MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, AUGUST 11, 2008
7:00 PM

Mayor Randy Voller called the meeting to order at 7:05 p.m. and requested a brief moment of silence.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioner Gene T. Brooks, Clinton E. Bryan, III, Pamela Baldwin, Hugh Harrington and Chris Walker.

Staff present: Manager Bill Terry, Clerk Alice F. Lloyd, Chief of Police David D. Collins and Planner David Monroe.

APPROVAL OF AGENDA

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

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following item:

1. Approve minutes of the July 28, 2008 regular minutes.

Mayor Voller commented on corrections (prepared) made that were grammatical in nature on page 8, as well as one person he listed as attending who did not attend.

Commissioner Walker made a correction regarding his comment on the taking of on-line payments, noting he was referring to credit card payments and the discount rate. He asked that the minutes be corrected to read "2% of credit card transactions."

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the Consent Agenda with modifications to the July 28, 2008 minutes as noted on pages 6, 8, and 11.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

No citizens expressed a desire to speak at this time.

OLD BUSINESS

1. Manager's Update on Capital Projects (Manager Terry)

Manager Terry provided the following update:

- Kiwanis Park playground equipment hasnot yet been ordered, noting that the type of equipment they had wanted to purchase was part of a set, and they were attempting to purchase as much equipment as possible with the funds that were available.
- 4 million gallons per day Wastewater Treatment Plant construction project – he had met with the Local Government Commission to explore the requirements associated with funding, and the next hurdle would be the financial aspects of the project. The LGC had made suggestions regarding the sizing of the project, noting they were somewhat nervous about the $44 million price tag. Suggestions were made regarding splitting the project, which was being discussed with the engineers. The need for a feasibility study was also discussed with the LGC, and they advised that they would be very unlikely to support any sort of financial arrangement that would put Pittsboro at a high level of risk. The Town has received its letter from the State in regard to the speculative limits for Roberson Creek and the Haw River, and they would soon start the process with DENR.
- Short term wastewater treatment project – Stearns and Wheeler has been asked for a fee proposal that included the improvements they had recommended; that proposal was received late on Friday but he had not yet had an opportunity to study it. Because of the similarities between the Stearns and Wheeler recommendations and the Deihl and Phillips project once considered in regards to the equalization basin, the Town had already paid for design of that feature and it could perhaps be incorporated or modified for use with the Stearns and Wheeler project.

Mayor Voller said the Board might want to consider asking Chatham County or others to help with the $1.8 million. He stated that it may be worthwhile to inform others of the importance of this economic development and see what help could be garnered. Manager Terry reminded the Board of the two developers who were anxious to participate in the funding of that project, and he would be consulting with Attorney Messick regarding how that might be done. Mayor Voller stated if other funds could be identified it would be better for all.

Commissioner Walker said he did not object at all to seeking other funds, but did not believe Mr. Spoon or Mr. Steele would want to wait for a long drawn-out process because for them time was money. He said if they wanted to go forward and fund the entire project then so be it.

Mayor Voller said they certainly did not want to stop moving forward with Mr. Spoon and Mr. Steele, but if there were funds available he believed the Town should pursue that.

Commissioner Walker said if $1 million became available he did not believe Mr. Spoon or Mr. Steele would have a problem with that since they would not have to fund the entire project themselves.

Mayor Voller said he did not want to slow down the process, but believed other funding sources should be pursued.

Manager Terry continued his update:

- Disinfection Byproduct Reduction Project – There had been informal communication from the State that they were nearing completion of their review, and he was expecting that review to be received any day. The bid documents had been received from Hobbs and Upchurch and they were now ready to bid the project barring any delays by the State. Commissioner Baldwin had asked at the last meeting about the status of the letter that was to be sent to DWQ updating them on the Town's progress, and that letter would be prepared later this week and a copy given to the Board.
- 3M Reclaimed Water System Project – They had received the authorization to construct last week, and Hobbs and Upchurch would soon be authorized to bid the project. This project was largely supported by loans and grants, and the grant administrators would be notified they that were ready to proceed and they would be making sure that the grants were in place with no problems. Easements were now being finalized as well.
- Pedestrian Planning Grant – comments had been received from Paul Horne and the draft plan had been posted on the web site.
- Recreation Master Plan – progress on that plan had also been posted on the web site for review.
- Powell Place Park RFP – They had narrowed down the proposals to the top five firms, and those five firms were now being scheduled for interviews. They likely would be able to bring the Board a recommendation in September.

Commissioner Harrington asked regarding the 3M project and NC DENR, who was responsible for the loan and how was it paid back. Manager Terry stated that the loan was actually to Chatham County and the Town was obligated to pay back half of that loan, with the County paying the other half. He said the original loan was requested when this was a much larger project, so it was possible that they would not use that entire $1.5 million. Manager Terry stated they would likely use grant money first, and use the other only if needed.

NEW BUSINESS

1. After-Action Report on Recent Events at the Fairgrounds (Police Chief David Collins)

Chief Collins said that they had off-duty officers working at the Fairgrounds during the recent event at a cost of about $200, with another officer volunteering to work for free. Chief Collins said they had one small fight but the event was relatively peaceful.

Chief Collins stated another event had taken place on August 8, with two officers being paid by the promoter as well as one additional officer at a cost to the Town of about $72.00. He said that event had been very low-key with everyone being very cordial. Chief Collins said this coming weekend there would be a dance on Friday night and a bike rally on Saturday night, and they would provide the same amount of security at both events. Chief Collins stated it appeared an event would take place every weekend, and they would provide one off-duty officer to work outside the event with another inside being paid by the promoter. He said things may wind down and that one officer may not be needed, but they did not yet know.

Chief Collins stated he believed these events were positive and gave the officers an opportunity to interact with the youth in the community, and their presence helped to keep out negative influences. He stated it allowed for a safe environment and provided a place for the youth to congregate as well as giving the officers a chance to exercise community policing. Chief Collins said the only negative he could discern was the upkeep necessary at the Fairgrounds itself, as well as making sure the street lights in the area all functioning properly.

Commissioner Walker asked why the Town was paying anything at all. Chief Collins stated that the private promoter was paying for security on the inside, but his concern was for the outside. He said that outside security was also providing safety for people in the community and those shopping at Food Lion. Commissioner Walker asked was that a normal circumstance.

Mayor Voller said typically a promoter would hire off-duty personnel, and knew that Manager Terry had some experience with that. Manager Terry stated during his tenure in Chapel Hill they had encountered such unique situations. He said many times the Town hired additional officers from outside the Town to assist with special events, noting that on Halloween night Chapel Hill typically hired 250 additional office's from other jurisdictions to assist local officers, at the Town's expense. Manager Terry stated that he believed Chief Collins' actions were a reasonable response, noting the officers the Town had paid for were to provide an increased level of police presence in and around the area of the event for the benefit of the community.

Commissioner Baldwin said she appreciated Chief Collins working with the promoter to provide a safe environment. Chief Collins stated things were getting better, noting he would continue to work with the promoter and the Fairground Association. Commissioner Baldwin stated that there were individuals on the Fairground Association that were more than willing to meet with him and discuss anything they may need to do to make sure these events remained safe for all youth and the community.

Mayor Voller asked Chief Collins asked if he considered what he was doing to be a proactive community policing policy. Chief Collins stated that was correct, noting he did not believe the funds were being wasted. Mayor Voller stated that the Fairground Association wanted to continue communication with Manager Terry and Chief Collins, and thought adequate attention was being paid to try to make these events as safe as possible. Manager Terry stated another event would soon take place, and that event would be somewhat different in that the age group would be older. He said that event would have more of a traffic impact, and they may find it necessary to seek some assistance from the Sheriff's Department to address that.

2. Request for one-year extension of Westmoore MUPD Plan

Planner David Monroe said this was a request put forth by Patrick Bradshaw on behalf of Mr. Steele seeking an extension of one year on the approval of the Westmoore MUPD Plan. He stated that Mr. Steele was working to resolve the issue of wastewater availability, which was the reason for the request for the extension.

Commissioner Brooks said they normally limited such extensions to two, but it may be necessary to consider an additional one.

Motion made by Commissioner Brooks seconded by Commissioner Walker to a one-year extension of the Westmoore MUPD Plan.

Vote Aye-5 Nay-0

3. Bienvenue Square at 64 East Business Park Commercial Site Plan

Planner Monroe stated that the Planning Board had voted to recommend approval of this Site Plan with four conditions: the dumpster as proposed; that a lighting plan be developed and submitted, the landscaping material as identified; and the bike rack.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the Bienvenue Square at 64 East Business Park Commercial Site Plan with the four conditions as proposed by the Planning Board.

Commissioner Walker asked if parking lot lights were contemplated, at what point would they require parking lot lights and at what point would they not require them. He said he understood this was a relatively small building and the concern about light pollution, but did not believe there was adequate lighting in that area. He asked at what point the Planning Board and the Town Board would require lights for safety. Planner Monroe responded if they believed there was a need for lights to resolve safety issues, then they had the authority already to require that parking lot lights be installed. Commissioner Walker asked why they were not required here. Planner Monroe said they could be required if the Board chose to do so.

Mayor Voller said when the new lighting ordinance was adopted last year, it specified the amount and type of lighting to be used, but did not specify a requirement. Planner Monroe stated it referred to requirements for safety purposes. Mayor Voller said he believed they should consider revising the ordinance at some point so that such lights could be required when necessary.

Commissioner Walker stated he was not opposed to the lot in the back not having lights, but he believed the retail shops should have parking lot lighting. He said he believed they should require some type of parking lot lighting in this case without it causing light pollution.

Mayor Voller asked Chief Collins if he preferred lighting in such areas. Chief Collins replied "most definitely."

Commissioner Brooks withdrew his motion.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the Bienvenue Square Commercial Site Plan with recommendations from the Planning Board with the change that a lighting plan be submitted to Planner Monroe to approve at his discretion, keeping light pollution in mind.

Commissioner Harrington said the Board could require lighting for safety purposes, and asked if that was true even after approval of a project. Planner Monroe stated after approval of a project, it would be a matter of negotiation between the developer/owner and the Town.

Vote Aye-5 Nay-0

4. Contract for Public Information Services

Manager Terry stated this was a recommendation for a small service contract in the amount of $5,000 for a public information campaign regarding the change from chlorination to chloramination. He said it was important to make sure the public was well informed, and provided the Board with a copy of what had been done in Carteret County to get such information out to the public. Manager Terry stated approval of the resolution would allow the Town to contract out for help with press releases, preparing an informational brochure, and others.

Mayor Voller asked if changes to the resolution should be discussed should the Board decide to approve it. Manager Terry stated that there were recommended changes that had been distributed to the Board via email, including an additional "Whereas" paragraph. Mayor Voller stated he believed it was wise to add the suggested "Whereas" paragraph. He said when the brochure was developed he believed that the Board members who had worked so hard on this issue should be mentioned and that their contributions noted. Manager Terry said he was not sure that the brochure was the appropriate venue for those comments, but the consultant they contracted with could help with how to accomplish that.

Commissioner Brooks said he appreciated Mayor Voller's comments. He said that he would hope that the brochure and press releases could be done in-house. Commissioner Brooks stated there was a woman from Duke who had said they would help the Town disseminate information regarding the chloramination. Manager Terry stated that Martha Keating had said she had demographic information as to where the high risk populations were located. Commissioner Brooks stated he had understood her to say she would help the Town with its efforts.

Commissioner Harrington said he recalled that Ms. Keating had said she would help identify those needing special notification since they were at high risk. He suggested that they contact Ms. Keating to see what services she might be able to offer.

Commissioner Brooks stated he was opposed to creating the brochures until they knew what resources were available to help the Town in its efforts. He said the best way to get that information would be to contact Ms. Keating.

Mayor Voller agreed they needed to get out as much information as possible as quickly as possible that was coherent and readable.

Commissioner Brooks stated that many people would not take the time to read the information.

Commissioner Walker agreed. He said that much of the information was "plug" information that could be gotten from anywhere, and believed that $5,000 was a lot of money for something they could possibly create themselves.

Mayor Voller asked if the $5,000 included only the design costs or did it include mailing as well. Manager Terry stated the $5,000 was the total price for that particular firm as a public information consultant to spend 40 hours of work on this project.

Mayor Voller stated Manager Terry was talking about handling the flow of information that went out to the media and the public. He said he had asked about the mailing because once you had the brochure there were local businesses in Chatham County that would mail them for the Town. Mayor Voller said if mailing costs were not included then the Town would have to spend an additional $2,000 to $3,000 to get them mailed. Manager Terry stated that the contract included assistance with press releases as well as information on the web site.

Commissioner Brooks said he would assume the users at Chapel Ridge would need to be notified. Mayor Voller stated that Debra Hensley did that job for the County, and would likely be willing to distribute the information on behalf of the Town. He said the key would be to create the brochure. Manager Terry said his sense was that if the Town wanted a high quality, professional job and that it be the first priority of whoever was working on it, then having he and Mr. Poteat and Mr. Efird do it was probably not the best solution. He said if it was the will of the Board they would do it, but did not believe it was the best way to get it done.

Commissioner Harrington said if the Board tabled this issue tonight, and took Commissioner Brooks' suggestion to contact Ms. Keating and get her recommendations on how to proceed, what would be the time frame. Manager Terry noted that Ms. Keating's primary interest was lead, and he recalled what she had agreed to do was provide some demographic maps that indicated the locations of high risk areas for lead. He said he was willing to contact Ms. Keating and get whatever information she had that would be of help to the Town.

Commissioner Brooks suggested they contact Dr. Edwards to request his help as well.

Commissioner Harrington said he believed it came down to someone having to decide what went into the brochure and who had the time to do it. Manager Terry stated he had envisioned using the consultant by laying out the problem, asking him to contact these persons and others, having him read all the news articles and reports regarding this problem, and then to put together

a brochure to publish, as well as to work with the press to craft articles for the newspapers. He said as the project unfolded, the actual change over from chlorine to chloramines would not actually happen until about January, so there was some time to get the information together and released. Manager Terry stated that he believed they had four to six weeks before they needed to get some professional help.

Commissioner Brooks strongly suggested that they go ahead and send a letter to any high risk persons they were aware of, such as those on dialysis. He said they needed to know now. Commissioner Brooks added that the schools should be notified.

Commissioner Walker stated that every doctor and dentist should be notified as well.

Mayor Voller said the suggestion was to send letters out to organizations such as the schools, Chatham County, dialysis patients, doctors and dentist's offices, nursing homes and others that said that the switch was coming and they needed to make plans. Manager Terry said he was somewhat concerned about sending out a letter that just said they were changing to chloramination, noting that such a letter needed to go out with a fact sheet. Mayor Voller said something needed to go out soon, noting that information would likely need to go out more than once.

Commissioner Harrington agreed such a letter needed to be sent to the various organizations, but asked wasn't that part of what the consultant would do. Manager Terry stated the consultant would communicate whatever information was necessary, but the Town would have to provide the mailing list. Commissioner Harrington said he was thinking along the lines of having someone come in who could advise the Town on exactly who needed to be notified. He said if the consultant was only concerned with public relations and not with assisting the Town in those ways, then he did not see much value in that and would not be ready to approve it. Commissioner Harrington suggested tabling the issue for now.

Motion made by Commissioner Harrington seconded by Commissioner Walker to table this issue for four to six weeks.

Commissioner Baldwin commented that Ms. Keating had said they had sent out public information to customers regarding the changes that were occurring, so they should have something already in place that may help the Town. She suggested identifying who they had utilized and perhaps get suggestions on how best to proceed.

Commissioner Harrington suggested they include in the motion that the Board authorize Manager Terry to contact Ms. Keating to get a recommendation on how the Town should proceed.

Commissioner Harrington amended his motion to include a request that Manager Terry contact Martha Keating at Duke to get her recommendation on how they should proceed. Commissioner Walker accepted the amendment.

Vote Aye-5 Nay-0

Mayor Updates

Mayor Voller indicated he had given his updates to the Board in the form of letters included in the FYI section of the Agenda packet. He stated that the Fairground Association would meet tomorrow night and they would be coming to this Board to make a report in the near future.

Commissioner Concerns

Commissioner Brooks stated the Manager at SunTrust had asked him about the Town Lake pond, noting it apparently had been drained. He said it had left a lot of dead aquatic life and vegetation, and various people were complaining about that and how the situation could be improved. Manager Terry stated that NC State had a grant to help them improve the quality of that section of the creek, and a part of that was sedimentation removal and realignment. He said they would be creating additional paths for water to move through there, which would better filter the water and generally improve it. Manager Terry said part of that process was to gather quotes for contractors to come in and dredge the pond and spill the water over to the lower lake. He said in several days the valve would be turned back on and the pond refilled, so that project was moving forward. Manager Terry stated that earth movers would soon be working in that area, and the project had been described to him as a "redistribution of the silt" to create multiple stream beds rather than having the one path. He said they would not end up with a deeper lake, but rather one with more channels with a cleaner flow. Manager Terry stated that Karen Hall was the contact person on that project.

Mayor Voller stated that Planner Monroe had brought to his attention some work at the pond at Chatham Mill. Planner Monroe said there was a large piece of equipment that had been pulled off of the right-of-way and onto the edge of the pond, knocking down quite a few small trees in the process. He stated he would be visiting the site tomorrow to try to determine what was happening. Planner Monroe said the work may be associated with the driveway permit issued for Chatham Mill.

Commissioner Baldwin said regarding the sign ordinance, a small business owner had asked how many signs could be posted. She asked was it one sign that listed all of the businesses in a particular business, or could the business owner put out their own sign. Planner Monroe responded one free-standing sign could be posted for each non-residential property. He said if there were multiple tenants, then the answer was yes, they would all have to be on the one sign. Planner Monroe said the sign size would depend on the size of the frontage of the property. He said 150 feet of frontage would allow for a four foot tall sign with 24 square feet of display area. Planner Monroe said over 150 feet of frontage would allow for an eight foot tall sign with 32 square feet of display area.

Commissioner Harrington said he had received a complaint from a citizen regarding parking uptown and the issue of whether or not parking tickets were issued. He suggested that might be something the Board would want to revisit at some time. Commissioner Harrington suggested that perhaps Chief Collins could be asked to have his officers issue warning tickets when they had some free time.

Commissioner Walker asked if the Town had any appearance standards that stated that brick fronts would be required in particular areas. Planner Monroe responded no. Commissioner Walker suggested that the Town should think about having at the least some minimum appearance standards in place so that people coming into the Town would have some guidelines to follow. Planner Monroe stated he would develop some standards that could be provided to the Planning Board for discussion, and then the Planning Board's suggestions would be sent to the Board for discussion.

Commissioner Walker stated he had gotten a call from a Siler City resident who had said he was envious that Pittsboro had gotten such an attractive Taco Bell building but Siler City had not. Planner Monroe stated that it was important to remember that the Taco Bell/McDonald's building and the CVS Pharmacy were all part of a shopping center and had to have a unified appearance, and so they had created a color palate that was based on the Lowe's building and the Carolina Brewery so that what was proposed would have to match that color palate. Commissioner Walker congratulated Planner Monroe on such a good job.

Mayor Voller asked is anyone on the Board was interested in having the Planning Board develop some minimum appearance standards for the Board to discuss.

Commissioner Brooks stated he was opposed to that for various reasons. He said you had to look at supply and demand, noting that it was so expensive to build now that he could not imagine anyone proposing to build a "tacky" building. Commissioner Brooks stated that he believed you walked a thin line with appearance standards because it took people's freedom away which was bothersome to him. He said if you looked at what the Town had down with the car wash and ice cream parlor on the corner of US 64 and NC 87 as well as with the Habitat building, you would see that the Town did have some authority to enforce recommendations for appearance. Planner Monroe stated the Board had the ability to make recommendations but they did not now have the ability to require particular standards.

Commissioner Brooks stated he believed they needed to be very careful about instituting such appearance standards.

Commissioner Harrington said what he was envisioning was some very general minimum appearance standards, and perhaps they could be in the form of guidelines. Planner Monroe said the consultant on the Comprehensive Plan had recommended that the Town go to a form based process, where instead of saying certain uses could go in certain places, that the Town say if you want this use here, then here are the things you have to do to get that approved. He said that was the direction that the Comprehensive Plan was going.

Commissioner Brooks said he believed that height restrictions, buffers, setbacks and others were good ideas, but you were "treading on dangerous ground" when you started telling people what kinds of materials and colors they had to use. He said he loved historical areas, but when you tried to regulate it too much you ended up with some committee telling someone what color to paint their house. He said he believed that just went too far.

Mayor Voller asked how the landscaping part of the ordinance worked. Planner Monroe stated the Town could require an opaque or similar buffer when a commercial use was adjacent to a residentially zoned property, but they did not have any landscaping requirements for the front of the building, the parking lot, or other areas. He said the standards only applied to the side or abutting property lines.

Mayor Voller stated there was a fine line as Commissioner Brooks had said, but on the other hand no one wanted to have "helter skelter" development. He said he did not know how to balance that.

Commissioner Harrington said he had simply wanted some minimum guidelines created to put before the Board for discussion. He said when the Habitat building had been before the Board, the entire Board had voted to require brick on the front of the building, but Habitat had pointed out that nowhere in the Code was there an expectation of brick. Commissioner Harrington said that was the reason he was suggesting some basic standards be put forth for discussion.

Mayor Voller determined that the Board agreed by consensus to have some basic standards prepared by the Planning Board for discussion by the Town Board at some time in the future.

ADJOURN

Motion made by Commissioner Brooks seconded by Commissioner Walker to adjourn the meeting at 8:22 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