

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, AUGUST 25, 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 Randolph Voller, Commissioner Gene T. Brooks, Clinton E. Bryan, III, Pamela Baldwin, Hugh Harrington and Chris Walker.

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

**APPROVAL OF AGENDA**

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

Vote   Aye-5   Nay-0

**CEREMONIAL AGENDA**

1. Memorial Resolution honoring Mary Hayes Barber Holmes.
2. Memorial Resolution honoring Kenneth Wilson Cooper.
3. Introduction of New Town Employees.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the Ceremonial Agenda.

Vote   Aye-5   Nay-0

Mayor Voller read the resolutions for Mary Hayes Barber Holmes and Kenneth Wilson Cooper into the record of the meeting.

The Memorial Resolutions were adopted by consensus of the Town Board.

Manager Terry introduced the following new employees and made brief comments about each: Mark Tirone, the new Wastewater Treatment Plant Superintendent; and, Lavon Barrett and Benjamin Hadley, both new Police Officers for the Town.

**A COPY OF THE RESOLUTION HONORING MARY HAYES BARBER HOLMES AND KENNETH WILSON COOPER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES**

**CONSENT AGENDA**

The Consent Agenda contains the following item:

1. Approve minutes of the August 11, 2008 regular meeting.

Commissioner Brooks asked that Teresa Farrell be identified by name rather than as the Manager of SunTrust. Commissioner Harrington stated at the top of page 10 he was the one to ask about the Appearance Committee rather than Commissioner Walker.

Motion made by Commissioner Baldwin seconded by Commissioner Brooks to approve the Consent Agenda with modifications to the August 11, 2008 minutes as noted.

Vote Aye-5 Nay-0

**REGULAR MEETING AGENDA**

**Citizens Matters**

Commissioner Brooks stated he would represent a citizen who was not able to be present. He stated that Ed Pryor had contacted him on Friday and stated that Shalane Flanagan, who gave her address as Pittsboro, won a Bronze Medal at the recent Beijing Olympics in the 5000 meter track and field event. He provided a recent newspaper article regarding Ms. Flanagan's success, and suggested that after Mr. Pryor completed his follow-up, perhaps the Board would consider sending her a letter of congratulations. Commissioner Brooks noted that her husband, Steve Edwards, was her trainer.

Mayor Voller noted he believed that was a great idea, adding that Don Lien was on the U.S. Track and Field Committee, and had believed that Ms. Flanagan would win a medal and she had done so. He agreed that the Board should recognize her with a resolution and letter of commendation, noting it was very rare to win a medal in the Olympics, and more rare for someone from Pittsboro to do it. He said no U.S. woman had medaled in that event in over 20 years. The Board agreed by consensus to honor Ms. Flanagan.

**OLD BUSINESS**

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

Manager Terry provided the following update on Capital Projects:

- He provided new information regarding the Wastewater Treatment Plant, and they had held another meeting with the developers group where he had shared the information he

had given the Board at its last meeting regarding the Local Government Commission and its conservative stance to the Town incurring debt beyond its capacity, and that it was highly unlikely that the LGC would approve a loan in the amount required for a 4 million gallon a day plant. In response, one of the developers had suggested that they put their heads together to find a way to move the project forward, and to that end the developers group would be meeting on September 8. It was their hope to come to some agreement amongst themselves about how they might participate in the project and help the Town find a financial solution that would keep the project funded. The Town may hear from that group by its second meeting in September or the first meeting in October regarding their meetings and negotiations and possible solutions.

- The Disinfection By-products project was moving forward, and the Notice to Bidders had been sent out. A pre-bid conference was scheduled for this Wednesday and they expected to open bids on September 11. Once those bids were analyzed, they expected to award a contract shortly thereafter.
- Regarding the 3M reclaimed water system project, they were close to bringing the Board a recommendation for putting forward the Notice to Bidders, with advertising of bids likely to be ready in the next 30 to 45 days. They had held two recent meetings to discuss the various issues regarding easements to lay pipelines for the project, and believed they had made a lot of progress. Today he had met with the County Finance Director and a representative of Hobbs and Upchurch to review the funding plan, and of the five loans and grants that were outstanding for this project, four were in the name of the County, and as such he had questioned them regarding cash flow and payment of invoices. With the grants and loans in the name of the County and the actual contract in the name of the Town, that had brought up questions regarding details about how the cash would flow. Today it had been noted that all the grants and loans were still in place and valid, and were not due to expire any time soon. Also, he was happy to report that in the estimation of the engineers it was unlikely that they would have to tap into the \$1.5 million loan for construction, in that the size of the project would probably not be such that they would need those funds. Those funds could possibly be available for the upgrade of the plant, since it was an approved loan and still available.
- Powell Place Park RFP – They had received 31 bids which had been narrowed down to the top five firms, and those five firms had now been interviewed. He stated they would be bringing the Board a recommendation in September.

Commissioner Baldwin said in reference to the 3M project, she noted that the last update regarding satisfying the requirements for the transfer of the property was sometime in June, and asked what was delaying the completion of the requirements. Manager Terry stated in 3M's mind the reuse water project and the park project were related, and Attorney Messick would be working on that. He stated that rather than getting easements across property that they owned, it would be easier to transfer the ownership and dispense with the need to have any easements.

Commissioner Walker asked if the permanent columns were up at the Community House. Manager Terry responded they were, although he was not 100% happy with the way they were finished on the bottom. He said they would be working on that.

## **NEW BUSINESS**

### **1. Enterprise Fund Budget Amendment in the Amount of \$129,410 for DOT Utility Improvements Construction Contract.**

Manager Terry stated that he had been surprised to receive an invoice in the mail for an eight-year-old project, and he had challenged it with NCDOT. He had been unable to find a certified copy of that contract in Town files, but NCDOT had been able to produce one. Manager Terry stated in talking with Jay Johnston and Mr. Poteat, they had recalled the work taking place. He stated he had examined the certified contract NCDOT had provided and he had no reason to believe it was not a valid contract. Manager Terry said in his judgment it was an enforceable contract and was payable. He stated the Town had 60 days to pay the invoice, so there was additional time if the Board wanted to make further inquiries.

Commissioner Harrington asked exactly what the invoice was for. Manager Terry stated it was utility work from High School Road along US 15-501 north to Mt. Gilead Road, which was apparently one of the Town's water transmission lines. He said when that road was widened they had upsized that pipe to a more modern technology pipe.

Commissioner Harrington asked was that from eight years ago. Manager Terry stated the purchase order for that work was dated November 27, 2000, but he had no date for completion although he suspected it was around 2002. Commissioner Harrington asked if there was any explanation as to why they had not heard about that before now. Manager Terry said he had asked about that, and was told that part of the problem was turnover in staff and administrative difficulties, although he got no answer that he judged to be particularly good. He said it appeared that NCDOT's finance section and engineering construction section may not have the best communication, and it was now catching up with them.

Commissioner Brooks stated he believed that all of the customers north of the Haw River on US 15-501 were County customers. He said that Mt. Gilead Road was well beyond the Town's ETJ, and he questioned having to pay for the work done beyond the Haw River.

Commissioner Walker stated that they had an invoice for over \$129,409, along with a contract signed by a former Mayor. He stated the contract said it was for \$95,136, and asked were they being billed for charges that possibly should have gone to the County. Commissioner Walker stated he would like to know why there was a difference in the figures. Manager Terry stated that the \$95,136 was an estimate.

Mayor Voller asked Attorney Messick for his comments. Attorney Messick stated that with Pittsboro being the size that it was, the work that was done in terms of relocation of the water lines was free, in that NCDOT had picked up the tab for that. He stated this was considered to be something over and above replacement of the water lines, and in order to get a sleeve through the

bypass so that the water lines could be improved this would have been the appropriate work for the Town to participate in.

Mayor Voller said the bypass was built first, then the 15-501 widening project was done. He asked was this connected to that widening project which went all the way up 15-501. Attorney Messick stated that it appeared that was the contract the work had been added to.

Mayor Voller asked was that the work where boring had been required to put in the casement, noting the contract stated the sleeve was only 500 meters long and that was not a lot of distance. He said that covered the right-of-way at US 64 and north to the high school and then south. Mayor Voller stated there was a valid signed contract, but his advice would be that the Board at least ask NCDOT to produce more detailed records of the work that was done beyond what had already been submitted.

Commissioner Brooks suggested asking an NCDOT representative to appear before the Board to explain it.

Mayor Voller stated they could make that request, but NCDOT did not have to agree. He stated that Manager Terry would likely have to come forward with a request to amend the budget in order to pay the invoice, but believed the Town should have some details provided prior to that. Manager Terry stated he would contact NCDOT and ask them the questions brought up tonight, noting that he had been provided with copies of records in the financial files but not records from the engineering files. He stated he could contact the District Engineer to get more information.

Mayor Voller stated he believed at the least the Board deserved to see the “as built” plans.

Commissioner Baldwin agreed, noting that since the invoice was eight years old she believed they should try to negotiate to pay the estimate rather than the actual invoice.

Mayor Voller stated it would not hurt to ask, but the Board needed to be prepared to add the expense to the budget. He also stated that all of the Commissioners’ concerns and questions should be given to NCDOT, noting it was not reasonable for small towns to get hit with something that was a significant amount and was eight years old.

Commissioner Brooks stated that as long as the Town’s population remained under 2,500, NCDOT was supposed to pay for the entire amount of the piping. Attorney Messick responded that was correct, but this invoice was for work over and above the piping and the Town had agreed to pay for that. Commissioner Brooks stated that there were other people involved in that project.

Mayor Voller asked Manager Terry what he needed to go forward with this. Manager Terry said he simply needed instructions from the Board on how to proceed, noting the invoice was not due until October 4 so there was no great urgency. He stated if the Board wanted more research, he could contact the District Engineer and bring information back at a subsequent meeting. Manager Terry said he could try to determine who had worked on the project, dig through their files, and try to locate some valid documents. He stated he did not know what the effect of

missing that October 4 deadline would be since the invoice was already eight years old, but believed they would have time to do some research.

Commissioner Walker suggested checking the year-end audits and/or cancelled checks to make sure that those funds had not already been paid in some form. Manager Terry stated he had already checked with the Finance Officer, and to the best of her recollection she had not seen an invoice for that work. However, he said, they would conduct more extensive research.

Commissioner Walker said it was his fear that this had been lumped into something else and had already been paid.

Motion made by Commissioner Brooks seconded by Commissioner Walker to table this issue for one month.

Vote Aye-5 Nay-0

**2. Fairgrounds Association Briefing. (Wesley Andrews, President, Fairgrounds Association).**

Mayor Voller introduced Wesley Andrews with the Fairgrounds Association, noting that Margie Ellison, also with the Fairgrounds Association, was also present.

Wesley Andrews stated that the Fairgrounds Association was a part of Chatham County and the organization was 58 years old. He stated the Association was inclusive and had never been exclusive. Mr. Andrews stated this was the first time in their history that they had volunteers with the energy to get certain things done. He provided some background information regarding the Association's history and their efforts to be a true part of the County. Mr. Andrews stated in the next five to ten years, they may not be a fair association as it was now, noting they were moving towards a more recreational format. He said they wanted to provide a location for youth to go to, noting a swimming pool was being considered as well as other recreational activities.

Mr. Andrews said in order to do some of those things they had started working with a promoter to hold events at the Fairgrounds, known as "roundups." He said the youth met there to socialize and dance. Mr. Andrews stated that a few "scuffles" had broken out and they had received some bad publicity in the local newspaper. He said he was proud that they were able to resolve those types of matters, and the gatherings were continuing without incident.

Mr. Andrews stated they were proposing a greenway that would go all the way to Jordan Lake or possibly to Cary, and, that they would again hold the Fair this fall. He said this year they were trying to get the entire County to place exhibits at the Fair, including animals, and to that end were working with the County's Agricultural Department. He said they wanted everyone in the County to participate in the Fair, because the Fair belonged to everyone.

Mr. Andrews stated he wanted the Board and the people of Pittsboro to understand today's youth, who were our future, and they were trying to provide a part of that social life that they needed with the right kind of supervision.

Mayor Voller stated that Manager Terry and Chief Collins had been working with the Association and the promoter. He said he believed they had reached an equilibrium where everyone was now happy with the progress made, noting he and Commissioner Harrington had visited the events and every effort was being made to provide a safe environment for the participants. Mayor Voller stated the promoter was working with the Police to make sure the proper security was provided and since that time the problems had dramatically decreased. He asked if the walk Mr. Andrews had mentioned was a greenway connection that would go through Pittsboro Place and presumably Chatham Park and then all the way to Cary. Mayor Voller stated he was not sure that was something the Recreation Department had worked on but knew there was interest in doing that. Paul Horne stated that was correct, noting that any sewer easement had the potential to become a greenway.

Commissioner Harrington asked Mr. Andrews did they feel the Town had been supportive of the events. Mr. Andrews responded yes, noting everyone had been very helpful including the Manager and the Police Chief. He stated he had heard concerns from a mother regarding the age of participants, and they wanted to make sure attention was paid to that and that older persons were not attending, particularly older men.

Mayor Voller stated they understood it was their intention to provide a wholesome environment and to give teenagers a place to go. He said they were encouraging the Chief to make sure that people did not try to remain in the shadows, and that people who appeared not to belong were escorted out. Mr. Andrews stated that was correct. Mayor Voller stated that Commissioner Baldwin had had the most concern because she knew several of the teenagers that were participating and she wanted to make sure there was a wholesome environment being provided that was safe. He stated that as long as the Board members were satisfied that that was happening, then he did not see any issue.

Commissioner Baldwin thanked Mr. Andrews for working with the Town and the Police Department and trying to provide some type of entertainment for the youth while keeping them safe. She also thanked him for attending and speaking to the Board, and for everything the Fairground Association was doing for the community. She said she looked forward to continuing to work with them.

Commissioner Walker thanked the Fairground Association for putting on the fair each year. He stated his wife had entered the baking contest for five or six years, and had brought home four blue ribbons as well as one red ribbon. Commissioner Walker stated the Fair was wholesome entertainment and encouraged all citizens of the County to participate and make this a fantastic year for the Fair.

Manager Terry asked about the age limitation, noting he would like to consult with the Attorney about that. He said he believed they could place an age restriction on those events, since the target audience was teenagers. He suggested a good cutoff age would be 20, since persons that were 21 or older could go elsewhere.

**3. Proposed First Amendment and Extension Agreement to Wastewater Allocation Agreement with Pittsboro Place Partners and Pittsboro Professional Center. (Mr. Gray Styers, Attorney for the applicant.)**

Gray Styers, 1117 Hillsborough Street, Raleigh, an attorney for Pittsboro Place Partners, stated that they had provided a packet of information with a detailed letter explaining the request and the reasons for that request. He then provided some history of how they had gotten to this point.

Mr. Styers stated the letter had explained the need to expand the wastewater line and to assess where the current line was exactly located. He stated they had realized that a part of that line had never been dedicated, and before the Town would accept it, it needed to be inspected and any needed repairs made. Mr. Styers stated during that process they had realized that there were no “as built’s”; there were legal descriptions, but the legal descriptions did not match up to where the manholes were. He stated they had then had “as built’s” done to match the easements up to where the pipe was actually in the ground. Mr. Styers said they had needed to extend the right-of-way and staff had indicated they wanted that to include the rights to a greenway, so the easements needed to be renegotiated with the Fairground Association and the cemetery, and agreeing on how that would be done and how much they would pay for that easement. He said to that end, they had agreed to underwrite some of the upfront costs of the rural fair this fall.

Mr. Styers stated that entire process had taken the better part of two years. He said now they were facing an economic downturn, and they needed a three-year extension on the expiration date. Mr. Styers stated he had begun discussions with Mr. Messick in July about drafting the proposed amendment, and then briefly explained how they had determined that a three-year extension was needed.

Mr. Styers stated they were glad to come back annually and provide updates, but they needed to make sure they had a sufficient amount of time and assurance for those who had invested in the project to know that the wastewater allocation would be there. He stated if the Board was uncomfortable with that they would be glad to discuss it, but wanted the Board to know they were enthusiastic about the project but it was necessary to have the allocation in place for investors, lenders, and tenants so that they would know the project was viable. Mr. Styers indicated that from his discussions with Mr. Messick and Mr. Terry that given the volume being discussed that they did not see this extension as a significant issue for the Town. He indicated they were asking for an extension only to the November 2005 agreement.

Mayor Voller stated that was the agreement that covered the property in front of Horton, including the restaurant. Mr. Styers stated that the new agreement would extend the expiration date which was currently November 2008, and would clarify the trigger as the development. He said the agreement was currently worded in that it needed to be contributed to the Town’s system by a particular date, and that language was not defined in the agreement and was subject to different interpretations. Mr. Styers said he and Mr. Messick had agreed that what should be defined in the agreement was the word “developed,” which meant approval of the site plan and the payment of fees.

Mayor Voller asked how that reconciled with the approval of the Board last year regarding it being contributory to the plant. Attorney Messick stated the agreement being proposed for amendment was an agreement dealing with wastewater.

Commissioner Walker asked Mr. Messick if the key word was “developed.” Attorney Messick stated “developed” was usually the word used. He said at the time of site approval was when the actual amount of volume would be approved by the Town.

Commissioner Brooks said it was his understanding that all that was being requested was an extension on the 15,000 gallons of sewer. Planner Monroe said yes, as well as a clarification of the trigger. Commissioner Brooks asked exactly what did that mean. Planner Monroe said that the language currently in the agreement was subject to different interpretations, and the recommendation from Mr. Styers was that that language be clarified.

Commissioner Brooks said from his reading of the materials, it looked as if they wanted to make significant changes in what might be done on the site. Mr. Styers stated that was not their intention. Commissioner Brooks stated it appeared they may be asking for a change in the sewer allocation. Planner Monroe stated the letter did have some conclusions regarding some additional sewer capacity with which he disagreed.

Mr. Styers reiterated that he was asking for only the two changes, the extension of expiration and the clarification of what was the precise, measurable, identifiable trigger.

Commissioner Brooks stated he did not understand exactly what the “trigger” meant. Mr. Messick stated that the original agreement stated that the actual amount of wastewater not actually contributed to the Town’s system would revert to the Town, and the Town would have no more obligation to give that to Dixie Restaurant or any of the partners. He said because the actual contribution of the wastewater would occur at some later date beyond the expiration of the agreement in the first place, or even the amendment, and would likely require a period of time to actually average the amount of wastewater going to the system, it was easier to prove what was actually being contributed.

Mr. Styers stated that right now, the language was subject to many different interpretations, and what he and Mr. Messick had come up with was at the time of the site plan, what was the DWQ allocation formulas for that use and that square footage called for as appropriate gallons to be used, and have that determine whether or not the allocation reverted. He stated now it was not clear in his mind when or how that was measured, and he and Mr. Messick decided that amending the language would clarify that.

Commissioner Brooks stated that in the past when the Board was faced with language that was open to interpretation it was sometimes frightening. Mr. Styers stated the change would avoid problems, and it would base it on something that was measurable.

Commissioner Brooks said as a matter of courtesy they would normally extend deadlines by a year, but did not feel comfortable with the second part of it.

Commissioner Baldwin asked Mr. Monroe to expand on the second part a little more before the discussion went any farther, noting she had not understood it either. Planner Monroe said that the original agreement stated that any portion of the 15,000 gallons that was not contributory to the Town of Pittsboro's system would revert to the Town at no expense to the Town. So, he said, they needed to have a measurement of how much wastewater was being contributed before they knew how much of that balance would revert.

Manager Terry said he believed the problem was that there was not a really good definition of "contributory," in that it did not say it meant the day you hooked up the meter, the day you first used your first ten gallons of water, or the day you reached your average capacity. He said that term was left somewhat fuzzy; that is, when did the capacity that was allocated become contributory. He stated the change was to have specific language to hang a date specific on.

Mayor Voller said then at this time the capacity had been allocated but it was not going to the plant where you would reconcile paper flow versus actual flow. Planner Monroe stated it could be tied to a date, such as the date of the approval of the site plan and the payment of the fees. He said they could pick that date as to whether that had been satisfied or not, and it was not the interpretation of the language.

Commissioner Harrington stated they could wait until the end of the three-year period, get the permit and pay the fee, and still use that 15,000 gallons and develop over the next few months. Mr. Styers said that was correct, in that it brought some certainty. Commissioner Harrington stated normally extensions would be granted for one year, but they were asking for three years.

Commissioner Baldwin asked how long the Board would normally extend a deadline such as this. Planner Monroe responded that the Zoning Ordinance clearly stipulated that the Board had the authority to extend the approval of plans for a one-year period, then the approval for the plan expired.

Mr. Styers stated a plan date was typically for three years, and they were already almost a year into it. He stated the zoning classification had been in place for two years.

Mayor Voller said then Mr. Styers was saying it was a vested right. Mr. Styers said no, but the concept plan was what the zoning classification was for at least another two years, subject to it being extended. So, he said, if it was in place for three years and if your practice was to extend for one year that would be three years from now. So, he said, if you wanted to coincide the zoning with the wastewater allocation, that could be two years subject to a one-year extension, or, you could extend it for three years. He said it was just a way to coincide it with the zoning. Mr. Styers stated they wanted to go to their partners, tenants and investors and say they had their zoning in place for at least two more years and a likelihood of an extension for one more year, and they would like to be able to say they had this particular allocation in place for three years as well.

Commissioner Baldwin asked Planner Monroe to comment. Planner Monroe stated these were actually two separate periods of time. He reiterated that the Zoning Ordinance clearly stipulated

that the Board had the authority to extend that approval for a one-year period. He said there was no description anywhere of the period of timing to be set on the sewer allocation.

Commissioner Bryan said wouldn't it be clear if they coincided at whatever date; that is, that the terms ended at the same time. Planner Monroe stated that was assuming the Board granted the one-year extension. He stated they would still have different expiration dates even if the agreement was extended for three years, because next month was the one year anniversary of the approval of the plan, but the contract for the sewer went through to November.

Commissioner Bryan stated that the downturn in the economy did happen, and that was no one's fault. He said there were problems that needed to be worked out and Mr. Styers had explained that.

Commissioner Brooks stated this project was a very divisive and controversial thing when it was approved, and he had supported it because he wanted to see some basic shopping and additional recreation provided. He stated he had also supported the allocation of 15,000, but there was something about this change that he was not comfortable with. Commissioner Brooks stated he had no problem with extending the sewer deadline, but was not convinced that the change in language would protect the Town.

Commissioner Walker stated they were not going to need that sewer to build the whole project, which was why he had voted Nay on the project. He said he had no problem renewing the agreement for two years, but he was reluctant to do it for three.

Mayor Voller stated he believed every Board member had expressed their feelings on this issue. He said he did not believe anyone was against creating a high-quality tax base, and as Manager Terry stated they were not talking about a lot of sewer. He said he believed more of an issue was the timing. Mayor Voller said to make it clear, the way the MUPD was laid out there was a mixed use development that was approved, and another part that was not that was still out there. Then, he said, there were sections that included a State Employee's Credit Union that was a part of one of the parcels. Mayor Voller asked if those had come in as minor subdivisions, how much total sewer would they be talking about. Planner Monroe stated that the State Employee's Credit Union was not a part of the MUPD. He said the 15,000 gallon allocation would be distributed within the development based on plans submitted for the Town's review, so at this point in time he could not answer that question because they did not know what would be built first.

Mayor Voller said it did not matter how much, it was that he wanted the Board to be able to make its decision based on a rational nexus. He said he would leave it to the will of the Board based on the input and the discussion.

Mr. Styers stated that regarding the motion that he and Mr. Messick had worked up, if the motion were to approve it with an expiration date of November 30, 2010, they could work with that if the Board felt comfortable with it.

Commissioner Walker said then that would coincide with the actual expiration of the MUPD.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the extension of the agreement for 15,000 gallons of sewer allocation, with the expiration date to coincide with the expiration date of the MUPD two years hence, including the clarification of the meaning of “contributory.”

Commissioner Baldwin asked what that meant, noting that the motion needed to precisely state that.

Attorney Messick it is was in the language now, that when they got their final plat approval that the amount of wastewater that would be allocated would be whatever the DWQ standard was for that particular use. He said if that was not 15,000 gallons, then the difference would revert back to the Town.

Commissioner Brooks asked was there anything in the agreement that could change or affect what the Board had decided could be done on that site. Attorney Messick responded no, that this had nothing to do with the use of the property.

Mayor Voller asked was there anything in the discussion that would materially affect the motion. He stated there were some questions about defining contributory which Mr. Messick had answered. Attorney Messick stated it was based on the final plat.

Commissioner Harrington said to clarify, the only thing the Board had approved was the east side of Industrial Drive. Attorney Messick stated that was correct, but the entire property had the sewer capacity. Commissioner Harrington said then they could come back and decide they did not want to build to the east side of Industrial Drive but wanted to build in the part that was still zoned Industrial, and perhaps request some zoning change. But, he said that would be totally up to the Board. Attorney Messick said yes, noting that the sewer capacity related to the Pittsboro Place property. He said the fact that the developer chose to use it on the east side or the west side would still have to be approved at the site plan stage by this Board.

Mayor Voller stated that right now the motion was to extend the deadline for two years to make it coincide with the MUPD, which had a three-year approval.

Commissioner Brooks stated it would not change what they had already approved. Mayor Voller said they were not changing the MUPD at all, that the motion would only extend the agreement for two years.

Mayor Voller called for the vote.

Vote Aye-5 Nay-0

Bill Jackson said he would like for the Board to know that when they had sold the site to the State Employee’s Credit Union, they had retained architectural control over that building. He said that building may well be the nicest State Employee’s Credit Union in the State. Mr. Jackson said in addition, they had retained the right to do the landscaping according to their plan, and had the right to supplement the landscaping any way they chose assuming the Town approved it.

Planner Monroe stated that the State Employee's Credit Union had asked the Town to work with them because they wanted to open for business before the landscaping was installed. He stated they had posted a bond to guarantee that landscaping installation.

#### **4. Recommendations to fill vacancies on the Parks & Recreation Advisory Board.**

Paul Horne stated that the Parks and Recreation Board had two vacancies one for in Town and one for the ETJ, as well as a Commissioner vacancy. He stated they were recommending that the Board appoint Elizabeth Reid to the ETJ seat and Kim Royal to the Town seat. He stated that Commissioner Harrington had attended some meetings in an unofficial capacity, and the Parks and Recreation Board was now asking that a Board member be officially appointed as an ex officio member.

Commissioner Harrington stated he was willing to take the appointment as an ex officio member. Commissioner Walker stated he would serve as an alternate.

Commissioner Brooks excused himself from the vote because he had missed reviewing one of the applications.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the recommendations as stated and to include Commissioner Baldwin as a second alternate.

Vote Aye-4 Nay-0

Commissioner Harrington said that the Parks and Recreation Board had a lot of good applicants from in-Town, and they wanted to get a sense from this Board as to the idea of extending membership on the Parks and Recreation Board. He stated one reason was that they had so many good applicants that they would like to have wanted on the Board but there was no room, as well as the fact that they had had problems in the past with achieving a quorum. Commissioner Harrington said at the present time the membership was four in-Town and three from the ETJ, and the suggestion was to expand both by one member.

Mayor Voller stated the idea was to get enough people on the Parks and Recreation Board who were willing to attend and to get the best input possible.

Commissioner Walker said he was willing to leave that up to Mr. Horne. Mr. Horne said his preference would be to increase the membership, since that was the intent of the Parks and Recreation Board.

Commissioner Brooks stated it was so difficult to get people to volunteer, and since they had good volunteers he believed they should expand the membership and make a place for them. He said he did not believe those applicants should have to reapply but should be appointed.

Commissioner Harrington stated it may be that they would not get another ETJ applicant since they had only had the one this time around. He said it would have been a nice remedy that if

they had good applicants from in-Town but no applicants from the ETJ, that an in-Town resident be able to occupy that ETJ seat.

Manager Terry said perhaps the Board could consider making the membership a fixed number, such as nine, with ETJ membership not to exceed four. He said then if they had no ETJ applicants others could be appointed, and then as seats became available additional advertising could be done to recruit an ETJ resident.

Motion made by Commissioner Harrington to expand the Board to nine positions with ETJ membership not to exceed four.

Commissioner Harrington asked what would be the quorum of a nine member board. Mr. Horne stated five, and believed the Parks and Recreation Board might want to discuss this proposal before the Town Board adopted it.

Commissioner Harrington withdrew his motion.

Commissioner Walker suggested having the membership at five in-Town, three out-of-Town, and one at-large that could be filled either by an in-Town or out-of-Town resident. Manager Terry agreed that would work as well.

Mr. Horne stated he would like the opportunity to relay this discussion to the Parks and Recreation Board, and he would bring back recommendations from that Board to the Town Board.

### **Mayor Updates**

Mayor Voller stated they had heard an update from the Fairground Association earlier this evening.

### **Commissioner Concerns**

Mayor Voller determined that there were no concerns to be offered by the Commissioners at this time.

### **Break**

Motion made by Commissioner Walker seconded by Commissioner to take a three minute recess.

Vote Aye-5 Nay-0

### **CLOSED SESSION**

Motion made by Commissioner Walker seconded by Commissioner Bryan to go into Closed Session pursuant to G.S. 143-218.11(a)(5) to discuss buying land, leasing property, or employment contracts.

Vote Aye-5 Nay-0

**ADJOURN**

Motion made by Commissioner Bryan seconded by Commissioner Harrington to adjourn the meeting at 9:02 p.m.

Vote Aye-5 Nay-0

---

Randolph Voller, Mayor

ATTEST:

---

Alice F. Lloyd, CMC, Town Clerk