

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, DECEMBER 13, 2010
7:00 PM

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

ATTENDANCE

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

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

AGENDA

Motion made by Commissioner Harrington seconded by Commissioner Fiocco 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 November 22, 2010 regular meeting.
2. Acceptance of a Grant from the Partnership for a Drug-Free NC.

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

Vote Aye-5 Nay-0

A RESOLUTION ACCEPTING THE OFFER OF A GRANT IN THE AMOUNT OF \$2,000 FROM THE PARTNERSHIP FOR A DRUG-FREE NC FOR USE IN PURCHASING CAPITAL EQUIPMENT TO SUPPORT THE TOWN'S EFFORTS TO REDUCE INCIDENTS OF DRIVING WHILE INTOXICATED IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 176

REGULAR MEETING AGENDA

Citizens Matters

Terry Dorsey provided the Board with an update on the adoption center idea he had brought forward a couple of months ago. He stated he had left with the Board a copy of adoption center designs, and on page 20 there was a design for a shelter of about 10,000 square feet which would be adequate for their needs. Mr. Dorsey said they were looking for a donation of land for the adoption center, noting a 10,000 square foot facility would provide long-term housing for adoptable cats and dogs, approximately 50 of each.

Mr. Dorsey said their estimate was somewhere between \$200 and \$250 per square foot according to their architect, noting that the Guardian of Angels would have to undertake a major fundraising to achieve their goal. He said the architect had also indicated that to build the facility and provide a dog park they would need to have between four and six acres, ideally five acres of land. Mr. Dorsey said the information he had provided nicely and accurately summarized what an adoption center would be and what it would provide which included public education. He asked the Town for its consideration.

Patrick Crutchfield stated that he was working on his Eagle Scout project which was to replace the welcome signs at the entrances to the Town, which were on US 15-501 North and South, and NC 64 East and West. Mr. Terry asked Mr. Crutchfield to contact him directly for any help he might need. Mr. Crutchfield said it was his intent to get the signs rebuilt and to improve their appearance.

Mayor Voller said the Town Board was in support of his project and thanked him for taking that on as his Eagle Scout project. The Board offered their thanks as well.

PUBLIC HEARING

Upon a motion by Commissioner Brooks seconded by Commissioner Fiocco the Board moved to go into Public Hearing.

Vote Aye-5 Nay-0

1. **Zoning Ordinance Amendment - Planning Board Term Limits.**

Planning Director Stuart Bass said the amendment would eliminate two clauses, the first of which stated that “No member of the Planning Board shall serve more than three consecutive year terms” and it would also remove the limits on the Chairs length of terms, striking the clause “...but shall not serve more than four consecutive terms.” Mr. Bass stated that tonight’s public hearing was properly advertised.

PUBLIC COMMENTS:

None

Upon a motion by Commissioner Brooks seconded by Commissioner Baldwin the Board moved to close the Public Hearing.

Vote Aye-5 Nay-0

OLD BUSINESS

1. Update on the Town of Pittsboro Comprehensive Transportation Plan (Will Letchworth, PE, Director of Traffic Engineering and Transportation Planning, Wilbur Smith Associates).

Mr. Terry noted that Will Letchworth with Wilbur Smith Associates and Roberto Miguel from NCDOT were present tonight to provide an update on the Town's Comprehensive Transportation Plan (CTP).

Will Letchworth with Wilbur Smith Associates stated that his firm was hired to speed up the production of the plan and facilitate the bringing together of the State's needs and desires as well as that of the Town, the community, and the developers and wrapping that up into a plan that would work. He said to get the plan started they were focusing on the highway element, and although there would be considerations for pedestrians and bicycles those two elements would most likely be handled in the upcoming CTP at the County level.

Mr. Letchworth stated that tonight he would outline the benefits of having a CTP, the process, the preliminary findings and next steps, and noted that at the end of the process as it related to the US 15-501 bypass they would be laying out a corridor for that facility that considered all environmental factors including archeological, wetlands, lot lines, grades, and other factors that went into designing a road.

Mr. Letchworth stated that highway categories were very important, which included freeways, expressways, boulevards, and other major and minor thoroughfares. He said they were defined as follows:

- Freeway – 54,000 vehicles per day: four plus lanes with medians, 55 mph or more, and interchanges only with no signals or driveways.
- Expressways – 46,000 vehicles per day: four plus lanes with median, 46-60 mph, interchanges and at-grade intersections, and no signals.
- Boulevard – 31,000 vehicles per day: two plus lanes with median, 30-55 mph, good access management required, and signals allowed.
- Major/Minor Thoroughfare – 12,000 vehicles per day: two plus lanes, no median, 24-55 mph, access management encouraged, and signals allowed.

Mayor Voller asked what the width would be of the corridors for those classifications. Mr. Letchworth stated they varied, noting that any time you looked at a divided highway for a boulevard you were looking at around 100 to 150 feet, but when you started looking at a freeway you would be in the 250 to 300 foot wide range depending on number of lanes and width of medians.

Commissioner Fiocco asked when they were talking about a corridor they were talking about a right-of-way. Mr. Letchworth said they were talking about right-of-way limits at this point. He said for the facilities here they were not necessarily talking about right-of-way limits, but were really talking about a road from point A to point B of a certain type. Mr. Letchworth said when they began moving through the development review and planning process and feasibility studies that was when they would begin to refine that corridor, the limits of the rights-of-way, and the locations of major intersections.

Mr. Letchworth said this was not a fiscally constrained plan, but was really a wish list that laid out what they wanted with funding put aside. He said the DOT looked to the RPO for projects which were submitted to DOT for funding, and that was when they would begin seeing dollars allocated towards projects. Mr. Letchworth said that shared and comprehensive vision was a big part of the plan in that it ensured they were all on the same page in terms of where roads were going to go and what types of roads those needed to be. He said it also brought in the local priorities and local land use decisions into the planning, noting that a lot of the plan, particularly this plan, was developer driven in terms of planned growth in specific developments. Mr. Letchworth said the land use decisions that the Town made would have big ramifications on the future roadway needs. So, he said, it was bringing that vision-making into the roadway planning process and making sure those facilities were sized for what the Town was looking for in terms of development but also for the character of the Town.

Mr. Letchworth said the Steering Committee had done some very good work on the CTP and had gone through a fairly extensive process of looking at future land use, as far as what Pittsboro would look like in 2035. He said if you looked at the growth projections there was a huge disparity based on the source, and they had tended towards the high end estimates. Mr. Letchworth said that high end actually caused some ramifications in terms of the types of facilities they would need in the future.

Mr. Letchworth said their data collection also looked at streets, traffic counts, environmental data, projected future traffic volumes, and then established roadway concepts, in terms of what kinds of facilities would solve some of the problems. He said there would be a public meeting on January 6, 2011 at the Community College, and at that time they would present all the information that was being presented tonight and would include maps so that the public could comment on what they liked or did not like and offer suggestions. Mr. Letchworth said after that public meeting the Steering Committee would try to narrow down some of the recommendations and would then bring those to the Town Board.

Mr. Letchworth said what they were looking for tonight was feedback on what the Board thought of the alternatives, where they saw problems in the future, and what other options the Board might want them to look at. He said in terms of the vision and goals, big ones included maintaining the viability of the downtown, walkability, and how to expand the downtown as the area grew but continue to provide for connectivity. Mr. Letchworth said at this level the roadways had an effect on access in the vicinity of the downtown, but also had a lot of impact on the traffic volumes that went, north, south, east and west through the downtown. So, he said, they knew they needed to have a route so they could get trucks out of the downtown, and although they wanted some congestion they did not want gridlock and did not want a bypass that

would take everyone out of the downtown. Mr. Letchworth said they wanted a reasonable traffic volume but they did not necessarily want roadways to be expanded in the downtown; if anything, they may want roadways to shrink somewhat in order to provide access management and encourage walkability.

Mr. Letchworth said one thing that was a given in this plan was the Strategic Highway Corridor Plan developed by NCDOT that focused on high speed facilities throughout the State to maintain State-wide mobility for economic development and prosperity. He said there was one Strategic Highway Corridor that affected this plan, and that was US 15-501. Mr. Letchworth said that US 15-501 was shown in the Strategic Highway Corridor Plan as a bypass around Pittsboro and as an expressway. So, he said, there had to be an expressway or a freeway connecting through Town or around Town. Mr. Letchworth said they would need to keep that in mind as they began to look at options.

Mr. Letchworth stated that their first preliminary finding was that the majority of future growth and therefore future traffic would occur on the east side of study area.

Commissioner Brooks asked how they had arrived at that conclusion when looking at the north. Mr. Letchworth said they had looked at the sewer plan map that highlighted all currently planned developments within the ETJ. Commissioner Brooks said he had thought that included commercial. Mr. Letchworth said they were looking at new generators of housing including the size of housing, and employment generators including commercial, retail, and industrial. He said they did break that down, noting that they were looking at a model that indicated what types of volumes they should be expecting.

Commissioner Brooks said that when the US 64 Bypass was completed DOT had told the Town it would remove a lot of truck traffic, but they would likely have the same volume of automobile traffic. He asked what the Strategic Highway Corridor Plan would do to the automobile volume. Mr. Letchworth said that could be answered and he would be highlighting the various scenarios that indicated the vehicular impact if a facility was put in a particular place. He said they had studied what would happen if, for instance, a freeway was placed on a certain side of Town, and if you were just talking about a freeway with no other kind of connectivity then the freeway would not solve all the problems.

Mr. Letchworth said the east side of Town carried more because of its direct route, but you still had problems on the east side because of the amount of development that was occurring and planned. He said they had looked at the different levels of facilities with the goal of maintaining more access while having the lowest level of facility possible that would handle traffic. Mr. Letchworth said they had determined that you could not have just an expressway bypass on either side of Town because it just did not carry enough traffic to solve the problem, so they had to have some combination of facilities.

As it related to the east side, Mr. Letchworth described a scenario which included placing two facilities, one close to the downtown and one farther out from the downtown, and noted that did not solve the problem because it did not provide enough access. So, he said, there was a balance of capacity and access that had to happen in that area. Mr. Letchworth said that had led them to

look at a system, noted as Alternative I in the materials, of two east side bypasses. He said one was a snaking expressway that met DOT criteria, and then other connections that were boulevards with a high level of access. Mr. Letchworth said that scenario still kept traffic downtown, particularly in the east/west, in some cases over capacity, but that was a fairly decent balance.

Mr. Letchworth said they have then thought what could be done so they did not necessarily need an expressway but have all boulevards with the greatest amount of access, and that had led to thinking of putting an expressway closer in which did take off enough traffic except in a few spots. He said that would provide at least on the east side a high level of access.

Mr. Letchworth said they wanted the Board's feedback on the various scenarios tested to get a feel for what they liked or did not like, and what they saw the future roadways looking like. He said then perhaps they could come away with ideas for more scenario modeling that would respond to that feedback.

Mayor Voller said then the middle of all that would be if they did not do anything based on the projections, and the projections were predicated on all of that growth. He said if none of that happened, then they would not see a need for any of the alternatives. Mr. Letchworth said if it didn't happen you would not see it. He said but, some of the roadways were so far over capacity that some level of improvement would have to happen.

Commissioner Harrington asked what path he expected the majority of the traffic to take, either to the west up US 64 or some other path. He said he asked because he had two different alternatives, one that was a better thru-cut from US 15-501 and the other better for people coming from the Burlington area. Commissioner Harrington said based on regional projections, which one would be the most desirable. Mr. Letchworth said the closer in bypass was more direct and provided better access to the development that would occur probably and initially closer to the downtown area.

Commissioner Harrington said he liked that closer in bypass much better, but if you looked just at traffic and any regional growth, what would be better. Roberto Miguel said the break of the traffic going back and forth was slightly higher in some areas, and just from that intersection at US 64 it added about 6,000 more vehicles a day with a large portion of those coming from US 15-501. He said traffic coming from the north was slightly more but in the same range as that coming from the west.

Commissioner Harrington asked had they ever taken into account that NC 87 might one day be a four-lane road and therefore a main thoroughfare from the Sanford area and up towards Burlington. Mr. Miguel replied not really, because that was projecting beyond the immediate area and was a separate study.

Commissioner Brooks remarked that in the late 80's when this was first discussed by DOT with the Town the primary goal was to move traffic from the south to the north; that is, keep people on US 15-501 from coming through Pittsboro. He said he assumed from what he said that that would be a given for anywhere in the State. Mr. Letchworth said it was a given that there would

be a facility that was at the least an expressway around Town, but it was not a given that the purpose, particularly of this plan, was to allow people to completely bypass Pittsboro.

Commissioner Brooks said in looking at that expansion one of the things he had difficulty with was that the maps they had, and realizing that the maps were concepts and lacked specificity, particularly Alternatives E, G, and J, looked like they would come just past the northern edge of the ETJ in the south at Charlie Brooks Road that connected US 15-501 to the Moncure Road. He said it then crossed the Moncure Road and came in somewhere east of the downtown, and what he was seeing was boulevards. Commissioner Brooks asked why boulevards. Mr. Letchworth said that got back to the idea that the plan was so developer driven, and those boulevards and plans would expect to be included as part of a planned development or a site plan later in the future. He said when a development was planned for an area where they wanted a boulevard connecting two locations, that developer would be expected to plan for a boulevard through the development.

Commissioner Brooks said he was shocked and saddened to read in a North Carolina magazine last week that the State was now the fastest growing state population-wise in the nation and was tenth in population. He said that Wake County had a population greater than the entire state of Montana, and that might bring joy to many but not to him. Mr. Letchworth said that was why it was important that they understand from the point of land use decisions and planning what the impacts on the transportation system were, and perhaps there was a scenario that included lower levels of growth but that was a part of this process. Commissioner Brooks said there was no question they had to plan.

Mayor Voller said that final authority would rest with the Town Board, whatever was done. He said one question was who would pay, and if the RPO was approving the plans for the STIP then obviously the answer was the State. Mayor Voller asked was Mr. Letchworth saying there was a possibility that it would be incorporated into the Land Use Plan and private property owners would be paying for it. Mr. Letchworth replied yes. Mayor Voller asked which was more likely. Mr. Letchworth said it obviously depended on what was chosen and what the Board approved. He said he would think that for any new facility that was planned as part of a development that it would be more attractive to have a parkway because you would have better access. Mr. Letchworth said he believed that widenings and improvements to existing facilities would likely go through the TIP process, and if there was a facility such as an expressway on the west side that perhaps at some point would be connected to new development then that would go through the TIP process as well.

Mayor Voller said so if the Town were to eventually go through the process to approve one of the alternatives, such as Alternative K, then he was anticipating that the RPO would recommend the expressway to go through the STIP program and the boulevards would then be reserved for the future so that the property owners would build them. Mr. Letchworth said when the State came to the RPO to identify projects to be rolled into the STIP, that would be a conversation that would be based on the current need and at that time the RPO and the Town would need to discuss pushing that forward through the STIP process.

Commissioner Brooks said they wanted the Town to be viable, but they did not want to become Cary. Mr. Letchworth said that was understandable.

Mayor Voller said some of the alternatives were very wide ideas, but there were some property owners that were further along in what they were doing than others. He asked how they were to make plans if they saw all of those alternatives still on the table. Mayor Voller asked what he suggested the Town say to those property owners. Mr. Letchworth responded wait about another two months until the plan was closer to being approved because they would have a lot more clarity on what set of roadway recommendations they would go with at that time. He said they were rapidly moving in the direction of saying what types of facilities they wanted and the locations they wanted them to be in.

Commissioner Fiocco said he was very concerned that they preserve and enhance connectivity for the Town, and he did not want to see another US 64 bypass go around Town and basically drain it of some of the businesses that had been getting a lot more traffic. He said he did not want to make that same error in the south corridor, noting he liked boulevards much better than expressways because of the access issues. Commissioner Fiocco asked Mr. Letchworth to describe what kinds of intersections you could have with expressways. Mr. Letchworth said they were at-grade and unsignalized intersections, so the typical intersection would be a right in/right out and some locations with median crossovers. Mr. Letchworth said the easiest section to point to would be US 64 East where there were locations where you could turn right out at a street but could not go across and turn left, so it would require a right turn and then a U-turn for someone wanting to travel to the left. He said they were typically higher speed at 55 or 60 mph with no pedestrian crossings unless there was a dedicated greenway or pedestrian overpass. Mr. Letchworth said that was in stark contrast with what you would typically see with a parkway where you would have signalized intersections and individual driveways.

Commissioner Fiocco said by that definition US 15-501 from Chapel Hill to Pittsboro would be a boulevard. Mr. Letchworth said that was correct, because it had individualized driveways and was signalized.

Commissioner Fiocco said in considering the feasibility issues mentioned when looking at the next level, such as with Alternative K, did they also look at drainage areas; for instance, gravity flow to the Town's existing sewer treatment plant as some kind of consideration in that further corridor study. Mr. Letchworth responded yes, that with a feasibility study or corridor-type study they would begin to further refine the development growth and traffic projections for each zone to a higher level than what they were looking at now. He said that would provide more clarity on the true in and out traffic volumes of developments, and that would be where they really started to look at environmental features and amount of developable land to a higher degree of detail.

Mayor Voller asked about the issue of the Town's proximity to the Haw River and Jordan Lake and being in that critical protected watershed area. Mr. Letchworth said that came in when they looked to see if the development projections were realistic in terms of density. He said they had relied heavily on the RPO and the developers to give them those future densities. Mr.

Letchworth said those were admittedly in varying degrees of specificity, so they were relying on a wide range of data but it was also the best they had to work with.

Mayor Voller said obviously if someone owned land there they were going to tell them that they planned to build as much as possible so please put in a road. He said if they put in the road they would get the growth, but if they did not put in the road they would not get the growth. So, he said, who did you weigh higher on the basis of who is more likely to do this? Mr. Letchworth said more complex than that to some degree was that if you wanted more access you got a higher level of facility but you might have less density, so where would that line have to be. He said some level of road was coming, and this was the most realistic vision they were able to develop with the information available. But, he said, that decision would be made by this Board, and as the make-up of the Board changed, the economy changed, and development patterns changed, the plan could change as well.

Mr. Letchworth said there was a distinct difference between the scenario that had boulevards on the east side and an expressway on the west, and the scenario where you had an expressway on the east and boulevards on the east, particularly in terms of downtown traffic. He said one pulled much more traffic out of the downtown than the other, and he believed there was a certain level of congestion that was wanted in the downtown.

Commissioner Fiocco asked what the comparison was of downtown traffic on several roads in Alternative K and the existing. Mr. Letchworth said right now they were talking around 9,300 vehicles per day to the west and 11,000 vehicles per day in the east, north, and south of the traffic circle. He said if you looked at no-build at those same locations, you were looking at about 34,000 on the east, between 22,000 and 34,000 on the south, about 15,000 on the west, and about 24,000 on the north. Commissioner Fiocco asked about Alternative K. Mr. Letchworth said that Alternative K was even less than what existed today. He said on the east side it was about 12,000, on the north about 4,000 to 5,000, on the south about 6,000, and on the west about 9,000 to 10,000. Mr. Letchworth said Alternative K would maintain if not decrease to some degree the traffic each day. He said for Alternative I, it was about 8,000 to the north, about 17,000 to the east, about 7,000 to the south, and about 12,000 to the west. Mr. Letchworth said some of those facilities might be a little over capacity but believed it did a little better job of keeping some traffic in Town.

Mayor Voller said there had been some ideas floated by merchants in the downtown that if they were to do some of the things suggested could the downtown be made completely walkable with no automobiles. Mr. Letchworth responded certainly. Mayor Voller asked what plan would allow that to happen. Mr. Letchworth said they should be able to come up with a scenario where they could route around the core of the downtown. Mayor Voller said then they could accomplish what DOT wanted and at the same time make the downtown more pedestrian friendly and inviting so that they preserved the downtown. Mr. Letchworth said that was possible.

Commissioner Harrington asked the Mayor to remember Fayetteville Street in Raleigh, which had not turned out as well as expected.

Mayor Voller said it would all depend on how such a plan was executed. Mr. Letchworth said absolutely. Mayor Voller asked would the Town be able to take control of the road if that were done, noting that at present the Town did not have control of that road. Mr. Letchworth said that DOT could answer that question better than he could. He said particularly when a bypass was installed and that road was not signed as 15-501, it would make it a lot easier to turn the road over to the Town.

Commissioner Harrington asked what he needed from the Board tonight, if anything. Mr. Letchworth said his first question would be if there was anything huge that was missing from the alternatives. Commissioner Harrington said if he had to pick tonight he would favor Alternative K, but also would like to include some of the features of Alternative A in that the road would empty where the new park would be. Mr. Letchworth said he believed they could make that work with some rerouting in the area.

Commissioner Fiocco asked did he know where at the Community College the public meeting was being held. Mr. Bass responded in the Multi-purpose Room from 4 to 7 p.m.

Mayor Voller asked were they planning more than one of those meetings. Mr. Letchworth replied yes, that they would do several if necessary. Mayor Voller said he believed there should be at least two in order for as many people as possible to attend.

Commissioner Fiocco asked about the right-of-way widths for an expressway and a boulevard. Scott Walston with NCDOT responded a freeway was about 250 feet, an expressway was about 150 feet, a boulevard depended on whether it was a four-lane or a six-lane but it would be 100 plus feet.

Commissioner Fiocco said he was wondering about the feasibility of converting a boulevard to an expressway, since they were basing that future need on a wide range of projections. Scott Walston said you needed a wider median to accommodate intersections, and many times when you were taking out traffic lights you made businesses and others in the area upset. He said that was the problem with trying to retrofit, and was why they wanted to get it right the first time.

Mr. Letchworth said if you were going to build with the idea of converting later the consolidation of those driveways would have to be on a really good street network that connected at logical points so that access was not blocked for someone.

Commissioner Brooks said the last time they had gone through this process, they had something like eight maps that had been put out to the public and people were concerned that one of the alternatives might take their homes or property. He said there were so many alternatives it had created confusion for the public, but he did not know what to do about that because they had to consider all the options. Commissioner Brooks said he hoped there was some way it could be presented to the public so that the process was understandable, which had not happened the last time. He said anything they could do to facilitate understanding and education of the public would be much appreciated. Mr. Letchworth said that was one of their goals, noting they could also narrow down the number of alternatives.

Scott Walston said he believed it was important to stress that they were talking 25 to 30 years out. He said what had happened the first time they had considered this was that DOT had planned to build a road and lack of community consensus got it dropped. Mr. Walston said what they needed now was to get some community consensus around some sort of alternative so when that day came they could get something built.

Planning Board Director Kenneth Hoyle said he remembered the confusion several years ago, noting there had been great fear that NCDOT would take people's property. He said the more information that could be provided the better educated the public would be.

Mayor Voller said that was a good point, in that some of the alternatives would go through people's houses and property, and that would cause the most consternation especially if they had an ongoing business and they did not know what they could or could not do. Mr. Letchworth agreed that was a good point, and he would make a point to go through that at the public meetings. Mayor Voller said it might be possible to include a press release about the public meeting in the water bills which would be fairly inexpensive, but the point was that they let as many people as possible know about the public meeting.

Philip Culpepper, representing the owners of Chatham Park Investors, said there was a lot of merit to the alternatives they had seen tonight, but wanted to clarify some of the points. He said if he stayed quiet you would think that they had been very much involved in what was happening here, but they had not been involved other than being contacted very early in the process. Mr. Culpepper said the request had come in just after the Thanksgiving holiday with a short timeframe to provide the information and that had caused some issues getting the information together. He said they had asked to meet with the work group but had not been able to due to the work groups' meetings with other developers. Mr. Culpepper said he had not had the opportunity to show any of their land use plans to anyone involved in this process to date, and he saw many things showing up in the alternatives that were not taking into consideration alot of the environmental issues that they had taken into consideration with their plans. He said some of the alternatives would work but some would not, noting that with Alternative I it did not take into consideration the 64 Bypass split and they were showing another major road coming in there. Mr. Culpepper said the question for the reality check would be who would fund it and build it. He said in another area next to the Christian Village they had proposed an overpass and would have increased the value of the corner lots, but in the scenario proposed those lots would become inaccessible.

Commissioner Brooks asked was that on the east side of Christian Village. Mr. Culpepper said it was the west side, noting they had been looking at an alignment and negotiating with property owner who had decided to hold on to the property. He said these alternatives were a wish list and were not constrained by the available dollars to build it, and he did not think they could move forward with any plan when the State was looking at budget shortfalls and cutbacks. Mr. Culpepper said he believed they needed to be looking at the reality of who would actually build some of those roads and what could they actually get. He said they were looking at what could be done by 2035, and perhaps they should be looking at something like a five-year, ten-year, or fifteen-year plan, something that would give them a goal to work towards so they could re-evaluate and avoid what Commissioner Fiocco had said about not having another 64 bypass.

Mr. Culpepper said he personally believed they were getting ahead of the Land Use Plan that he had submitted to the Town. He said that Land Use Plan tried to get away from the pattern of core development with more cars and more asphalt and move towards a mixed use, pedestrian friendly pattern. Mr. Culpepper said they needed to look more at the quality of development rather than the pace of development, noting that even slow development if done poorly would be bad development. He said he believed the Town needed to take into consideration the new reality of who would build such roads. Mr. Culpepper said the best chance of getting roads built on the east side of Town would be the developers, but there was no developer that would be building that interchange, and without that interchange you had no bypass. He said so, they needed to focus on what they could get now and consider the alternatives presented tonight for the future.

Commissioner Fiocco said he had described a scenario where information was requested of him and he had a very short window of time to deliver that information. He asked if they had had some time to reflect on that, would the density numbers that had been provided that day be any different than what could be provided today. Mr. Culpepper replied no, noting he believed they had provided optimistic densities in that they had not wanted to low ball the numbers. He said but, those numbers were based on a certain development pattern that said that there were areas where the density was higher that caused them to have areas where the density would be lower rather than spread across. Mr. Culpepper said they had chosen a concentration of densities closer to Town and not higher concentrations elsewhere. He said he believed their numbers were fine but they had not been able to show how those numbers fit into their Land Use Plan and how that would work to avoid some of the environmental issues that would arise. Mr. Culpepper said his point was the snowball appeared to be rolling fairly fast and without some real substance, so they needed to have a reality check before it got rolling too fast to stop and suddenly they thought they had a plan that everyone liked but the assumptions behind that plan were weak.

Mia Giele, representing the Pittsboro Merchants Association, asked did the Mayor have a vision of having a downtown with no cars. Mayor Voller said he had only voiced the idea because he had been asked about it by people who owned businesses in the downtown and who had wondered whether the Town had the right-of-way and could shut traffic down for festivals or the like. He said he had felt that now was the proper time to ask that question, and Commissioner Harrington had aptly pointed out that in some places that had not worked well.

Commissioner Brooks said it was important to remember that Pittsboro was the County seat and it had to be accessible to automobiles for that reason.

Mayor Voller said that was why he had thought that if the Town took control of the road they would have more flexibility. He said at this point the Board would receive the report and asked Mr. Letchworth to schedule at least one additional public meeting so that as many people as possible could attend one or the other.

Commissioner Brooks urged Mr. Letchworth to get in touch with Mr. Wilcox at the Chatham Record and try to get an announcement on the front page prior to the meeting. He also suggested contacting the Sanford Herald. Mr. Letchworth said he would be glad to do that.

2. Special Use Permit - Child Day Care/Home Residence, 631 Old Graham Road.

Mr. Bass stated that the Zoning Ordinance required a Special Use Permit for a Day Care facility, and a public hearing was held on this request on November 22 with testimony received from the applicant only. He said the Planning Board had reviewed the application and recommended approval of the Special Use Permit request.

Upon a motion by Commissioner Baldwin seconded by Commissioner Harrington the Board moved to approve the Special Use Permit for a Child Day Care/Home Resident at 651 Old Graham Road.

Vote Aye-5 Nay-0

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR CARLA PEDROTTY, 631 OLD GRAHAM ROAD IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 177

3. Update on Solid Waste Services Contract.

Mr. Terry said this issue had come before the Board on two other occasions, on October 25 and November 8, and as a result of those discussions he had brought forward additional information. He said specifically the Board had been interested in comparing the data on costs for solid waste disposal in other municipalities, and that data was provided in the chart attached to the agenda materials. Mr. Terry said the data was gathered from reports that were required to be submitted to the State, and noted he had been cautioned by staff at NCDENR that not every municipality calculated their costs in a same manner so there could be discrepancies and that the Town should not base its decision entirely on the data from those reports. He said he had taken that advice and made adjustments accordingly to make the data as accurate as possible.

Mr. Terry said also included in the agenda materials was data provided by Waste Industries, and although he did not confirm all of that data he had contacted Apex who had confirmed that the data on the chart was correct. He said after listening to the discussion at the previous two meetings, one fact they could not escape from was that the Board wanted to know what the true market value of solid waste collection was, and the only way to determine that was to put it out to bid. He said that had driven his recommendation and had nothing to do with the quality with the services provided by Waste Management.

Mr. Terry said his recommendation was to decline the offer by Waste Management to extend the current contract for five years and request that Waste Management agree to extend the current contract at the current rates to June 30, 2011; that the Board direct the Town Manager to complete the "Bid Documents for Residential Solid Waste Collection of Trash and Recyclables" and proceed to advertise for competitive bids as soon as possible to achieve a bid opening date not later than March 25, 2011, and that the Board direct the Manager to include in the bid documents a base bid that duplicated the existing levels of service retaining the 18-gallon recycling bins and, as a cost saving measure, a deductive alternate that would change to 64-gallon recycling roll carts and bi-weekly collection of recyclables.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the Manager's three recommendations regarding the solid waste services contract as outlined by the Manager in his memorandum.

Commissioner Bryan said if they did ask to put this out to bid what term of contract period he would be requesting, if any. Mr. Terry said the draft bid documents called for a five-year term, which was typical for that type of service.

Commissioner Fiocco suggested that they reverse the order on the advertisement for bid, noting that he believed it would be cheaper to go with the 64-gallon roll cart so that should be in the base bid, and the alternate should be for the 18-gallon bin. Mr. Terry said he did not see a downside to that since they would still get the prices for each service.

Commissioner Harrington said to clarify his motion it would be to get bids for both options.

Mayor Voller asked what the qualitative differences were between municipalities on the two charts providing numbers. Mr. Terry said they had tried to compare the numbers as closely as possible using the standard reports submitted by those municipalities to the State. But, he said, he had been most interested in towns of smaller sizes and had not looked at the larger municipalities. Mayor Voller said then the basic difference for Chatham County would be if they sent the solids to a transfer station, but they were doing fairly well as compared to their sister cities. He said he believed that Carrboro and Hillsborough sent their solids to a landfill. Mr. Terry said that was correct, that it was his understanding that Orange County was looking at having another transfer station or landfill. Mayor Voller said he was pointing that out because they were constrained in Chatham County by the transfer station because they did not have a landfill, and that was a cantankerous issue at present. He said when they were comparing the numbers they should be comparing those that went to a transfer station.

Commissioner Bryan stated they had to compare what was best for their citizens regardless of where the solids went.

Mayor Voller agreed, but said you had to deduct out that price. He said there were two different issues here, which was taking the solids to a landfill or to a transfer station. Commissioner Bryan said that was not an option right now and had nothing to do with the bids they were asking for. Mayor Voller said he was only pointing out that their bids would be driven by the fact that they would be using a transfer station rather than a landfill.

Vote Aye-5 Nay-0

Chip "Jean" Dodd with Waste Management said she looked forward to going through the bid process with the Town.

David Duke with Waste Industries said that going through the bid process would benefit the community and knew for a fact that they would see cost savings. He said it was important to

realize the pricing for solid waste going to particular transfer stations would be different and that would be reflected in the numbers they would see.

Commissioner Fiocco thanked Ms. Dodd for responding to his previous questions and for providing that information, as well as for the good service her company had provided to the Town over the years. Commissioner Bryan added his thanks as well. Ms. Dodd said they did appreciate the opportunity to provide service to the Town.

Mayor Voller said that the bottom line was that they wanted to provide the best service possible to their citizens and at the best price possible.

NEW BUSINESS

1. Town of Pittsboro Board of Commissioners Code of Ethics.

Mr. Terry stated that recent State legislation required all elected boards to take two hours of ethics training and to adopt a Code of Ethics. He said the Board had met that training requirement and the Board now had the opportunity to adopt a Code of Ethics that was modeled after the UNC School of Government's model. Mr. Terry said it was his recommendation that the Board adopt the Code in order to be in compliance with State law, and reminded the Board that it would be a living document and could be amended or updated as the Board saw fit.

Motion made by Commissioner Harrington seconded by Commissioner Brooks to approve the Board's Code of Ethics as submitted.

Commissioner Brooks stated he was impressed with the Code of Ethics, noting it was very fine and the Board should strive to do what it said. He remarked how difficult it was to comprehend how such legislation had come from the most corrupt State government they had seen since Reconstruction.

Mayor Voller said he understood the sentiment, noting that for the first time in the State's history a legislator had been removed, but added that their representative for Chatham County was doing a very good job.

Commissioner Brooks noted one troubling issue for him was the \$800 million from fines that had been collected for schools during the last two years of the Hunt administration and through the Easley administration that had seemed to have disappeared and had never gone to the schools.

Vote Aye-5 Nay-0

Mayor Voller confirmed with Mr. Terry that all of the Board members had taken the training and they were all in compliance.

A RESOLUTION ADOPTING A CODE OF ETHICS FOR THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 178-183

2. Zoning Ordinance Amendment - Planning Board Term Limits.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve the Zoning Ordinance amendment regarding Planning Board term limits.

Vote Aye-5 Nay-0

**AN ORDINANCE AMENDING THE PITTSBORO ZONING ORDINANCE IS
RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 40**

3. Reappointment of Mr. Kenneth Hoyle to the Planning Board.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to nominate Kenneth Hoyle for an additional three-year term to fill one ETJ seat on the Planning Board and direct the Town Manager to forward the nomination for appointment to the County Manager for review and approval by the Chatham County Board of Commissioners.

Vote Aye-5 Nay-0

Mayor Voller confirmed that Mr. Bland's application had been approved by the County Commissioners, so he was now an official member.

Commissioner Brooks said he would like to thank both gentlemen as well as the other members of the Planning Board for their willingness to serve. He said it was a thankless job and wanted to express his appreciation to them and the other members for their service.

Mayor Voller said he believed the entire Board would echo those sentiments.

Commissioner Harrington said they had discussed in the past that the alternate to the Planning Board should attend the meetings so they could remain up-to-date on the issues before that board and be ready to vote should that become necessary. He said the alternate had asked the question of whether he was able to participate in discussions and ask questions, and in his opinion he believed the answer was yes. Commissioner Harrington said he believed that was necessary so that if the alternate was called on to vote, he would be well informed. He said he believed that was not covered in the policy but it was entirely reasonable, and asked if that could be done by the Board endorsing the concept. Mr. Hoyle said there was nothing in the ordinance regarding an alternate's participating in discussions or asking questions.

Mr. Messick said it appeared to him that an alternate was an alternate, and if he was called upon to fill a vacancy because someone was absent then he should participate in the process. But, he said, if an alternate was present but not being called on to participate because of a vacancy, then he did not see why they should participate in the process.

Commissioner Harrington said what if a discussion was taking place but the vote was taken at a later meeting when there was a vacancy. Mr. Messick said you did not have any authority as an alternate, and if such a scenario happened then the alternate could ask any questions prior to the

vote being taken. He said the Board could change the policy, but asked how they would control the process. Commissioner Harrington said they could simply say the alternate could participate but could not vote unless there was a vacancy. Mr. Messick said in his opinion they should be allowed to sit and listen to the discussion, but not participate. He said he believed allowing the alternate to participate would cause administrative difficulties for the Chair and the Planning Board who were there to provide advice to the Town Board.

Mayor Voller said taking into account what Mr. Messick had said, he believed that Mr. Hoyle could run the meeting as he saw fit and if the alternate wanted to ask questions or take part in a discussion, then Mr. Hoyle could make that decision. Mr. Hoyle agreed.

4. Resolution Authorizing the Disposition of Surplus Property.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to adopt the resolution authorizing the disposition of surplus property.

Vote Aye-5 Nay-0

A RESOLUTION DECLARING ONE (1) ITEM OF PERSONAL PROPERTY TO BE SURPLUS PROPERTY, AND AUTHORIZING AND DIRECTING THE DISPOSAL OF SAID PROPERTY IN ACCORDANCE WITH STATUTORY REQUIREMENTS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 184

5. Board of Commissioners Strategic Planning Retreat.

Mr. Terry said the first decision was whether or not the Board wanted to have a retreat, noting that if so the recommended date was Saturday, February 5, 2011.

Commissioner Harrington said he was not sure they couldn't do without it. He said he liked the idea of having a working meeting to work through some issues, but wasn't sure they needed to have an entire day to do that.

Commissioner Baldwin said they wanted to discuss the budget in full and look at particular items, so she believed they needed to have some kind of work session whether it was a retreat or just an in-depth session.

Commissioner Harrington said when they went into the budget deliberations they had a wish list, and suggested that perhaps they get together to begin hammering out what they could do or not do. He said that could be open to the public and be done without a facilitator, and could also be done during working sessions on the budget or perhaps after normally scheduled meetings.

Commissioner Brooks said he agreed with Commissioner Harrington but would like to add two other points. He said in studying the Land Use Plan it would be a while before he was ready to enter into an in-depth discussion about that. Commissioner Brooks said as well, the Jordan Lake Rules needed to be discussed by the Board at some point. He said those rules had no correlation with the Town's ordinances, and did not know which of the Town's ordinances met the Jordan

Lake Rules and which did not and needed to be amended. Commissioner Brooks said there may be other ordinances that would need to be enacted in order to be in compliance, so that would take some major work to accomplish. He said because of that he certainly was not ready to vote on those rules. Commissioner Brooks said those were the kinds of things that might have to be discussed along with the budget, but he was not ready to talk about any of those things yet.

Mayor Voller said that was exactly why he believed they needed a long working meeting to deal with those topics.

Commissioner Harrington said just as an exercise, imagine arriving at the retreat one morning, sitting down and asking all the necessary questions while they were refreshed and it was not late at night as it was now. He said he believe that would be a constructive exercise, because when they actually got to an evening meeting they would not need to ask those questions again.

Commissioner Brooks agreed, noting that at the retreat they would have all the necessary staff present to help them sort through the issues. But, he said, they were not ready for that yet.

Commissioner Baldwin agreed they needed a working session.

Mayor Voller said he believed it was the consensus of the Board to do a working session as opposed to a retreat as had been done in the past. He said it would be somewhat similar in that staff would be present but it would be chaired by the Board.

Commissioner Harrington said they would need to have an agenda and to do some of the work prior to the meeting so that they would not have to have such long conversations about particular issues.

Commissioner Fiocco said he believed it would be very valuable to have an agenda published a month ahead of time so that staff and the Board had the opportunity to prepare.

Mr. Terry said he was hearing that the Board was not willing to do a meeting on February 5, 2011 but wanted instead to hold a work session. He asked the Board when they would want to schedule that work session.

Commissioner Harrington said he believed it should be right after they received the first draft of the budget. Mr. Terry said the draft budget schedule he had included in the packet had some optional budget work session dates included, noting there was one identified for May 2, 2011. He said that session could be changed to be held in the daytime or in the evening.

Commissioner Baldwin said she would prefer a daytime meeting, noting if they began at 7 p.m. the meeting could go on until midnight when they would not be fresh. Mr. Terry said there were two options work session, one on May 2, 2011 and the other on May 16, 2011. He asked if those should be backed up to a Saturday morning.

Commissioner Fiocco said the scheduled showed the Manager presenting the draft recommended budget to the Board on April 25, 2011, and believed a couple of weeks after that would be best.

Mr. Terry said then he believed May 2, 2011 was too soon. Commissioner Fiocco said he believed it was. Mr. Terry said then May 16, 2011 made more sense, and asked if that should be rescheduled for May 14, 2011 which was a Saturday.

Commissioner Harrington stated that all they would have to do if they saw that a meeting was necessary was to give the proper notice and advertise the meeting.

The Board agreed by consensus.

6. Resolution of Intent to Permanently Close South Street.

Mr. Terry said this was in response to a request from the County and related to the already approved Judicial Center project. He said a part of that plan showed that the existing South Street would be replaced by a pedestrian connection between existing County offices and the Judicial Center. Mr. Terry said the County was now asking the Board to take action to permanently close South Street.

Commissioner Fiocco remarked that the site plan with the pedestrian mall showed the adjoining property owner as Georgia Beard, and it was his experience that when a right-of-way was abandoned that it was split equally among adjoining property owners. He said he did not see that the plan acknowledged that half of that right-of-way would go to the Beard parcel. Commissioner Fiocco said he wanted to make sure that closing the street was done in a legal manner.

Commissioner Fiocco said he did not see drawn on the map a driveway access to the existing law office, and asked if the abandonment of the street would remove driveway access to that property. He said he saw the County was putting in new curb and gutter along the frontage of East Chatham Street.

Commissioner Brooks asked if there would be access during construction to the new parking lot the County had constructed. Mr. Messick said he would assume so because Chatham Street would remain open.

Commissioner Brooks asked if someone would have to turn west onto Chatham Street and then turn left on South Street to access the parking lot. Mr. Messick replied no, that South Street would no longer be there. Commissioner Brooks said he was trying to understand how people would access the parking lot. Mr. Messick said they would come in from 150-501 onto Chatham Street, or come in from the north side. He said he did not know the orientation of the parking lot, but presumably they would demolish the building and make a parking lot there before making the parking lot downtown. Commissioner Brooks said for sure they were not going to destroy the brand new parking lot they just built. Mr. Messick said he believed that was the plan.

Mr. Terry said as far as access to the law office on the Beard property, they would be permitted to use the new somewhat triangular parking lot which would be very close to the pedestrian mall, noting there would be a sidewalk going right up to the front of that building.

Commissioner Brooks said they already had a parking problem with the Courthouse Annex, particularly during Superior Court, and said that John Justice was in the audience and believed he would support him on that. He said it appeared to him that there should be some way to utilize some of that parking and minimize some of the destruction of parking spaces associated with the new Justice Facility. Commissioner Brooks said the Board had requested on numerous occasions that the County ask its employees to park in the County parking lot to free up some of the parking those employees were currently utilizing in the downtown, but that had not happened.

Mr. Messick said that Commissioner Fiocco's questions were appropriate and believed were better answered by the County in January when the Board would be called upon to make a final examination to make sure that no one was being deprived of access by the South Street closure.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to adopt the resolution of intent to permanently close South Street and to schedule a public hearing for January 10, 2011.

Vote Aye-5 Nay-0

A RESOLUTION OF INTENT TO PERMANENTLY CLOSE SOUTH STREET IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 185

7. Addendum #3 to the Engineering Services Agreement Between the Town of Pittsboro and Stearns and Wheler, LLC for the Wastewater Treatment Plant Improvement Project.

Mr. Terry stated that the Board had been briefed over the last few months regarding the Engineering Services Contract, noting they were now coming to the end of the construction project at the Wastewater Treatment Plant and were working on final details. He said they estimated that the project was now delayed by about 47 days, and they were experiencing cost overruns in the amount of \$27,000, with about \$16,000 of that due to extended requirement for on-site engineering inspections during the resolution of the punch list items and/or delayed work.

Mr. Terry said it was his recommendation that the Board approve the resolution authorizing the Town Manager to execute Addendum #3 to the Engineering Services Contract in the amount of \$27,000, leaving a remaining contingency balance of \$22,440.

Commissioner Harrington said this was because someone oversized the pumps. Mr. Terry said they were having difficulty with the return activated sludge pumps. Commissioner Harrington asked were they new pumps that were installed but were oversized. Mr. Terry said he believed that was correct. Commissioner Harrington said then the engineer should have taken responsibility for the cost for that mistake, noting you paid an engineer to prevent such mistakes. He said if someone had oversized the pumps in the design and that was what you paid a professional engineer to get right but they did not, then they should be held responsible for reimbursement to the Town. Commissioner Harrington said as far as moving the project forward he had no problem with approving the Addendum but believed they needed to have Mr. Messick pursue reimbursement for that expense. Mr. Terry said he had had that discussion with the

engineer and they had talked through the issue with the pump size. He said basically the engineer's position was that the pumps were sized based on the data provided to them by the Town regarding the amount of sludge that needed to be returned.

Commissioner Harrington asked who the engineering firm was. Mr. Terry replied Stearns and Wheler. Commissioner Harrington said then they had designed those pumps based on what data they were given. Mr. Terry said that was correct, noting they were determined to pinpoint a solution and were running a pilot test now. He said he believed that by changing the feed point on their coagulants that they could change the amount of sludge that was needed to be returned, so they may be able to find a solution that made those pumps work.

Commissioner Harrington said then basically what Mr. Terry was saying was that it was the Town's fault for providing the engineer the wrong data. Mr. Terry said the engineer was saying that they had sized the pumps based on the data the Town provided. Commissioner Harrington said he knew someone who was in the business of sizing pumps but did not design them, and what they were really paying a professional engineer to do was to get that right and provide their seal. He said the Town did not get that, but the engineer was saying it was not their fault.

Mayor Voller said as professionals shouldn't the engineer have verified the data, noting that was why they had hired a consulting engineer. He asked why they were relying on data from a plant superintendent who was not an engineer but had produced plans based on that information.

Commissioner Harrington said so now they were being asked to give them \$27,000 for oversizing the pumps. Mr. Terry said that was not the only expense, noting the general contractor had some overruns that were included in that \$27,000.

Mayor Voller said he believed the Board was frustrated in that they had had a lot of projects where they had change orders coming back from engineers, and it was becoming an ongoing mantra.

Commissioner Harrington said that was not his concern in this case because he believed the project had gone well, but in this instance he believed the engineer made a mistake. He said this was not the end of it because they had not yet found a solution, and they may end up having to downsize the pumps. Mr. Terry said he had suggested that they just install smaller pumps, and that was when it had been explained to him how the pumps were connected and it would require retrofitting more than just the pumps.

Commissioner Harrington said then what he was saying was they had oversized lines and oversized pumps for that plant. Mr. Terry said what Mr. Heard and Mr. Poteat was telling him was that even with the pumps turned down to the slowest speed they still returned too much sludge. He reiterated that they were running a pilot test now to see if that issue could be overcome.

Commissioner Fiocco asked was that relying on the pumps running at a minimum speed that they were designed to run at. Mr. Terry said they were variable speed pumps and they would need to change some programming to regulate the speed at which they ran at certain times of the

day. He said they were trying to find a reasonable solution that did not require a major overhaul and require that someone stand and oversee it at all times. Mr. Terry said there were a lot of sophisticated controls that made the system able to operate on auto-pilot, and if that did not happen then it would be unacceptable.

Commissioner Fiocco asked had they had any communication with the pump manufacturer. Mr. Terry said he had not personally, but he had asked that contact be made to see if they could use the same pump body but get a different set of controls that would move less sludge, but that had gone back to the issue of pipe size.

Commissioner Fiocco said it seemed that they should also be talking with them about how they were proposing to use the equipment that they designed, in that if the pumps were running too slow or too fast then they were not running at optimum and not functioning as designed, and would probably not have the longevity that the Town had thought it purchased.

Commissioner Harrington said just as had been said, if they ran them as slow as the pump would run it was still too much, so it sounded like they had a real problem. He said what made him nervous was that they were trying to cobble something together to make it work.

Commissioner Bryan asked Mr. Messick for his opinion. Mr. Messick said obviously if you had a design that was not adequate to do the job that it was designed to do, then it needed to be fixed.

Commissioner Harrington asked what the Town's legal position was. Mr. Messick said their legal position was fine; that the problem was that if they were asked to design something to meet the Town's needs and the Town's information was faulty, and the designer delivered what was asked for then they might not have done anything wrong.

Commissioner Fiocco said that was their opinion. Mr. Terry said that was the stand the engineer had taken.

Commissioner Harrington asked when they had to decide that, and asked was it when they wrote the pay check. Mr. Terry said the Board would not be meeting again for 30 days due to the holidays, and the project would soon be completed and closed out.

Mayor Voller said Mr. Terry had said that the engineer claimed that the Town's plant operator who use to operate the equipment had provided "x" data, but the Town had different plant operators and wondered how the engineer could have relied on that. He said that made no sense to him, in that some hard information had to be used.

Commissioner Harrington suggested asking Mr. Messick to send a letter to them and ask them to provide the Town with the data they had used to base their pump calculations on. Mr. Messick said they should be able to do that. Commissioner Harrington said they absolutely should be able to do that, noting he worked with real data every day and he constantly questioned where the data had come from. He said when you had to make a decision based on information someone handed you, then you were responsible for questioning that information as to where it came from and what it represented. Commissioner Harrington said he believed that should be a

part of this process as well. He said he did not want the Town to sign off on something that was not designed correctly.

Mr. Terry said he believed they had an “ace in the hole” in that the State had an engineering inspector who had to sign off on the project, and he had been trying to work with Stearns and Wheler to come to some solution. He said he would be getting the State engineer’s opinion as to what was acceptable and whether or not the project engineer had some share in the problem.

Commissioner Harrington said he would ask the State engineer to come and look at the system and let him say whether he thought the system was designed properly. He said the State had a vested interest in making sure that plant was running properly. Mr. Terry said before that he would like to give Stearns and Wheler another opportunity to consider various technical options.

Commissioner Fiocco asked when the pilot test would be completed. Mr. Terry said he believed in a couple of weeks.

Commissioner Fiocco stated that one of the things the new plant was supposed to do was produce less phosphorus and meet the new Jordan Lake Rules. He said if they were producing more phosphorous they could be in violation of those Rules. Mr. Terry said he did not believe they would have an issue with phosphorous.

Commissioner Harrington stated he was not prepared to approve the Addendum and payment.

Mayor Voller said regardless of what the Board decided to do he wanted to go on record as saying he would like to keep it as simple as possible whatever the solution. He said the longer the process the more institutional knowledge that may be lost. Mayor Voller said they had already experienced too much of that in the past, and he did not feel comfortable green lighting this. He said he was not ready to do anything that would over throttle or under throttle the system and cause them to have to replace pumps and pipes and end up costing them a lot of money while not having the best solution possible. Mayor Voller said he also agreed the engineer should bear some of the blame, noting the Town should not just allow some solution to finish the project when this was a piece of infrastructure that would have to serve the Town for a very long time.

Mr. Terry said one thing that he had not mentioned was that there was a possibility that this would essentially be cost neutral once they assessed the general contractor for the 47 plus days of delay at \$500 per day. He said no decisions had been made at this point, but that would provide some offset of expenses.

Mayor Voller said it was important to him that at the end of a very expensive project that was an important project for the Town that they did not have a jack-leg solution at the end. He said the project should be at 100% and something generations can count on; not a band-aid solution because someone made a mistake. Mr. Terry said he absolutely agreed, and believed the State engineer that had to sign off on the project would agree as well.

Commissioner Harrington said it would be his recommendation to table this issue and look at it again in January. Mr. Terry said it was his hope that when he next saw the Board in January he would have some additional information. He said he would have to make the final AARA payment to the engineer and the contractor to close that out, but they would delay the remainder of the process to close out the project.

Mayor Voller asked what flexibility the Board needed to provide in order to accomplish their goals. Mr. Terry said he would ask the Board to trust him to administer the project. He said all of the concerns the Board had voiced tonight he had already voiced to the engineer, and he assured the Board that before he allowed them to claim the project finished he would have an agreeable and acceptable solution for him and for the Board and for the State engineer.

Commissioner Harrington said that half the cost may be because of a mistake they made. Mr. Terry said it was a factor, but the general contractor had some other issues that had to be addressed that were not related to the pumps.

Mayor Voller asked that Mr. Terry and Mr. Messick confer about this. Mr. Terry agreed, but noted his recommendation continued to be to approve the addendum to the contract and trust him to arrive at some solution over the next 30 to 45 days. Mayor Voller said he wanted to come out of this project with a good, solid piece of infrastructure and no jack leg solutions. Mr. Terry stated he understood.

Commissioner Fiocco said Mr. Terry had talked about perhaps getting some of the money back, and said the justification for those costs was delays on the contractor's part causing the engineer to have to be on site for a longer period. He said that was clearly damages that the Town was incurring, so he believed the liquidated damages clause would be the right way to do that. Commissioner Fiocco said with that said, what the likelihood was of success and what the cost of success was in trying to recoup those funds. Mr. Messick said that liquidated damages, even though it was in the contract, did not always work the way it was intended. He said you had to incur some damage to justify any claim. Mr. Messick said there was a possibility the contractor would just pay rather than argue up to a point, and would likely negotiate up to a point.

Mr. Terry reiterated that the expenses were real in that there was an engineering inspector on site every day that the project was not completed watching the general contractor work.

Commissioner Fiocco asked was the engineering inspector contractually obligated to be on site and watching the contractor do his work, or were they just paying him to be on site. Mr. Terry said whenever work was done it had to be inspected before it was covered up or buried or whatever, and if the contractor was not doing anything then the engineer was not on site.

Commissioner Fiocco asked what was required for close out of the grant. Mr. Terry responded that they had to have a final inspection and they would have to have made final payments including to the general contractor and the engineer. Commissioner Fiocco asked was it a problem if that happened in January. Mr. Terry said to remember that they were paying the same engineers as their grant administrator, and they were preparing the final grant claim.

Commissioner Fiocco said then that was a one-time occurrence regardless of whether it happened tonight or four weeks from now. Mr. Terry said that was correct.

Motion made by Commissioner Fiocco seconded by Commissioner Bryan to table consideration of Addendum #3 to the Engineering Services Agreement between the Town and Stearns and Wheler; that the Town Manager and the Town Attorney work to identify a solution to the issue regarding the pumps; and, that they talk with the pump manufacturer and describe for them the conditions under which the Town proposed to operate their pumps and ask them to provide feedback as to whether that would effect their warranty of the equipment and/or the ultimate performance of those pumps.

Commissioner Harrington suggested they find someone with an expertise with those pumps and ask them the same questions. Commissioner Fiocco said he would prefer to get that information from the manufacturer of the pumps.

Mr. Terry stated that some of that dialogue had already taken place, but they had not spoken to the manufacturer except through the engineer and the general contractor who was the actual customer.

Commissioner Fiocco said he believed Mr. Terry could contact the manufacturer directly.

Mayor Voller wondered if the manufacturer would warrant the equipment if it was not installed properly.

Commissioner Harrington said the pumps were bigger than was necessary, and questions needed to be asked about that. He said he understood the motion as stated, but believed when the manufacturer was contacted there would be a lot of information they would need in order to respond to any questions, and that was why he believed they should find someone with some expertise to help the Town respond to those questions. Commissioner Harrington said the Town would be somewhat taking responsibility on themselves if they did that, and it should really be on the engineering firm.

Commissioner Harrington said he would prefer to have Mr. Messick write a letter and request the data that had been given to the engineering firm that caused them to design for the wrong pump size. He suggested amending the motion to include that. Mr. Terry said he believed they could do that without including it in the motion.

Commissioner Fiocco said his motion basically was asking that they work through a solution. Mr. Terry said the engineer from the State might be that third party that they needed to get information from. Commissioner Fiocco said they could start the conversation and see where they needed to go before they got the State engineer involved. Mr. Terry said that ultimately the State engineer had to sign off on the project, and he certainly was not going to conceal the problem from them when they came back for the final inspection.

Commissioner Brooks asked what would happen if the State inspector did not sign off on it. Mayor Voller said the contractor would have to make some changes to comply with the State.

Commissioner Brooks said then the engineer and the contractor would have to come back and fix it.

Mayor Voller said that was pretty much correct and the question would be if they would try to come back and bill the Town or the project when in fact it was incumbent upon them to comply with the State.

Commissioner Brooks that was what he was asking, in that if the State engineer found any problems would it be their responsibility to make things right at their cost. Mr. Terry said that was a sticky legal question. He said the general contractor would say and rightly that he installed what he was asked to install. So, he said, if there was going to be any recovery of costs it would have to be from the engineer.

Commissioner Harrington said to clarify, the motion on the table was that they table the issue and get some information from the pump manufacturer and to determine if they had any concern about how the pumps were being used and that Mr. Messick and Mr. Terry work together on a solution.

Mayor Voller said they would also be asking the engineering firm for the data they had been given on which they based their design for the pumps.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Mr. Terry provided the following update on Capital Projects:

- Credle Street Basin Rehabilitation Project – Loan closing on the \$248,000 in matching funds took place on December 10, and disbursement of the funds would take place as invoices were received.
- Southern Community Park – Work is in progress on the final project design documents.
- Downtown Area Water System Improvement Project – We have responded to all of the requirements for the USDA grant/loan application and are now awaiting USDA's consideration of the application.
- Pedestrian Conveyance System Project – This project is now about 95% completed, with final grading, seeding and site cleanup remaining to be done.
- Haw River Water Intake Desilting Project – The damaged gate valves have been removed and we are now waiting for the grading contractor to dig out the accumulated silt. Project is hoped to be completed by the end of December.

Mayor Updates

Mayor Voller stated that the Economic Development Commission would be meeting tomorrow at the Community College at 8 p.m., and there was also an RPO meeting on Thursday of this week. He said that the Employee Christmas luncheon was scheduled for December 16, 2010.

Commissioner Concerns

Commissioner Bryan thanked Town Clerk Alice Lloyd and staff for the successful Christmas Parade held on Sunday. He said it had drawn a good crowd and everyone appeared to have enjoyed it.

Commissioner Fiocco said he echoed Commissioner Bryan's comments regarding the Christmas Parade and also wanted to thank him for his contributions to the parade.

Commissioner Fiocco said regarding the Land Use Plan, they had stalled somewhat on it and he would like to employ the talents of Mr. Bass to lead an effort to really work on that plan. He said they had two, one prepared by Triangle J and one submitted by Mr. Culpepper, and there had been a committee that was organized to work on that Land Use Plan and he would like to see if that group was willing to reconvene. Commissioner Fiocco said that Mr. Hoyle had expressed some interest in doing that, and he had spoken to Steve Clark who had also expressed interest in doing it as well. He said he would like to see them move forward as quickly as possible with making sense of the plans that they had in hand and make it Pittsboro's plan.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin that the Planning Director reconvene the Land Use Committee as quickly and as deliberately as possible and that the Committee work to create a Town of Pittsboro Land Use Plan.

Mayor Voller said they may need to replace some of the Committee members if current ones were unable to serve.

Commissioner Brooks noted that that Committee had worked for over a year and had not met for more than a year.

Mayor Voller said that was correct, so they may need to make new appointments.

Vote Aye-5 Nay-0

Commissioner Fiocco asked for an update on the fire hydrants. Mr. Terry said the fire hydrants had become an interesting and challenging dilemma. He said that in a recent phone conversation between the manufacturer and Mr. Poteat the manufacturer had said that the company that actually manufactured those hydrants had been purchased by his company about 70 years ago, and they believed those hydrants were about 100 years old. Mr. Terry said they were working with the Town to try to figure out the correct equipment to solve the problem that they had. So, he said, it had turned into more of a challenge than they had first believed, but they continued to work on it.

Commissioner Fiocco asked did they have an expectation of a timeframe. Mr. Terry said he would talk to Mr. Poteat and get that information for the Board.

Commissioner Fiocco said in regards to the sidewalk project, he believed they had a drainage problem. He said Hydrostructures had identified it and NCDOT had said no, that Hydrostructures did not know what they were talking about and that they did not need to do the work because it was a waste of money. But, Commissioner Fiocco said, it was fairly evident now that that pipe was not going to drain. Mr. Terry said he agreed that Hydrostructures was correct and that they may have to undertake that work. Commissioner Fiocco said he believed there was money in the grant to do that work because the bid was low. Mr. Terry said there may be funds available but was not sure there was will on the part of NCDOT to undertake the work. He said they would work in that direction and see what happened.

Mayor Voller said they could try that tactic first, but noted they may have to go to Powell Bill money to get the problem addressed.

Mayor Voller said they needed to make appointment to the League of Municipalities Ethics and Goals Conference. Mr. Terry said they were not required to but if the Board wanted to participate then they would need to. Mayor Voller said if the Board wanted to participate they needed to appoint a member and perhaps an alternate, noting the meeting was on January 20 from 9 a.m. to 5 p.m. so he assumed they should do that tonight. He said he was willing to attend the meeting but they should have an alternate if he was unable to attend.

Motion made by Commissioner Baldwin seconded by Commissioner Bryan that Mayor Voller be appointed to represent the Town at the January 20, 2011 League of Municipalities Ethics and Goals Conference, with Commissioner Fiocco as the alternate.

Vote Aye-5 Nay-0

Mayor Voller said that in the Southern City publication he had not seen any advertisement for the Town's positions, and wondered if they were still advertising for the Water Plant Supervisor. Mr. Terry said they had interviewed last week so they were moving forward.

Commissioner Baldwin said the Christmas parade was a great success and thanked the staff for their hard work. She said her only concern was whether Progress Energy was fixing the poles in the downtown that had been an issue, noting they looked as if they were about to fall. Mr. Terry said that Progress Energy had been working in the area running cable under the road, but he believed those poles may not be theirs but were telecommunications poles. He said he would check into that.

Mayor Voller stated that Marty Clayton of Progress Energy had called him before this meeting and said he wanted the Board and Mr. Terry to know that they stood ready to do whatever they needed to do. He suggested that Mr. Terry contact Mr. Clayton. Mr. Terry said he would make some inquiries.

Commissioner Harrington wished everyone a Merry Christmas.

ADJOURN

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to adjourn the meeting at 10:00 p.m.

Vote Aye-5 Nay-0

FYI:

1. Financial Statements for the Month Ending November 30, 2010.
2. Water and Sewer Revenues – Budget vs. Actual for FY 2010-2011.
3. Pittsboro ABC Board Quarterly Report for the Quarter Ending September 2010.
4. 2009 Tax Refund Order – Walnut Grove Apartments.
5. Chapel Hill Transit Express Bus FY 2010-2011 Billing History.
6. Town of Pittsboro Employee Christmas Luncheon Schedule.

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk