

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, APRIL 24, 2006
7:00 P.M.

Mayor Randolph Voller called the meeting to order and stated we have received a letter from the ACLU. He stated H. L. Menken once said democracy is the art of running the circus from the monkey cage, and sometimes that is what we feel like. The Bible tells us to love our neighbors and to also love our enemies, probably because they are generally the same people (G.K. Chesterton). Finally, he thinks this is where we are today – civilization is a limitless multiplication of unnecessary necessities, that was written by Mark Twain over 120 years ago and he thinks he (Twain) hit it right on the head. We keep making things more complicated than we need too. So, even though we received this letter from ACLU we are going to comply with the 4th Circuit ruling and our intent is to have the people who come and do the invocation to comply with a nonsectarian prayer. Attorney Messick has provided him with information on this.

Mayor Voller introduced Gary Simpson an Ordained Lutheran Minister with 25 years of experience.

Gary Simpson said he appreciated Mayor Voller addressing the issue rather than sort of letting it go and saying everything as usual again tonight. It seems that the intent of the letter like that is not to cause divisiveness within any Christian community but probably to try to seek a middle ground where we can honor everybody as equal in this world. He thinks that is really the intention that would be the intention of what he offers tonight also. Think we already have a formula in our country as a government for dealing with issues like this. On our coins we have “In God We Trust”, as we look at the flag and Pledge Allegiance to it we call this “A Nation Under God”. With that in mind he would like to invite you as you so choose to complate with him in this evening’s conversation with God. Mr. Simpson said invocation.

After invocation Commissioner Brooks stated to Mayor Voller that he must have been absent when a vote was taken. He hasn’t had an opportunity to research and study this matter and he wants sometime to think about it. He is not ready to roll over for the ACLU, you or anybody else.

Mayor Voller told Commissioner Brooks that would be his prerogative to bring it up to discuss. He asked Attorney Messick to go over the information.

Commissioner Brooks stated he saw that, but he wants to study it for himself. He ordered material today and he has received calls from people supporting the prayers.

Mayor Voller stated we are not going to stop the prayers. He stated it's your prerogative as a representative of the citizenry to provide the information to the Board and reflect what the citizenry believe.

Commissioner Walker stated he seconded Mr. Brooks's thoughts. He has had a lot of calls from citizens on both ends of the County and he would like to leave this open for debate. Whether we bring it up later, add it to the agenda or discuss it during Commissioner Concerns.

Mayor Voller stated he has no problem with you voicing your opinion. He would guide you that there is a ruling from the 4th Circuit Court and he doesn't see how complying with the ruling would interfere with the ability to say prayer. But he is more than open to listen to what your concerns are.

Commissioner Brooks stated we have a Town Manager form of Government and the Mayor does not get to make those decisions unilaterally as he understands the law.

Mayor Voller asked Attorney Messick for guidance.

Attorney Messick stated he thinks Mr. Brooks is asking that this be held open and maybe that will be the easier way to work with it all together. If you want to do it later in the meeting that is fine or at another meeting that would be fine as well.

Commissioner Cotten suggested that it be put on the next agenda for discussion.

Commissioner Brooks stated what arrogance the organization had to send us a letter (you get it on Saturday) and they demand a written response by the 24th which is tonight. How in the world could we have done that?

Mayor Voller said, in all fairness to the organization, we received the letter after our last meeting.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to put this item on the next agenda for discussion to get an official answer from the Board to the ACLU.

Commissioner Cotten stated he has had a few phone calls about it.

Commissioner Bryan said he was in favor of it.

Vote Aye-5 Nay-0

ATTENDANCE

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

Other staff present: Interim Manager Sam Misenheimer, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe, Chief of Police David Collins, Public Utilities Director John Poteat and Water Treatment ORC Frank Efirid.

AGENDA APPROVAL

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the agenda as presented. Vote Aye-5 Nay-0

CONSENT AGENDA

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

- Minutes of April 10, 2006 Board of Commissioners regular meeting.
- Ordinance adoption designating “No Parking” along portion of Thompson Street in conjunction with turning lane into Chatham Forest development.

Vote Aye-5 Nay-0

AN ORDINANCE REGULATING TRAFFIC IN THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 12

CITIZENS MATTERS

John Blair – asked has the Town responded to the official letter from the ACLU.

Attorney Messick said no.

OLD BUSINESS

TRIANGLE J COUNCIL OF GOVERNMENTS

Consideration of Franchise Fee Compliance Review Cost Summary – Town of Pittsboro contract with Triangle J Council of Governments.

Interim Manager Misenheimer said he brought this before the board for discussion and to help with the budgeting process if the Board chooses to approve it.

Commissioner Brooks asked Commissioner Baldwin (who serves as the Town's representative on the board) if they are discussing the budget.

Commissioner Baldwin stated they presently are not, but they may be on Wednesday night, if not she would bring this up at the COG meeting.

Commissioner Walker asked Interim Manager Misenheimer to include it in the budget process.

Motion made by Commissioner Walker seconded by Commissioner Bryan to table this until next meeting.

Commissioner Bryan stated that staff, find out what would happen if it were not approved.

Vote Aye-5 Nay-0

HILLSBORO STREET RAMP

Design service proposal for accessibility ramp for East side of Hillsboro Street – contract with Kurt Floyd Lent, Architect.

John Poteat stated the estimated cost of the ramp will be between \$9,000 and \$13,000.

Commissioner Brooks stated this can be paid for with Powell Bill Funds.

Kurt Lent Architect submitted a proposal for architectural services at a fee of \$500.00. There will be an additional fee for: 1) Presentation meetings; 2) Detailed cost estimating; and 3) construction administration. The rates are: Professional time: \$90/hour; Technical time: \$50/hour; and Secretarial time: \$35/hour.

Commissioner Cotten asked if the pavement could be rough in order to deter skateboarders.

Interim Manager Misenheimer stated the complete project would probably cost around \$15,000.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to award the contract up to \$15,000 for installation of a ramp on Hillsboro Street and that it be paid for with Powell Bill Funds.

Vote Aye-5 Nay-0

A CONTRACT WITH KURT FLOYD LENT ARCHITECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 101-103

NEW BUSINESS

ADOPT-A-HIGHWAY PROGRAM

Adopt-A-Highway program selection – Town of Pittsboro authorization to adopt US 15/501 FROM US 64 North to US 64 Bypass – total of 2.05 miles.

Interim Manager Misenheimer said that the idea to Adopt-A-Highway was presented by Public Utilities Director, John Poteat. The area proposed is US 15-501 from US 64 North to US 64 Bypass for 2.05 miles.

Commissioner Walker said his six year old daughter had been out this afternoon and picked up a bag of trash. He further stated it doesn't have to be a designated day, it can be any day. If you see a piece of trash, pick it up.

Mayor Voller stated several citizens had asked him about the possibility of participating in the Adopt-A-Highway program.

Motion made by Commissioner Walker seconded by Commissioner Bryan to Adopt US 15-501 from US 64 North to US 64 Bypass for 2.05 miles.

Vote Aye-5 Nay-0

Betty Marsman was present and said her church, 7th Day Adventist, has adopted US 64 from the College out to the Post Office.

Richard Bullock stated he would adopt the section from the Post Office to Hanks Chapel Road.

ADOPT-A-HIGHWAY PROGRAM AGREEMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 104-114

CONTRACT WITH EAGLE RESOURCES

Proposal for Ricky Spoon Tract Hydro Geologic Study and Report – Contract with Eagle Resources.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the contract with Eagle Resources.

Vote Aye-4 Bryan/Walker/Baldwin/Brooks
Nay-1 Cotten

CONTRACT WITH EAGLE RESOURCES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 115-128

SOIL, WATER AND ENVIRONMENT GROUP CONTRACT

Proposal for Spoon tract site investigation agronomist report – contract with Soil, Water, and Environment Group.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the contract with Soil, Water and Environment Group.

Commissioner Cotten stated these are the same reasons he did not vote for the last contract. He had strong misgivings from the start. We are approving contracts with groups using information that is free. He feels strongly that Toll Brothers/Spoon should pay for this.

Interim Manager Misenheimer stated it is a reimbursable expense.

Vote Aye-4 Brooks/Bryan/Walker/Baldwin
 Nay-1 Cotten

Attorney Messick stated if the Town is going to use the land we are going to have to do this.

Commissioner Cotten stated he is not sold on spray fields and he thinks we are throwing money down the drain.

CONTRACT WITH SOIL, WATER & ENVIRONMENT GROUP, LLC IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 129- 135

PROCLAIMING MUNICIPAL CLERK'S WEEK

Proclamation in recognition of 37th Annual Municipal Clerks week – April 30 through May 6, 2006.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the Proclamation for the 37th Annual Municipal Clerks Week.

Interim Manager Misenheimer asked the Mayor to read the proclamation and stated that Ms. Lloyd has been employed with the Town since 1974 and has been Clerk since 1990.

Mayor Voller read the following proclamation:

PROCLAMATION 37TH ANNUAL MUNICIPAL CLERKS WEEK APRIL 30 THROUGH MAY 6, 2006

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels; and

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Randolph Voller, Mayor of the Town of Pittsboro, North Carolina, do recognize the week of April 30 through May 6, 2006 as

“MUNICIPAL CLERKS WEEK”

and further extend appreciation to our Municipal Clerk, Alice F. Lloyd, CMC, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

WITNESS my hand and seal of the Town of Pittsboro this 24th day of April, 2006.

The Mayor and Board thanked Ms. Lloyd for her many years of dedication to the Town of Pittsboro.

Vote Aye-5 Nay-0

A PROCLAMATION – 37TH ANNUAL MUNICIPAL CLERKS WEEK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 136

DISCUSSION OF WATER CONSERVATION/RESTRICTION

Discussion of water conservation/restriction updates – annual report update draft.

Commissioner Walker stated he wanted the board to discuss this matter due to our current drought. He would like for us to look at water conservation being voluntary year round. He hates to see our precious resource being misused during a drought. He has seen residents with their sprinkler systems going and he saw people washing their cars on his way home today. It angers him when WRAL is reporting on mandatory restrictions and they are showing vehicles being washed because they are on a well.

Commissioner Walker stated he would like to see the Town make an announcement and start outlining restrictions and Phases of restrictions.

Interim Manager Misenheimer stated the Annual Report has a section on voluntary restrictions also.

Mayor Voller stated we may be able to use reuse water for watering grass, etc.

Commissioner Walker stated he felt new subdivisions should be required to have purple pipe installed.

Mayor Voller stated we get our water from Haw River. The County, Apex and Cary get their water from Jordan Lake.

Frank Efird stated last year we implemented a voluntary conservation measure because all the communities around us had restrictions, even though we were not having any problems.

Mr. Efird said it would be okay to go to the voluntary measure.

Mr. Efird stated since In-Water Services has done the work at the raw water pump – the work made a tremendous difference in the silt sedimentation.

PURCHASE 1989 FORD BRONCO

Consideration to purchase a 1989 Ford Bronco from East Chatham Rescue Squad.

Interim Manager Misenheimer stated the Town is looking at purchasing a 1989 Ford Bronco with around 186,892 original miles on it from East Chatham Rescue Squad. The selling price agreed upon by all parties is \$2,800. Included in the price is the red light bar

and emergency siren. The Bronco has a Jasper racing engine and transmission that is approximately four years old. The 4x4 transfer case was rebuilt six years ago. The truck has new tires with less than 500 miles on them and a four year old paint job.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the purchase of a 1989 Ford Bronco from East Chatham Rescue Squad for \$2,800.

Vote Aye-5 Nay-0

Staff Reports:

- CD quotes as of 4/19/06
- Updates on water intake improvements and pump installation

FYI

- Town Lake Park clean up – Saturday, April 22, 2006
- Letter of donation to Habitat for Humanity
- Letter on engineering services
- Notice of Town Hall Day. NCLM sponsored – Wednesday, June 7 – Raleigh NC
- Notice of public hearings on the request to designate US 421 from US 64 in Chatham County to Interstate 85 in Guilford County, as a STAA dimensional vehicle route
- Financial Statements

COMMISSIONER CONCERNS

None

CLOSED SESSION

Interim Manager Misenheimer stated the board needed to go into closed session pursuant to NC General Statute 143-318.11(A) (3), (4), and (5) to consult with attorney regarding contractual obligations and matters relating to negotiating terms of contract.

Motion made by Commissioner Bryan seconded by Commissioner Walker to go into closed session as mentioned above. Vote Aye-5 Nay-0

Motion made by Commissioner Bryan seconded by Commissioner Brooks to go out of closed session. Vote Aye-5 Nay-0

ADJOURNMENT

Motion made by Commissioner Bryan seconded by Commissioner Brooks to adjourn.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk