

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, FEBRUARY 25, 2008
7:00 PM

Mayor Randy Voller called the meeting to order at 7:00 p.m. and requested a brief moment of silence.

ATTENDANCE

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

Absent: Commissioner Gene T. Brooks, absent, excused due to illness.

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

APPROVAL OF AGENDA

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the agenda as submitted.

Vote Aye-4 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the February 11, 2008 regular meeting.

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the Consent Agenda as submitted.

Vote Aye-4 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

Mayor Voller indicated that no citizens had signed up to speak at this time.

OLD BUSINESS

DISINFECTION BYPRODUCTS REDUCTION PROJECT BUDGET AMENDMENT

Town Manager Bill Terry stated this item accompanied an item from two weeks ago where the Board approved the Disinfection Byproducts Reduction Project, noting this budget amendment would provide the funds for that project. He stated there was a pending grant which would not be announced until just before they were likely to bid this project, so they had included funds in the budget amendment sufficient to move forward in the event the grant was not forthcoming.

Commissioner Cotten asked was there a deadline for the engineer to submit designs. Mr. Terry said creating that schedule would be one of the first things they did. Commissioner Cotten confirmed that the funds would come from the Enterprise Fund.

Mayor Voller asked if they had a letter previously discussed ready to send off to Speaker Hackney and Senator Atwater. Mr. Terry said that would be ready shortly.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the Disinfection Byproducts Reduction Project Budget Amendment.

Vote Aye-4 Nay-0

DISINFECTION BYPRODUCTS REDUCTION PROJECT BUDGET AMENDMENT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE

ESTABLISHING ELECTION DISTRICTS IN PITTSBORO

Mayor Voller stated Commissioner Cotten had brought this item forward regarding the establishment of election district in Pittsboro.

Commissioner Cotten said he had put this on the agenda because he realized as he was doing his research that when this was previously discussed the Board had not authorized him to proceed.

Motion made by Commissioner Cotten to approve the suggested plan of action he had provided to the Board.

Mayor Voller asked Commissioner Cotten to withdraw his motion until the Board had completed its discussion, and Commissioner Cotten agreed. Mayor Voller then suggested that the Board discuss each of the points noted on the handout.

1. Why create electoral districts?
 - A. Insure representation of all sections of Town by person residing within each district.
 - B. Compliance with Federal and State law.

Mayor Voller said regarding 1.A., the last time this was discussed there was a variety of opinions, and asked Commissioner Cotten to state his case.

Commissioner Cotten stated the purpose was to divide the Town into districts so that representation would be spread out over the Town instead of into groups. He stated he did not want the Town to get into the position that Siler City had experienced several years ago when they were court-ordered to create districts.

Mayor Voller asked what the current Siler City system was. Commissioner Cotten stated they had wards. Mayor Voller asked if some of those wards were at-large.

Commissioner Walker said yes, that there were five districts, with an additional two at-large. He said he agreed with Commissioner Cotten that depending on the outcome of the latest election the Town could have potentially had four of the six Commissioners coming from Chatham Forest.

Commissioner Cotten said when he completed his term on the Board, there would be no representation on the Board from anyone living south of US 64, and that was the impetus for him to bring this issue forward.

Commissioner Walker asked why Siler City had ended up going to wards. Commissioner Cotten responded in that instance it was a Civil Rights issue in 1996, but he was not sure of the details. He added that they were forced to go to that system by a federal court.

Commissioner Baldwin said ideally it would insure representation of all sections of Town, unless no one from that district decided to run for office. Commissioner Cotten said there would be people running if the districts were created. Commissioner Baldwin asked how he could know that.

Mayor Voller asked if the idea was to create a district and you would have to reside in the district, but you were elected by the whole. Commissioner Cotten said it could be done either way. Commissioner Walker agreed.

Commissioner Baldwin asked if everyone would vote for all seats, regardless of the districts. Commissioner Cotten said it would depend on how the districts were set up.

Mayor Voller asked what about a system where you increased the size of the Board, and then went to a system where the Mayor had voting powers. Commissioner Cotten replied he did not think that was advisable because it would be based on the last Census, which was in 2000, and much development had occurred since that time. He stated his recommendation, under III.B., was to create four districts and one at-large.

Mayor Voller suggested that the Board consider four districts, two at-large, and a Mayor who would have voting powers. He stated many more municipalities had that system than did not.

Commissioner Cotten stated there was a provision under the law to do that, but he believed the Mayor should be appointed by the other members of the Board.

II. General Information.

- A. Population of all districts must be as equal as possible.

Commissioner Cotten stated this referred to the law that dictated that the Census be used, which clearly stated that each district must be as equal as possible population wise. He remarked that the new law the County had adopted may be in violation of the State law, but he would not challenge it.

- B. Federal Census figures must be used.
- C. Implementation of plan adopted will require four years to fully implement (election years 2009 and 2011).
- D. Any plan adopted now will have to be adjusted after the 2010 federal Census figures.
- E. The Town Charter will have to be amended.

III. Suggested Plan of Action.

- A. Appoint a subcommittee composed of two Commissioners and an administrator to prepare the proposed district lines.
- B. Four districts and one at-large member would seem to be the most logical plan until after the 2010 Census.

Mayor Voller asked how he planned to get the public involved in the process. Commissioner Cotten responded that would be part of the work of the subcommittee he was proposing.

Mayor Voller asked why not have the public involved from the beginning, as part of the subcommittee. Commissioner Cotten said that was an idea, but believed the process needed to begin with the smaller subcommittee to develop a plan to be presented to the public.

Commissioner Bryan asked why it would take four years to implement this. Commissioner Cotten replied because in the 2009 election there would be only two seats up for election, then in 2011 there would be three seats. He said otherwise, you would be forcing someone out of their seat.

Mayor Voller said you would have to use the 2010 Census figures at that point. Commissioner Cotten said that was correct, so they needed to start the process now.

Mayor Voller said he understood Commissioner Cotten's issue that you could have a situation where Board members came from particular areas of the Town but none of the Board members resided in other areas. But, he said, you had to look at the situation in that if your development was occurring on the east or west side of the Town, then you would always be woefully behind in that district, and those people could claim that they had twice the population but not equal representation.

Commissioner Cotten stated that was the reason for the at-large member, to balance that out. He said that was also why adjustments would have to be made in the future to reflect the changing population.

Commissioner Walker said when Commissioner Cotten said “increasing” he was referring back to what Mayor Voller said about adding potential members. Commissioner Cotten said that was correct.

Mayor Voller said that would have to be looked at, because he believed the new Census figures would be surprising to many. Commissioner Cotten agreed.

Commissioner Baldwin stated they definitely needed to have the public involved. She said she also believed they should look at this with their eye toward using the 2010 Census figures.

Mayor Voller said he did not believe they could do anything concrete until they received the 2010 Census figures, since they were so close to that point now and the Town had changed so much since 2000. He said the reality was that most of the Town’s growth had occurred since 2000. Mayor Voller said if they tried to move forward using the 2000 Census, then people would question that since most of the voters had come into the Town since that time.

Commissioner Cotten said it was no more questionable than doing it after this last election.

Mayor Voller said what about the idea that for as long as he could remember, most of the Commissioners had come from the west part of Town, with only Commissioner Brooks coming from the east side. Commissioner Cotten said at that time, there were likely less than 100 houses on that side of Town.

Mayor Voller said at that time they had east and west precincts, and now it was all one precinct. Commissioner Cotten said the Town had had no control over that; it was done by the County.

Mayor Voller said by no fault of their own, many people had run for office from the Chatham Forest community, but that just happened to be where they lived. He stated if they did not wait and use the 2010 Census, he believed people would question it.

Commissioner Walker stated he believed they would be forced to use the 2010 Census. He suggested beginning the process, getting the community involved, and then moving forward.

Motion made by Commissioner Walker to study the creation of electoral districts and to appoint a subcommittee.

Commissioner Baldwin asked who would be the administrator. Commissioner Cotten replied it would be either Mr. Terry or Mr. Monroe. Mr. Terry stated it would likely be him, and suggested that since there may be legal issues involved that Mr. Messick be included. He suggested that Mr. Monroe be included as well, since his expertise would be valuable.

Commissioner Cotten said he still believed the subcommittee needed to be formed with only two Commissioners so that a quorum of the Board was not achieved.

Mayor Voller stated the Mayor could be included without violating that law. Commissioner Cotten stated it would cause the meetings to be subject to the Open Meetings law. Mayor Voller disagreed.

Mayor Voller suggested that the two Commissioners on the subcommittee should be whoever the new incoming Commissioner happened to be, and one of the existing Commissioners. He suggested either Commissioner Brooks, Commissioner Walker, or himself.

Commissioner Walker agreed, and amended his motion to including working out the finer points of the subcommittee at a later time.

The motion was seconded by Commissioner Bryan.

Vote Aye-4 Nay-0

NEW BUSINESS

Mayor Voller indicated there was no New Business up for discussion.

MAYOR UPDATES

Mayor Voller indicated he had no updates to offer at this time.

COMMISSIONER CONCERNS

Commissioner Bryan stated he was contacted by a person who owned property in the Town several weeks ago, and the person had suggested that perhaps the Town may want to use his property. He said upon the advice of the Mayor, he had put Mr. Terry in contact with that person.

Mr. Terry stated he had toured the facility with the owner in order to get an idea of what it would take to convert the facility to municipal use. He said it was a large building of 12,500 square feet, and his first impression was that although at some point in the future the Town may need a facility of that size, it dramatically exceeded their current needs. Mr. Terry said even keeping the project at the lowest cost possible, it would likely take a financial commitment of \$300,000 to convert it to municipal use. He said his feeling was that such a "bare bones" commitment would not be enough, and it would likely take about \$500,000 to make it useable.

Mr. Terry stated the owner had indicated his willingness to participate in that cost in exchange for a longer term lease from the Town. He said based on his experience with commercial buildings, the lease payments on such a space would likely be around \$275,000 per year. Mr. Terry said based on recent discussions regarding the predicted growth of the Town and the fact that they were now renovating their current space to make room for additional offices, they would need additional space in the future. But, he said, his first reaction was that this building was just too much for the Town to take on at this time.

Commissioner Walker stated he agreed with Mr. Terry's assessment. On another matter, Commissioner Walker stated he should have brought up another issue during discussion about the budget amendment regarding the water. He said if they did not receive grant money, they were looking at having to borrow \$365,000. Commissioner Walker said he believed they needed to look at readjusting water rates, in that the more you used the more you should pay. He said it was also time to step up increases in the water and sewer bills, noting they had not been covering depreciation for quite some time. He said with all the issues they were facing with water and sewer, he believed they might want to consider doubling the water bills. Commissioner Walker stated Commissioner Cotten had brought that up several times, and he was inclined to agree with him. He said it was time they paid attention to those water bills so that the future needs could be met.

Commissioner Baldwin agreed they needed to look at the rate schedule, as Commissioner Cotten had previously stated. She said that had been discussed in the TJCOG meetings as well as some other things that would be presented to the Legislature on behalf of local governments to try to receive different funding to offset costs for wastewater treatment and water in general. She said she would present that to this Board once it had passed the TJCOG Executive Committee and before it went to the Legislature.

Commissioner Baldwin stated that regarding water and wastewater, she had been interested in the State of the County address where there was a proposal in terms of partnership with other municipalities such as Cary to have different talks in reference to water. She said she believed the Town should participate in those discussions since they were the County Seat.

Commissioner Cotten stated he had three concerns for discussion, two of which were the result of phone calls he had received today. He said it seems that dump trucks had discovered Oakwood and Park Drive as a cut-through from Old Graham Road, and residents were concerned that it would destroy that street. Commissioner Cotten stated it appeared that the no-thru signs posted on that street had disappeared, and they needed to be replaced.

Commissioner Walker stated Commissioner Cotten was correct, noting he had lived in that neighborhood for eight years. He said there used to be signs on both ends that said "No Thru Trucks" but they were gone now. He agreed those signs needed to go back up.

Mayor Voller directed Mr. Terry to make sure those signs were replaced.

Commissioner Cotten said another complaint he had received was that apparently out-of-town contractors were coming in and doing sewer tap-ons without notifying the Town. He said the person complaining indicated he had not seen a Town employee present when the tap-ons were occurring. Commissioner Cotten stated that had occurred on Oakwood and Park Drive.

Commissioner Cotten said the last issue he wanted to mention was that the upcoming special election early voting would begin on Friday at noon and would end on March 15. He said the regular election would occur on March 18. Commissioner Cotten said he mentioned that because the Board of Elections had to operate this election just as they would a regular election, and they would have to hire three judges to work on Election Day and would have other

expenses, and the Town of Pittsboro would get the bill for that. He said he believed that was "ridiculous."

Mayor Voller said there were a number of people who were experiencing trouble with older sewer taps. He said if the problem was on the street side of the tap then it was the property owner's responsibility, but there had been property owners and others who had complained because the issues were not on the street side of the tap. He said at some point the Town was going to have to look strongly at what was happening since it was a Town problem, and they likely needed Hydrostructures to give them an assessment. Mr. Terry stated he believed those issues were now being assessed.

Mayor Voller said it was his own personal viewpoint that long term they needed to use foresight and go to the lake. He said they had a project approved to work on the water plant, but he believed that would be their secondary source since he did not believe that long term the amount of money and quality they would need to provide would ever be produced pulling from a source that was as variable as the Haw River. Especially, he added, when he continued to read about other municipalities that would continue to take water out of the river, and who were allowing organic material run off into the river and were attempting to get permitted to dump more sludge. Mayor Voller said long term, they needed to consider working with the consortium to get a seat at the discussion table, noting they were the closest municipality.

Commissioner Baldwin said she had received a complaint from a business owner, noting that there were some kind of utility work taking place on February 6 at her place of business, but she had been given no notice and her customer parking had been blocked. Commissioner Baldwin said she happened to be there that day, and had asked one of the workers what was happening. Commissioner Baldwin said the response was, "Well, she wants her telephone hooked up, doesn't she?" She said she believed that response was disrespectful, and it was disrespectful to think that they could just come there without giving notice to the business owner and block her clients so that they could not get to the business. Commissioner Baldwin asked the worker if they could move their truck to a vacant parking lot, and they reluctantly had done so.

Commissioner Baldwin said the very least they could have done was upon arrival notifying the business owner. She asked if the Town was given any notice when such utility work was to be performed. Mr. Terry stated they usually notify the Town if they need to dig in a public right-of-way, but they should have notified the business owner just out of courtesy. Commissioner Baldwin agreed. She said the business owner had not requested additional phone lines, so she had not known what the workers were doing.

Motion by Commissioner Walker seconded by Commissioner Bryan to adjourn the meeting at 7:45 p.m. Vote Aye-4 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk