

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, JULY 13, 2009  
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, Hugh Harrington, and Chris Walker.

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

**APPROVAL OF AGENDA**

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

Mayor Voller said that Paul Black from the Triangle Area Rural Planning Organization had indicated that they had to make a reappointment to that Board, as the current appointment expired in June. He stated he was currently the Chair and had served the maximum two years. Mayor Voller said the next meeting of the RPO was on August 13 in Pittsboro and Secretary of Transportation Eugene Conti would come to the end of that meeting and they would meet at Town Hall to discuss transportation matters. He said that reappointment needed to be added to the Agenda tonight.

Commissioner Bryan suggested adding it as Item #4 under New Business, and amended his motion to include that addition. Commissioner Baldwin agreed to the amendment as the one who seconded the motion.

Vote   Aye-5   Nay-0

**CONSENT AGENDA**

The Consent Agenda contains the following item:

1. Approve minutes of the June 22, 2009 regular meeting.

Commissioner Harrington said regarding the Springdale Drive issue, he had asked Mr. Terry for clarification of what the last communication from Voller Realty was, asking to make sure they had an offer to reimburse in the future \$60,000, and that the Town would go ahead and do some

work and the Town would give some general blanket approval for Phase 10. He asked was that Mr. Terry's recollection of what the Board had been asked to approve. Mr. Terry responded generally, yes.

Commissioner Harrington said on page 8 in the fourth paragraph, the language read "but the Town would get some general blanket approval..." and it should say "but the Town would give some general blanket approval...". He said the next sentence read "He asked was that the general language the Board had approved" and it should read "He asked was that the general language the Board was asked to approve."

Motion made by Commissioner Harrington seconded by Commissioner Walker to approve the Consent Agenda as amended with Commissioner Harrington's adjustments.

Vote Aye-5 Nay-0

## **REGULAR MEETING AGENDA**

### **Citizens Matters**

Max G. Cotten, 133 Pittsboro School Road, stated he was not a candidate for office this year and anything he said tonight was offered as a citizen's concern. He said his first concern was the new water and sewer rates, stating he was very concerned that the minimum users were receiving nothing for their base rate of \$29.88 for less than 1,000 gallons. Mr. Cotten asked the Board to consider giving at least 1,000 gallons to the base rate.

Mr. Cotten said he was disappointed in the decision on the transit issue, and asked that the Board consider reversing that decision. He stated that riders should pay the cost for the operation of the bus service.

Mr. Cotten complimented the Board on the improvements made to the Community House, but was concerned that they were not in compliance with the Americans with Disabilities Act, specifically in regards to an access ramp that was required for public buildings. He also complimented the Board on accepting the plan regarding sidewalks, and hoped they were sincere in its implementation and suggested starting by using the \$24,000 set aside for the transit.

Mr. Cotten said his last concern was one he had very strong feelings about and this would likely be the last time he brought it before the Board, and it was in regards to 3M. He said several meetings ago he presented to the Board a letter that was entered into the minutes, and that letter asked six questions and he suggested that they be answered in a public meeting. Mr. Cotten said to his knowledge those questions were never answered, but he had conducted some research and the situation was even worse than he had thought. He said the Town had a real problem with 3M, with the way it had been handled and the way it had been financed. Mr. Cotten said he hoped the Board realized that the Town was assuming 50% of the loans made for that project, and according to his calculations that was now \$1.7 million. He said that Pittsboro had an obligation of \$850,000 plus interest for the 3M project, and he had tried to warn them about that. Mr. Cotten suggested letting 3M keep that land and letting them bear the cost, adding that was

the way it should have been to begin with and the Town should never have been involved in it. He said that the \$700,000 was wrongly spent on that project, noting that money was intended for the Wastewater Treatment Plant.

## **OLD BUSINESS**

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

Mr. Terry provided the following update on Capital Projects:

- Disinfection Byproducts Reduction Project – Change Order #4 was executed on June 25 in the amount of \$27,485, and included the installation of aluminum inspection plates in the influent trough, rehabilitation of the sediment removal equipment, installation of pipe and flange adaptor for filter #1, and installation of the sample line system.
- 3M Reclaimed Water System Project – First construction progress meeting was held on July 7. Work on contract #1 for modifications to the plant had not yet begun. Work on contract #2 for the transmission line was now about 60% completed. A change order had been executed on contract #2 for \$11,000 to correct issues discovered when boring under the road at the entrance to 3M. Work on contract #3 had begun with clearing and grubbing of the access easements and water tower site. Shop drawings for the steel tower components now were under review by Hydrostructures, and the project was on schedule for completion in January 2010. Mr. Terry said in regards to Mr. Cotten's earlier statements, he was unaware that there were any loans associated with that project; that the funding sources were two Clean Water Management Trust Fund grants in the amount of \$1.2 million and an EPA grant for \$970,000, and those grants should fully fund the project. He said if they had change orders that exceeded the amount of the grants, then they may have to use the Construction Grants & Loan revolving fund loan of \$1.5 million, but to date they had not sought any funding from that and did not expect to.
- 3.22 MGD Wastewater Treatment Plant Construction – They had received the review comments on the EIS from the Winston-Salem Regional Office of the NC Division of Natural Resources Planning and Conservation and Wildlife Resource Commission. There were some minor requests for additional information, and Hobbs and Upchurch was responding to those requests.
- Short-term Wastewater Treatment Plant Improvement Project – They had received an authorization to construct the project from the Division of Water Quality, NC DENR. To date, there had been no announcement regarding ARRA funding for that project.
- 3M Park – At the request of the Board they had reviewed the files to determine if the Town had an enforceable agreement between the Town and 3M regarding the transfer of the land for the 3M Park project. To date, they had found no contract and no letter of intent that committed 3M to transfer the land. Based on a discussion between the Town Manager and the local 3M Plant Manager, it is still 3M's intent to transfer the land to the Town for that project and they were completing the necessary work with the 3M Real Estate Manager in Minneapolis, MN to effect the transfer of title as soon as possible. However, they estimated that the transfer may not take place until after January 2010.

Commissioner Baldwin said they may not have an enforceable agreement, but in as much as 3M had publicly said they were committed to transferring the land to the Town, perhaps at this point

they should have an agreement drawn up and ask 3M to sign it. She said 3M had indicated back in 2008 that they were working on transferring the tract. Mr. Terry stated it was clear what their intent had been, but much of that had been verbal. He said there was no contractual agreement and did not believe the Town could force the transfer on its own schedule but would have to wait for 3M to do it on their schedule.

Commissioner Harrington asked why had they wanted to give the Town the land, asking was it just to be good corporate citizens or was there some other incentive. Mr. Terry said looking at the historical records he expected there would be a tax benefit to 3M for the donation. He said the land was not particularly useful to 3M for its operations, so it was land they had no pressing need for and donating it to the Town was a tax write-off and provided good public relations.

Mayor Voller said they could not mine on it, noting it was between the edge of Old Sanford Road and 15-501. He said 3M had entered into the process and participated in the grants, and they wanted to donate the property. Mayor Voller said that 3M had to tell the federal government that they were going to donate that land to the Town in order to get that grant or else it would be a fraudulent grant, so it was obvious they wanted to donate the land to the Town. Mr. Terry agreed.

Mayor Voller said the problem was that the appraisal had expired before 3M made the contribution, so it had to be reappraised. Mr. Terry said that was true, that the reappraisal had to be done as part of the due diligence.

Planner Paul Horne said the reappraisal of Powell Place Park had come back at about one-half million higher than they had first thought.

Mayor Voller said he believed the Town would need to continue to follow up and make sure 3M did what it had committed to do, noting that the Town had done what it was supposed to do and that 3M would have the water it wanted.

Commissioner Walker said 3M would not want to continue to pay property tax on what they would likely consider to be a non-performing asset. He agreed with Mayor Voller and Commissioner Baldwin that they needed to continue to follow up and remind 3M of their commitment.

Mayor Voller said he thought they wanted to make a corporate donation and be a part of the process, but the Town just needed to make sure that it happened.

Mr. Terry continued his update:

- Powell Place Park (Pittsboro Town Park) – The Notice to Bidders was published on July 9 and the pre-bid conference was scheduled for July 16 at 2 p.m., with the bid opening scheduled for July 30 at 3 p.m. in the Town Hall Conference Room.

Commissioner Walker asked was the appraisal the responsibility of East-West Partners. Mr. Horne stated they ordered the appraisal and paid for it.

Mr. Terry continued his update:

- Downtown Area Water system Improvement Project – Despite not receiving the ARRA grant, Hydrostructures was continuing work on the design of the project. The project would remain in competition for ARRA grant funding in round #2. If ARRA funding was not forthcoming, they would pursue other funding arrangements including other possible grant funds or loans.

Mayor Voller said he had one update to add, noting he had sent in an application to the NC Department of Commerce in hopes that perhaps they would consider funding up to three-quarters of a million for that project but he did not yet know the status. He said there was a section that indicated that if the improvements actually affected residential areas then that qualified, and they had identified 96 homes plus the commerce angle of the downtown and the Community College. Mayor Voller said he had sent in the application in order to pursue all possible funding sources.

Mr. Terry stated he had received word late today that the grant for the police officer had been awarded to the Town.

Commissioner Bryan said nothing was said on the Springdale project, and asked was that stagnant. Mr. Terry said the short answer was yes, due to people away on vacation and other factors. He said he would be following up on that.

## **2. Manager's Update on the Chapel Hill Express Bus Service Project.**

Mr. Terry said he had believed they were close to a final contract but discussions today with the County Manager's Office had caused some concern. He said apparently there was a misunderstanding of the amount the County had budgeted for the transit service, so they were struggling with having enough money to support the service. Mr. Terry said he had received a phone call from County Manager Horne who said they should not be alarmed that the County had not fully funded the service for the year, that they had only funded the six-month pilot program. He said the Town had funded the service at \$24,000 which represented its 20% contribution for twelve months.

Mr. Terry said in subsequent discussions with County Manager Horne he indicated that money had been tight and the County had not been able to fund the service for the entire year, but had funded what they perceived to be the six-month trial period at \$48,000, so it had made it more difficult to craft a contract. He suggested that the Board allow him to continue to work on that contract, noting at present the split was 80/20, but not to focus on the percentage split so much as how much the Town had budgeted. Mr. Terry said he would like to proceed with permission from the Board to continue to negotiate, with his assurance that he would not exceed the \$24,000 regardless of what the percentage split turned out to be. He said he was hopeful that at the end of the six months that the County would be satisfied with the service and would then do a budget amendment to fund the remainder of the service. Mr. Terry said in order for the service to proceed Chapel Hill would have to be willing to proceed with less than the full financial commitment.

Mayor Voller said he believed it was made clear that the Board wanted an update at the end of that six month period. Mr. Terry said there would be a six month review.

Commissioner Walker said he was not willing to go over the 20% contribution the Town had committed to.

Commissioner Harrington asked for clarification on what Mr. Terry was proposing, noting that the Board had said they were willing to commit to \$24,000 for the service. He said what Mr. Terry was recommending was that the Town continue with its commitment of \$24,000, but he asked if the service was cancelled at the end of that six months would the Town lose the entire \$24,000. Mr. Terry replied no, that what he was saying was that the math would be tricky to work out. He said the Town would pay \$2,000 a month less what was collected in fares, so the worst case scenario was that if not one single passenger rode the bus that was what the Town would have to pay for the length of the service. Mr. Terry said he was asking that if it was necessary to make the service go forward, if the Town's percentage were to creep up over the 20% but did not exceed \$24,000, that the Board would agree to allow him to continue negotiating the contract. He said in other words, the Town's percentage might go up but the cost would not exceed the \$24,000.

Mr. Terry reminded the Board that the Town would have the right to void the contract with 90 days notice whenever it chose to.

Commissioner Harrington said he did not understand how the Town would end up paying a higher percentage but would still be obligated for only the \$24,000.

Commissioner Bryan stated what the Manager was saying was that the Town would be obligating for more than \$2,000 a month.

Mayor Voller said the contract indicated a cost of \$10,000 a month operating expense between the Town and the County, but that was the worst case scenario which would be with no riders. He said every passenger would reduce that amount, so what Mr. Terry was saying was if the Town committed \$2,000 a month, then after the reductions for passengers that the Town's percentage might be 22% or 23% of the total. Mayor Voller said he was asking the Board to allow him to continue to negotiate the contract as long as he did not exceed the amount budgeted, with the Town continuing to have the option to void the contract with 90 days notice.

Commissioner Harrington said then the Town might be paying more up front, and if they voided the contract they would have lost more money.

Mayor Voller said no, that the dollar amount would not change, that only the percentage might change. Mr. Terry said the way he would state it was that there was going to be money left when the service was over, and that the \$2,000 a month was always the maximum figure that the Town had committed to paying and depending on the number of passengers the Town's payment would be less than that.

Commissioner Harrington said then effectively, the Town would be putting in its \$2,000 a month and they would be giving the County the money the service made.

Mayor Voller said Mr. Terry was saying the Town would be contributing \$2,000 a month, period.

Commissioner Harrington said if the Town's percentage went up it would be more if no one rode the bus.

Mayor Voller said the \$2,000 would be the fee if no passengers rode the bus, regardless of the percentage. He said the cost was \$10,000 maximum, but for every rider that cost would decrease. Mr. Terry said that was correct, that for every rider the cost to the Town would decrease. Mayor Voller said at \$48,000 the County was basically short \$5,000 of what they should have budgeted, but again every rider would reduce the fee the Town and the County would pay.

Commissioner Walker said his opinion would be no, because they were only one-twentieth of the population of the County yet they were already contributing 20%. He said he believed they needed to hold the line at 20%.

Mayor Voller asked if Mr. Terry was saying that the County Manager was saying they could not pay the additional \$5,000. Mr. Terry said the County had gone through hard budget deliberations just as the Town had done, and that was what the County Board had been able to fund in their budget. He said based on his phone conversation with County Manager Horne, it was the County's intent just as it was the Town's to monitor the service closely, gauge its success, and if successful then they would amend their budget at the end of the six months to fund the remainder of the program.

Commissioner Brooks said he believed he had read somewhere that the County was going to spend \$65,000 on a traffic control supervisor.

Mayor Voller said it was for a transportation supervisor at \$59,000.

Commissioner Brooks said perhaps the County should delay that until they had something to supervise.

Mayor Voller said the County had been unable to get funding from the Metropolitan Planning Organization over the last 20 years because they had not had a transportation supervisor, and that funding was hundreds of thousands of dollars a year. He said specifically in the 15-501 corridor, one of the things you had to have was a transportation supervisor. Mayor Voller said Commissioner Brooks' point was well taken, but the County would not get the monies they were due because they had not met the requirements. He said if Pittsboro wanted to get that money, they could join the MPO and "jump over the County" and get it themselves.

Mayor Voller said he had talked with one of the County Commissioners prior to tonight's meeting and they had been surprised about the split, so apparently they were not informed of it

by their County Manager until today. He said he had gotten a call today from Commissioner Vanderbeck and he had been surprised about the split. Mayor Voller said he had told Commissioner Vanderbeck that the Town Board had worked very hard and had believed that the offer had been made and accepted over a month ago. Mr. Terry said it was true that the County's commitment of \$48,000 was \$5,000 short, but they were assuming that would be made up in fares that were collected.

Mayor Voller said what the County was projecting was that the \$5,000 would be made up by the ridership. Mr. Terry said that was correct, and they had budgeted what they projected to be the necessary funding for the six-month trial period with the plan that if the program was successful they would do a mid-year budget amendment to fund the remainder of the program.

Mayor Voller asked was the Manager asking the Board to authorize him to make the necessary changes to ask the County to fully fund their share. Mr. Terry said they would need to figure out a way to word the contract to address the project budget because what was on the contract now clearly would not work.

Commissioner Walker said what the Town had agreed to was in the contract, but the County was not agreeing to the \$144,000 for the entire program. Mr. Terry said that was correct, so the contract would need to reflect the County's agreement to fund the six-month trial period at \$48,000.

Mayor Voller said if the Town agreed to their part, wouldn't it be up to the County to fund its part?

Commissioner Harrington said the Town had agreed to \$24,000 and to an 80/20 split, so he agreed with Commissioner Walker.

Mayor Voller said he did not believe the Town could sign a contract when the County's portion was not reflected at the correct amount. Mr. Terry said at this point he needed some guidance from the Board as to how to proceed.

Commissioner Baldwin said she agreed that the Town should stick to its commitment, and the County should do the same.

Mayor Voller said the Board had agreed to do the service as had the County, and the Town had agreed to support it at \$2,000 per month. He suggested that perhaps the County should use their surplus funds in their ABC fund to support the transit service. Mr. Terry said he believed the consensus of the Board was that they had agreed to an 80/20 split and had budgeted \$24,000, and that remained their position. The Board agreed by consensus.

## NEW BUSINESS

### 1. **Proposed Municipal Agreement between the Town of Pittsboro and NCDOT Covering Construction of a Roundabout at the Intersection of NC 87 and SR 1516 (Camp Street).**

Mr. Terry said he had brought this to the Board because of its large impact on the Town. He said the contract as proposed put a lot of financial responsibility on the Town which he believed was misplaced. Mr. Terry said after receiving an email from NCDOT late today he believed they had been able to resolve several of the issues, in that the Town would not be responsible for the cost of the utility relocations nor any of the costs associated with the cost overruns related to the road alignment. He said when the revised agreement was sent back he would put it back on the agenda, although it may be that they would not need an agreement since he did not believe the Town would have any financial obligation at all.

Mayor Voller said those roads were not Powell Bill roads but were actually State roads, and it was strange that the Town would have been asked to provide any funding. Mr. Terry agreed.

Commissioner Walker stated that the project was not a Town project and the Town should bear no expense no matter what the situation was. Mr. Terry said he was not asking for any Board action on this tonight, but he would report back to the Board once additional information was available.

Mayor Voller asked was Item E on page 2 of the draft agreement Mr. Terry's main issue, in that it said if the municipality requested relocation or adjustment of municipally-owned utilities that the cost would be the responsibility of the municipality. Mr. Terry said the Town was not asking that any utilities be moved, but was asking that it be included in the scope of the work. Mayor Voller asked while that work was going on, was there a possibility that they could address some of the issues that were related to the downtown water project. He asked were there any lines that could be addressed while the digging and grading was ongoing. Mr. Terry stated that he and Jay Johnston had talked about that and they did not yet know the answer. He said if the Town were to ask NCDOT to upsize the line, then the Town would have to bear the cost of that. But, he said, they were not yet at that point. Mayor Voller said that would be the most efficient and least costly way to do that, since the most expensive part of the project was digging it all up and getting the permits. He said this way the Town would only need to pay for the pipe, so he would at least like the Town to be prepared to pursue that.

Commissioner Harrington asked when they would be ready to begin the project assuming the contract was put in place. Mr. Terry said that was not yet clear, that they were still doing the preliminary work. Commissioner Harrington said he was asking to make sure there was no urgency in working the contract out.

### 2. **Endorsement and Adoption of the Reality Check Guiding Principles for Quality Growth.**

Mayor Voller stated the proposed resolution had been sent to them by Pam Wall from Triangle Tomorrow, which was part of the Urban Land Institute and Reality Check and RTRP. He said

that summit, in which 300 people in a 15-county area had participated, was concerned with various elements of growth in the 15-county region which included what they typically called the 13 County RTP, plus Wilson and Moore County. Mayor Voller said all of those member governments were being asked to endorse the basic concepts established by consensus of the participants at that summit.

Mayor Voller said the Research Triangle region had a projected growth of 1.2 million new residents by 2030 in that 15 county region, and part of that growth would potentially be from Pittsboro north and Pittsboro east, and the thinking was that would create over 7,000 new jobs. He said they were pushing the towns and counties to look toward forms of cooperation around basic guiding principles that included transit, reinvesting in their downtowns, maintaining sustained green spaces for agricultural preservation, and others. Mayor Voller said the Board could suggest changes to the resolution or could approve it the way it was worded.

Commissioner Harrington asked when the summit had occurred. Mayor Voller said it had taken place in February. Commissioner Harrington asked who had represented Pittsboro. Mayor Voller stated he had attended, but there were about 10 or 11 people from Chatham County that included the development community, business leaders, planners, bankers, economic development people, and others. Commissioner Harrington asked who had written the resolution. Mayor Voller said it had been sent to the Town by Ms. Wall, with the wording coming from the consensus of the participants at the summit.

Commissioner Harrington asked would the resolution be interpreted as a non-binding resolution. He said the title said “A resolution of endorsement and adoption...” Town Attorney Paul Messick said the Board could state its position as endorsing the principles rather than adopting them.

Commissioner Baldwin said one of the principles was to improve regional transit by matching land use decisions with transit investments. She said that had a cost associated with it so she was hesitant to agree to that. Mayor Voller explained that meant that when land use decisions were made, such as in Durham where they were planning light rail, that density be placed near that light rail. He said they were not Durham, so they could modify that to fit Pittsboro’s situation.

Commissioner Walker questioned Mr. Messick about the Board taking action on the resolution. Mr. Messick responded that any action the Board took today could be reversed tomorrow if they so chose.

Commissioner Harrington said there was a lot of vague language in the resolution. He said as far as the principles themselves, he thought they were fine. Commissioner Walker said he had no problem endorsing them but did not know about approving and adopting them.

Mayor Voller agreed there were some gray areas in the language. He said for the Town a transit investment might mean a bike rack or even a park and ride lot.

Commissioner Baldwin said if the Town endorsed and adopted it, then it could open the door for requests for transit amenities that were never intended.

Mayor Voller agreed, and asked Mr. Horne how he would interpret the language regarding transit investments. Mr. Horne responded that he agreed that if you had a transit stop that you would want density around that transit stop and that density would gravitate towards that transit stop. He said it would benefit Pittsboro to have some density focused in certain areas rather than in other parts of the County, but clearly it would do what the market was already doing in any case, which was to put density in the most appropriate locations.

Commissioner Brooks said he had seen several news releases from Raleigh regarding downtown revitalization but they still did not seem to be able to attract businesses. He said he was very much in favor of protecting their agricultural land and hated urban sprawl. Commissioner Brooks said he did not like the idea of promoting compact development, noting he believed at the root of the social and economic problems in America was that people were crowded together in certain areas. He said when people were more spread out they were healthier and happier. Commissioner Brooks said he understood about saving green areas, but they needed regional planning. He said he was also concerned that the principles stated would not be the last, in that more principles might be forthcoming.

Mayor Voller said the idea was that they would in the future be experiencing growth, and the point was that they needed to be prepared for that significant population increase. He said the principles were meant to allow them to get ahead of the curve and be prepared for that growth.

Commissioner Harrington moved to approve the resolution with some changes: that the title be amended to read "A Resolution Endorsing the Reality Check Guiding Principles for Quality Growth," removing the language referring to adoption; and, that the "Now, Therefore" paragraph be reworded to read "Now, Therefore, Be It Resolved by the Board of Commissioners of the town of Pittsboro that the Town of Pittsboro endorses the Reality Check Guiding Principles for Quality Growth and supports identifying opportunities to incorporate those principles in planning for future growth." Commissioner Walker seconded the motion for discussion.

Mayor Voller asked the Attorney if that language would get around the issue. Mr. Messick said he would not say get around the issue, but believed it would satisfy the concerns that the Board had expressed.

Commissioner Walker said they would need to get rid of the language that said "Reality Check," "Triangle Tomorrow," and "Urban Land Institute Triangle" anywhere in the resolution because he did not know who they were. He said he had made a mistake years ago by making a donation to an organization who he believed did some decent things, but as time went by he had learned of certain tactics used by that organization that had sickened him, and he had regretted it ever since. Commissioner Walker said he knew nothing about those three organizations mentioned and they may be fine organizations, but he was not going to associate himself with them until he understood who they were and what they stood for.

Commissioner Walker named some projects the Town had been involved in over the years, noting he believed they had already been involved in doing many of the principles outlined. He

said if the resolution were made more generic then he would support it, but otherwise he would not.

Commissioner Harrington withdrew his motion until the resolution could be studied in more detail.

Mayor Voller suggested inviting a representative to come and speak to the Board to explain who the groups were and provide information about their work. The Board agreed by consensus.

Motion made by Commissioner Walker seconded by Commissioner Bryan to table the Resolution of Endorsement and Adoption of the Reality Check Guiding Principles for Quality Growth.

Vote Aye-5 Nay-0

Commissioner Harrington indicated he would need to leave the meeting for a very short period to attend to some business. He left the meeting at 8:20 returned 8:22.

### **3. Establishment of a Town of Pittsboro Grants Committee.**

Mayor Voller said he wanted to ask the Board to consider the establishment of an ad hoc committee to identify grants the Town might be eligible to receive. He said there were many grants available and staff did not have the time to weed through all the potential grants that were out there. Mayor Voller said he believed it made sense to put a committee in place that would meet periodically to review grants that the Town may want to pursue. He said many times the Town was notified of a grant that required a quick turnaround and staff was not able to do that, so it seemed to make sense to have a committee that could do that and report to the Board.

Commissioner Walker asked if that committee would be made up of non-paid volunteers.

Mayor Voller said it would be just like any other committee, such as the Recreation Board, and that it could be an ad hoc committee that the Board authorized him to put together or they could officially advertise it as a Town of Pittsboro Grants Committee. He said his purpose in bringing this before the Board was to assist staff by finding some volunteers to review grant opportunities rather than continuing to lose out on potential grant funding.

Commissioner Brooks said he believed it would be advantageous to have a volunteer committee to look into grant opportunities.

Mayor Voller said they could begin with an ad hoc committee and see how it performed, and then the Board could always make it an official advisory board. He said he wanted to put some people together to begin looking at opportunities while those opportunities were still available.

Commissioner Harrington said they had missed out on some opportunities, but they had also hired personnel whose jobs were to keep up with some of those opportunities. He said they had added a new Finance Officer and a Planner, and wondered if the Board should ask the Town Manager to report back on how such a committee would function, how many members it should

have, what background the volunteers might need to have, who the committee would report to, and the like. Commissioner Harrington said he would like to have that information before making any decisions.

Mayor Voller said that was kind of what he was asking, that they either authorize him to do an ad hoc committee to start with that would then become an official committee, or, they try to form an official committee from the start. He said obviously the Finance Director needed to be linked to that process. Mayor Voller said larger cities could afford to have grant writers or staff that oversaw that kind of activity, but Pittsboro could not afford that so they needed to do the next best thing.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to authorize the Manager with guidance from Finance Director Scott Borrer to look into what would need to be considered to form either an ad hoc committee or a full advisory board for the purpose of pursuing grants for the Town, including how such a committee would function, how many members it should have, what background the volunteers might need to have, who they would report to, and any other information that might be pertinent.

Mr. Terry said he understood the direction, but noted there were grants out there that they would not want to pursue because of the convoluted administration that would be required. He said it would be helpful to have extra eyes to look through materials and see what might be of interest, but cautioned that they should not be too aggressive in pursuing grants because they could get in situations that had happened to other municipalities where they had more grant money than they could professionally administer and the administrative burden became too great.

Mayor Voller said what he was thinking was that they could go after larger grants or those that were within elements of foundations and the government that they did not have the staff time to pursue. He said such a group could operate like the Recreation Board with a staff member assigned, or it could be an ad hoc board where it would work for a limited period of time and then the Board could decide whether or not to make it an official committee. Mr. Terry stated he believed a screening board that could come back with ideas might be useful. Mayor Voller stated he envisioned a working board that included people who could write the grants.

Commissioner Harrington said that was exactly the type of information he wanted to get from the Manager before the Board considered any action.

Commissioner Walker withdrew his motion and Commissioner Baldwin withdrew her second. The Board agreed by consensus to have the Manager report back at the earliest time possible with information on how such a board might be formed and how it would function.

#### **4. TARPO reappointment.**

Motion made by Commissioner Walker seconded by Commissioner Bryan to reappoint Mayor Voller as the Town's TARPO representative.

Vote    Aye-5    Nay-0

## **Mayor Updates**

Mayor Voller stated that the EDC would be meeting tomorrow at 8 a.m. if anyone was interested in attending. He said the next RPO meeting would be in Pittsboro on August 13, and since the Secretary of Transportation would be attending at the end of the meeting he hoped that as many Commissioners as possible would join the discussion.

Commissioner Brooks said he had visited the Farmers Market last week, and he did not know where Dr. King Drive ended but it needed some gravel to fill in some of the deep ruts. Mr. Terry said he would see that some gravel was added to address the ruts.

Mayor Voller said for those that might not know the Farmers Market was open from 3:30 to 6:30 p.m. every Thursday. He said he had been notified that there was an issue with the kiosk for the downtown, noting that apparently the property for the kiosk was owned by Chatham County rather than the Town. Mayor Voller said apparently in the 1960's there was a Pittsboro Merchant's Association that was recognized by the State. He said the problem was that the County was questioning whether the Pittsboro Merchants Association could actually contract to do the kiosk since they were not a corporate entity or an LLC, but hopefully that could be addressed and they could get the kiosk built.

Commissioner Walker asked if the County owned the land, then why couldn't the Pittsboro Merchants Association work directly with the County and take the Town out of the loop since it appeared they were the middle man.

Mayor Voller said they were not the middle man, that the Pittsboro Merchants Association wanted to build the kiosk and gift it to the Town, which brought up other issues.

## **Commissioner Concerns**

Commissioner Brooks said it was his opinion that the Town was getting a negative image in regards to excessive ticket-writing on the part of the Town's Police Department, and he had heard that complaint through many quarters. He said he had hoped to see more Community Policing, for example at one time they had held a program where they had distributed bicycle helmets for children. Commissioner Brooks said other examples might be that officers would speak more often to classes of school children, that there could be the establishment of neighborhood watches, that the elderly could be made to feel more secure in their homes through an inventory of homes and suggestions on how to make them more secure, or, that a program could be developed where valuable items could be engraved for easy identification. He said there were all sorts of programs such as that, but it appeared that the main thrust of the Town's Police Department was traffic control.

Commissioner Brooks said no one, especially him, wanted to see someone injured or killed by a speeding driver and no one wanted to see traffic accidents. But, he said, it appeared to him that they were overemphasizing ticketing, and wondered if they really needed to be doing traffic checks, noting that was best left to the Highway Patrol. Commissioner Brooks said he believed

the Police Department should be encouraged to not only protect the community from speeders but to do more community policing. He said the Town was getting a negative image and he would like to see a change in philosophy and direction.

Commissioner Walker said he had had that conversation with the Police Chief a couple of times over the last few months, and he had pointed out that he saw a lot of ticket writing up and down 15-501 and 64, but he believed more attention should be given to neighborhoods where he had witnessed speeders on many occasions. He said people traveled down his street at 45 mph and the speed limit was 20 mph, and that was even more dangerous to the citizenry.

Commissioner Walker said he had heard the same complaints that Commissioner Brooks had heard from citizens, and related that on a Sunday morning he and his family had pulled out of the Lowe's parking lot and turned south on 15-501 right behind a local law enforcement officer. He said he could not keep up with that police officer, and he had finally backed off. Commissioner Walker said he had gotten to 53 mph before he decided it was not worth trying to determine how fast that officer was traveling, but he was not on a call which he had verified the next morning. He said he had real serious issues with police officers in general who conducted themselves in that manner, because they would not hesitate to pull someone for a broken taillight or a headlight burned out. Commissioner Walker said all officers should conduct themselves in the same manner that they expect the public to conduct themselves, and they should abide by the same traffic laws that they were writing tickets for. He said the officer he had been following had not slowed down until he reached the old hotel up past Smart Cars, and that was because someone had pulled out in front of him. Commissioner Walker said fair was fair, and if they were going to write tickets to people then they should be held accountable to obey the same laws.

Commissioner Brooks said he believed the Mayor had said at one time that issuing warning tickets might achieve more behavior modification than a ticket, unless the offense was extreme.

Mayor Voller said that was correct, and said that having equipment on the side of the road to alert people of their speed would also be a deterrent and achieve a positive result. He said the Town got no revenue from the issuing of tickets, noting the funds went to the schools. Mayor Voller agreed that they would get a better result by issuing warning tickets, and asked the Manager to research how they might get the use of more of the roadside devices to alert drivers as to their speed.

Commissioner Brooks stated the Board owed Mr. Terry a thank you for the device that was being used in Town now. He said they needed to keep in mind that their police officers risked their lives for the citizens of Pittsboro every day and they wanted that to be recognized, but he was still concerned about some of those other issues.

Commissioner Baldwin said she had received the same kinds of complaints that had already been mentioned, and one elderly gentleman had said he had been stopped in Town for going 5 mph over the speed limit.

Mayor Voller said he often walked up 15-501 in the mornings, and the speeds people were traveling was sometimes surprising. But, he said, he believed issuing warning tickets would

achieve the same result. Mayor Voller said that Commissioner Brooks had remarked to him privately that they should be concentrating on egregious speeding, DWI's, and things that were potentially very dangerous, and not the minor infractions that caused people's insurance to rise and caused irritations and hurt business. He said people did not want to come downtown if they believed they would get a ticket.

Commissioner Harrington said he had recently read an editorial in the Chapel Hill newspaper that Pittsboro was fined for its sewer every time it rained. He asked how often they got fined. Mr. Terry said he could bring back a report of instances where the Town received a Notice of Violation over the last year, but it certainly was not every time it rained. He said he believed they received such notices a couple of times a year. Commissioner Harrington said if it was that infrequently, then he did not need to see the data.

Mayor Voller asked when they had received the last Notice of Violation. Mr. Terry stated he would have to check his file, but they did not have to pay a fine every time they received a notice.

Commissioner Walker suggested having the Manager write a response to be sent to the editor of the Chapel Hill newspaper. He asked the Chatham Record newspaper reporter present at the meeting, Randall Riggsbee, shouldn't the newspaper be responsible in its reporting. Mr. Riggsbee replied he believed so.

Mayor Voller agreed that if there was a mistake then it should be corrected, but he believed such mistakes were often printed. He said he did believe that was an "off the cuff" thing to have reported, and it should be corrected.

Commissioner Harrington offered to forward the article to Mr. Terry so he could write a response.

Mayor Voller said on another note, it was important that the government model the behavior that they requested others to follow, whether it was the police, budgeting, or something else. He said if they asked citizens to do something, then they as representatives of the government should be modeling that behavior. Mayor Voller said otherwise, citizens would not follow the rules because they would have no respect.

FYI -

1. PWS, NC DENR letter of June 3, 2009; RE: Authorization to Construct WWTP Wet Weather Flow Improvements.
2. Notice to Bidders: Pittsboro Town Park Project, Chatham Record, July 9, 2009.
3. Clarification of Recent PARAB Appointments.
4. 2009 United Way of Chatham County Community Needs Assessment

**ADJOURN**

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to adjourn the meeting at 9:00 p.m.

Vote Aye-5 Nay-0

ATTEST:

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Randolph Voller, Mayor

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Alice F. Lloyd, CMC, Town Clerk