

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
MONDAY, MAY 14, 2007  
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Terry Dorsey, Grace Point Church gave invocation.

**ATTENDANCE**

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Clinton E. Bryan, III and Gene T. Brooks. Commissioner Walker was absent due to sickness.

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

**AGENDA APPROVAL**

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the agenda as presented. Vote Aye-4 Nay-0

**CONSENT AGENDA**

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the consent agenda as presented.

Approve Minutes of April 23, 2007 Board of Commissioners regular meeting.

Spoon rezoning request at Belmont Station, MUPD to C-2.

**Action requested: Set a Public Hearing for May 28, 2007.**

Amendment to Section 6.5A(2) of the Subdivision Regulations – rec. fees.

**Action requested: Set a Public Hearing for May 28, 2007.**

Vote Aye-4 Nay-0

**CITIZENS MATTERS**

Jeremy Lindley, Homes stated the address that his concern is about is 186 Russell Chapel Road. He stated he applied for a water meter and tap on the 2<sup>nd</sup> of last month and

they paid for everything and they were told a meter would be set in a few days. About a month went by and he was told he would have to get a private contractor to bore under the road to the other side of the road to get to the water line. He checked on that and it was going to cost about \$3,000. He was told if he was on the other side of the road that would have been all he had to pay. He didn't know this when he paid the money.

Mayor Voller stated this is something that should probably be taken up with the Public Works director. He asked Mr. Messick if he had any input.

Attorney Messick stated that Mr. Lindley's property is on the north of Russell Chapel. The water line is apparently on the south side. Apparently the fee is paid and whatever the cost of boring is and the he was apparently not told that when he applied for service. Attorney Messick stated he paid the fee based on the size of the lot and the uses he intended to make of it and he found out later the line was on the other side of the road and a bore would be necessary.

Mayor Voller asked what fees did he paid. Mr. Lindley said he had a copy of it. Mayor Voller stated he recognized the handwriting of Dave Monroe. Mayor Voller stated he had paid \$1,260 for the tap, \$230 for the meter and a \$20.00 deposit. If the property were Located on the south side it would be the total. Planner Monroe stated it would cost that plus the cost of running the line from the meter to the house.

Mayor Voller asked about the \$3,000 bid. Mr. Lindley stated they would not actually give a price without coming out and doing the job. As far as he knows if you tap to County water and the line is on the other side of the road they move it. He talked with some plumbers and they said the Town use to do it and they didn't know why they still didn't do it. They stated they did not know why the Town would want another contractor drilling on their water line; it just did not make sense.

Mayor Voller stated the last time the Town did work there; there was a price for bores for four houses. Mayor Voller said the price they are giving Mr. Lindley is a lot higher – he could get it a lot cheaper. Mr. Lindley stated his main concern is that after he paid for the water, got sewer and everything they got a contract on the house and so everything they pay will have to come out of his pocket and he thought everything was settled. He wanted to get an answer from the board that is why he is here now.

Commissioner Cotten stated he believes our ordinance requires that in the case when the line is on one side and the building is on the other that the person that owns the land does have to pay for the bore. He asked Mr. Monroe if that was not correct.

Planner Monroe stated since he has been here the town has not paid for a bore for anybody.

Mayor Voller stated he feels for Mr. Lindley and he knows he can get a better price.

Attorney Messick stated the Town would have to bid out these services because we don't have the capability to do it. Mayor Voller stated he was sorry Mr. Lindley was in the spot.

Commissioner Cotten asked if there was anyone close to him that could share in the cost. Mr. Lindley said it was not.

Leda Hartman – 258 Belmont Road in Chatham Forest – she wanted to again urge the board to vote for the opening of Springdale Drive. She knows that vote is coming up. She is the person whose mom had a stroke on the front porch and 911 told her that they could have been there five minutes earlier if Springdale had been open. She spoke at the meeting in February and after that she did hear Mr. Brooks say that he would not vote against this anymore. She hope that her story has caused the board to think seriously about approving this and she would hate for it to take a disaster such as fire or heart attack – it is really a matter of life and death – someone goes and sue the town in order for the Town to act. She thinks it is a serious public safety issue that the town needs to attend to. So she would again plead and urge the board to vote for opening this without extensions, without delays, without setting possible conditions that would not make this happen in due time that it should happen. She is confused about something. She looked at the minutes today from the February hearing and is unclear what stage we are at in the process. In the minutes it says that Commissioner Brooks advised the residents that the opening of Springdale Drive was approved in August 2004 with the following conditions: that Voller Realty pay for all the needed improvements to Springdale Drive to bring it up to state standard including turns lanes on 15-501; including curb and gutter on Springdale Drive and sidewalks on Springdale Drive and a traffic calming device where Springdale Drive and Fox Chapel Lane join. What she is unclear about is whether the proposal the board will be considering soon is the same that was approved in August of 2004 or if it is something different than this and if so what is that. How is it different from what is already approved?

Commissioner Cotten stated he believes that it would be different. He believe when he did his study up there that he recommended that they forget about the curb and gutter on Springdale because of the nature of the yard and so forth. It would disturb a lot of people's property. Commissioner Cotten asked Commissioner Brooks to help him out.

Commissioner Brooks stated they had said they could forget about the sidewalks which were a significant amount of money but you put in you wanted calming devices inside Chatham Forest area itself. When you talk about the turn lane itself – basically what it going to require there is what the state is going to require.

Commissioner Cotten stated the turn lane that is there now is not adequate and that would be something the state has to address.

Planner Monroe stated the traffic analysis has been sent to NCDOT and we are waiting for their recommendations.

Mayor Voller stated to answer the question back in the February meeting the motion was that the TIA had to be done which was done and sent off to DOT for recommendations off 15-501. The recommendation was that nothing needed to be done at all and Reuben Blakely meet with the traffic engineer Mr. Grant from Ramey Kemp and Mr. Bahho who works with Chatham Forest and said they believe that Thompson Street and Hillsboro Street (where Elizabeth Pizza is) that instead of a 50/50 traffic split they thought there should be a 75/25 going north and so they wanted the traffic report to reflect there was more potential traffic and that a left turn coming from Chapel Hill would need to be lengthen. Their recommendation is that the turn lane get lengthen to accommodate more cars. All they are waiting for is the official letter from NCDOT to say this and then it would come back to the board because it would comply with all the conditions. Everything else has been done for a long time.

Leda Hartman asked what they can expect as citizens. If she understands it correctly the requirements for curb and gutter on Springdale have been let go and you are waiting for DOT to come back telling what needs to be done to meet their standards in term of the turning lane and so on. Mayor Voller stated that it right – they would sign off on that. His expectation was that as soon as we got the letter it would come back to the board and a determination would be made. That is what the board's decision was 60 days ago.

Commissioner Brooks stated that the board did not drop everything just the sidewalks and curb and gutter. Ms. Hartman asked that when the town receives that letter from DOT is the board going to be voting on a proposal up or down to open Springdale giving that the turn lanes are lengthen and brought up to standards and given that there is a speed barrier of some sort where Springdale Drive and Chatham Forest connect. Is that correct? Is that the proposal? Commissioner Brooks stated and that the road will have to be brought up to standard to cover what is needed. Ms. Hartman asked what does that mean. Commissioner Brooks stated he is not an engineer so he can't tell her, but that street was built for a limited number of houses (developer Harry Henderson) and he don't think it would accommodate the traffic it is going to have now so it is going to have be done (whatever it takes). Ms. Hartman asked is this going to be one of the conditions attached? Commissioner Brooks stated that it part of the original approval in 2004. Ms. Hartman stated so you are saying that remains. Commissioner Brooks stated he would think so. Ms. Hartman stated her concern and probably the concerns of some of her neighbors is that is sort of a vague thing and could cause this opening to be delayed further and further in the future where there is public safety issues at stake. She is concerned as to what that means and when these concerns will be acted on.

Bob McTighe asked if the opening will be delayed until all these terms are met. Commissioner Brooks stated that is his understanding. Mr. McTie said we are looking at 2008-2009.

Bob McTighe – 266 Bellemont – seems like it has been going on for a long time. There are safety issues in Chatham Forest and he would like to see this thing pushed through. He realize there is a certain amount of protocol that has to be followed and everything has to be taken into consideration, however, there are approximately 17 homes on Springdale

and there are 150-200 homes with one entrance to Chatham Forest. Going back to what Leda said a few moments ago if there is a crisis, if someone suffers from a heart condition or whatever it may be (a child gets injured) it is roughly five minutes to go around (out the front of the subdivision to get to 15-501) where the Chevy dealership is now. He knows how easy it would be for him to travel down Springdale Spring as he does business in Chapel Hill and Orange County as well as the Hillsborough area. He would like to see it pushed through and from talking with a number of their neighbors he thinks they feel the same. He appreciates everything the board is doing for the town, but on the other hand he feels it is taking too long to get this passed through. He hopes the board will consider all the options and hopefully we will get Springdale Drive opened soon. Mayor Voller asked Mr. McTie if he worked with Risk assessment Insurance, he said he did, Mayor Voller stated so you are very knowledgeable on this subject. Mr. McTie said yes.

Barbara McTighe – 266 Bellemont – would like to thank the board for all the time they have given to this matter. She also welcomed Mr. Bryan. This is the first time she has been to a meeting since he has been seated. Commissioner Bryan said thank you. She stated you have heard the frustration of many of her neighbors. Some of the people are so frustrated that they don't want to come anymore. She thinks that is really a black eye on this town council, because many of the people did come and they had high hopes. What she would ask is that this is brought up to speed soon for a lot of different reasons not only for a crisis that might occur, convenience, connectivity because we are all one town – old/new, young/old, this country/outside this country, we are one town because we all live here. That barrier is a black eye on Pittsboro we really need to be one town – we need to show the state we are one town. We have had a lot of bad press in Pittsboro as of late and we need to have good press. This is a vital community this is an important part of the town and we want to put our best foot forward and this barrier is not putting our best foot forward. This is showing that we are a dividing town. This is showing that there is old Pittsboro and new Pittsboro and she don't like division of any kind. We are one town and we should be one town. As far as bringing this road up to speed, she drives through the roads in Pittsboro as many of you do and she sees a lot of roads that are not up to speed. Those roads are all open. I think you yourself stated Mr. Brooks, that if I would sit on your back porch and watch the people speed around from Kerr Drug there are a lot of people cutting through those roads and those roads she wonder when they have been brought up to speed to carry all the excess traffic. We are tired of being put off. We are tired of not being one community which we should be. I want to stand up and say I am from Pittsboro, it is a lovely town, a lovely place and you are all welcomed. No matter who you are where you come from. We want affordable housing we want great housing but we need to be one town so we need to put our best foot forward and we need to remove that barricade because it is a black eye on this town and we need to show people that we are moving forward we are not putting up barricades. Thank the board for their attention.

## **OLD BUSINESS**

### **CHAMBER OF COMMERCE REPRESENTATIVE**

**Appointment to Chamber of Commerce Board. Commissioner Brooks asked Neil Flynt about being the town's representative but he declined because of the meeting time. Mr. Flynt suggested Shannon Plummer who serves on our Planning Board. Commissioner Brooks asked Mr. Plummer and he agreed to serve if appointed.**

Commissioner Brooks stated because of Mr. Flynt's business it would be impossible for him to go to day meeting and so he declined and he recommended we consider Mr. Plummer and he approached him and he said if the board chose him he would serve.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to appoint Shannon Plummer to serve as the Town's representative on the Chamber of Commerce Board.                      Vote    Aye-4    Nay-0

Commissioner Brooks asked Ms. Lloyd to contact Mr. Plummer and the Chamber of Commerce.

## **NEW BUSINESS**

### **COMMERCIAL SITE PLAN LOT 3A 64 BUSINESS PARK**

#### **Commercial site plan Lot 3A 64 Business Park.**

Planner Monroe reported the Planning Board reviewed the Commercial Site Plan for Lot 3A owned by Randy Holt. Mr. Holt also owns Lot 3B. The Board concluded that the plan conformed to Zoning Ordinance requirements and the stormwater solution was reasonable.

By sharing access, the driveway on Lot 3B can be removed and a retaining wall can be constructed in its place to control the stormwater flow and prevent it from entering the building there.

The Planning Board recommended that the Commissioners approve the site plan with the following conditions:

That a shared access easement be developed, copied to the town and recorded.

That a Lighting Plan be provided to the Planner before any activity can occur on the ground.

That a Landscaping Plan be developed and approved by the Planner before a Building Permit is sought.

Mayor Voller stated he would like for the Planning Board to look at requiring some type of restrictive covenant for small business parks.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin with the Planning boards recommended conditions:

That a share access easement be developed, copied to the town and recorded.  
That a Lighting Plan be provided to the Planner before any activity can occur on the ground.

That a Landscaping Plan be developed and approved by the Planner before a Building Permit is sought.

Commissioner Brooks asked if there is anyway to get the Mayor's recommendations included. Mayor Voller stated we don't need these type things happening, if we can vote on this, then we can direct the Planning Board to look at this.

Vote Aye-4 Nay-0

Motion made by Commissioner Baldwin to ask the Planning Board to develop a set of guidelines on these business parks and commercial areas that address aesthetics and bring it back to the board for review seconded by Commissioner Bryan.

Vote Aye-4 Nay-0

### **POWELL PLACE PHASE 2C – FINAL PLAT**

#### **Powell Place Phase 2C – final plat.**

Planner Monroe stated the Planning Board reviewed this application for a Final Plat for Phase 2C at Powell Place. I presented them with a letter from Robbie Oldham at Withers & Ravenel indicating that 85% of the required improvements have been completed and calculating the cost of the balance. Based on these calculations, East West Partners should post a bond in the amount of \$94,070.00. A letter of credit from RBC was received on May 12<sup>th</sup>.

Bryson Powell provided a letter of assurance guaranteeing the Town that it will maintain all roads, water and sewer lines for a period of 12 months from the date the installation of pavement is complete.

The Planning Board recommended that the Commissioners approve the Final Plat for Phase 2C with the condition that the reference to the Flood Map Panel be changed to the newly adopted one and reflecting a date of adoption of February 2, 2007 and also that the construction drawings conform to the recommendations in the Hydrostructures review memo.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the final plat for Powell Place Phase 2C with conditions that the reference to the Flood Map Panel be changed to be newly adopted one and reflecting a date of adoption of February 2, 2007 and also that the construction drawings conform to the recommendations in the Hydrostructures review memo.

Vote Aye-4 Nay-0

### **POWELL PLACE PHASE 3 – PRELIMINARY PLAT**

### **Powell Place Phase 3 – preliminary plat.**

Planner Monroe submitted the following:

The Planning Board reviewed the Preliminary Plat for Powell Place Phase 3-Townhomes. The changes which would occur with this phase are that Millbrook Drive would be extended south to Rock Springs Cemetery Road and the Cemetery Road would be paved to 5-501. In addition, a waterline will be brought down Millbrook and along the Cemetery Road and would connect back into the 16 inch line on the east side of 15-501 creating a looped line which would improve fire flow.

Attached is a memo of review from Pete Domas of Hydrostructures citing some small changes which should be made to the plat so that it complies with the new water and sewer specifications recently adopted by the Town.

After reviewing my memo and the HydroStructures review, the Planning Board voted to recommend that the Commissioners approve the Preliminary Plat with the following conditions:

That the alley shown to the east of the townhouse lots and between lots 288 and 289 are named;

That the items delineated in the Hydrostructures review be incorporated in to the plan.

Planner Monroe stated there is an acceleration lane added to the pavement. That acceleration lane becomes a right hand turn lane to let people until Rock Springs Church Road. They are asking DOT to pay particular attention to that issue and to erect proper signage so that does not become a problem.

Mayor Voller asked if DOT has given any feedback as to when the traffic signal will be going up. Planner Monroe said no.

Commissioner Brooks asked who owns Rock Springs Cemetery Road. Planner Monroe stated the Town owns half of it. Commissioner Brooks asked what happens about that. Planner Monroe stated the property owners will have a grant an easement for the road to be paved. Bryson Powell stated there is actually an easement agreement dated back in 1978 between the property owners involved that it is actually a private easement at this point and with approval becomes a public right of way. So there aren't really any issues on having to get new easements. Commissioner Brooks asked if they would be paving the road up to state standards. Mr. Powell said of course. Mayor Voller stated it automatically becomes a public street when it becomes paved, he asked Mr. Powell if he could provide documentation to the Town Attorney. Attorney Messick said he has that information.

Mayor Voller asked Mr. Powell if he knew where the old rail line comes in on the project – is it on Rock Springs. Mr. Powell said it is but it is not actually on their property. It ducks on their property further in the back, but he is not too familiar with it. Mayor

Voller asked if there would be an issue if that could be turned into a bike trail /walking so that you can take that downtown. Mr. Powell said there would be no issues.

Motion made by Commissioner Baldwin seconded by Commissioner Cotten to approve with the recommendations of the Planning Board that:

The alley shown to the east of the townhouse lots and between lots 288 and 289 be named;

That the items delineated in the Hydrostructures review be incorporated in to the plan.

Vote Aye-4 Nay-0

### **PLANNING BOARD ALTERNATES**

#### **Consider appointment of alternates to the Planning Board.**

Planner Monroe reported the Planning Board received two applications for the town alternate position and one application for the ETJ alternate. The Board decided to consider the applications because they deemed the single applicant from the ETJ to be a worthy applicant (based on her experience with the Affordable Housing Task Force and involvement in affordable housing in Orange County).

After deliberation the Board voted to recommend Billy Hughes for the in-town seat and to ask the Commissioners to ask Chatham County Commissioners to approve Susan Levy for the ETJ alternate. (They received applications from Susan Levy, Billy Hughes and Cabell J. Regan).

Mayor Voller asked if the appointments aren't done on the Board level.

Planner Monroe stated the Board recommends and sends it to the County for approval.

Commissioner Cotten made a motion to table this issue. He is not satisfied with the information he has on the applicants and he feels the Town Board should have done the leg work on the positions. That it be tabled for the next two meeting. Seconded by Commissioner Brooks.

Planner Monroe stated since he has been here there has only been two occasions they could not meet because they did not have a quorum.

Vote Aye-4 Nay-0

### **HOBBS, UPCHURCH AND ASSOCIATES UPDATE**

#### **Update from Hobbs, Upchurch and Associates regarding various projects.**

Hobbs, Upchurch and Associates had submitted the following update:

May 14, 2007

Mr. Paul Messick  
Interim Manager, Town of Pittsboro  
635 East Street  
Pittsboro, NC 27312

RE: Town of Pittsboro WWTP Modifications and 3M Reuse Line  
Project Updates

Dear Mr. Messick,

This letter is to inform the Town of Pittsboro about the progress on the wastewater projects currently underway. The items below address various questions raised by the Town's staff.

1. **Who made the decision to abandon updating the present wastewater treatment plant?**

This decision was first presented by Diehl and Phillips, P.A. at an updating meeting on March 21<sup>st</sup>, 2006 (see attached letter). Mr. Phillips pointed out that the bids for the proposed modification were significantly over budget, and that spending millions of dollars on the existing plant upgrade would be illogical.

2. **Who made the decision to construct the new wastewater treatment plant?**

This decision was also made by Diehl and Phillips, P.A. In the same update meeting on March 21<sup>st</sup>, 2006, Mr. Phillips proposed that the budgeted \$2.2 million be directed towards the construction of the new treatment plant, not towards a modification of the old plant.

3. **Explain the spray field planned for placement on land to be donated to the Town for a park.**

The current plan for the donated land is a Town park containing multiple baseball, soccer, and other recreational fields. During the planning of this project, Town staff proposed that reclaimed water be used to irrigate the proposed fields. The location of the reclaimed water storage facility would allow reclaimed water to be used to irrigate the proposed fields with relatively low capital and operating costs.

These ideas have not been revisited in several months. The decision to use reclaimed water to irrigate the fields will ultimately be made by the Town Board and staff members.

**4. Explain the fact that Pittsboro’s Wastewater permit modification was not mentioned in any of the written reports to Pittsboro Town Council.**

NC Construction Grants and Loans is currently finalizing their approval of the reclaimed water project. CG&L has indicated during various conversations that their approval will feature an amendment to 3M’s existing permit to utilize reclaimed water. The amendment will allow 3M to use the effluent from the Town’s existing treatment plant, even though it does not meet reuse standards. CG&L has also indicated that the amendment will more than likely feature a time frame for which it is valid, and the time frame will be based upon the construction of a new treatment facility capable of treating wastewater to reuse standards.

Pittsboro will be required to submit by writing a request to nullify the current Authorization to Construct issued in 2005. The Town must apply for a new reclaimed water permit, and the application must specify which components of the reuse standards will not be met and for how long. The new application will be submitted to CG&L following their written approval of the Engineer’s Report.

These issues were not discussed during correspondence with the Town Council because the scope of the modifications was not known. CG&L will direct 3M to modify their permit to allow for the non-reuse quality water, and Pittsboro must re-apply for an Authorization to Construct for the reuse project.

**5. Please furnish a status report on the spray fields on Ricky Spoon’s property.**

The spray fields on Mr. Spoon’s property have been put on hold under the direction of Town staff. Following the Division of Water Quality’s agreement to allow the Town to discharge 4.0 MGD into the Haw River, it was deemed uneconomical to pursue spray irrigation as a disposal mechanism. On a per gallon basis, the capital and operational costs associated with spray fields far exceed that of discharging to surface waters.

**6. Explain the claiming of \$100,000 Grant Administration fee for 3M Reuse Project.**

Hobbs, Upchurch & Associates (HUA) entered into a Contract for Administrative Services on March 22, 2002 with Chatham County for the amount of \$101,280. This contract is for administrative services associated with the following grant and/or loan applications (Loan/grant amounts have since been increased):

CDBG – Economic Development (Grant)	\$600,000
Clean Water Management Trust Fund (Grant)	\$1,000,000
EPA Direct Appropriated (Grant)	\$970,000
NCDENR SRF Loan (Not to Exceed)	\$1,500,000

The following scope can be found in the Administrative Services contract:

- Preparation and execution of an Interlocal agreement between Chatham County and the Town of Pittsboro defining the rights and responsibilities of each in regards to the various funding programs that are assisting the Wastewater Reuse project to serve the 3M Corporation.
- Establish and maintain a filing system in accordance with the appropriate funding agency regulations/standards and provide updates as required.
- Assist Chatham County in establishing a financial management system. Prepare all requisitions, disbursement documentation and preliminary approval of disbursements.
- Prepare general policy documents to be adopted by the Chatham County Board of Commissioners to insure project compliance.
- Assist the County in procuring other professional services. This includes development of advertisements, requests for proposals and contract documents to meet federal requirements.
- Review and approval of all requests for partial and final payments to include payment to subcontractors, etc. in accordance with applicable state/federal regulations.
- Coordinate all 3<sup>rd</sup> party professional contracts for the implementation of the project and provide assistance as needed.
- Prepare program amendments (if required) for submission in accordance with the guidelines established by each funding agency
- Represent Chatham County on all monitoring visits and prepare any responses as required.
- Provide necessary assistance, if needed, during formal audits to the programs.
- Handle all aspects of Program Close-Out including but not limited to public hearing notices, preparation of a Final Performance Report and Certificate of Completion.
- Coordinate with the proposed business (3M) for the documentation of job creation and financial commitments of the industry to insure that project

goals and objectives are documented as required of the various funding programs.

- Assume administrative responsibility of state/federal funding program compliance and completion of all activities in the grant/loan applications as has been prepared for the Wastewater Reuse Project to serve the 3M facility.

**7. Please complete Cost Project Sheet for each of the following:**

A. Reuse Line relocation and tank including lift stations.

Attached

B. New Wastewater Treatment Plant

Attached

C. Line from tank to 3M property

Included in "A".

D. Spray field on property donated to Town by 3M

No estimate has been developed at this time.

E. Line to Haw River and necessary construction at discharge point

No estimate has been developed at this time.

Please do not hesitate to call us at (910) 692-5616 if you have any questions or if you require any additional information.

Sincerely,  
HOBBS, UPCHURCH & ASSOCIATES, P.A.  
Fred M. Hobbs, P.E.

Vance Brooks and Adam Kiker were present to represent Hobbs, Upchurch and Associates.

Adam Kiker stated they received a list of questions from Mr. Messick (he thinks since last Thursday) and they will be glad to go over the responses at this time.

Commissioner Cotten stated he wanted to comment on several things, he thinks they had this letter earlier than last Thursday, because he originated it through Mr. Messick. He takes exception to your statements in 1 and 2 because of emails he has viewed between you all and Mr. Misenheimer. He will concede that Diehl and Phillips were part of the representatives in the meeting of March 21, 2006. But the emails he has looked at, he has not read them all, but they do not agree with what you are saying in the first two items.

#3. Town staff has no authority to authorize anything (commit the town too) without Board approval. That is the board's responsibility by law and if the town staff did, he noticed you did not name the person, they were out of line.

Commissioner Brooks stated he would like to say something about #3. The whole proposal bothers him. That means if you go that direction you are going to have to put two bores under 15-501. If you put the tank and spray field on the west side of 15-501 South, which seems to be an unnecessary expense when you could go down the east side and put it on land 3M owns. Not only that, didn't we make a change about that water, where it could not meet the standards to use for recreational use.

Vance Brooks stated we will have to get a variance from the State to go to 3M. The State has already approved that. However it can not be used anywhere else until the new treatment plant is put on line.

Commissioner Brooks stated this will only be used by 3M currently and will not be able to be used by anyone else until the WWTP is built.

Vance Brooks said we have permission to go to 3M only.

Commissioner Brooks said nothing is automatic with the State.

Mayor Voller stated once we get the plant built it will be automatic.

Vance Brooks said to make it clear we are not talking about effluent that will be going into Robeson Creek, we are talking about the reuse limits.

Mayor Voller stated what this will do once we get the variance is to

Vance Brooks stated if the State changed the rules nothing is guaranteed until you have the permit in hand.

Mayor Voller said if we get the final permit, the way we are today without completing the expansion we could get up to potentially 160,000 gallons per day down to 3M. Vance Brooks said 3M's daily average is roughly 125,000 gallons per day. Mayor Voller said so we would be able to take that out of our current flow to Robeson Creek. Vance Brooks said yes. Mayor Voller said actually allocate it to businesses and residential units in town. Vance Brooks said no. Commissioner Cotten said it would not. Vance Brooks said it is very hard to explain without a graphic. We have a spective limit for 4 million gallons per day to go to the Haw River and right now we have a 750,000 gallons per day NDES permit going to Robeson Creek that will not be increased. There is a tmdl pending this.

Commissioner Brooks asked just say we get to send a thousand gallons to 3M, do we have some kind of piece of paper that says we have another 1,000 gallons that we can put

somewhere (Robeson Creek/Haw River). Commissioner Brooks stated he was lead under the assumption this is how it would work.

Vance Brooks said yes and no - if the treatment plant were large enough yes, if you sent 1,000 gallons of treated water to 3M you could bring in an extra 1,000 gallons of raw wastewater to be treated at the plant. the plant is not big enough. Commissioner Brooks stated if we can't do that, why in the world we are messing with this. Vance Brooks stated because we will get credit for it. Commissioner Brooks asked when. Vance Brooks said when we build that Phase 2. Commissioner Brooks asked if we had a piece of paper that says that. Vance Brooks said no. Commissioner Brooks said the state has not actually signed off to say we can do it. Vance Brooks stated they have approved the preliminary engineering report that says we can now move forward.

Commissioner Cotten stated item #4 it does not agree with conversation with Raleigh, nor does it agree with emails between Mr. Misenheimer and HUA. According to his conversations and looking at emails on file at this office with HUA and Mr. Misenheimer, he knew that the permit would have to be modified in June 2006. This board was never told that. He doesn't know if it was your fault or his fault or what, but they were never told that. #5 concerning the spray field (Ricky Spoon's Property) is it not a fact that the report indicated that only about 10% of it would be suitable for spray field. Adam Kiker asked who the report was prepared by. Commissioner Cotten stated them. Adam Kiker said they did not. Vance Brooks said if they did the two or them are not aware of it. Attorney Messick stated they contracted with Eagle Resources. Mayor Voller said he would offer that many years ago before he was Mayor he offered some property to the board and we could never come to terms that actually did perk. Commissioner Cotten stated that is another issue. He was against that in the beginning.

Commissioner Cotten stated we should get out of the lease with Ricky Spoon. Attorney Messick said he would study it a bit more because there are other issues involved in that.

Commissioner Cotten stated #6 concerning the \$100,000 administrative fee you indicate you are under contract and he realize it is not them. You have entered a contract for administrative services with Chatham County in his file he has a contract and it concerns only the \$1,000,000 grant that was granted to the Town of Pittsboro - Chatham County has no part in that. It appears that \$100,000 has been withdrawn by HUA from the County. He would like a further explanation.

Mr. Messick stated there is some good news. Vance Brooks stated they received notification from the state today that we can move forward.

Mayor Voller asked what the difference is between having a 300,000 and a 500,000 tank. Vance Brooks said the larger the tank the more volume you have. The cost difference between the two is not the same per gallon. 300,000 gallon tank cost much more per gallons than a 500,000 gallon tank per gallon.

Mayor Voller stated there is one question Commissioner Cotten brought up to him about the grant. Is the EPA Grant the one you are talking about. Commissioner Cotten said yes. Mayor Voller stated Mr. Cotten has brought it to his attention that the grant potentially has expired or will be expiring and there is a letter here regarding a financial status report. He would recommend that someone jump on this right away. Adam Kiker said Sharon McDuffie is working on this. Commissioner Brooks asked had it expired. Adam said it was his understanding it expires at the end of the year.

Commissioner Brooks asked if the Town of Pittsboro will have any money in it when it is completed. Adam Kiker said according to the estimates and considering the project comes in at or near the budget the grant funds available will cover the cost of the project. Commissioner Cotten stated the contract the Town has with the County requires the Town to pay half of any loans and there are a lot of loans involved in this stuff. Commissioner Cotten stated there is also a loan that he happens to know about from Central Carolina Electric Membership Corp in the amount of \$250,000 that he has never seen covered in any of this. Mayor Voller asked Attorney Messick if he knew anything about this. He said he did. Mayor Voller asked him to follow up on this and report back to the board.

## **WASTEWATER FEASIBILITY STUDY**

### **Transfer of Rural Center Grant to Wastewater Feasibility Study.**

Motion made by Commissioner Cotten seconded by Commissioner Brooks not to approve this proposal.

Commissioner Cotten stated Pittsboro cannot afford this. It is more for the County than the Town.

Mayor Voller asked about working with the County.

Commissioner Bryan stated he did not know why we can't use the information obtain from the County study.

Mayor Voller stated we can not afford not to do anything.

Commissioner Brooks stated he has spoken with Bobby Wood, CPA and he has expressed concerns about how we are spending.

Commissioner Baldwin stated she has a concern about the cost, if the County is getting it done why can't we utilize the information from the County.

Vote Aye-4 Nay-0

## **MANAGER SEARCH**

### **Manager search status.**

Anita Badrock had sent the following emails regarding the status of the search.

My apologies for the late response to your email. My husband was unexpectedly hospitalized and had to have emergency surgery. I've been out of the office for a few days. I will prepare a written update this evening and forward it to you. I will also try to attend the Commission meeting on Monday. I should know for sure if that's possible over the weekend, depending on how my husband is.

We are moving forward, I have been talking to the existing applicants and gathering information. I will be back to work full time on this project next week.

Thank you,  
Anita

I have almost completed my interviews of Commissioners and staff about the current status of the Town, opportunities and challenges for the future, and desirable characteristics of a new town manager. The current applicant pool, as well as recruiting efforts have yielded a dozen or so interesting candidates for review.

I would like to schedule a meeting in closed session with the Commissioners at their next regular meeting to discuss the following:

1. salary range and benefit package
2. screening and interview protocol
3. specific candidates
4. schedule for interviews.

I will forward a packet to the Commission prior to that meeting for review.

Will the Commissioners authorize the Mayor or other designated individual to approve advertising expenditures and ad copy for inclusion in professional publications at this meeting so that I have a point person to work with on those matters?

Thank you,  
Anita Badrock

Ms. Lloyd contacted Ms. Badrock about an estimate on the cost of the advertisement and was given a price of up to \$1,000.00.

The Board discussed maybe having a special meeting. The Board did not approve the advertising expenditures.

## **SERVPRO PROPOSAL**

**Consideration of Servpro proposal.**

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to accept the quote from Servpro to do work at Town Hall in the amount of \$4,211.89 for cleaning and treatment of the air ducts. Price for cleaning the carpet is \$1,415.56 and \$948.27 for cleaning and chairs for a total of \$6,575.72.

Commissioner Bryan asked if we had received bids for other companies.

Commissioner Cotten stated there are not that many of companies that due this type work.

Vote Aye-4 Nay-0

**MODULAR BUILDING**

**Consideration of Modular Technologies, Inc.**

Commissioner Cotten stated he would like this to be included as a budget item for FY 2007-2008. He would like for the board to make a decision so that the company can be notified, so they can schedule this. This would be adequate space for the Police Department and would result in additional office space.

Motion made by Commissioner Cotten include in FY 2007-2008 budget and notify the company for construction of the unit. (Died do to the lack of a second)

Attorney Messick stated perhaps it should be bid out. He hopes to have a proposed budget for the next meeting.

Motion made by Commissioner Cotten to include this item in the budget for consideration, seconded by Commissioner Brooks.

Commissioner Bryan asked if it would be the money or this particular project.

Commissioner Brooks asked Attorney Messick to find out if we need to bid it.

Vote Aye-4 Nay-0

**TENNIS COURT RULES**

**Consideration of tennis court rules.**

Attorney Messick stated the rules were approved by the Park and Recreation Advisory Board.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the rules as presented.

Vote Aye-4 Nay-0

Attorney Messick stated the committee is interested in updating the fee structures for the Community Building and Tennis Courts.

Mayor Voller stated he had asked John to get a price for repairing the old building by the basketball court.

There was discussion of moving the building to the Town Park.

Mayor Voller stated he would like to see benches for people to sit on over there.

#### Staff Reports/Manager updates

- NCDOT Grant Award
- Public Works updates – John Poteat

#### Mayor Updates

- EDC – they have hired a director and they will start on June – some businesses in Town are expanding.
- RPO
- Solid Waste
- Fairground Association – will be coming before the board about the possibility of doing concerts.
- PMA/Downtown – they are doing a 4<sup>th</sup> Friday as well as 1<sup>st</sup> Sunday.

#### FYI

- C/D Quotes
- Legislative Bulletin

### **COMMISSIONER CONCERNS**

Commissioner Cotten reported on trucks using Oakwood/Park Drive. He also reported the handicap ramp on the corner next to SunTrust has a dip in it. It is hard for wheelchair wheels to get out, this needs to be looked at.

Commissioner Cotten stated several weeks ago he asked Mr. Messick, Ms. Baldwin, Mr. Brooks and Mr. Walker about reviewing files in Mr. Misenheimer's office. He wanted it to be on record that he did discuss it with other members of the board and he has already put 20 hours in. If any other board member wanted to help, he would welcome it.

### **CLOSED SESSION**

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to go into closed session pursuant to GS 143-318.11(a) (3) to discuss matters within attorney-client privilege. Vote Aye-4 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to go out of closed session.           Vote Aye-4   Nay-0

**ADJOURNMENT**

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to adjourn.  
Vote Aye-4   Nay-0

\_\_\_\_\_  
Randolph Voller, Mayor

ATTEST:

\_\_\_\_\_  
Alice F. Lloyd, CMC, Town Clerk