

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
TUESDAY, MAY 29, 2007  
7:00 P.M.

Mayor Randolph Voller called the meeting to order. Invocation was given by Terrence Padgett, Unity Spiritual Center, Chatham County.

**ATTENDANCE**

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Clinton E. Bryan, III, Gene T. Brooks and Chris Walker.

Other staff present: Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr. and Planner David Monroe.

**AGENDA APPROVAL**

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the agenda as presented with the addition of adding Anita Badrock to speak before citizens matters.

Vote   Aye-5   Nay-0

**CONSENT AGENDA**

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the consent agenda as presented.

1. Minutes of May 14, 2007 Board of Commissioners regular meeting.
2. Set Budget Public Hearing for June 11, 2007 @ 7:00 PM.

Vote   Aye-5   Nay-0

**UPDATE ON MANAGER'S SEARCH – ANITA BADROCK**

Anita Badrock stated she has been in contact with 37 candidates. Based on what she has been able to determine from some candidates and from doing background research she believes there are going to be 8-10 very qualified people to look at for this position. She is currently in the process of getting more information. She has prepared a questionnaire for them to complete. As she has stated earlier there are 37 candidates, 7 are women and 30 are men. Three were disqualified on the basis of information that she has uncovered with research up front. There are probably 10 that are not qualified minimally for the position. The Board needs to think about how and when you are going to interview. She will be preparing a packet for the board members on each of the candidates with background information that she has for all of you to review. From that point you can

determine if you want to interview all of them or eliminate some of them based on conversations you might have. She thinks we are moving on so that within the next 3-4 weeks we can start to interview candidates.

Commissioner Walker asked has the application process stopped.

Anita Badrock said no, she really thinks it is important to accept applications as long as possible.

Commissioner Cotten asked that when she sends them the packet, to give them awhile to read them all.

Anita Badrock stated she would go ahead and put the packet together so the board can start reviewing them. She stated at least four of the candidates are out of the area so they will have to organize some time for them to get here to interview. The board needs to decide how you want to handle that, whether you want to screen them before you actually invest in bringing someone down here. She thanked Ms. Lloyd for sending the applications to her so quickly. She will send Ms. Lloyd a proposal about several different times that interviews can be done. She needs to know if the board wants to interview them as a body or delegate the initial interview to a sub group of the body (this is a board decision). She needs to know that so we can move forward.

Mayor Voller said he thinks if she works with Mr. Messick and Ms. Lloyd they could do it as a group.

### **CITIZENS MATTERS**

Janice Escott and Donna Nelson came before the board to let them know they have opened up a new business in downtown Pittsboro called Unity Books and Stuff. They invited all the Board members to come and visit. They will be teaching classes also.

### **PUBLIC HEARING**

Motion made by Commissioner Brooks seconded by Commissioner Walker to go into public hearing. Vote Aye-5 Nay-0

### **SPOON REZONING REQUEST**

**Spoon rezoning request at Bellemont Station, MUPD to C-2.**

Planner Monroe submitted the following memo:

20April2007 – To Planning Board

This is an application wherein Mr. Spoon seeks to rezone a small tract (1.408 acres) which is a part of the commercial portion of the MUPD approved as Belmont Station. Mr. Spoon has been approached by a party interested in purchasing this land and developing a business there.

Since the town has approved an MUPD plan and this portion of the plan was identified to be commercial in nature, the request is not inconsistent with either development plans or the Land Use Plan.

The corner of the property abuts Lowe's Drive and there are utilities available to it. A development plan is being prepared for the Outparcel immediately to the north of this site. The portion of that site that can be improved and occupied will be limited to what can be served by an 1800 gallon wastewater allocation. The same limit would apply to this tract.

Since this portion of the MUPD master plan was designated as commercial in nature, there is little concern that the request would have an adverse impact on adjacent property values or the enjoyment of those properties. It does not represent spot zoning, violate any precedents or create any concern for the need for this type of use.

Mr. Spoon established a high standard of visual appeal on Outparcel C and is pursuing the same on D; if rezoned, this parcel should be required to be architecturally compatible.

8May2007 – To Town Board

Mr. Spoon has requested that the town rezone a 1.408 acre tract of land at the end of Lowes Drive from MUPD to C-2. The parcel is south of and across the street from the building in which the Carolina Brewery will be housed. As noted in my memo to the Planning Board, this parcel is in the area of the Belmont Station MUPD which was designated for commercial activity. The reason Mr. Spoon is bringing this application is that he has someone willing to purchase the property now and construct a commercial use. If the parcel is rezoned and removed from the MUPD it would qualify for a wastewater capacity of up to 1800 gallons which would allow this single project to move forward.

After reviewing my memory to them, the Planning Board voted to recommend approval of the rezoning request and adopted the Resolution of Approval.

Planning Board recommendation:

PLANNING BOARD RESOLUTION OF APPROVAL  
TOWN OF PITTSBORO, NORTH CAROLINA

Applicant: Ricky Spoon Builders  
Location: Lowe's Drive  
Parcel ID: Portion of #72984

Lot Size: 1.408 acres  
District: MUPD  
Meeting Date: 5March2007  
Request: Rezone from MUPD to C-2

**WHEREAS**, the applicant has submitted a request to rezone the above referenced property to C-2, pursuant to the provisions of N.C.S.S. 160A-385 and Article X of the Town of Pittsboro Zoning Ordinance; and

**WHEREAS**, the Planning Board convened to consider and prepare a recommendation on the application on 7May2007 at which time the applicant was given the opportunity to present arguments and the Town Staff was given the opportunity to comment on the application; and,

**WHEREAS**, the applicant appeared and addressed the Board as more fully set forth on the record; and,

**WHEREAS**, the Board made the following findings and conclusions:

1. The subject parcel portion located in an area that was previously approved as a commercial portion of an MUPD master plan.
2. The request is consistent with Land Use Plan Map.
3. The proposed rezoning is reasonable considering the relationship to the balance of the tract.
4. The request is consistent with adjacent properties.
5. The proposed rezoning advances the public interest.

**NOW, THEREFORE, BE IT RESOLVED**, on the basis of the foregoing findings and conclusions, that the Planning Board does hereby recommend to the Board of Commissioners that the request for rezoning be **APPROVED**.

Kenneth Hoyle, Chairman, Pittsboro Planning Board

**Public Comments:**

Ricky Spoon – 2475 Redbud, Pittsboro. Mr. Spoon stated he is requesting the rezoning because Chapel Hill Tire would like to go there. It is approximately 1.4 acres; he has been in touch with Lowes Home Improvements and got the engineers to look at it. When they made the holding pond they had a lot of dirt to get rid of so they made the holding pond really large. According to our engineers getting data from their engineers they have 12 acres more that can go into the holding pond. He talked with Frank Mason at Lowes Home Improvement and he said he did not have a problem with that as long as the engineers said it was okay. Mr. Spoon stated he is already allocated so much of the holding pond and he is responsible for maintenance (a certain amount – like a condo basis). Mr. Spoon agreed to take more of that responsibility for extra acreage going into it if Lowes agrees to that. He stated this property will be connected to the drainage system at Lowes.

Commissioner Walker asked Mr. Spoon when he is saying the holding pond for the other 12 acres; are you talking about storm water runoff. Mr. Spoon said yes. Commissioner Walker stated the pond has been built to handle a multitude of acres. Mr. Spoon said about 5,500 easy.

Mayor Voller stated DWQ has been crawling all over us as you know. He asked him to forward the information to Mr. Monroe so that we can have a record, because they have been all over that whole area over the last 30 days. We want to make sure we have a record. Mr. Spoon said just as another note has been cognizant of that fact because several people have told him about it. They have over 2 miles of silt fence and a couple holding ponds. He said the DENR guy has been out there and said everything looks fine. He has the evaluation at this office.

Attorney Messick advised the board that although Mr. Spoon mentioned a particular use, all uses available in that zone would be allowed once it is rezoned.

## **AMENDMENT TO SUBDIVISION REGULATIONS**

### **Amendment to Section 6.5A (2) of the Subdivision Regulations – rec. fees.**

Planner Monroe stated Mr. Messick has recommended a change to the Subdivision Regulations to revise dedication of recreation areas and to clarify the calculation of fees in lieu of dedication. There are two primary changes: the first is that the dedication of land or payment of fees would apply to all subdivisions except family subdivisions. This means that Minor Subdivisions would be included in the requirement.

The second change would change the fee from 2% of the ad valorem tax value of each developed lot in the division to “the post development tax value of the land required to be dedicated...”

The Planning Board considered these changes constructive and recommended that the Commissioners approve them.

Mayor Voller asked how this would work for 10 acres at Powell Place.

Attorney Messick stated the 10 acres is not a subdivision lot in the first place, in the second place he has information from the tax office that he would be glad to share with you in the budget process about the tax rate. Obviously there is a difference between tax values in town and in the ETJ area and you may want to blend them or handle them separately. This is similar to what the County does.

Commissioner Walker stated in his reading this weekend didn't it include minor subdivisions also. Attorney Messick said yes.

Commissioner Walker asked if you had a situation where Ricky had 4 acres of land and he wanted to subdivide it for child#1 and child#2 would that cause him to have an impact fee?

Commissioner Brooks stated the family division is exempt, isn't it. Attorney Messick said yes.

Mayor Voller stated given we have a fairly active recreation board that determining where the parks are to be built in the future (should be a function of the rec. committee).

Attorney Messick stated the recreation fee should be paid at the time of site plan approval. He stated the fee will be looked at each budget year.

**Public comments:**

None

Motion made by Commissioner Brooks seconded by Commissioner Bryan to go out of public hearing. Vote Aye-5 Nay-0

**OLD BUSINESS**

**SPOON REZONING REQUEST**

**Spoon rezoning request at Bellemont Station, MUPD to C-2.**

Commissioner Walker stated he is in favor of this. He feels anytime we can add commercial buildings to our tax base and the sewer is available we should. He realizes we don't know what we are getting at this point in time. Currently one cent on the tax base equals between twenty-two and twenty-five thousand dollars that is not a whole lot of money. With that being said he asked to be excused from the vote based on a potential conflict of interest that may be seen between himself and the applicant to the rezoning.

Commissioner Brooks stated he would assume that whoever makes the motion will include the engineering paperwork involving the holding pond that he referenced during the hearing.

Motion made by Commissioner Walker that he be excused seconded by Commissioner Bryan. Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the rezoning request with the stipulation that all the engineering facts mentioned tonight be documented and brought to the Town Planner.

Vote Aye-4 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to reinstate Commissioner Walker. Vote Aye-4 Nay-0

**SUBDIVISION REGULATIONS**

**Amendment to Section 6.5A(2) of the Subdivision Regulations – rec. fees.**

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the amendment with the understanding that the actual amount will be set during the budget process. Vote Aye-5 Nay-0

**NEW BUSINESS**

**SITE PLAN EXTENSION – BB&T**

**Site plan approval extension for BB&T Bank – Powell Place Development – Tract 3.**

A request has been received seeking an extension of the site plan approval for the BB&T Bank (Powell Place Development – Tract 3). The Town approved this project on June 12, 2006.

Motion made by Commissioner Walker seconded by Commissioner Cotten to extend the site plan approval for one more year.

Commissioner Brooks stated he is in favor of the motion. He stated if he remembers correctly some time ago the board set a number of extensions it would allow. Commissioner Cotten stated our ordinance states one. Commissioner Brooks stated as a courtesy we should notify them that we only allow one extension.

Mayor Voller stated there are some others that he feels should be notified about the extension. Vote Aye-5 Nay-0

Planner Monroe stated that he notified applicants as a matter of course.

**RULES GOVERNING PUBLIC EXPRESSION PERIOD**

**Consideration of Rules Governing Public Expression Period and Presentations during Regular Town Board Meetings.**

Proposed Rules Governing Public Expression Period:

**RULES GOVERNING PUBLIC EXPRESSION PERIOD AND PRESENTATIONS DURING REGULAR TOWN BOARD MEETINGS**

1. A Public Expression Period shall be placed on the agenda of each regular Town Board meetings.

2. Each person desiring to speak during the Public Expression Period shall sign up to speak prior to the start of the meeting on the form provided by listing the speaker's name, address and the topic on which he or she will speak.
3. A total time of thirty (30) minutes shall be set aside for public expression at the end of which those signed up to speak but not yet recognized may be requested to hold their comments until the next regular Public Expression Period during which they will be given priority for expression. The Board, in its discretion, may extend the time allotted for Public Expression.
4. Each speaker shall be allotted up to five (5) minutes to speak which shall be strictly observed unless otherwise extended at the discretion of the full Board. No time will be yielded to a speaker by another speaker.
5. At the request of Board, groups of persons supporting or opposing the same positions may be asked to designate a spokesperson to speak. A designated spokesperson may be allotted up to 10 minutes. Additional time may be allowed at the discretion of the full Board.
6. A speaker shall state his or her name and address.
7. Speakers shall not speak on any topic that is the subject of a public hearing on the same agenda.
8. Speakers wishing to address agenda items that were not advertised as Public Hearings may be asked, at the Board's discretion, to wait until Board addresses the agenda item in question later in the meeting.
9. The Board should refrain from engaging in a dialogue with speakers except to the extent necessary to clarify the speaker's position. Public Expression is not intended to require the Board or Town staff to answer any impromptu question. The Mayor or other presiding officer may acknowledge to the speaker that the comments have been received as a matter of information. If the Board deems that the comment requires action, the topic may be referred to the appropriate Town staff person or Board Committee for review and recommendation. Rarely will action be taken at the meeting when the comment is presented.
10. Speakers shall at all times maintain proper decorum and shall make their comments in a civil manner. Personal attacks shall not be tolerated. No person shall be allowed to make obscene, derogatory, or slanderous remarks. Any Board member may object to such comments.
11. Speakers shall remain at the podium to make comments, and shall not approach Board or staff without the express invitation of the Mayor or presiding officer.

12. Written comments and/or supporting documentation may be left with the Town Clerk.
13. Though speakers are encouraged to discuss issues relevant to the Town of Pittsboro, the Board shall not restrict the subject matter of any comment based on content in any way except as may be provided by law or by this policy.
14. At any regular Board meeting where it appears that there may be more speakers than can be heard within the total time allotted for Public Expression, speakers who have not spoken during Public Expression in the preceding 12 months shall be given preference over speakers who have spoken in the preceding 12 months.
15. Speakers will not be allowed to circumvent these rules or the time limits set forth herein by requesting to be placed on the regular agenda.

### **PRESENTATIONS**

16. On occasion, items of information pertaining to the health, safety, welfare, economic development or civic pride of the community are placed on the Agenda as "Presentations". Presentations may require Board action but are more often received as items of information, to provide recognition, or to celebrate community achievements.
17. Presentations meeting the above criteria that do not originate with Town staff may be placed on the Agenda only if sponsored by a member of the Town Board or the Mayor. In preparing the Agenda for each Town Board meeting, the Town Manager shall secure such sponsorship for any Presentation originating outside the Manager's chain of command and the sponsoring Board member's name shall appear in the meeting Agenda along with an exhibit item explaining the Presentation.

Attorney Messick stated this is just a draft. Ms. Lloyd attended a class where this matter was discussed.

Mayor Voller stated he feels we walk a fine line between encouraging the people to speak (we represent the public) and squelching their voice. He thinks this does a great job in putting out some parameters. One of the more awkward moments is when you have someone come in like at the last meeting – the gentleman that was working on his house and this was his first interaction with his government and he is in the ETJ. That does represent some challenges because he wants to hear what the citizen has to say, but on the other hand there is not a lot we can do for him unfortunately.

Attorney Messick stated #9 would be addressed in that regard. Policy says you would refer it to the appropriate official to deal with that.

Commissioner Brooks stated basically in the past they have treated it like a public hearing and let people have their say and then after they have finished we have taken

action on a sewer bill or whatever it was. This seems to be in keeping with the theory. He thinks it is a reasonable proposal himself.

Commissioner Cotten stated he was in favor of it. He has a question on item #5. He stated we recently had a situation where there were so many speakers speaking on the same topic they would have taken up more than 30 minutes. Shouldn't we require such things to designate a speaker to sign up when they speak?

Attorney Messick stated that is what #5 addresses.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve the policy.

Mayor Voller asked how we would enforce #14 – giving precedence to speakers that have been heard in a twelve month period.

Commissioner Walker said he thinks this is more for public hearing rather than public expression, is it not? Attorney Messick said this is your citizen matter item.

Commissioner Walker stated he is kind of like Mayor Voller. The only thing he thinks we can not govern is #14.

Commissioner Walker stated is in favor of it if we strike #14.

Attorney Messick stated this is a policy to just get a parameter for speaking.

Mayor Voller stated we may get more arguments than it's worth. He is not in favor of limiting free speech.

Commissioner Cotten stated he does not consider this limiting free speech. He has been to meetings where they would adjourn to go on to something else and tell people to come back to the next meeting.

Commissioner Brooks stated he was not trying to step on any toes. This time is to be used for citizens to come in and talk about their trash not being picked up or for an adjustment on their water bills. We need some kind of a way to handle these and other hot, emotional issues. He feels we could limit them to 3 minutes. He does not want anybody's freedom of speech taken away from them but there needs to be some orderly organization here. This is just for the nuts and bolts type things.

Mayor Voller said you could get into a situation where if someone could not get on the agenda they would feel like that are not interacting with their local officials.

Commissioner Brooks stated what if the board passes this with #14 and put something in there where if the situation you just described happens involving a lot of people we just stop and call for a public hearing on that issue.

Mayor Voller stated he is all in favor of calling for a public hearing. We had two tonight and no one showed up. If it were a hot item we could get 100 people here.

Commissioner Walker stated he thinks what the Mayor is trying to say is if Rick came in tonight and spoke about the boy scouts and then we had 25 people coming to speak on Springdale we could literally bar Mr. Murray from speaking, the way he is reading it even though it is two unrelated topics. If it's two unrelated issues why would you not want to let one speak.

Mayor Voller stated it may not happen in their tenure up here but it could happen in the future is all he is saying. He stated it does not have to be voted on tonight, it can be brought back with #14 worked on.

Commissioner Brooks withdrew his motion and Commissioner Cotten withdrew his second, if you want to look at making #14 more equitable.

Commissioner Cotten stated he would prefer to vote on it tonight.

Commissioner Baldwin stated we do want to hear what the public has to say. But of course we want to hear new ideas too instead of going over the same thing over and over.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve the policy as written with the understanding they will look at #14 and try to make it more user friendly as far as free speech is concerned. Vote Aye-5 Nay-0

## **APPOINTMENT TO ECONOMIC DEVELOPMENT BOARD**

### **Appointment to the Chatham County Economic Development Corporation Board of Directors.**

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to reappoint Mayor Voller.

Commissioner Cotten stated as a matter of concern in the past it has been customary for the Mayor to serve in this capacity. This is an election year and he really thinks we need to continue the custom (somebody correct me if I'm wrong) that the Mayor be appointed. The three year term bothers him because it overlaps two terms.

Mayor Voller stated that has to do with the bylaws of the Economic Development Corporation Board that is how their terms are. He assumed the term that Mayor May had. He suggested that maybe we could ask them to stagger them.

Commissioner Brooks withdrew his motion and Commissioner Baldwin withdrew her second.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to table this until the next meeting and to get a copy of EDC by-laws.

Vote Aye-5 Nay-0

## **APPOINTMENT CC RECREATION MASTER PLAN RFP**

### **Appointment of Town representative to Chatham County's review team for Recreation Master Plan RFP.**

Motion made by Commissioner Walker seconded by Commissioner Baldwin to appoint Park and Recreation Advisory Committee member – Chuck Gillis and Chris Bouton.

Commissioner Brooks said he would like for us to encourage Chatham County Recreation Planning Committee to go down to the Corp. of Engineers office and look at their Master Plan. It bothers him that the Federal Government has spent \$100 million (not sure, but a lot of money) on recreation facilities down there and it should be a part of the County's Master Plan. They should ask the State to waive the fees for Chatham County citizens. He would like to see the facility utilized. There are almost 44000 acres of land/water. It is being utilized by people from other places. He would like to get them to push this hard and to see them try to get them to talk with the State (he doesn't think the Feds really care) about waiving the fees for Chatham County residents. They could use some type sticker like they do for the recycling center, so if they want to go down there and use the picnic area or whatever. He would at least like for the County to ask the State if the citizen's fees can be waived. He would like to see some planning going into utilizing that wonderful facility down there.

Attorney Messick stated Tracy Burnett is an alumnus of the Town of Pittsboro Recreation Department and she is aware of the Corp and the Corp property. He asked if the Board would like for her to come talk with them about it.

Commissioner Brooks said maybe with our Parks and Recreation Board.

Mayor Voller stated to Commissioner Brooks that he has heard him talk about this many times in the past and it is something that he strongly believes in. Mayor Voller asked why we can't just draft a letter to Speaker Hackney, Bob Atwater, Bob Etheridge and Chatham County stating these views with the board endorsing it.

Commissioner Baldwin stated she does not have a problem with that Jordan Lake is a nice place.

Mayor Voller asked Attorney Messick if it would be a problem to put together Commissioner Brooks' thoughts so that he can sign it and send it on.

Commissioner Brooks stated he would write it in outline form and you can do so at the next meeting.

Vote Aye-5 Nay-0

## **HAW RIVER CRITICAL AREA**

## **Consideration of Haw River Critical Area.**

Attorney Messick had prepared the following memo:

For some unknown reason, the State apparently was not aware of the “new” intake on the Haw River above the dam when it mapped the WS-IV Critical and Protected Watershed areas years ago. It is important that the intake be protected and these designations are important. A critical area is defined as the area within one-half mile of and draining to a water supply intake. The “old” intake is currently surrounded by a critical area and the existing protected area extends into Alamance and Orange Counties. Creation of a new Critical Area for the intake will apparently not require the extension of the protected area, and the cooperation of the adjoining counties, since the distance is now measured along the thread of the river than as the crow flies. It will involve Chatham County since the north side of the river is in its jurisdiction.

Two questions arise. Do you want to retain the “old” intake as a site with the critical area designation? If the intake is to be reserved for emergency use by the Town or made available to Toll under the contract, it probably needs the protection.

Also, since the intakes are approximately .9 mile apart, there could be a gap between the two critical areas with a protected area designation. It might be possible to have the state combine the two critical areas, if you are interested. HUA has prepared a map that may make this more understandable which will be at Town Hall if you are interested in taking a look. Unfortunately, that intervening area may affect all of the existing development on 15-501 at the bridge, and in Bynum. The area upstream of the new intake is mostly vacant land, so there would not be a significant impact. I believe that Dave Monroe’s opinion is that it would be better left as “protected” rather than as “critical” because of the potential for making existing uses perhaps nonconforming. It is a policy issue however. In either event, a map amendment to the zoning ordinance will be necessary to add the new critical area. I intend to put this on the agenda in the near future, so if you have concerns or questions, please let me know.

Motion made by Commissioner Cotten seconded by Commissioner Walker to authorize Mr. Messick to proceed to get this area designated as critical and to get advice from DWQ as to what they would recommend for the gap between the old and new intake.

Ricky Spoon stated he owns property surrounding the intake and there is an open hole at the old pump station, he has said something to Mr. Messick about this about five years ago. This is very dangerous. The Town has keys to get down there but it is not used. He would like to make a public park on some of the land he owns down there. It is a safety issue.

Vote    Aye-5    Nay-0

Commissioner Brooks stated there is a safety issue there and he wondered if John Poteat could get a price to get it closed up. Ricky Spoon said if we need dirt he has that on the hill and probably about five loads would fill it up.

Attorney Messick stated there should be a figure to get this done in the budget as soon as he gets a report back from John. There is some concern as to whether it will be needed again.

## **CC INFRASTRUCTURE ASSISTANCE**

### **Consideration of Chatham County Infrastructure Assistance.**

Attorney Messick had prepared the following memo:

On March 28, 2005, the Chatham County Board of Commissioners authorized the payment of \$300,000.00 in monthly installments of \$5,000.00 each. The minutes read:

### **TOWN OF PITTSBORO**

David Hughes, Pittsboro Town Manager, explained the specifics of a new spray field, an alternative wastewater discharge system, to be built by the Town of Pittsboro outside of the city limits on State Road #1010. He explained that if the state approved the proposed system, the Town would have an extra 800,000-900,000 gallons per day to take care of the needs of the Town and until the Town determines whether or not a new wastewater plant can be constructed.

Commissioner Cross moved, seconded by Chairman Morgan, to approve funding in the amount of \$5,000 per month, up to sixty months, to go toward the Town of Pittsboro spray field project, contingent upon the project being approved. The motion carried five (5) to zero (0).

Obviously, the situation is different now. It is my understanding that \$20,000.00 has been paid to the Town. How do you want to proceed?

Attorney Messick stated the above is a copy of the minutes from the March 28, 2005 Chatham County Board of Commissioners meeting. He stated the county is somewhat reluctant to pay this money.

Commissioner Cotten offered some suggestions: Quite frankly we have a mess here. We have a contract with Chatham County that is unfavorable to the Town and needs to be changed; things were done last year and part of this year that should not have been done pertaining to the 3M reuse project – for example the Town paid bills that should have gone to the County for payment. Mayor Voller asked that he explain more; the latest estimated cost from HUA is \$1,725,693. Every time he sees a figure from them it increases. We are obligated for 50% of any loans associated with this and the loans total \$2,000,000. One half of that would be \$1,000,000, we don't have that kind of money to pay back. Example on the 3M reuse project we have received reimbursements in the amount of \$192,042.54 and paid out \$688,573.29 we have spent money we have not received. He stated the invoices from HUA are so vague there is no way in the world we can identify what project it is for. He feels we need to ask the County to refund at least the \$300,000 they had set aside for the spray field.

Mayor Voller stated it started off with spray field. We received \$20,000 from the County. When did we receive the money? Attorney Messick said the \$20,000 was received in November.

Attorney Messick stated he thinks the understanding was that payment from the County would not be necessary until the town started making payments for the spray field.

Mayor Voller said we have a current lease in effect, correct. Attorney Messick said yes. Mayor Voller stated which gives us the option to explore any number of things that lease would contemplate, correct. Attorney Messick said right. Mayor Voller said theoretically we should be collecting monthly as we are making the payment. Attorney Messick said right. Mayor Voller asked why we are not collecting monthly. Attorney Messick said because the County is not paying because it is not an alternative wastewater discharge system on state road 1010. Mayor Voller asked would it not have been logical to substitute the collateral (real estate) and move forward. Attorney Messick said yes, but to the County no. Mayor Voller asked if we could have the board take action now and let them know we are making these payments and are in the middle of a legal contract now and we would like to be reimbursed the funds that are owed us for the agreement. Mayor Voller asked the board if they would like to request this. The Board agreed.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to request the money due us showing that we do have a piece of real estate that would satisfy the requirement.

Vote Aye-4 Bryan/Brooks/Baldwin/Walker

Nay-1 Cotten because he doesn't think this will do anything.

Attorney Messick stated there are a lot of things charged to this account and he is not sure why. We are in the process of trying to work that out.

Mayor Voller stated he appreciated Commissioner Cotten trying to help with this.

Commissioner Brooks stated his only thought is when he looked at our fund balance and talked with Mr. Wood (who does our audit) he (Brooks) is inclined to think we should stop spending money until we have gotten some of these issues straightened out. He realizes that could run into some problems with the projects. At least in his personal life he can not spend money he doesn't have. He thinks we have dipped into the fund balance about \$470,000.

Attorney Messick stated the County is the funding agent for the project. He has an understanding that when we can provide invoices for the project they will reimburse us.

Commissioner Walker stated initially the loans were in the amount of \$1,500,000 which would be \$750,000 for Chatham County and Pittsboro.

Mayor Voller suggested getting Hobbs and Upchurch to work with us to send the bill to the County. The Mayor's main concern is to collect the funds that are due to the Town of Pittsboro.

Mayor Voller stated his personal view is that the most important issues are to provide safe drinking water and functioning sewer for our citizens and to keep the Town on a sound financial footing.

## **PARKS AND RECREATION TRUST FUND GRANT**

### **Parks and Recreation Trust Fund Grant.**

Attorney Messick stated this information was supposed to be in the agenda package but it didn't make it. Since it did not get in it will be included on the next agenda.

Motion made by Commissioner Walker seconded by Commissioner Cotten to table this until the next meeting.                      Vote    Aye-5        Nay-0

Staff Reports/Manager updates

Public Works Updates:

1. DRAINAGE AT THE CHURCH
  - The drainage at the church graveyard entrance is now completed.
2. ASPHALT RESURFACING
  - Wooten finished the asphalt resurfacing on May 11th
3. Basketball Courts
  - The basketball courts are finished.
  - Hydrostructures are finishing with a landscaping plan and it will be ready to present to the recreation board.

Commissioner Brooks asked if anyone knows where Mr. Alvin Clark was injured as far as the place, he is in critical condition. Commissioner Cotten stated he understood his wheelchair turned over and struck his head. Commissioner Brooks asked if he was on town property – no one knew.

Planner Monroe stated he received a call from Megan Bolejack wondering if they could place a sign at Town Park (they have funds left over) and he wanted to get permission from the Commissioners. Mayor Voller said that would be nice if the board agreed.

Attorney Messick stated John Poteat wanted the board to be aware that the State is sponsoring a session on water processing techniques.

### **COMMISSIONER CONCERNS**

Commissioner Brooks stated he received his USA Today News and Report today and there is an article entitled “Why you should worry about water”. He thinks it would be worthwhile for everyone to read that article.

There was discussion about getting some experts in to talk with the board and our citizens.

Commissioner Baldwin stated we do need some experts to come in. She thinks that would be valuable.

Commissioner Brooks said he would do the leg work of getting the names and numbers of the people involved with the Duke Study from Bob McConnaughey.

Commissioner Brooks stated he picked up a copy of the Daily Tar Heel and there had been a problem at the Y campus – they were having a problem with lead in the water. This is a new building and they are on the ammonia system. There still is the potential for lead poisoning. He still hopes we can do something for our citizens.

Commissioner Baldwin stated it seems there should be other town that has done this. Maybe we can contact them to see how they dealt with getting information out to their citizens.

Mayor Voller stated the MTC Taskforce meetings conflict with Town Board members and he has talked with Kenneth Hoyle, Planning Board Chairman and he would like to go to fill in for him when he can’t attend.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to advise Chatham County that Mr. Hoyle has been appointed to fill in for the Mayor.

Vote Aye-5 Nay-0

Commissioner Walker stated a lot of municipalities and counties are under water restrictions. He feels we should look at it also.

Commissioner Cotten stated we all found this memo on our desk this evening (regarding the bio-diesel spill into the WWTP). He observed this stuff that was dumped in our sewer and it definitely affected the WWTP. Mr. Poteat does not know how long this has

been going on. Our ordinance prohibits this. We will get fined for this by the State and we need to go back to them to collect what we are fined. He wanted to clear up some misconception about the possibility of a modular unit to be included in the budget, this is not a trailer, the exterior has a 50 year warranty and he hopes it can survive the budget.

Mayor Updates – no reports

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

FYI

- NCLM Legislative Bulletin
- Financial Statement
- Quasi-Judicial Procedure

### **ADJOURNMENT**

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

Vote Aye-5 Nay-0

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk