency or participating in law enforcement activities.

Commissioner Brooks stated his motion included that vehicles needed to be cut off when occupants were socializing, noting he had witnessed vehicles idling up to an hour; that several citizens had complained about police vehicles traveling at high rates of speed outside the ETJ area; and, that patrols should be within the Town and within the ETJ unless they were going to assist other law enforcement agencies.

Mayor Voller asked Commissioner Brooks if he was willing to write out his motion for future consideration by the Board, since it was a fairly comprehensive motion. Commissioner Brooks said he was willing to do that and bring it back to the next meeting, but in return he wanted to stop the practice of allowing employees to drive Town vehicles to and from home. He said he would craft a resolution that contained the remainder of his requests.

Motion made by Commissioner Brooks that all employees leave Town work vehicles at their work places and provide their own transportation to and from work with no exceptions.

Commissioner Walker said to clarify, that would include that Police officers would no longer drive their police cruisers to and from home. Commissioner Brooks stated that was correct. Manager Terry stated that there was a policy that specifically stated which positions were allowed to take their vehicles home as well as the mileage radius that was allowed. He said he estimated that perhaps five to six officers met the guidelines of that policy and drove their vehicles to and from home.

Commissioner Walker said when the policy was put in place gas was at about \$2.50 a gallon. He said he believed they should exempt the Police Chief from this motion because he was on call 24/7, and he would prefer that during an emergency that the Chief had his vehicle available to report to the emergency and not have to change cars.

Mayor Voller noted that Commissioner Brooks' motion had not been seconded, and an amendment had been offered by Commissioner Walker to exempt the Police Chief from the policy change.

Commissioner Walker stated he would not be opposed to allowing both motions to die.

No seconds were offered for either motion.

Commissioner Walker said he had received complaints regarding maintenance crews who had allowed their trucks to sit and idle for over an hour. Manager Terry said he could take care of that problem administratively by writing a mandatory policy statement without a motion from the Board.

Commissioner Brooks said the majority ruled, but believed that wasting fuel was wasting the citizens' money. He said he believed all governments would need to find ways to cut costs so that the money could be spent on other things, such as making drinking water safe.

Mayor Voller said the cost of fuel was continuing to go up, and they needed to be diligent about that cost. Commissioner Brooks agreed.

Commissioner Bryan said he was certainly not opposed to what Commissioner Brooks had said, and agreed that they needed to be as efficient as they could. He said he believed that Manager Terry should at the least be afforded the opportunity to consult with the Police Chief regarding the use of the cruisers. Commissioner Bryan said it was only fair to allow him to research the issue and come back with a report of what they may be faced with.

Commissioner Walker stated that being that it was paving season, there were a few potholes that needed attention, particularly on Davie Street and Salisbury Street.

Commissioner Harrington asked if the contract for \$571,000 for design construction of the 600,000 gallons a day facility with Hobbs and Upchurch was still a contract that was just hanging. Manager Terry said there was no further work being done now, and he would check to see what the status was. He said that contract was particularly complicated, but believed the contract was still alive in the Town's financial records even though no work had taken place in over a year.

Commissioner Harrington said he would like to get the contracts they could closed out, and would like to move forward with that. He said that particular contract was large and he would like to see it closed, and was curious if the Town would owe the \$277,000 that was left.

Mayor Voller stated that a citizen that lived in a mobile home park on Masonic Street had contacted him regarding speeding on the streets, and wondered if those streets were private or public streets. He suggested that perhaps they could look into some bike patrols by the Police in that mobile home park.

**ADJOURN**

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn the meeting at 9:40 p.m.

Vote    Aye-5    Nay-0

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk