

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, FEBRUARY 8, 2010
7:00 PM

Mayor Randy Voller called the meeting to order at 7:02 p.m. and called for a brief moment of silence.

Mayor Voller noted that 6 citizens had signed up to speak on a thoroughfare issue, and because some may be offering the same information he asked that they not repeat what a previous speaker had said. He said he did not want to spend undue time on the issue because at some point a public hearing would be held so there would be one or more opportunities to speak. Mayor Voller said there was also one citizen who wanted to present a petition regarding Powell Springs and he would be allowed to speak first.

ATTENDANCE

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

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

AGENDA

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

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the January 25, 2010 regular meeting.
2. Resolution Honoring Dr. Noah Wilson.

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

Vote Aye-5 Nay-0

A RESOLUTION HONORING DR. NOAH WILSON IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 17

REGULAR MEETING AGENDA

Citizens Matters

David Richter, 30 Dunmore Lane, stated that he had provided the Board a petition signed by 114 residents of the Powell Place development expressing opposition to the Powell Springs Apartment Complex as currently proposed. He said that the petition focused on Town Code 6.1.C(2) and (3). Mr. Richter said the petition spelled out their concerns, particularly that the petitioners wanted the Town to enforce the Subdivision regulations requiring a 75 foot or greater buffer to maintain the scenic character of an intermittent stream located on the west side of the proposed construction site, and that there were no mitigating circumstances that rationalized the use of Section 6.1.C(3) to allow the builder to ignore the buffer requirement. Mr. Richter said that removal of the many trees and vegetation would destroy an important visual asset as well as a sound buffer between multiple Powell Place residents and US 64, thus reducing the value and enjoyment of those residences. He said they also maintained that the Powell Springs Apartment Complex would be better located to the east of its current site to allow for a design that adhered to current regulations. Mr. Richter asked that the current Powell Springs proposal be rejected as it did not meet Town standards.

Mark Nelson, owner of Pittsboro Ford, said that the proposed intersection that Pittsboro Place Partners was suggesting to move 400 feet may offer some additional turn-in opportunities to the downtown. He said that the downtown businesses could benefit from that, so instead of having the original intersection that was proposed that moved traffic around the downtown and offers no opportunity to turn into the downtown, moving the intersection would provide that possibility. Mr. Nelson said as a business owner he hoped that the Board would consider that carefully, noting it would provide additional traffic for downtown businesses and may attract other businesses to locate there.

Commissioner Harrington said to clarify Mr. Nelson was talking about the extra turns, not the turn at US 64. Mr. Nelson said that was correct.

Margaret Moore, 472 Walter Bright Road, Sanford, urged the Board to consider a parkway near downtown Pittsboro that would bring traffic to the downtown but would take large truck traffic away from the downtown. She said many large trucks travel too quickly through the downtown, endangering pedestrians, and another alternative for large trucks needed to be identified. Ms. Moore said a plan that placed the parkway within visual distance of the downtown was better for Pittsboro and its businesses.

Gia Miele, owner of a business at 76 Hillsboro Street, stated that there were many businesses in the downtown that were simply surviving. She implored the Board to make decisions that would allow those businesses to thrive. Ms. Miele urged the Board to consider alternatives to the proposed parkway in order to bring more visitors to the downtown area.

Jennifer Bouldin, business owner at 250 East Street, said that many Town businesses and residents would be affected by the decision on the parkway. She asked the Board to gather as much input as possible, noting that if it was put in the wrong place it would limit traffic into the downtown which would affect the viability of the businesses there.

John Anton, with Pittsboro Place Partners, Industrial Park Drive, provided the Board with research and other work they had done related to the potential eastern thoroughfare road, summarized as follows:

- Pittsboro Place Partners had looked at a total of 8 alternate routes. Full environmental analyses had been done, as well as affected property owner analyses, and at the proper time those materials would be submitted to the Town so that the Town as well as private developers would be looking at a number of alternatives rather than one potential alternative.
- For the last 6 months, they had spent a lot of time in Pittsboro and spoken to roughly 100 business owners and landowners in the downtown and around the downtown area. The same message had been expressed: this needed to be a public process since this would be a major decision to be made by the Town; that whatever alignment was chosen did not siphon business away from the downtown; and, that it served to fortify the downtown. Concern was also expressed that information regarding the road alignment had only recently been made known.
- It was their understanding that the number one item in the Comprehensive Land Use Plan that was being reviewed in draft form by the Planning Board was transportation. The Planning Board was looking at recommending approval of a draft Comprehensive Land Use Plan before there was a comprehensive transportation plan. It was Pittsboro Place Partners' belief that to attempt to complete one before the other was a mistake, and it would be more appropriate to complete a comprehensive transportation plan including the eastern route being discussed before attempting to finalize the Comprehensive Land Use Plan.
- It was their understanding that any new interchange that was designed and built on the eastern side of Town, and ultimately the road that connected to that interchange, would be built for the public benefit and the rights-of-way would be public rights-of-way. Those should be studied and built for public benefit and not for the benefit of just one developer.

Commissioner Harrington said Mr. Anton had made the comment that he wanted to make sure that everything happened in public, and that the residents had not heard about the proposed alignment. He said if there was anything that had not happened in public that had any specifics about this project, he would like to know about it. Mr. Anton said one example would be that this road should be designed and looked at by the Town. Commissioner Harrington agreed, but said Mr. Anton had suggested that citizens were just now hearing about this. Mr. Anton indicated that his partner, Bill Jackson, would respond to that question.

Commissioner Brooks said he had no idea what Mr. Anton was talking about. He said in the late 1980's a representative of the Department of Transportation had spoken to the Board about constructing a bypass for US 15-501, and it had dropped out of sight for many years. Commissioner Brooks said then DOT had come up with 8 or 9 plans and they were all put out

for comment, and then the plans disappeared off the radar again. He said he had not even known it was still being considered, noting he had thought from all reports that DOT was broke. Commissioner Brooks said he saw no road on the horizon and had not heard about any plans to build one. He said at the end DOT would do what it wanted to do, but believed it was good for people to express themselves in an open forum such as this one.

Commissioner Brooks said that Mayor Voller was the Town's representative to Region 8 for highway planning, and he believed about a year ago that the Mayor had said such a thoroughfare was not on the list of projects.

Mayor Voller said the bypass was an unfunded project on the State list, which basically meant it was imaginary. He said the Board was committed to any process that was open and transparent, and there would be 2 and possibly up to 4 hearings regarding roads and other forms of transit that fed into roads, whether they were pedestrian, bikes, or public transit. Mayor Voller said that would be something that all citizens including business owners would need to take part in, noting in the past when such meetings were held as little as 3 citizens had attended.

Commissioner Harrington stated that everything discussed by Board or at Planning Board meetings had been done in an open forum, and the meetings were held at the same time every month and anyone could attend. He said there had been no private or secret meetings with anyone or any group, and that anything discussed had and would be talked about during regularly scheduled Planning Board and Town Board meetings. Commissioner Harrington said he had spoken to Mr. Anton about this, but there had never been any other discussion about this road with any other party. He said the fact that citizens were saying they had heard nothing about it did not surprise him, because this was the most detailed plan the Board had ever seen on this topic.

Commissioner Baldwin said what citizens were saying and what she was saying was that Mr. Anton had more knowledge of this than the Board did. She said everything the Board did was done aboveboard and in public, so if there was anything the public needed to ask the Board, then they would be happy to answer but they could not respond to something they knew nothing about.

Mr. Anton said part of the reason they were present this evening was because that road alignment was "all over" the draft Comprehensive Land Use Plan being reviewed by the Planning Board, and they were fairly sure the Town Board had not known that.

Mayor Voller said the Board was operating under a Comprehensive Transportation Plan done by DOT in 1992. He said there was a plan as part of a Land Use Plan that the Planning Board had done in 2000 and 2001, and there was a plan that DOT had prepared when they thought the Town would get a 15-501 bypass but it had never been adopted. Mayor Voller said as Commissioner Brooks had correctly pointed out, at that point the topic had been dropped and the Town had a map that had 11 different roads shown on it.

Mayor Voller said he was Chair of the Rural Planning Organization (RPO) which advised DOT, and was made up of District 7 and 8 and Triangle J that included Orange, Chatham, Lee, and

Moore Counties. He said that Secretary of DOT Conti had attended a meeting of the RPO held at the CCCC and attended by approximately 40 people, and had then been invited to visit Pittsboro so that he would know that Pittsboro had a number of major issues coming forward in the future that DOT needed to be aware of. Mayor Voller said during that same timeframe the Board had adopted a resolution endorsing some form of an interchange between Eubanks Road and US 15-501 that actually followed the plan from 1992. At that point, he said, the Board had no further discussions and it was left up to DOT and private developers to come back and present something in public so that everyone could see it. Mayor Voller said in between that point and now, they had had a meeting where Pittsboro Place Partners and Chatham Park Investors were brought in by DOT to try to discuss that exact issue, which he had attended with Commissioner Fiocco, Mr. Terry and other staff. He said what had come out of that meeting was that DOT wanted to work with the Town for whatever the Town wanted to do and that it would be the Town's call. Mayor Voller said they had had a subsequent meeting where they had said they would have an open and transparent process where everyone would be involved.

Mayor Voller said that Commissioner Harrington was correct, in that none of the Board had ever seen the plans because the plans Pittsboro Place Partners were referring to had never been provided to the Board for consideration. So, he said, until it was submitted they did not have a plan to answer questions about. Mayor Voller said that plan had been shared with some citizens, and believed that had gotten ahead of where everyone else was. He said he had been lucky enough to attend the meeting as had Commissioner Fiocco, but the remainder of the Board knew nothing of it. Mayor Voller invited Mr. Jackson to respond to Commissioner Harrington's question.

Bill Jackson, with Pittsboro Place Partners, said their issue had not been with anyone at the Council level, and they had been doing business in the Town for nearly 5 years and had never had any experience in any respect of anything underhanded or behind the scenes or unreasonable with any Town Board member they had ever dealt with. He said he wanted that made known in the clearest of terms, so their concern was not related to the Town Board.

Mr. Jackson said they did have some issues with some of the Town staff before the time that Commissioner Harrington had been on the Council, and he had attempted to avoid that issue tonight because he was concerned it would take away from the positive aspects of what they wanted to relay to the Board. He said it was unfortunate that the Comprehensive Plan draft that was submitted had Preston Development's proposed alignment and excluded any alternatives. Mr. Jackson said there had been two other alignments that were on the list that they were unhappy it had occurred in that way.

Commissioner Harrington asked him to clarify that. Mr. Jackson said there had been three alignments, and what they considered to be the only realistic alignment in that part of Town had been excluded as had all other alternatives and included only the Chatham Park alignment shown on the map inserted into the Draft Comprehensive Land Use Plan. He said they had hired an attorney and sent a letter to Planner David Monroe with a copy to the Town Manager objecting to the alignment being shown on that map and stating that the Comprehensive Plan should not favor one alignment before public hearings had been held. He added that the draft plan had even

referenced Preston and Chatham Park's alignment and they believed that to be biased and unfair, and stood by that tonight.

Mr. Jackson said the letter they sent to staff had proposed changes be made to the draft plan to at least make it neutral, but they had received no response. He said they had become increasingly concerned that the Town would approve the Comprehensive Land Use Plan with a biased alignment map when a public hearing had never been held.

Commissioner Harrington stated that a public hearing would be a part of any process before acceptance of the draft plan. Mr. Jackson said his difficulty was that before Commissioner Harrington was on the Town Board, they had gone to the Town Planner and said they wanted to propose the Pittsboro Place project. He said the Town Planner had said that they would have to thoroughly document the impact including a traffic analysis and demonstrate that the project was workable, and they had spent a half-million dollars getting that project approved. He said after that Chatham Park came in right behind them on Eubanks Road with a similar sized project, and it was an unfortunate history of the Town that the Town Planner recommended approval of that project with an unconditional zoning and with essentially none of the work that Pittsboro Place Partners had been required to do for its project. He said that process had not stopped until he had stood at the same podium he was standing at tonight to protest. Mr. Jackson said at that time he had commented that he had been required to conduct a retail analysis at a cost of \$45,000 and the Town Board was considering approval of a similar sized project just down the road with none of those requirements attached. He said at that point Chatham Park had withdrawn their proposal and went back to collaborating with the Town Planner. Mr. Jackson said they had ended up being left with an impression that they were being discriminated against, that is not being treated in the same manner. He said to the Board's credit, when he had protested the issue, it was tabled and Chatham Park had withdrawn their proposal. Mr. Jackson said this was all due to actions precipitated by the Town Planner, adding that he would say in public that in his opinion that was the most unprofessional planning move he had seen in his career. He said he was sure the Board could appreciate that if you had spent a half-million dollars to get a project approved, and the Town Planner then came right behind you and recommended approval of a similar sized project in virtually the same area with no conditions and with virtually none of the same requirements for approval, you would be offended.

Mr. Jackson said it had all turned out well, that they were happy they were here and were elated that Chatham Park was in Town, but nonetheless they did not want a second experience with Town staff. He said when that alignment had been placed in the draft plan they had sent letters, made calls, hired an attorney, and still got no response from Town staff. Mr. Jackson said they only got a response when they had insisted on coming before the Town Board, in that he had received a last-minute email from the Town Manager stating he believed the map had been removed from the draft plan. He said that did not give them good feelings, noting the bottom line was that they had reason to be concerned that the Town Planner had entirely too close a relationship with Chatham Park.

Mr. Jackson emphasized that those feelings were not related to the Town Board in any way, and had he consistently said that if they could just get the issue before the Town Board that they would be heard, and that the Town Board would understand what was best for the Town and

could be relied on to do what was best. But, he said, the difficulty was that once a Comprehensive Land Use Plan was approved they would be faced with a bias that would not be changed by public hearings.

Mr. Jackson said they were concerned that the Town Planner was not being fair and even handed. He said he did want to say that the Town Planner was one of the most helpful public employees he had ever met, but on the other hand they believed at times he had been biased. Mr. Jackson said that was the reason they were present this evening. He said the roughly 5,000 acres to the southeast of the Town would create traffic that would come on the eastern side of a lengthy stream buffer until it hit US 64, they would then be on Chatham Park's land, and then that traffic would be gone. Mr. Jackson said that would isolate the Town and all the property owners between the two. He said they had analyzed 6 alternate routes, all of which would work reasonably well for Chatham Park and worked fine for them. Mr. Jackson said they were sitting there now with an approved project which they had spent \$5 million to purchase and another half-million to get approved. He said at the end of the day the Town Board would make a decision that would place an alignment on one side of the stream buffer and isolate the Town, or on the other side with some other alternative. Mr. Jackson said they had had concerns that Chatham Park was working behind the scenes, and if the Town Board did not make the effort to get the public hearings started, that they would end up in a position where Preston or Chatham Park came in and said they had an alignment study that had been worked out with NCDOT, that they had all the engineering done, here is a check, and let's get started. Mr. Jackson said if they delayed studying other alternatives, they could easily be in that position. He said that would mean they would have to take 6 to 12 months to study other alternatives and would have to refuse Chatham Park's check.

Mr. Jackson said if something was not done they would end up with a town that was bypassed, and that most of the development would be at the interchanges and would eventually grow together. He said it was their fear that if they did not go ahead and get the public hearings scheduled that the Town Board might find itself in a position of being pushed to make a decision. Mr. Jackson said they wanted to be sure that the Comprehensive Land Use Plan was not biased towards other alternative alignments. He said they were also asking that the Town Board schedule public hearings to begin within the next 90 days so that they could go through all the alternatives that would affect different property owners in a variety of ways. Mr. Jackson said the good news was no one wanted to isolate the downtown.

Mayor Voller said of course no one wanted the downtown to be isolated and die. Mr. Jackson said the reality was that they were looking at the maps and talking with others about what could happen, and that was not hypothetical conversation. He said he believed they were at risk and the Board was at risk if they delayed too long. Mr. Jackson said it was their hope that the Board would agree to schedule public hearings on the thoroughfare alternatives, and they were willing to share the \$150,000 of studies and analyses they had already prepared with all those interested. He said they had done those studies and analyses because of their fear that Chatham Park would work behind the scenes and get so far ahead of them that the Town Board would be forced to make a decision without having more information, and that was why they were here tonight.

Commissioner Harrington said there were lots of questions to be answered, but enough time had been spent on the issue this evening.

Commissioner Baldwin agreed, noting the Board had not had the opportunity to review any of the information. Mr. Jackson said he was sure the Board would appreciate his concern regarding his prior experience with the staff, as it felt like it was happening again because he had been unable to get a response.

Commissioner Harrington asked hadn't Mr. Jackson in his original presentation regarding Pittsboro Place presented that as sort of a gateway to that area behind it. Mr. Jackson replied yes. Commissioner Harrington said then with the other development on the other side of the stream crossing it would not be the gateway to the area any longer. Mr. Jackson said that was correct, but noted that the plans allowed for an alternative that went through the Preston property in the same way. He said they believed what the Town should consider was a plan that provided access and ultimately allowed all the bypass traffic to go through that area instead of on the western side. Mr. Jackson said that was a different concept and was beyond the scope of what they were discussing now.

Commissioner Fiocco stated they were committed to a public process.

Mayor Voller asked Mr. Jackson to cite for the record the book he had provided. Mr. Jackson said it was the road analysis booklet created on November 20, 2009 by Cole Jenest and Stone, project number 50158.03.

Mr. Anton stated as a point of clarification that they had additional property owners they were still negotiating with. He added that Ramey Kemp & Associates had prepared highway engineering.

Mayor Voller said for the record he understood their frustration as a private business owner trying to do work with Pittsboro. However, he said, given that Town Planner David Monroe was not present to address the concerns that it was not fair to discuss that now. Mayor Voller said he believed Mr. Monroe should have the opportunity as a courtesy to respond to this Board but more importantly to Mr. Terry who was his boss. Mr. Jackson said he was very willing and prepared to attend another meeting.

Commissioner Brooks said he did not want any of his remarks to be interpreted that he was opposed to a public hearing or a series of public hearings, because he was in favor of them. He said his remark was that he did not have a lot of confidence in the State at present.

Mayor Voller said he would like to leave Mr. Jackson with the thought that if the other entity never built anything or waited 10 years because they had the financial holding power, and he needed to have an answer for the Board and for citizens, what was his plan if the other entity did nothing. He said that did not have to be answered now, but Mr. Jackson should begin work now to prepare an answer for that because Pittsboro Place Partners had an approved project and they needed to know what would happen if the other entity just sat there. Mayor Voller said he

believed that was a fair question and wanted to be sure Mr. Jackson could respond to that at the appropriate time. Mr. Jackson indicated he would be prepared.

OLD BUSINESS

1. Manager's Update on Capital Projects.

Mr. Terry provided the following updates on Capital Projects:

- Disinfection Byproducts Reduction Project – The Board was aware that Town staff was working to negotiate the fine received from the State, and believed they had now arrived at a conclusion to that. More information would be provided as soon as the paperwork was received. Mr. Terry reported that they had hired a fourth Class A Water Treatment Plant Operator who had been on the job for one week.

Commissioner Harrington said that would not mean that they were ready to go to 24/7 operation. Mr. Terry replied no.

Commissioner Bryan asked did they need to have 6 to go to 24/7 operation. Mr. Terry responded they could likely do that with at least 5 operators that were certified.

Mr. Terry continued his update:

- 3M Reclaimed Water System Project – Work is in progress on resolving freezing issues at the Wastewater Treatment Plant pump station. System start-up remains on hold pending resolution of those issues. A change order was being processed to place a structure around the pump facility that was above ground so that it could be heated in the wintertime and would prevent future cold weather issues.

Mayor Voller asked how large the structure was. Mr. Terry said it was 16 feet by 16 feet square, and would be brick with a removable roof and access doors.

Mr. Terry continued his update:

- 3.22 MGD Wastewater Treatment Plant Construction – The draft NPDES Permit application is under staff review. Adam Kiker and Eric Wagner will provide a more detailed update later this evening.
- Short-term Wastewater Treatment Plant Improvement Project – A construction progress meeting was held on Tuesday, February 2. Excavation of the equalization basin site had been completed and they were beginning to backfill with crushed stone and soil to the finished grade for installing concrete forms. The project had been about a week ahead of schedule before the recent snow storm. The contractor hoped to stay ahead of schedule throughout the project and was working aggressively to do so.
- 3M Park – They had agreed to March 6 at 10 a.m. for the ceremonial transfer of the 3M Park land, but due to freezing issues with the pump station he would meet with 3M later this week to discuss whether or not to delay that for a short while to make sure the system was working well.
- Rock Springs Park Project – Construction continues to be delayed by inclement weather. They were negotiating with the contractor regarding suspension of construction awaiting

more favorable weather for completion of the final landscaping including the establishment of turf on the general purpose playing field. On February 3 Paul Horne sent the Contractor a draft change order for establishing the period of the suspension of construction including a proposed plan for compensation for the 19 erroneously removed trees.

- Downtown Area Water System Improvement Project – A proposal was received from Hydrostructures to manage the USDA grant application process for this \$1.4 million construction project for a fee of \$21,370. This fee seems reasonable for an application that requires two preliminary engineer reports on separate aspects of the project and an application that is about 30 pages in length. A recommended project budget amendment will be brought to the Board on February 22 to fund that grant application process.

Commissioner Fiocco said the last time they had talked about the park they had spoke about delaying the permit so that they could talk about temporary measures for erosion control. He said he believed it was a very messy place at present. Mr. Terry agreed, noting that erosion control was an issue. Commissioner Fiocco said he believed the permit likely required seeding within 7 to 14 days.

Mr. Horne said it was 21 days.

Commissioner Fiocco said if they were finished with a particular area then they should get it covered up. He said the Town needed to set a good example for erosion control measures when involved in construction.

Mayor Voller said if you looked at Piedmont Bio-fuels, they had a facility to keep the fuel from freezing up that was fairly inexpensive to build. He suggested that Mr. Poteat go over and look at that facility, noting he believed it also had a solar collector to power it up year round. Mayor Voller said it could be possible it was something the Town might use.

2. Update on the 3.22 MGD WWTP EIS and NPDES Permit (Adam Kiker and Eric Wagner, Hobbs Upchurch and Associates).

Eric Wagner stated that they were working on two permits, the first being the EIS permit and the second the NPDES permit. He said EIS was complete and had been reviewed, and the last step was that it would now go to the State Clearinghouse for 30 days before they wrote the Record of Decision. Mr. Wagner said as of last week they were 30 days out from completing the process, which was a formality, and once that Record of Decision was submitted to the Town the process would be complete.

Mr. Wagner said as a part of that, they were also working on the NPDES Permit, or discharge permit, for the plant. He said the draft permit was complete and ready to go with the only piece missing was that Record of Decision. Mr. Wagner said once that was received the NPDES Permit application would be submitted to the State for review. He said the State's schedule of issuing such permits was between 2 and 6 months, and they expected it to be in the 3 to 4 month range. Mr. Wagner said with the detail design approaching completion, they needed to talk about some funding partnerships as part of the public hearing process.

Mayor Voller asked if the two documents were available for public review. Mr. Wagner said that Mr. Terry had a hard copy of the EIS, but the NDPEs Permit was still in the draft stage. Mayor Voller asked that a draft be provided to Mr. Terry so that the Board could look through it if they wished. Mr. Wagner agreed to do so, and offered to provide additional copies if needed.

Adam Kiker stated that this was as confusing a process as he had ever been involved in, and they had struggled to adhere to it. He encouraged the Board to contact them should they have any questions, noting it had been a long and confusing process.

The Board thanked them for the good news on their progress.

3. Manager's Report on Fiscal Year 2009-2010 Budget Execution.

Mr. Terry stated that they now have enough data to provide an update on the preliminary mid-year budget performance, as follows:

- General Fund Revenues – They were expecting a surplus of about \$6,500. They were expecting shortfalls in Ad Valorem taxes of \$18,000, in Interest on Investments of \$25,000, in ABC Revenues of \$36,000, and in Landfill Tipping Fees of \$40,000. Those would largely be offset by higher than budgeted revenues from various sales and franchise taxes, with sales taxes exceeding budget expectations at the end of January with \$270,642 or about 70.1% of the budgeted amount for the year.

Mayor Voller asked if they were still putting investments into CD's. Mr. Terry responded they had first had to collect the money from different funds, but the previous Finance Director had not stayed long enough to get the money reinvested. He said they were now working on getting that money into CD's.

Mayor Voller said if the ABC Board made physical improvements it actually changed the revenue picture. He said if the Board desired to see revenues come back to the Town then they had to let the ABC Board know because theoretically they could improve their facility every year and no funds would ever come back to the Town. Mr. Terry said it was his understanding that the ABC Board controlled the finances of that organization, and the Town Board had authority only to the extent that it appointed members to that board. Mayor Voller said he understood that, but they were all working together.

Mr. Terry continued his update:

- General Fund Expenditures – As of January 31, overall expenditures were at 50.1% of budget. They were estimating a surplus at the end of the year of about \$97,000, most attributable to lapsed salaries. The only significant budget shortfall was in Contract Services of \$27,467, the majority of which was from higher than budgeted solid waste disposal costs.
- Enterprise Fund Revenues – Based on collections to date, they were estimating a year-end net revenue surplus of about \$54,000. Shortfalls in Interest Income of \$26,494 and Miscellaneous Revenues of \$21,536 were offset by higher than budgeted Water Charges with a surplus of about \$100,000.

- Enterprise Fund Expenditures – As of January 31, overall expenditures were at 37.1% of budget. That number is artificially low because they had not yet completed the budgeted payments to the General Fund and budgeted transfers to Capital Reserves. Once that was accomplished, the estimated year-end expense balance was expected to show a deficit of about \$11,939, which was within the margin of error of their estimating capabilities and could be controlled by closely monitoring expenses for the remainder of the year. The majority of projected overages were related to higher than expected maintenance costs and sludge hauling costs related to controlling TTHMs. In addition, they had not yet amended the budget to reflect the salary of the sixth Water Plant Operator as one had not yet been recruited and hired. After they achieved full staffing at the Water Plant, they would process a budget amendment to cover the cost of that approved position.

Mr. Terry said the Board had requested an estimate of the cost of a mid-year compensation adjustment as part of the mid-year report. He said the cost of awarding a 3% raise to all employees effective January 1, 2010 would be \$30,000, and raising the 401K contribution from 2.5% to 5% for all non-law enforcement personnel would be \$15,600. Mr. Terry noted that law enforcement employees already received a 5% 401K contribution. He stated his recommendation would be to award the 3% pay increase effective January 1, as well the increase to 5% the 401K contributions for those employees not already receiving 5%, also effective on January 1.

Mr. Terry stated it had been his hope that the mid-year calculations would indicate enough surplus to cover the cost of employee compensations, but since that was not the case it was his recommendation that should the Board approve the compensations that the funds come from Fund Balance.

Commissioner Harrington said to clarify there was sufficient Fund Balance to cover compensations back to January 1 and through the end of the budget year. Mr. Terry said that was correct. He said just as a random example, a 3% raise would mean an additional \$650 for a police officer, and for a non-law enforcement employee in the same salary range the 401K increase would result in an additional \$500.

Commissioner Harrington said that would mean they would need to budget an additional \$90,000 in salaries for next year if they did both. Mr. Terry responded it would be \$91,200.

Commissioner Brooks said his personal opinion, given the economy and especially thinking of their lowest paid employees, he would be in favor of the salary increase but to wait on considering the 401K increase until the next budget year. He said that during the recent snow events the Public Works crews had done a great job, particularly with clearing away the snow left in deep piles by DOT.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to amend the budget to include a 3% raise for all employees effective January 1, 2010 but not to include the addition in 401K contributions; and, that an increase in contributions to 401K be looked at again during upcoming 2010-2011 budget meetings.

Commissioner Fiocco asked when the last adjustment to salaries was made. Mr. Terry replied in the prior fiscal year, 2008-2009. He said there was normally a cost of living adjustment and an annual anniversary merit adjustment. Commissioner Fiocco asked what the cost of living adjustment had been last year. Mr. Terry responded the entire amount had equaled 10% but it had been divided up in various ways. He said for instance, police officers were given 7.5% to catch up with the market and 2.5% for the merit adjustment.

Mayor Voller asked for an explanation of “catching up to the market.” Mr. Terry said he had conducted an in-house market study by comparing Pittsboro to 8 “sister” cities, and that was how he had determined his recommendation for those increases. Mayor Voller said he recalled it was Mr. Terry’s intention to benchmark the Town with other competitive municipalities, and to use the opportunity while they were in good financial shape to try to make the Town more competitive so that they did not lose employees after training them. Mr. Terry said that was correct.

Commissioner Harrington stated he would like to provide the 401K increase as well but believed they did need to be careful with funds.

Vote Aye-5 Nay-0

Mr. Terry thanked Commissioner Brooks for recognizing Public Works employees, noting he could provide a number of examples of other employees who performed great work for the Town. He specifically mentioned employees at the Water Plant, as well as police officers who had had to deal with a robbery at a restaurant and had been able to apprehend the suspects before the end of their shift as well as recovering most of the money stolen.

Commissioner Harrington said he believed the police had also solved another crime where a safe was stolen. Mr. Terry said that was correct, and the suspects had been arrested.

Commissioner Harrington said as an observation the outlay for buses was about \$1,200 a month. Mr. Terry said that was correct, noting they had budgeted \$24,000 and they certainly would not exceed that. Commissioner Harrington said if they looked at that outlay and then looked at the ABC revenues, they really were not that far off. Mr. Terry agreed. Commissioner Harrington said he continued to believe they should push back the number of routes to cut costs, but noted that each morning there was a large crowd waiting on at least one of those buses, so the service had certainly been successful.

Mayor Voller said they had already gone through the training budget which had always been fairly light, but certain requirements by the State indicated that the Board would have to take training at the Institute of Government, so they may need to adjust that line item. He said that might be a budget amendment for the next meeting. Mr. Terry said that was correct, noting the travel and training budget for the entire Board was only \$1,200 a year. Mayor Voller said at least three of the Board would have to take the course, so funds would need to be made available.

Commissioner Brooks said they had talked about trying to work with the County. Mr. Terry said he believed they would be able to do that. He said last week he had learned that the City/County

Manager's Association was offering an on-line version of that course, so for one \$74 fee they could set up a computer and have the three Board members plus anyone else who wanted to attend sit in. Mr. Terry said he would be bringing a budget amendment forward in any case.

Mayor Voller said that was reasonable, noting that if they did not use the funds it was still better to have them on hand in case something else came up. Mr. Terry said the three Board members had until December 31, 2010 to take the course.

4. Progress Report on the Citizens' Committee to Research the Availability of State and Federal Grants (Faythe Canson Clark).

Faythe Canson Clark reported that the Energy Office grant application had been completed and submitted. She said there was no actual date identified when they might receive a response, but they would be notified whether or not they had been approved. Ms. Clark said they were moving forward on the NC STEP grant, and had collected letters of support from local business owners, community members, non-profit organizations, and employers. She read one of the letters to give the Board an example of the letters that had been provided.

Ms. Clark said they had also compiled Town statistics from several resources, and had gone throughout the Town and taken over 300 pictures of different sites that they would narrow down to be included in their application along with the narrative. Ms. Clark said they had also provided a resolution for the Board's consideration that in summary said that the Town Board approved and supported the Citizens Grant Committee's submission of an application to the NC Rural Center for the NC STEP Grant.

Kristian Hicks provided the Board with some statistics gathered for the NC STEP grant application, summarized as follows:

- It was found that there was a large gap between conditions in the Town itself and the broader ETJ.
- Population increased 55% in the Town between 1990 and 2000, which was double the growth rate of Chatham County and far above the growth rate of 14% for the State.
- Current estimates place the population at between 3,200 and 3,400, up from 1,400 in 1990 and 2,300 in 2000.
- The Town was 55.3% women versus 44.7% men.
- The median value of homes in the Town was about \$120,000 versus value in the ETJ of \$150,000.
- Homeownership rates for Chatham County were 77%, which was higher than the State rate of 69%. In rural areas of the State it was about 73%, but the homeownership rate for the Town was 58%, which was a large difference.

Commissioner Brooks said he had always maintained that a lot of modest homes in the Town were owner occupied, and they needed to be very careful about raising property taxes because it would have a negative impact on a lot of citizens. He said that a few years ago he believed it had been said that about 18% of the Town's population was below the poverty level. Ms. Hicks said it was actually more now.

Ms. Hicks continued her presentation:

- In the Town of Pittsboro, 39% of renters were spending greater than 30% of their income on housing, which strongly suggested that there was a lack of affordable housing in the Town.
- The poverty rate for Chatham County was low compared to the State average which was 12.5%. Chatham County's was about 9%, but that had increased in the past decade. The poverty rate in Pittsboro was 18.3% in 2000, and was estimated to be around 21.3% now.
- The economic situation for single mothers in Pittsboro was perhaps the most startling statistic. Based on the 2000 census, females in a home where there was no husband present had a poverty rate of 51%, and increased to 59% where there were children in the home under the age of 18. In homes where there were children in the home under the age of 5, the poverty rate was 92%.
- A large discrepancy was found to exist between the federal per capita spending in Chatham County versus that for the State. The federal per capita spending for the State was \$76 per person, but in Chatham County it was \$4.27 per person.

Mayor Voller said that confirmed what Commissioner Brooks had said many times, in that they were not getting any federal dollars and that was alarming. Ms. Hicks said she still had more research to do, including determining the number of businesses that had failed.

Commissioner Brooks said the federal government had taken over 44,000 acres of Chatham County land for Jordan Lake which was now under water. He said for that land they had been paying the County \$30,000 a year, but those payments had eventually ceased. Commissioner Brooks said a lot of communities were broken apart by the lake, and many of those people had shopped in Pittsboro. Ms. Hicks said she had actually run across a statistic that said that 70 cents of every dollar earned in Pittsboro was spent outside the County. She said they had a lot of commuters in the County who drove to other towns for work with an average commute time of 30 minutes. Ms. Hicks said the issue with that was that many times their earnings were spent outside the County as well. Commissioner Brooks said there was also a tremendous amount of agricultural money that had been coming into Pittsboro that was gone now primarily because of the closing of a farm supply store. He said when he had started teaching in 1961 Chatham County had over 70 dairy farmers and now there were only 5, and many of those farms had purchased goods locally.

Commissioner Fiocco asked what the average income was for the County. Ms. Hicks said the per capita income in Pittsboro was \$16,800, and in the County it was \$34,200. She said the household income in Pittsboro was about \$35,000 and for the County it was about \$37,000.

Mayor Voller said that all of those statistics would be available for the Board to review as well as to anyone who wanted to review it.

Commissioner Brooks said that Goldston had experienced sewer problems for quite some time and had tried to get a federal grant to correct those problems. He said they had been turned down because the population was so small, but at that time there were 6 millionaires living in Goldston. He said you could only imagine what that had done to the per capita income figure.

Mayor Voller said he had talked to Art Jackson, the head of this program at the Rural Center, at the Main Street Conference, and he had made a flip comment that Pittsboro, Carrboro, and Chapel Hill were wealthy. He said that was the perception, so he and Mr. Jackson had decided to look at the data which told a whole different story.

Commissioner Brooks said you also had to look at the demographics, noting there were many elderly citizens in Town who were heavily impacted by tax issues.

Ms. Clark said the differences in the statistics between races were stark, and African Americans were very low income. Ms. Hicks agreed, noting the poverty level for African Americans was double the average.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to submit the application and approve the resolution as submitted by the Citizens Grant Committee.

Vote Aye-5 Nay-0

A RESOLUTION OF SUPPORT FOR THE APPLICATION TO THE NC RURAL CENTER FOR A NORTH CAROLINA SMALL TOWNS ECONOMIC PROSPERITY (NC STEP) GRANT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 18

Commissioner Harrington stated that he thought as a part of the application they would be interviewing local historians, and Commissioner Brooks' name had come up. He said Commissioner Brooks' remembrance of historical details was absolutely relevant, noting he had never thought of the lake as displacing people who had shopped in Town, although now that it had been mentioned it was of course obvious. He said Commissioner Brooks' comment regarding the number of dairy farmers going from 70 to 5 was an interesting historical narrative and seemed highly relevant. Commissioner Harrington asked wasn't there some part of the application for that exact type of historical narrative. Beth Turner said the historical narrative part of the application was very small, but more extensive historical data would be necessary for other applications in the future. Commissioner Harrington stated Commissioner Brooks would be an excellent resource.

Commissioner Brooks said he would be happy to help if necessary. He said the problem was that it was very hard to be objective when you were writing about the Town you were living in, but he would try. Ms. Turner said she looked forward to working with him.

NEW BUSINESS

- 1. Hydrostructures Request for Supplemental Funding for Additional Inspection/Contract Administration on the 3M Reuse Water System Project (Jay Johnston, Hydrostructures).**

Jay Johnston said it was difficult to come to the Board to ask for additional funds, noting that the project had been hard, having been started in 2002. He said the one particular project number

that they were in the red on totaled 1,620 man hours. Mr. Johnston said if he multiplied that by his company's lowest billing rate, the fee would be about \$90,000, and that he was contracted for \$56,000. He said after working through the figures, at reduced or average rates over the period of time he had worked on this project, he had put about \$128,000 worth of effort into it. Mr. Johnston said if he accounted for efficiency, for instance if he had an inspector on the job all day every day for a week, at already reduced rates the cost would be \$109,000 compared to his contract of \$56,000.

Mr. Johnston said in his letter that had been submitted the first time in September of last year, he had projected that he would be in the red by about \$49,000 by the time the project was finished, which they thought would be December. He said he could crunch the numbers in a number of ways, but he was making it as simplistic as possible for easier understanding. Mr. Johnston said he would be happy to provide information on the efforts that had been made that were above and beyond what was originally conceived, or answer any questions the Board might have.

Mr. Terry stated that Mr. Johnston had brought the issue forward some time ago and they had discussed it, and it was an unusual circumstance. He said the Town did not have a contract with Hydrostructures for this project, noting that Mr. Johnston was a subcontractor for Hobbs & Upchurch. Mr. Terry said their first conversation had centered on the fact that it was unusual to receive a request from a subcontractor because if a subcontractor had an additional scope of work included that would be brought to the attention of their contractor who would then bring it to the attention of the owner who would deal with it through a contract amendment. He said they had agreed that the scope had changed, so Mr. Johnston at his request had approached Hobbs & Upchurch to see if they were amenable to taking the more traditional approach to seek additional compensation through a contract amendment. Mr. Terry said for reasons that were unclear to him, Hobbs & Upchurch were unwilling to ask the Town for more money. He said at that point Mr. Johnston had asked if he had any objections to the issue being brought to the Board, and that was why they found themselves here tonight.

Mr. Terry said he had read through Mr. Johnston's letter and the description of the additional work and the description of how the project had gone on longer than anticipated, and he had no doubt about the veracity of his claim that he had done the work and the original compensation was not adequate for the work that eventually had been done. He said they now found themselves in this cumbersome position that should have been dealt with early in the process rather than late in the process. Mr. Terry said while he was sympathetic, his experience told him to go back to Hobbs & Upchurch and ask them to support a contract amendment based on changes in scope, which included the paving of Cornwallis Street.

Commissioner Fiocco asked was this a fixed fee contract. Mr. Johnston replied yes. Commissioner Fiocco said the situation had been described as him being under contract with the Town and then was requested to go as a subcontractor to Hobbs & Upchurch. Mr. Johnston replied he may still be under contract with the Town, noting it was absolutely coincidental that the contract he had with the Town was \$49,000 and was entered into in 2003 for the same services.

Commissioner Fiocco asked had the Town just not scoped the project well, or had it underestimated what it would cost to perform the tasks. He asked was someone else doing the tasks that Mr. Johnston was also performing, and was there a chance the Town might be paying double. Mr. Johnston said it was a large and complicated process under three separate contracts with three separate contractors. He said within that there were separate project managers that had functions basically as separate contractors. Mr. Johnston said that had resulted in difficulties with getting all the players to “play nice” and do the things necessary where contract boundaries came together and get them coordinated. He said for instance, the Town had paid for a very expensive line item for 3M that they had not given themselves, which was a fiber optic cable that went between 3M and the project but not between Pittsboro and the project. Mr. Johnston said that was a post-regulatory approval addition to the project, years after the contract for his services had been approved.

Commissioner Fiocco said then he had done the design, permitting, and coordination with the utility. Mr. Johnston said that was correct. Commissioner Fiocco said mention was made in the materials that a bore was made under 3M’s driveway after plans were drawn, and asked were they involved in making decisions about the routing of the line they had signed off on. Mr. Johnston stated 3M had demanded on many occasions to review plans, including wanting to see additional plans when there had been no changes to the plans. He said they were fully involved in the design of the crossing of their driveway, which 3M rejected once they were under contract to do the work that had been redesigned and re-permitted. He said the cost of large boulder-type fill in their driveway field which had been said to have been replaced by them had meant that they could not execute the design change and had to install it the way it was in the original plans.

Commissioner Fiocco said they also had had to re-permit with DWQ for the reclaimed water system management plan, and asked was that a change in regulation from the beginning of the project. Mr. Johnston said as they had gotten closer to the end of the project, they were required to satisfy a checklist so that they could close the permit, and the books on the financing had seemed to grow. He said the reclaimed water system management plan came out of their objection to the way they wanted to fill, disinfect, and flush the transmission line. Mr. Johnston said what came out of that was a requirement to develop a disinfection plan which he believed they had developed for the State in that process, because they were bound between regulators saying the plan was requested because some other regulator would want something else so call that regulator. He said when they called the other regulator they were referred back to the original regulator, and that had gone on for about 6 weeks. Mr. Johnston said out of that came a requirement that they had to submit a new reclaimed water management plan because of the issues they had seen during development of the disinfection plan.

Commissioner Harrington asked exactly who he had contracted with. Mr. Johnston said he had contracted with the Town of Pittsboro in 2003. Commissioner Fiocco asked how Hobbs & Upchurch had become involved. He said if this had been done right and he had requested contract amendments throughout the process, would that have come to the Town Board or would it have gone to Hobbs & Upchurch. Mr. Johnston said the Town’s review committee had chosen Hydrostructures and Diehl & Phillips for the project, but Diehl & Phillips for whatever reason was released from service to the Town, and Hydrostructures was requested to become a sub-

consultant to Hobbs & Upchurch. But, he said, their contracts were not brought forward and negated.

Mr. Messick said that was for a different project. Mr. Johnston said he disagreed. Mr. Messick said they had bid that project and the Town had declined to go forward. Mr. Johnston said that was true, that it was for an 8" or 12" diameter line from the wastewater plant out to 3M, noting they had bid it as 8", they had bid it as a ductile iron line, and they had bid it as PVC, but it was still a transmission main from the wastewater plant to 3M.

Commissioner Harrington said then he and Phillips were separately contracted for different parts of the project. Mr. Johnston said that was correct. Commissioner Harrington said then there was another part that was still outstanding in Mr. Johnston's opinion, and asked was it a contract they had actually ended up doing or not.

Mr. Messick said the project was improvements to the wastewater treatment plant, plus the transmission line, plus the tank. He said the entire project was bid but was over budget and the Town declined to go forward. Mr. Messick said after the fact, the project was revised, the improvements to the wastewater treatment plant to produce reuse water was dropped, and all they had left through machinations with 3M to be able to accept and use the treated wastewater that was not reuse quality was to then bid it as a separate project with the same type of transmission line, water tank, and improvements to 3M. So, he said, it was the same work but it was not the same project.

Commissioner Harrington said there was a contract with Hydrostructures and Phillips, but that was for the project that had not gone forward. Mr. Messick said that was correct.

Mr. Terry said the project had been bid, but the design was modified into the project that they were now about to finish.

Commissioner Harrington said then that was contracted through Hobbs & Upchurch. Mr. Terry said Hobbs & Upchurch had come in with a subcontractor, and the piece that Hydrostructures was going to do they still did, and Hobbs & Upchurch had not contracted with the Town but with Hydrostructures as a subcontractor.

Commissioner Harrington said then from the Town's point of view there was no contract for something they ended up not doing. And, he said, the only contract that Hydrostructures had was with Hobbs & Upchurch for some work that was not contracted with the Town. Mr. Messick replied that was correct.

Mayor Voller said he would recommend taking the information they had received and tabling this issue until Mr. Terry and Mr. Johnston could talk with Hydrostructures and contact Hobbs & Upchurch.

Commissioner Harrington said they needed to go through Hobbs & Upchurch. He said it seemed very odd if they were audited to come up now and say that the contractor and the subcontractor needed more money so they gave it to them.

Adam Kiker said that this had been a very difficult project from the start, and he had been involved only in the last 4 years. He said everything from the funding agencies to the permitting agencies to the customer had not been easy, and he agreed with Mr. Johnston that there were items that were above and beyond the scope that could not have been anticipated when the project was put together. Mr. Kiker said he would be glad to work with Mr. Johnston and bring this to the Town in a form of funds flowing through the primary contractor and going to the subcontractor, if that would meet the pleasure of the Board.

Mr. Johnston noted that there would be funds left in the project from contracts regarding the transmission main because they were coming in \$200,000 under budget.

Mr. Kiker said he agreed that the funds could be paid through the balance of grant funds in the project.

Mr. Terry said there was a sunset date on those grant funds. Mr. Kiker said he believed they would meet that.

Mayor Voller said that Mr. Kiker's suggestion seemed reasonable, and that he was sorry that Mr. Johnston found himself in that position. Mr. Kiker reiterated that Mr. Johnston had gone above and beyond the expectations of likely anyone else to make sure that the project was done correctly.

Commissioner Harrington said the bottom line was that more work was performed than was contracted for.

Commissioner Baldwin said that Hydrostructures had done much work for the Town, and this project had included a lot of going back and forth and Hobbs & Upchurch did need to work that out with Mr. Johnston.

Mayor Voller said he understood they would be under budget on the grants, but asked was this a loan or a grant. Mr. Johnston said it was a grant. Mayor Voller said then it would seem that they could find a way to utilize those funds to the benefit of the public and for those that worked on the project. He said he would hate to discover that grant money had disappeared because they did not have a plan, and asked that that be looked into.

Commissioner Fiocco said with all the different changes that went on, did any of the contractors or subcontractors submit change orders. Mr. Terry said they had detailed records of that, noting that each contractor had likely 15 change orders.

Mayor Voller said he would like to hear some creative ideas on how to use the remaining grant money, so please let the Board know. Mr. Terry agreed to do so.

Commissioner Harrington said they did not even need to be creative, that Mr. Johnston had done some work that he had not been compensated for, and that needed to be addressed. Mr. Johnston said it was in effect a budget amendment.

Mayor Voller said he was talking about such things as the planned paving. Mr. Terry stated they were looking at sunset dates on both the grants and they were struggling now to get the invoices in and wrap the project up. He said he did not believe now was the time to begin creating issues. Mayor Voller said that Fred Hobbs had put money in to pave to the end of the road, but they had not paved to the end of Cornwallis. He said that was part of the original scope of the project, but it had not been done. Mr. Terry said that might have been a part of the scope in the old deal with Phillips. Mayor Voller said no, it was in the new deal. Mr. Terry said the project had not been bid out that way. Mayor Voller said then that accounted for some of the differences extra expense.

Commissioner Harrington said then it was never bid. Mr. Terry said it was not in the scope of what had been bid. He said the grant authority had already extended the deadline a couple of times, so they were working to get the project wrapped up to meet the extended deadline.

2. Invitation to Participate in the “Sister Cities” Program with the Town of Rusesli Noi, Republic of Moldova.

Mayor Voller said the information in the packet had been sent to the Town regarding the Sister City program. He said he had wanted the Board to have the information although since the hour was late he did not believe they should discuss it this evening. Mayor Voller asked that the Board look over the information and be ready to discuss it at the Board’s next meeting.

Commissioner Harrington said it would be helpful if they could have someone at the meeting who had actually done a Sister City, noting it appeared to require a lot of work for not a lot of return. He said he would like to have someone from a community who had actually participated in the Sister City program to come and speak to the Board.

Mayor Voller said that was a good idea, and believed that Chapel Hill had done it.

Mayor Updates

Mayor Voller provided no updates at this time.

Commissioner Concerns

Commissioner Fiocco said he wanted to belabor a point regarding the Town’s Website. Mr. Terry stated they had been working on the new Website and believed it was now in a better state than the old one and was prepared to switch over to the new one on March 1. He said for those who wanted to look at it could go to pittsboronc.gov, without the www in front. Mr. Terry said he would continue to tweak the new one over the next few weeks to make improvements before they switched over.

Commissioner Baldwin said she had provided information received from the Triangle J Council of Governments regarding some new practices for quasi-judicial hearings. She said that Senate

Bill 44 had gone into effect on January 1, and wanted to make sure that Mr. Terry was aware of the new practices.

Mayor Voller said he wanted to make sure that the Board had received the information regarding the local bill that could authorize the Town to adopt ordinances to address some issues of appearance. He said he had sent that out via email.

Commissioner Brooks indicated he had not received the email. Mayor Voller said he would make sure he received a copy.

Commissioner Harrington asked wouldn't it be a good practice for someone to take all of those types of emails and print them out and have them available for Commissioner Brooks. Mr. Terry said generally he brought those to him the same day they were received.

Mayor Voller said that since they now had three boards operating, it might be a good idea to send any information regarding ethics and conflicts of interests to those board members so they would understand what they could and could not vote on if there was a conflict of interest. Mr. Terry said he would do so.

Commissioner Brooks said under no circumstances did he want the K-9 dog euthanized. He said usually when you acquired a working dog from a kennel or a breeder, it should come with a certificate that the dog had been x-rayed and examined and did not have hip dysplasia. Commissioner Brooks said whatever it took he hoped they could find a good home for him because he did not want to see him euthanized. Mr. Terry said they were determined to do that, noting the dog had appeared to be fine during training but had developed a limp shortly thereafter. He said the current handler had become attached to the dog and no one was interested in seeing it destroyed. Commissioner Brooks said he did not care who got the dog as long as he was cared for. He said he had wondered if there was a conflict of interest there.

Commissioner Bryan said he had wondered the same thing.

Mayor Voller said as long as it was done transparently then he saw no issue.

Commissioner Brooks asked would the Town be reimbursed for the cost of the dog. Mr. Terry replied yes. Commissioner Brooks said then he saw no conflict if the family was attached to the dog and wanted to give it a good home.

FYI

1. A Preview Regarding the Proposed Eastern Bypass Road Alignments Between Hwy 64 Bypass and Hwy 15-501 South; submitted by, Bill Jackson and John Anton, Pittsboro Place Partners, LLC.
2. Citizen Petition; RE: Opposition to the Proposed Powell Springs Apartment Complex.

3. Draft NC House Bill 2009-LR-124 [v.11] (01/20): An Act to Encourage the Creation of Cooperatives for the Provision of High Speed Internet Access for Expanded Broadband in North Carolina.

ADJOURN

Upon a motion by Commissioner Brooks seconded by Commissioner Baldwin the Board moved to adjourn the meeting at 9:30 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk