

**MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, JANUARY 14, 2008  
7:00 PM**

Mayor Randy Voller called the meeting to order at 7:00 p.m. Mayor Voller commented they were coming into a new year, and he knew there had been a lot of negativity in and around the State, County, and Town. He stated his hope was they would all come together and have a positive outcome for 2008.

**ATTENDANCE**

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

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

**APPROVAL OF AGENDA**

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

Vote   Aye-5   Nay-0

**ORGANIZATIONAL MEETING**

**INSTALLATION OF MAYOR AND COMMISSIONERS**

Town Clerk Alice F. Lloyd administered the Oath of Office to Mayor Voller, Commissioner Brooks and Commissioner Bryan.

**OATHS OF OFFICE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE,  
PAGES 7-9**

**ELECTION OF MAYOR PRO TEMPORE**

Motion made by Commissioner Walker seconded by Commissioner Baldwin to elect Commissioner Brooks as Mayor Pro tempore.

Vote   Aye-5   Nay-0

## **AUTHORIZING WITHDRAWALS**

Motion made by Commissioner Walker seconded by Commissioner Bryan to appoint Commissioner Brooks as the additional signer for checks for the Town of Pittsboro.

Vote Aye-5 Nay-0

**A RESOLUTION AUTHORIZING WITHDRAWALS FROM DEPOSITORIES OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 10**

## **CONSENT AGENDA**

The Consent Agenda contained the following items:

1. Approve minutes of December 10, 2007 regular meeting with an amendment at the top of page 25 to say Commissioner Bryan instead of Commissioner Walker. Commissioner Walker was not present.
2. Approve Budget Amendment: Recreation Master Plan Consultant Contract
3. Acceptance of Grant Funding for 50% of a new Domestic Violence Police Officer
4. A request by the County of Chatham to rezone the Central Carolina Community College from R-12 to O&I. Schedule a public hearing for January 28, 2008.
5. A request by the Town of Pittsboro to amend the Zoning Map to identify a WS-IV Critical Area at its current freshwater intake. Schedule a public hearing for January 28, 2008.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the Consent Agenda as amended.

Vote Aye-5 Nay-0

**AN AMENDMENT TO THE FY 2007-2008 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 1**

**A RESOLUTION ACCEPTING THE OFFER OF A GRANT IN THE AMOUNT OF \$50,388 FOR FUNDING 50% OF THE COST OF A NEW DOMESTIC VIOLENCE OFFICER FOR THE POLICE DEPARMTNE FOR TWO YEARS, AUTHORIZING THE TOWN MANAGER TO SIGN THE CONTRACT WITH CHATHAM COUNTY FORMALIZING THE TERMS OF THE GRANT AND AUTHORIZING THE TOWN MANAGER TO HIRE A NEW POLICE OFFICER FOR THIS POSITION UPON EXECUTION OF THE GRANT PROGRAM CONTRACT WITH CHATHAM COUNTY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 11**

## **REGULAR MEETING AGENDA**

### **CITIZENS MATTERS**

Lesley Landis, 21 Randolph Court, expressed concern regarding traffic in and out of the Piggly Wiggly shopping center. She noted that with the PTA Thrift Store moving there traffic had increased and she was concerned about people getting in and out of there safely.

Commissioner Walker said the Board had tried to get a stop light there and was told by DOT that not enough serious accidents had occurred to warrant a traffic light. He said perhaps it would be helpful for her to express her concerns directly to the DOT with a letter, noting that might help the Town in the future.

Mayor Voller stated concerns had been brought before the Board many times regarding that area, but unfortunately DOT had been reluctant to do anything.

Commissioner Brooks said they had requested a stop light on two different occasions and DOT had turned them down.

Mayor Voller said perhaps the Town should make yet another request so that it would be on the record.

Ms. Landis said it might be helpful to have a letter from the shopping center merchants. Mayor Voller agreed that might help.

Chatham County Commissioner George Lucier, 628 Redbud, stated the Board had received a letter from the County regarding the proposed periodic joint planning meetings with the Chatham County Board of Commissioners and the elected officials of the municipalities in Chatham County. He stated whenever the County benefited the Town benefited and vice versa, and there had been too many times when they had not worked well together. Mr. Lucier stated there were clear areas of mutual interest, such as water, wastewater, recreation, schools, and mutual planning issues, and believed it would be helpful to have some formal public meeting between the two Boards with a clear agenda. He recommended that they establish a formal dialog that was based on good will.

Commissioner Baldwin remarked this was a great idea and a great opportunity for them to all work together to achieve great things.

Mr. Lucier suggested they move forward to schedule such a joint meeting.

Mayor Voller stated they had previously had a meeting with the Mayors and Town Managers and several County Commissioners. He asked if they wanted to build upon that meeting with a more open forum. Mr. Lucier stated he wanted them to identify issues that they both wanted to work on.

Mayor Voller said he believed there were a lot of such issues, with infrastructure being key. He said he hoped that the Town Board and its citizens would work together on such issues.

Commissioner Brooks commented that over many years, the Town had asked the County and citizens had asked the County, to run a water line down Old Sanford Road. He said the County had promised that area water on numerous occasions over the years, and some of the citizens living there were desperate for water. Commissioner Brooks stated that on three different occasions they had been told that if they would send a letter to the County that it would be done, but nothing has happened.

Mr. Lucier stated they were doing two things, the first being that they were running a water line out to the southwest that ran down past that area. He said he believed the previous County Board had received a letter, and he would check on the status of that. Mr. Lucier said it was his understanding that that area would be served with water in the not too distant future, and would try to determine when that would be and report back to this Board. He said they were also getting additional water from Sanford, and some would go to serve the western and southwestern parts of the County.

Commissioner Brooks stated he knew the people in that area would appreciate the water and would want to know what the plans were.

Mayor Voller stated he understood the issue of water in that area went back as far as the 1960's, noting there were issues with wells running dry.

Mr. Lucier stated they needed to look at individual issues such as that as well as the larger issues, noting the County had four different water systems and four different water sources and they were woefully non-connected. He said if you looked at the water lines throughout the County, it appeared that Pittsboro had been ignored and vice versa. Mr. Lucier said that as they expanded their County water system, they needed to look at better ways of interconnection.

Mayor Voller asked if they had looked at that down US 64 towards Siler City. Town Manager Bill Terry stated they had looked into that when Siler City had been running out of water. He said as it turned out the Sanford connection was the better option for Siler City.

Mr. Lucier stated they had pulled crews off other projects in order to hasten completion of the interconnection to Siler City.

Mayor Voller stated it was his understanding that Siler City would still like to have the other connection as well, as would Pittsboro, even though it was not as desperately needed for that interconnectivity. He said they all would benefit if there was a connection down US 64.

George Lucier asked if Pittsboro was using chlorine. Manager Terry stated they were, but they may be moving towards ammonia. Mr. Lucier said that would be helpful, since the two systems would need to use the same disinfectant.

Mayor Voller stated he believed having the two Boards working together would be positive, and they would be in touch to set up a joint meeting. Mr. Lucier stated they would need to agree on an agenda, then go from there.

Manager Terry stated the initial meeting had included the Mayors and the Managers, and wondered if elected delegates needed to be included.

Mayor Voller stated it was up to the Board.

Commissioner Walker stated two previous meetings had included Siler City and Goldston commissioners along with their Mayors.

Commissioner Cotten said there had been several variations over the years. He said it was his feeling that they should continue with the Managers and perhaps the Mayors, and then let this Board vote as to when such a meeting would be held. Commissioner Cotten stated he believed there may be some legalities associated with elected officials attending such a meeting.

Town Attorney Messick said if a majority of the Board was at such a meeting it would be a public meeting, so one or two could attend. He said he believed Mr. Lucier was inviting a public meeting.

Mr. Lucier stated he believed the meeting should be public, in that they were talking about public issues and there was no reason why they could not be discussed with good will and good intent in a public forum.

Mayor Voller stated the issues surrounding infrastructure were so important that he believed they needed to begin moving on those issues now. Mr. Lucier agreed, noting they should begin setting those priorities. He said he believed the elected officials should do that, and not the Managers. Mr. Lucier said the County could produce a list as well as the Town and out of that a discussion could emerge where they could establish joint priorities.

Commissioner Cotten stated what he was trying to convey was that if the Managers continue to meet, then the Pittsboro Town Manager could bring information back to the Board for discussion or action.

Commissioner Walker suggested holding one large meeting with all County municipalities involved, then paring it down from there. Mr. Lucier stated there were some real issues they could attack together, and what he was proposing was a substantial meeting that would have positive outcomes.

Mayor Voller asked would it be possible to build on Commissioner Walker's suggestion to get the issues on the table. He stated the Board members could even rotate so that all would eventually be included in the meetings. Mr. Lucier stated he would be meeting with Siler City in early February, and would also meet with Goldston. He said after that, perhaps they could then set up a meeting as Commissioner Walker had proposed.

Mayor Voller agreed that would be a good way to proceed. He stated the Town Board had made a list of priorities recently. Manager Terry stated that he believed that list had contained 28 priorities.

Mayor Voller stated he believed there was a consensus of this Board that they were happy to meet subject to the availability of whichever two Board members could attend. He stated Mr. Terry would contact the County Manager to arrange that.

## **OLD BUSINESS**

### **VANESSA OLIPHANT LETTER DATED DECEMBER 9, 2007, RE: POTTERSTONE VILLAGE TRAFFIC ISSUES**

Mayor Voller stated that he had provided the Board with copies of that letter, noting he had attended a meeting of the homeowners association and that group would be bringing something back to the Board.

### **HABITAT FOR HUMANITY LETTER DATED DECEMBER 7, 2007, RE: REQUEST FOR REFUND OF \$698 OF FEES PAID FOR EZONING APPLICATION AND SITE PLAN REVIEW AND FOR WAIVER OF FUTURE BUILDING PERMIT FEE OF \$45.**

Mayor Voller said this was a result of the Board requiring Habitat to use brick in their new building, and Habitat was hoping that since they were a non-profit that perhaps they could request the Board's consideration for some form of offset. Manager Terry stated they should hear from Attorney Messick regarding the issue of donations of public funds to a non-profit or private agency.

Attorney Messick stated he did not believe the Town could waive the fees that such an entity was required to pay. He said if the Town wanted to give Habitat or some other non-profit agency an appropriation in that same amount, then that was the Board's right. Attorney Messick stated that Habitat does provide affordable housing assistance which was a legitimate public purpose, but waiving the fees was problematic. But, he added, the Board could appropriate that amount or some other amount of money for Habitat, which was a reasonable thing to do.

Commissioner Cotten said his concern was establishing a precedent for non-profits.

Manager Terry stated he would add that the attorney at his previous place of municipal employment had taken a stronger view, in that he believed any use of public funds as a donation to private non-profit entities was forbidden by State law.

Commissioner Walker stated that because of Mr. Terry and Mr. Messick's comments, he believed they had no choice but to deny the request.

Motion made by Commissioner Walker seconded by Commissioner Cotten to deny the request made by Habitat.

Vote   Aye-5   Nay-0

Commissioner Walker said he would like to encourage individuals to offset the amount requested by Habitat as well as other costs.

Mayor Voller stated there may come a time when they would need to explore encouraging County or local governments to work with private landowners to lease space, rather than purchasing land that would no longer contribute to the tax base.

Commissioner Brooks said recently the County had rented some property on which taxes were paid.

Mayor Voller said he believed that was a good thing, noting the space was office space.

Commissioner Walker stated there were nearby communities where private groups were building schools and the public leased the schools, noting he believed that would still be a taxable entity.

### **UPDATE ON DROUGHT CONDITIONS**

Manager Terry stated he wanted to give the Board an opportunity to review the restrictions currently in effect, noting other jurisdictions were beginning to revise their restrictions. He stated he did not have a recommendation, but believed people would continue as they were regardless of what action the Board took, in that the net effect would be small.

Commissioner Walker stated he did not mind relaxing the restrictions somewhat since they were not in the growing season. He said he would like to see the Town go to some form of year-round mandatory restrictions, such as outdoor watering on odd/even days. Commissioner Walker stated they needed to address those issues for the long term, noting that nearby towns may need water in the future and he would not want to waste water in Pittsboro by watering lawns.

Commissioner Brooks suggested a press release be written on what the rules were so that citizens would not be confused. Manager Terry stated the current rules did not allow for the washing of cars and other outdoor activities.

Commissioner Walker stated he did not mind relaxing the restrictions to make them mandatory, but did believe they needed to look at long term conservation.

Mayor Voller stated he believed Commissioner Walker was right, and long term conservation should be considered.

Commissioner Cotten stated increasing the water rates for the big users would help to control them better than any other method.

Commissioner Baldwin agreed they could relax the current rules, but believed Commissioner Walker was right that some type of year-round conservation measures should be put in place.

Mayor Voller asked would people be able to wash their cars. Manager Terry stated if the Board relaxed the restrictions to voluntary, people would be able to wash their cars.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to relax water conservation restrictions to voluntary restrictions.

Vote Aye-5 Nay-0

## **BOARD OF COMMISSIONERS GOALS AND OBJECTIVES FOR FISCAL YEAR 2008-2009**

Manager Terry stated he had collected goals and objectives from each of the Board members and compiled them onto a spreadsheet. He asked the Board to prioritize the issues on the spreadsheets and return them to him so that a master sheet could be prepared. Manager Terry said he would bring that back to the next meeting for discussion, and once the Board was satisfied they could then be adopted as the goals and objectives.

Mayor Voller stated some of the Board members had mentioned they might want to have a work session to discuss those items. He asked if the Board wanted to do that, or score them as the Manager had suggested and then bring them back for discussion.

Commissioner Baldwin stated she preferred a work session.

Commissioner Cotten said he preferred individually scoring them first and then holding a work session. Manager Terry suggested the 28 issues be scored as to what each Board member's top priorities were and he would bring that back to the Board, at which time they could decide whether or not to schedule a work session.

Commissioner Cotten stated the first ten priorities were easy, but after that it was problematic.

Mayor Voller said given that Commissioner Cotten would be moving off the Board, perhaps it would be wise to have the two potential incoming Board members to fill out one of the score sheets to judge what their views were.

Commissioner Baldwin stated that was fine with her, since someone new would be filling that seat. Manager Terry stated he would follow through on that.

Mayor Voller stated he believed that would be fair, and determined that there was a consensus of the Board to do that.

## **NEW BUSINESS**

### **U. S. CENSUS BUREAU REQUEST FOR USE OF TOWN FACILITY**

Laura McClettie, with the U.S. Census Bureau, stated she was requesting that citizens consider working with them to be trained for field work. Ms. McClettie stated they also needed training space, and was asking for the use of such training space in this building from May 27 – 30.

Manager Terry stated he believed they had discussed the Community Building in the past. Ms. McClettie stated she had verified with a colleague that this was the building they were asking use of.

Mayor Voller asked was there a problem with using the Community Building, noting it was available. Ms. McClettie noted there were four spaces being requested in the County, and this building was one of them. She said she had been given information that the Community Building was not one of the ones being requested.

Manager Terry stated he had met with one of the staff of the Census Bureau and they had visited the Community Building for a walk through. He said that staff person had considered that space to be viable with the addition of some tables and chairs, and he had thought that was the request that would be made this evening.

Mayor Voller stated that was a big space with a large parking lot, so logically that would be the space to use. Manager Terry stated he was not sure they had enough tables and chairs to set up in the Community Building. He stated he could have Public Works look into that.

Commissioner Cotten stated there were only two tables in the Community Building.

Mayor Voller suggested borrowing some from the County.

Commissioner Cotten stated the only concern he had was that they had an agreement with a group that used that building on Tuesdays and Wednesdays in the daytime. Clerk Lloyd stated the Dance Studio uses it on Tuesday from 2-9 pm.

Mayor Voller stated there were three issues then: the conflict, the issue of waiving the fee for intergovernmental work, and the building itself. He suggested allowing the Manager to handle this, noting that he could determine if waiving the fee presented a conflict.

Motion made by Commissioner Walker seconded by Commissioner Brooks to allow the Manager to handle the request and waive the fees.

Vote Aye-5 Nay-0

### **ESSENTIALS OF MUNICIPAL GOVERNMENT TRAINING FOR NEWLY ELECTED MUNICIPAL BOARD MEMBERS**

Manager Terry stated he had brought this forward due to the special circumstances surrounding the election. He stated the training provided by the School of Government and the League of Municipalities for newly elected officials was valuable, but with the timing of the special election all of the classes except one would have already been completed. Manager Terry said they could offer both candidates an opportunity to attend the training at the expense of the Town, but that may be problematic due to the issue of spending public funds for private purposes. He said the last class was scheduled for March 26-28, and it was possible they would have the results of the election by that time. Manager Terry said it was possible the winning candidate

could attend that last class if their schedules permitted. He stated they could reserve space with the person to be named prior to the class.

Mayor Voller asked could they do that in the form of a scholarship. Attorney Messick stated they could reimburse the winning candidate after the fact, but the question was would you reimburse both candidates.

Commissioner Walker asked if these classes were held annually. Commissioner Cotten stated they were held after every election, with the next one after the 2009 election.

Motion made by Commissioner Cotten that a space be reserved in the Kitty Hawk class for the winning candidate. The motion died for lack of a second.

Manager Terry stated there was a risk in that it was possible that the election would not be resolved by March 26.

Commissioner Walker stated they ran the risk of reserving the space and paying the fee, then neither of the candidates being able to attend. He suggested determining if the candidates could attend on those dates should they win the special election.

Mayor Voller stated an alternative was for both to attend and the Town reimburse only the winner of the special election. But, he said, that was not fair. Manager Terry said if there was a way to get the winning candidate to the class, then they should attempt to do that.

Attorney Messick said the problem would be spending \$2,000 of public money for a private citizen.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to reserve a space for an individual in the March 26-28 class in Kitty Hawk. Commissioner Walker amended the motion to allow the candidates to check their work schedules to determine if they would be available to attend the class. Commissioner Brooks amended the motion to purchase a library of the materials most useful for candidates and elected officials from the School of Government and/or the League of Municipalities, with the materials available for use by public officials and candidates. Commissioner Walker accepted the amendments to the motion.

Vote Aye-5 Nay-0

## **DISCUSSION OF PROCEDURES FOR DIVIDING THE TOWN INTO ELECTION WARDS**

Commissioner Cotten stated that dividing the Town into election wards was one of his priorities on his list of goals and objectives. He stated they had a real problem with representation, and would not like to see the Town sued over this as had happened to Siler City in the 1990's. Commissioner Cotten stated there were five things that had to be done in order to divide the Town:

- 1) Identify population clusters.
- 2) Conduct a public hearing.

- 3) Prepare a narrative and a map.
- 4) Conduct a final public hearing.
- 5) Submit to the legislature for approval.

Commissioner Cotten stated it was important to keep in mind that it would not be implemented fully until 2011, noting if approved the first election would be 2009. He stated he would be willing to continue working on this process even though he would no longer be on the Board after March. Commissioner Cotten stated he was pushing this forward because he had suddenly realized that when he left this Board there would be no one serving on it that lived south of Business 64, and that was a potential for a law suit. He asked the Board to give this serious consideration.

Mayor Voller asked Attorney Messick to comment on the legalities of the issue. Attorney Messick stated there were at least five ways to do what Commissioner Cotten was suggesting, and the issue of whether you wanted to change from the at-large method to some other method was probably worth considering, but you would also need to consider and study the different methods you could use to get to that point and what its benefits or problems might be. He said if they were interested in pursuing it, then they needed to get information on all the options to determine which method would be the most appropriate.

Motion made by Commissioner Walker seconded by Commissioner Cotten to look at different methods to divide the Town into election wards. Commissioner Cotten added he would volunteer to head up that process.

Commissioner Baldwin commented that although no one on the Board lived south of Business 64, all the Board members were representing the entire Town. Commissioner Cotten stated it was a question of where you resided, in that no one resided south of Business 64.

Commissioner Baldwin said that everyone had the right to vote for any candidate. Commissioner Cotten stated it was a matter of having representatives scattered throughout the Town, residentially speaking. He added this was the first time he could recall that there was not at least one member of the Board that resided south of Business 64.

Commissioner Walker stated if you looked at this past election, had it gone differently you could have had four out of the six members of this Board living in Chatham Forest. He said you could also have had five of the six tucked just off of Thompson Street, adding he believed that such instances could be dangerous.

Commissioner Baldwin asked how that could be dangerous. Commissioner Walker said for instance, you could potentially manipulate real estate prices in a community by approving something in one quadrant and not another.

Mayor Voller suggested that as part of this exploration process that they look at adding another Board member to the Board. Thereby creating an odd number with the Mayor a voting member, as they do in many other municipalities. He stated they should look at all options, because

having more representation was not a bad idea. Mayor Voller stated they wanted to reach a point where they were representing as many citizens as possible, even if it was just one area.

Commissioner Brooks stated that if 1,000 people lived in Powell Place they could theoretically control the Town, and that scenario should not be allowed to happen.

Commissioner Baldwin said it is worth studying.

Mayor Voller stated Potterstone had about 180 homes, and no one from that community had stepped forward to run for office. Manager Terry asked if the motion was passed, would a subcommittee of the Board be formed or would the staff be asked to gather the information.

Commissioner Cotten stated he would volunteer to begin conducting the research and report back to the Board. He said he was concerned that the Town could face a future law suit in the form of a civil rights action.

Commissioner Brooks stated he believed they were all in agreement to go forward with a study, but Mr. Terry was asking how to go about doing that.

Mayor Voller suggested that Commissioner Cotten bring his initial research to Mr. Terry and Mr. Messick, then advise the Board as to where they go from there to get citizens involved. Mr. Terry stated he would be happy to do that.

Commissioner Brooks suggested that Mr. Terry go ahead and contact the School of Government to determine all options.

Commissioner Walker moved to amend the motion seconded by Commissioner Cotten to include contacting SOG.

Vote Aye-5 Nay-0

## **DISCUSSION OF RECOMMENDED REVISIONS TO THE TOWN CHARTER**

Commissioner Cotten stated that he had been campaigning for changes to the Charter for several years, and the recent election had brought out the fact that State law governed some things that should have been in the Town's Charter. He said as a result, he had filed two protests but both had been denied outright, one by the Board of Elections who had cited State law. Commissioner Cotten stated that no matter how many candidates were running for Mayor the top vote-getter was elected even if they did not receive 50% of the vote. So, he said, the election procedures were the issue he was most concerned about at this point.

Commissioner Cotten stated another issue of concern was that there was no provision for the removal of an elected official in the Charter, and that State law had very few provisions.

Mayor Voller stated only 13 legislators had ever been removed. Commissioner Brooks responded that the State had no recall provisions. Mayor Voller stated some were recommended

because of ethics violations, but it had been the 19<sup>th</sup> Century since the State had removed someone.

Commissioner Cotten stated he was more concerned about the election procedures and believed that needed to be addressed.

Mayor Voller asked Attorney Messick to respond. Attorney Messick stated that if general election law applied to Pittsboro, he was not sure what the issue was.

Commissioner Cotten stated that if the provisions were not in the Town's Charter then general election laws applied. He said if the provisions were in the Town's Charter then it took precedence over general election laws. Attorney Messick said his question would be why they would not want to use general election law, and what was wrong with it. Commissioner Cotten stated he believed there was a lot wrong with it. Attorney Messick stated that was for the Legislature to decide, not this body.

Commissioner Cotten asked that the Board give consideration to his proposal.

### **DISCUSSION OF APPROACHES TO ACHIEVE CLARIFICATION OF THE TOWN'S BOUNDARIES**

Commissioner Cotten stated that he felt very strongly about this, not only from an election standpoint but for law enforcement jurisdictions. He said he had listed six problem areas on his handout, but believed there were many more than six: Thompson Street, Old Graham Road, 87 Loop, Sanford Road, Moncure-Pittsboro Road South, NC 87 North, and Log Barn Road. Commissioner Cotten stated they needed to address the corporate limits issue, noting these were the areas where the Board of Election procedures had broken down. He said 911 addresses were used, but unless you knew which addresses were in Town or out of Town, it was confusing.

Commissioner Cotten stated it would be expensive to address this, noting he believed the Town would have to move from voluntary annexation to involuntary annexation in order to achieve clarification of the Town's boundaries.

Mayor Voller asked wouldn't this speak to the idea of an annexation study which had been brought up before. Planner Monroe stated to move toward involuntary annexation procedures, you would have to conduct an annexation study to demonstrate the benefits to the Town that would cause that action to occur.

Planner Monroe stated the real problem went back to the original boundary, noting there were many properties that were bisected. He said there was even a portion of the NC 87 Loop that was outside of Town. Planner Monroe stated several years ago they had discovered that a portion of Town Lake was shown outside the corporate limits of the Town even though the Town owned the property. So, he said, there were problems that went back to the original definition of the Town's boundaries that had never been constructively addressed. Attorney Messick stated that addressing boundary issues was not the purpose of an annexation, although that might be a

benefit of the annexation. He said the reasonable thing to do would be to consider what areas adjacent to the Town were appropriate for annexation.

Mayor Voller stated he was not suggesting that this would be the rational nexus for doing an annexation study, but that they project what their annexation needs might be for the next five years. He stated that a boundary study could be quite costly. Attorney Messick stated the way to do that would be to resurvey it.

Commissioner Brooks stated he believed 1976 was the first time the Town had a land use plan, which was done with a grant. He said the Town had looked like an elongated kite with the long end going towards Siler City and the other end going towards Raleigh. Commissioner Brooks stated there were larger problems here, because originally they had only a one-mile ETJ. He said the reason they now had a three-mile ETJ was because the Town had wanted to extend to the Bypass to protect that unzoned area.

Commissioner Brooks stated he had been concerned when Sam White's farm was proposed for development, and neighbors had brought suit. He said when he had looked at the map, the most distant point was at Michael White's mobile home park. Commissioner Brooks stated when he had measured that distance, it appeared to him that they were getting into areas that were not even in the Town's ETJ. He said the land where one of those people lived was almost to the Haw River, and very close to Corp land.

Commissioner Brooks stated he also had concerns when looking at the map about Christian Village. He said it appeared to him that as they addressed issues related to zoning, planning, and development in the ETJ that they needed an accurate map of the community and the ETJ. Commissioner Brooks said he did not believe they could do the Town's business without one.

Commissioner Cotten stated another complicating factor was that no one knew exactly where that three-mile boundary started.

Commissioner Brooks stated that was because the Town had grown in an incremental fashion, and the question was where the three miles started. He asked did it start from the permanent Town limits, or from where it was when the ETJ was first established. Attorney Messick stated the one mile ETJ, which was the standard municipal area, was one mile beyond the Town's limit in all directions. He stated that Pittsboro's ETJ was specifically defined, and it may in fact be three miles, but it was not three miles in all directions. Attorney Messick stated there may be questions about where the boundary was on the ground, but on paper there should be no question.

Commissioner Cotten stated he had struggled with this, and until he got an accurate map he would not feel comfortable. He said it may be that they would have to annex on each side of those streets for a certain number of feet, but ultimately he believed they would have to develop a narrative as well as a map, which would involve a survey.

Mayor Voller agreed that some of the streets Commissioner Cotten had mentioned were very confusing, for example Old Graham Road, where one side of the street was not in the Town at all.

Attorney Messick stated they could not just annex property for no reason, and they would have to be able to provide public services to any annexed area. He said there would have to be relatively small tracts of land for involuntary annexation.

Commissioner Walker stated this went back to David Hughes' time, when he had thought they were updating maps as they moved forward on annexing pieces of property. Planner Monroe stated the issue was not just who could vote and where, but who would respond to an emergency call.

Commissioner Walker said as an example, the Pittsboro Police Department could not respond to Mr. Shaner's house because he was in the ETJ. So, he said, if a Police Officer saw a crime in progress, he would have to report it to the Sheriff's Department. Attorney Messick said that actually the Town's Police had jurisdiction over the ETJ at least as far as Northwood on the north side, and they had cooperative arrangements with the Sheriff's Department for other things. He said with that being said, he was not sure what the issue was concerning emergency responses.

Mayor Voller stated if the question were put to people in the questionable areas, they may want to be voluntarily annexed. He said when residents did not know if they were in the Town or not, that was a problem. Mayor Voller stated some of the confusion was that people were renting homes and getting water from the Town, and therefore believed they were in the Town limits. He said Commissioner Cotten was correct that it was definitely a situation that needed to be addressed.

Manager Terry stated that future annexations needed to be well-defined so that they did not create these kinds of problems in the future. He said if some sort of study could be done to identify isolated pockets then they could incrementally clean up the boundary issue over time. Manager Terry stated it would be worthwhile to ask citizens in particular areas if they wanted to be voluntarily annexed and have Town services provided.

Commissioner Walker stated that would be a good solution versus trying to survey the whole area of Pittsboro. Manager Terry stated he was not sure about spending a lot of resources on solving problems with the current borders when it was possible the borders would change dramatically over the next 5 to 10 years. He said when that happens these problems would no longer exist.

Mayor Voller said perhaps they should make the effort to contact citizens in the problem areas to see if they wanted voluntary annexation.

**DISCUSSION OF THE NEED FOR A TOWN ORDINANCE OR POLICY  
ESTABLISHING INSPECTION FEES FOR INFRASTRUCTURE PROJECTS WITHIN  
NEW DEVELOPMENTS**

Commissioner Walker said he thought they had already done that.

Commissioner Cotten said the problem was that when they conducted re-inspections they were not collecting fees for those. Planner Monroe said when the Town adopted the new water and sewer specifications, it indicated that if a re-inspection was conducted they were authorized to collect a \$75 re-inspection fee, but no mechanism was established to collect that fee. He said no bill was generated because they did not know when Hydrostructures went out and did a re-inspection.

Commissioner Walker asked why Hydrostructures couldn't notify the Town that the re-inspection had been conducted so that the Town could generate a bill. Manager Terry stated they had the authority, but would like the Town's policies and procedures to spell that out.

Mayor Voller stated that developer Ricky Spoon could attest to the fact that the County's Inspection Board charged a re-inspection fee of \$50. Ricky Spoon suggested the Town collect the \$75.00 prior to the re-inspection.

Commissioner Walker said what Mr. Spoon was suggesting was that the person pay the Town the \$75 re-inspection fee and then take that receipt to Hydrostructures to get the re-inspection scheduled.

Mayor Voller stated there appeared to be a general consensus among the Board to proceed in that manner.

**SAMANTHA JOHNSON LETTER DATED DECEMBER 11, 2007, RE: REQUEST FOR  
DEER CONTROL MEASURES IN DOWNTOWN PITTSBORO**

Commissioner Brooks said there were no deer in Chatham County until the State brought them in and turned them loose, and now they had a huge herd. He stated he believed the only thing the Town could do was to contact the NC Wildlife Commission and ask them to send a representative here to look into the situation and make a recommendation. Commissioner Brooks stated he was not confident that the Wildlife Commission would be able to help, but they do control the hunting laws even though the Town had some control over firearms.

Mayor Voller stated there was a public health issue here in regards to ticks and the number of incidents of Rocky Mountain spotted fever that were being reported in Town.

Commissioner Brooks stated there were other tick-borne diseases as well that could cause death, particularly in young children. He said he did not believe there was much the Town could do but ask the NC Wildlife Commission to try to determine the size of the herd and make a recommendation.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to contact the NC Wildlife Commission regarding deer control in downtown Pittsboro.

Vote Aye-5 Nay-0

**CHATHAM COUNTY BOARD OF COMMISSIONERS LETTER RE: PROPOSED PERIODIC JOINT PLANNING MEETINGS WITH THE CHATHAM COUNTY BOARD OF COMMISSIONERS AND THE ELECTED OFFICIALS OF THE MUNICIPALITIES IN CHATHAM COUNTY**

This item was discharged during Citizen Matters and the discussion with Chatham County Commissioner George Lucier.

**MAYOR UPDATES**

No updates were provided at this time.

**COMMISSIONER CONCERNS**

Commissioner Brooks stated that roughly two years ago the Town had changed their engineering firm and he had voted for that. But, he said, if a citizen were to ask him what had been done differently since that time the only answer would be that a number of studies had been conducted and money had been spent, but no great progress had been made towards solving their water and sewer problems. Commissioner Brooks stated his point was they needed to do something, and although he was not criticizing the current engineering firm, they did not even have a site named yet for a new plant. He said he was very upset when he had discovered that they had not used the people at Duke and UNC who had volunteered to help the Town, but had hired someone from Virginia Tech. Commissioner Brooks said it seemed to him that they were not making a lot of progress. Manager Terry stated that he had been working with Hobbs and Upchurch for about 4 months, and he had asked them to bring an item forward for the Board's next meeting that would be an update of where they were, particularly in regards to the wastewater treatment plant. He said that item would be prepared in the form of a decision brief that laid out a few options for the Board's consideration along with the pros and cons, so that the Board could render a decision on which option would become the prime option.

Manager Terry stated he had also communicated to Hobbs and Upchurch that he only wanted to do this once, so he wanted to see the briefing prior to it going to the Board to ensure that it was ready for the Board to make a decision on and that it contained all the required information.

Phillip Culpepper stated he had the same frustration, and noted that bringing on new Town Manager Bill Terry had really made the difference. He said they now had a leader who was directing the meetings, and believed that all 26 people on the committee would endorse what Mr. Terry would be bringing forward. Mr. Culpepper stated that they were now seeing more movement over the last few months than some people believed they had seen over the last ten years. He said the leadership had caused that even more than the engineering firm.

Mayor Voller stated part of the problem was that they had been without a Town Manager for a period of time, and the Board was policy makers and not managers.

Commissioner Walker stated he understood what the Mayor was saying, but that they as elected officials were leaders and they should have applied more pressure on whoever was in charge. So, he said, he did not believe they could shift all responsibility.

Commissioner Baldwin agreed with Commissioner Walker, stating she was tired of spinning her wheels and wanted to see something accomplished.

Mayor Voller agreed it had been frustrating for everyone, but believed they had made good strides and things were now moving.

Commissioner Brooks stated they needed to be able to tell citizens how much it would cost so that they could help the Board decide what they could afford.

Commissioner Walker thanked Mr. Culpepper for his good words regarding Mr. Terry and his performance. Ricky Spoon and Patrick Steele both said they would say the same thing regarding Mr. Terry.

Mayor Voller stated it had been suggested that the Board send Speaker Joe Hackney a letter wishing him well after his recent surgery, and that other municipalities within the County be asked to sign on as well. He suggested preparing a resolution or a letter and moving forward with that. There was consensus among the Board to do as Mayor Voller had suggested. Manager Terry agreed to formulate such a letter.

### **CLOSED SESSION**

Motion made by Commissioner Walker seconded by Commissioner Cotten to go into closed session pursuant to GS 143-318.11(a) (6) to consider the qualifications, competence, performance of the Town Manager.

Vote Aye-5 Nay-0

### **ADJOURN**

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

Vote Aye-5 Nay-0

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk