

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, MARCH 12, 2007
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Gary Simpson gave invocation.

ATTENDANCE

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

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

AGENDA APPROVAL

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve the agenda as amended to move the items from Commissioner Concerns to New Business as item 7 Wastewater Collection Systems permit and Wastewater Plant Resolution and item 8 Public Record Request – releasing records from closed session.

Vote Aye-4 Nay-0

CONSENT AGENDA

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the consent agenda as presented with typo changes to the February 26, 2007 regular meeting minutes. (Page 3 – Citizen Matters – Jan Nichols; Page 4 – Lesley Landis and add Engineer to Mr. Bahho; Page 6 - ...the map 2000, Page 415 and Page 7 – Vote Aye-4 Nay-0.

1. Minutes of the February 26, 2007 Board of Commissioners regular meeting with the above corrections and the special meeting for the same date.
2. Windstar Properties rezoning request. This request to rezone applies to a .107 acre portion of a larger tract north of NC 87 by-pass and immediately west of the lower portion of the Southridge Subdivision.

Action required: Set a public hearing for March 26, 2007 at 7:00 p.m.

3. Resolution for Domestic Violence.

Vote Aye-4 Nay-0

PRESENTATION OF COMMISSIONER BRYAN RESOLUTION

Mayor Voller read the Resolution that was approved at a previous meeting and presented the Resolution to former Commissioner Clinton E. Bryan, Jr.'s son, Clint Bryan, III. Mr. Bryan thanked the Town for all the support that was given to the family.

CITIZENS MATTERS

Bonnie Iverson – 241 Bellmont – asked how do you recycle phone books. The board advised her that she could put them in her recycle bin and Waste Management will pick them up.

OLD BUSINESS

SPRINGDALE DRIVE CONNECTION

Mayor Voller asked for Planner Monroe's comments.

Planner Monroe stated he did not have anything to do with it being on the agenda. He has received a summary of the traffic impact analysis but has not received an answer from Mr. Blakley. There was a motion last meeting authorizing him to place this on the agenda when he had received a copy of the Impact Analysis and when he had received a response from Mr. Blakley the DOT District Engineer.

Interim Manager Messick stated it was on the agenda because Commissioner Cotten and Mayor Voller requested that it be placed on the agenda.

Mayor Voller stated they have received a draft Impact Analysis which he gave to the board tonight. He feels that Mr. Cotten's recommendations should be read into the minutes.

Commissioner Cotten's recommendations to achieve connectivity for Springdale Drive/Chatham Forest Development.

I. Short Term Recommendations

- Round-a-bout constructed at entrance to Chatham Forest. Developer to pay cost.
- Rumble strips installed each side of round-a-bout. Developer to pay cost.
- Install speed bumps on Fox Chapel Drive and Chatham Forest Drive installed at appropriate locations. Developer to pay cost.
- Our ordinance sets 25 mph as the speed limit in residential areas. Signs need to be installed at the appropriate locations. Commissioner Walker stated coming up Chatham Forest Drive is a 20 mph limit sign. Commissioner Cotten stated it was not in ordinance form if it is.
- Stop-ahead signs should be erected appropriate distances from US 15-501 to Thompson Street.
- Ordinance prohibiting Thru Trucks should be enacted. Proper signage installed.

- Yield to Pedestrian Ordinance needs to be enacted for entire town where sidewalks do not exist. Signs will be needed.
- Increase length of turn lane 15-501. The current lane will only hold about two compact cars. (DOT item that will need to be addressed)

II. Long Term Recommendations – is when he thinks DOT needs to be involved.

- Extend Park Drive to street in Chatham Forest which will allow us to tap into N. Masonic Street and give another outlet.
- Address water run-off problems from Springdale Drive into pond. This is a situation that DOT will have to be involved in because the pipe they have on 15-501 is not large enough to carry the flow.

Commissioner Cotten stated he mentioned the speed bumps, they make commercial ones now that are painted black and yellow and it is made from recycled tires and it's removable. It is held down by spikes driven into the pavement. That might be preferred to the rumble strips because the rumble strips are noisy. He really thinks the rumble strips should be installed in the round-about particularly. These are just his recommendations. He is not going to make a recommendation either way tonight. But he wanted to get them into the minutes.

Mayor Voller stated he does have the draft report and he read the following:

In the future, traffic generated by the Chatham Forest development is not expected to have a significant impact on the US 15/501 at Springdale Drive study intersection. During the a.m. and p.m. peak hours, the development is expected to generate relatively few trips turning onto and from US 15/501. The intersection of US 15/501 at Springdale Drive would be expected to operate at an acceptable level of service upon connection to the Chatham Forest development.

In summary, the Springdale Drive connection to the Chatham Forest development is not expected to have a significant impact on the intersection with US 15/501. If you should have any questions or comments please feel free to contact John Grant at 919-872-5115. Mayor Voller invited anyone to call him. Perhaps at the next meeting we will have all the information together.

Commissioner Baldwin asked if once we receive the finalized report it will indicate what specifications then need to be made to Springdale Drive, such as rumble strips or some type traffic calming devices on Springdale. Mayor Voller stated they will indicate in the report what they think should or should not be done and Mr. Cotten has indicated what he thinks should be done based on his observation and his research. DOT will indicate what they want. She said there is a problem making a left turn coming out of Springdale Drive in the morning time, it almost impossible, it is very dangerous there.

Mayor Voller stated the road is on the Powell Bill map.

Commissioner Walker stated he is waiting for the study itself. Commissioner Brooks said like wise.

Commissioner Walker asked Planner Monroe if he was going to hold the Impact Analysis until he received recommendations/comments from NCDOT. Planner Monroe said yes.

Mayor Voller asked what action should be taken on this.

Attorney Messick stated in connection with your last meeting it was stated that you would wait until you get the recommendation from Mr. Blakley (NCDOT) and the Impact Analysis. When both of the items are received it would go back on the agenda.

Commissioner Walker stated based on the motion from the last meeting it should not have been discussed tonight since all the information had not been received.

PUBLIC INPUT DISCUSSION, CONTINUED

Attorney Messick stated at the last meeting the Board had talked about receiving public input on a variety of topics including the ABC Board and its issues, Water System and Downtown Improvements. You had some discussion about continuing the dialogue about the ABC system and you never got to the water system. He didn't know where the Board wanted to go on this.

Mayor Voller opened it up for discussion.

Commissioner Baldwin stated she thought it was just a matter of formulating those different committees for citizen input, the Mayor would sort of oversee that from her understanding.

Mayor Voller stated there were two different things talked about. One was working with groups – giving an independent group of people that were not connected to the Town or the ABC Board to do their own independent analysis and bring it to the Board. The other was doing that with a few other issues and letting the public come back with input to us.

Commissioner Walker stated he believed one of the issues is the Downtown Revitalization is somewhat being addressed with the Land Use Plan Committee. He asked Planner Monroe if that were correct. Planner Monroe stated it was. So he doesn't know why you want to have to duplicate efforts when the folks are certainly welcome to attend their meeting – they are public meetings. He does not see a need to create another committee to study that.

Commissioner Walker stated he is not against this but we appoint the ABC Board. Shouldn't the ABC Board be in charge of the Blue Ribbon Committee versus this Board.

Commissioner Cotten stated he does not think we have the legal authority to interfere with anything they do. He would be opposed to it.

Commissioner Walker stated that is what he was thinking.

Attorney Messick stated the Board has some control over who you appoint to be on the ABC Board and they are charged with the responsibility of operations of the system. You have something to do with the possibility of merger with another system, but not the operations is the ABC Board.

Mayor Voller asked if there would be a problem with having an independent Task Force to look into these issues on behalf of our board.

Attorney Messick stated if the ABC Board wants input he guesses they would either appreciate what you do or they won't.

Mayor Voller stated they could remove all the members of the board too and there would be no members and this board acts on it. These are just questions coming up from the public. Do think it would be wise to consider that course.

Commissioner Walker asked the Mayor and Mr. Messick to contact Dr. Karen Allen who is the chair of that board to receive her input on whether she would like the formation of a committee and that they could make the decision to do so, it is their responsibility.

Mayor Voller stated he thinks Karen would be interested in it and he would talk with her and then this Board would have to ask for it.

Commissioner Brooks stated the lady from the Recreation Committee was here and she had told you, you already have four or five committees working on Downtown Revitalization (that is separate from some of these others). Why don't you do one thing at a time? The Mayor was going to try to bring these four or five groups together on the revitalization of downtown, which would include, he would assume the Land Use Committee. You are getting a lot of things confused here. Why don't you do that?

Mayor Voller stated we are going to do that. He is moving forward with it. But the other issues that were brought up were the issues with water. It was merely an idea about putting together a group from the public to look into these issues.

Commissioner Walker stated they would get there own committee and bring it back to the board. Mayor Voller stated he will talk with Dr. Allen. Commissioner Brooks stated he thinks the Manager should do it. Attorney Messick stated he would be glad to.

Commissioner Brooks stated he feels the State will tell us what to do regarding water.

Mayor Voller stated the citizens need to know and understand the processes for treating water. If the citizens want to do a bond to pay for it, they need to be able to say why or why not. What are the challenges of treating water from Haw River versus Jordan Lake,

these are complicated issues the Board has been addressing before he came on the board. It is not something that is going to be solved over night.

Commissioner Walker stated he would like to make a suggestion. Hobbs and Upchurch is working on that report now are they not. Planner Monroe said they were. Commissioner Walker stated once the report is finished and made public why don't we just hold a work session on it and invite the public.

Mayor Voller stated that was a good idea. It is a public document and it should be put out there.

Motion made by Commissioner Walker seconded by Commissioner Brooks to get the information back from Hobbs & Upchurch, review it and have a work session within 30-45 days of release of the report.

Vote Aye-4 Nay-0

NEW BUSINESS

COMMISSIONER VACANCY

Attorney Messick stated he put it on the agenda to see if the board wanted to fill Mr. Bryan's vacancy. As he indicated in his memo his term would have been up this year anyway.

Commissioner Cotten stated he went by the Board of Elections and picked up a copy of the general statutes that addresses vacancies on town boards. After we met he feels our best procedure to follow is to leave the seat vacant. All we are required to do by law is have a quorum. Right now we have a quorum plus one. Then it goes into what happens if you don't have a quorum and that type of thing. There is no deadline for appointing somebody. We have only seven more regular meetings before the filing period begins on July 6 or 8. He feels it would be very remiss of this Board to appoint anyone for those seven meetings. If they want to run let them file and run and let the people decide. He might feel different if it were a year from now or something like that. He just can't see it based on the law.

Commissioner Walker stated he has thought the same thing as Commissioner Cotton, since we are close to election, but he would add that one thing that is done in other municipalities or even the State and Federal Government is to ask a family member to serve their seat until such time there were an election. He has spoken with Clinton III and he would be willing to fill the seat if necessary. That would be up to the board if they would like for him to. He knows Siler City has done it twice and it has taken place in the Congress and the Senate.

Commissioner Baldwin asked what the criteria is for choosing someone who is not a member of the family. Attorney Messick stated whatever the board deems appropriate.

Commissioner Cotten stated he believes we had a situation before where a seat was vacant for about six months before it was filled. We went through an application process on that, which he thinks we should do if we are going to fill it, we need to go through the application process and review the applications. He still feels the best thing to do is leave it vacant unless two or three others get sick and then you would have to appoint somebody.

Commissioner Brooks stated he sees Commissioner Cotten's point and he also understands Mr. Walker's point. He doesn't think anything would be wrong with that for a short time, Mr. Bryan is a college graduate and successful business person, he lives here and raises his children here. He thinks he would serve admirably for those few months if you wanted to go in that direction. Then you will have an election where no doubt people will run for the three seats and the Mayor's seat.

Mayor Voller stated his view point would somewhat echo what Chris said except on the idea of the tradition of appointing the spouse or son. Another tradition is appointing the next highest vote getter that didn't win, that did receive a number of votes in the election. Mr. Ramirez did receive over 290 votes in the last election that had 33% turnout. He could have a traditional claim.

Commissioner Cotten stated maybe if this had occurred a year after the election we could consider the next highest vote getter but it is almost time for another election now.

Commissioner Brooks stated he doesn't believe Mr. Ramirez ran for that seat, he ran for the seats that Ms. Baldwin and Mr. Walker hold. The only other person that he remembers running for that seat was Mr. Farrell who is now deceased.

Mayor Voller stated this is the board's decision. There are different ways of tradition to go or Mr. Cotten's recommendation of keeping it open.

Commissioner Walker asked Attorney Messick if they had a regularly scheduled meeting tonight and Commissioner Brooks and he came down with a severe case of the flu and could not attend the meeting, we would not have a quorum at that point, how we would go about rescheduling that meeting. Attorney Messick stated the two able bodied Commissioners would adjourn the meeting until some other date.

Mayor Voller stated he would have to remiss to offer that in the last election former Mayor May did receive a number of votes as well so if he mentioned Mr. Ramirez it is only fair that he mention Ms. May if you were looking at last election.

Motion made by Commissioner Walker to table this item for further discussion seconded by Commissioner Cotten. Vote Aye-4 Nay-0

MANAGER VACANCY

Attorney Messick stated the board had received a proposed copy of the job ad for the Manager's position. It could be published in the April edition of Southern City and the League Newsletter. Apparently some of the information is in the media because we have had one application so far.

Motion made by Commissioner Brooks to run the ad as presented in the agenda packet and place it in the proper periodicals, seconded by Commissioner Baldwin and that applications would be accepted until filled and to authorize Attorney Messick to ask for a proposal from the search firm Smither & Associates and solicit other search firms.

Commissioner Baldwin stated she spoke with the Executive Director of TJCOG Dee Freeman and he said that if there was any assistance he could give us regarding the Manager search, he would be willing to meet with them as a board. He also mentioned there were some people at NCLM that could help also.

Commissioner Walker stated if we are looking for a search firm to help us find a candidate, no offense to Mr. Brooks and Mr. Cotton, he thinks it would be inappropriate to go ahead and put out an ad requesting a town manager come in until we have made a decision to look at a search firm. Only from the standpoint of they may be able to help us.

Commissioner Brooks said the intent of his motion is to start the advertising process. He is personally in favor of hiring a professional company such as this to do background searches, civil and criminal and initial leg work and interviews and get it down to a manageable number and then they would give that to the Board.

Mayor Voller stated if we do the advertisement we can forward all the applications to the search firm. There are a lot of towns that are in the same position we are looking for Managers. We could ask for a proposal from this company and solicit proposals from other companies.(Commissioner Brooks/Commissioner Baldwin agreed to amend their motion to include this).
Vote Aye-4 Nay-0

BUDGET AMENDMENTS

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the budget amendments as presented.

Commissioner Cotten stated they are for items that the Board has already authorized.

Be It Ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 12th day of March, 2007.

I. MAPS GROUP CONTRACT

Section 1. That the following **WATER FUND REVENUE ITEM** be increased by the amount indicated for contract with MAPS Group approved on 2/12/07:

30 3990 010	FUND BALANCE APPROPRIATED	\$ 3,350.00
TOTAL		\$ 3,350.00

Section 2. That the following **WATER FUND EXPENDITURE ITEM** be increased by the amount indicated:

30 7200 040	PROFESSIONAL SERVICES	\$ 3,350.00
TOTAL		\$ 3,350.00

Section 3. That the following **GENERAL FUND REVENUE ITEM** be increased by the amount indicated for the contract with MAPS Group approved on 2/12/07:

10 3990 000	FUND BALANCE APPROPRIATED	\$ 3,350.00
TOTAL		\$ 3,350.00

Section 4. That the following **GENERAL FUND EXPENDITURE ITEM** be increased by the amount indicated:

10 4100 040	PROFESSIONAL SERVICES	\$ 3,350.00
TOTAL		\$ 3,350.00

****HALF WAS TAKEN FROM WATER AND HALF FROM GENERAL**

II. Disinfection Byproduct Reduction Plan Contract – HUA

Section 5. That the following **WATER FUND REVENUE ITEM** be increased by the amount indicated (Contract approved 2/26/07 with HUA – Disinfection Byproduct Reduction Plan:

30 3990 010	FUND BALANCE APPROPRIATED	\$35,000.00
TOTAL		\$35,000.00

Section 6. That the following **WATER FUND EXPENDITURE ITEM** be increased by the amount indicated:

30 8100 040	PROFESSIONAL SERVICES	\$35,000.00
TOTAL		\$35,000.00

III. Sewer Collection System Master Plan and Computer Model Update and Water

Quality Modeling Contracts – HydroStructures

Section 7. That the following **WATER FUND REVENUE ITEM** be increased by the amount indicated approved 12/11/06 (Sewer Collection System Master Plan and Computer Model Update and Water Quality Modeling” contracts with HydroStructures):

30 3990 010	FUND BALANCE APPROPRIATED	\$54,475.00
TOTAL		\$54,475.00

Section 8. That the following **WATER FUND EXPENDITURE ITEMS** be increased by the amount indicated:

30 8200 040	PROFESSIONAL SERVICES	\$29,750.00
30 8100 040	PROFESSIONAL SERVICES	\$24,725.00
TOTAL		\$54,475.00

Tennis & Basketball Courts – Contract with Court One

To make this budget amendment a transfer will need to be made from the Capital Reserve – Recreation line item

Section 10. That the following **CAPITAL RESERVE REVENUE ITEM** be increased by the amount indicated (Tennis & basketball court improvements) approved 10/23/06:

72 3990 000	FUND BALANCE APPROPRIATED	\$54,760.00
TOTAL		\$54,760.00

Section 11. That the following **CAPITAL EXPENDITURE ITEM** be increased by the amount indicated:

72 6600 610	TRANSFER TO GENERAL FUND	\$54,760.00
TOTAL		\$54,760.00

Section 12. That the following **GENERAL FUND REVENUE ITEMS** be increased by the amount indicated:

10 3790 000	TRANSFER FROM CAPITAL RESERVE	\$ 54,760.00
10 3990 000	FUND BALANCE APPROPRIATED	\$ 65,875.00
TOTAL		\$120,635.00

Section 13. That the following **GENERAL FUND EXPENDITURE ITEM** be

increased by the amount indicated:

10 6200 740	CAPITAL OUTLAY – RECREATION	\$120,635.00
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TOTAL		\$120,635.00
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V. PARTF GRANT CONTRACT – HUA

Section 14. That the following **GENERAL FUND REVENUE ITEM** be increased by the amount indicated approved 8/14/06 (HUA – PARTF Grant Application):

10 3990 000	FUND BALANCE APPROPRIATED	\$ 4,500.00
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TOTAL		\$ 4,500.00
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Section 15. That the following **GENERAL FUND EXPENDITURE ITEM** be increased by the amount indicated:

10 6200 040	PROFESSIONAL SERVICES	\$ 4,500.00
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TOTAL		\$ 4,500.00
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VI. INCREASED EXPENDITURES

Section 16. That the following **GENERAL FUND REVENUE ITEM** be increased by the amount indicated for increased expenditures:

10 3990 000	FUND BALANCE	\$ 25,000.00
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TOTAL		\$ 25,000.00
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Section 17. That the following **GENERAL FUND EXPENDITURE ITEM** be increased by the amount indicated:

10 4900 040	PROFESSIONAL SERVICES	\$ 25,000.00
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TOTAL		\$ 25,000.00
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VII. SEWER COLLECTION SYSTEM MAPPING AND GIS AND WATER DISTRIBUTION MAPPING UPDATE AND GIS – HYDROSTRUCTURES

Section 18. That the following **WATER FUND REVENUE ITEM** be increased by the amount indicated (for Sewer Collection System Mapping and GIS and Water Distribution Mapping Update and GIS – HydroStructures, approved 11/27/06)

30 3990 010	FUND BALANCE APPROPRIATED	\$ 44,000.00
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TOTAL **\$ 44,000.00**

Section 19. That the following **WATER FUND EXPENDITURE ITEMS** be increased by the amount indicated:

30 8200 040	PROFESSIONAL SERVICES	\$ 27,500.00
30 8100 040	PROFESSIONAL SERVICES	\$ 16,500.00

TOTAL **\$ 44,000.00**

VIII. WATER TREATMENT PLANT MASTER PLAN – HUA CONTRACT

Section 20. That the following **WATER FUND REVENUE ITEM** be increased by the amount indicated (for Water Treatment Plant Master Plan – HUA approved 11/27/06):

30 3990 010	FUND BALANCE APPROPRIATED	\$ 45,500.00
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TOTAL **\$ 45,500.00**

Section 21. That the following **WATER FUND EXPENDITURE ITEM** be increased by the amount indicated:

30 8100 040	PROFESSIONAL SERVICES	\$ 45,500.00
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TOTAL **\$ 45,500.00**

Adopted this 12th day of March, 2007.

Vote Aye-4 Nay-0

BUDGET AMENDMENT ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES

Mayor Voller asked when the board wanted to schedule a work session for the upcoming fiscal year.

Attorney Messick stated in order for them to have something to work with he has requested that Department heads have their budget request into him by April 1st hopefully that will allow some time to get you a proposed budget from May 1st.

Commissioner Brooks suggested that we give the department heads time to get the request to Mr. Messick before we set a time.

Mayor Voller asked when it would be given to them. Attorney Messick stated it is to be back to the Manager’s office on April 1st not to the Board.

AMENDMENT TO WATER SUPPLY WATERSHED CRITICAL AREA

Attorney Messick stated it became apparent to him the State's water supply watershed maps did not include the existing intake on the Haw River although it has been in service for approximately 15 years. Since a Watershed Critical area designation and the limitations inherent therein is an important part of the zoning process, he hopes the board will authorize cooperation with the state to correct the inconsistency and possibly revise the town's zoning map accordingly. Watershed areas are important from the local zoning standpoint as well as the state standpoint. The state needs to show it on the map.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to authorize Mr. Messick to take whatever actions he deems necessary to take care of this matter.

Mayor Voller stated if he recalled at the approval of White Mountain last year there is some areas down there where there are issues about where it turned to the critical area.

Attorney Messick stated the protected area is the less restricted watershed area as opposed to critical.

Mayor Voller asked Commissioner Brooks if he would consider amending his motion that if this problem could be solved too, if Mr. Messick were to discover the reason.

Commissioner Brooks amended his motion to include the Mayor's comment.

Vote Aye-4 Nay-0

KIWANIS PARK TREE MAINTENANCE

Interim Manager Messick stated the Town has received a bid from Blackmon Tree in the amount of \$1,700.00 to cut down the trees that have already been tagged.

Interim Manager Messick stated Mr. Misenheimer was trying to get the Kiwanis Club to share in the cost of tree removal. The Kiwanis Club declined to pay for the tree removal because the lease provided for the town to maintain the park. As you noticed from the letter received there is a safety hazard. We need to get the trees cut or close the park.

The Board received a letter from Jeff Gannon, ISA certified arborist, regarding the trees at the Kiwanis Park it read:

I am writing in regards to the dead trees at the children's park next to the Kiwanis club in Pittsboro. The trees are a serious safety hazard requiring immediate attention.

I am an ISA certified arborist and have been involved in the tree business for fifteen years. You may verify my credential online here: <http://www.isa-arbor.com/findArborist/findarborist.aspx>.

The dead trees need to be removed as soon as possible. The elevated risk these trees pose to the park's visitors and the liability they pose to the Town of Pittsboro and the Kiwanis Club is beyond acceptable. The length of time the trees have been dead combined with the immediate proximity to pedestrian traffic makes this situation an eminent threat. The trees that need to be removed include five dead pines, a dead maple, and a dead ash. Together with the grounds manager, I have flagged these trees for clarity.

If you need to contact me for any reason you may reach me by phone at 919-842-2304 or by email at goodwoodtrees@hotmail.com. Thanks, in advance, for your time and attention to this matter.

Sincerely,

Jeff Gannon
ISA certified arborist

After discussion about how dangerous the situation is at the park, a motion was made by Commissioner Cotten to authorize the Interim Manager to get the trees removed with the quote of \$1,700 from Blackmon Tree Service, seconded by Commissioner Walker.

Commissioner Walker asked if we still need permission from the Kiwanis Club to get them cut. Commissioner Walker asked Commissioner Cotten if he would amend his motion. Commissioner Cotten said yes if we need it.

Attorney Messick stated he is sure they will grant that.

Commissioner Walker stated he just feels we should have something in writing.

Vote Aye-4 Nay-0

Mayor Voller stated the owners of Walnut Grove Apartments had him out to look at trees in the sewer right of way. They were not sure if the trees were Town trees or their trees so he asked that the public works department look at. There are a number of dead trees in the right of way.

EAST CORNWALLIS STREET TRUCK TRAFFIC

Attorney Messick stated Chief Collins has requested consideration of whether to close East Cornwallis Street to through truck traffic. If the Board is interested in adopting a No Thru Truck Ordinance he would suggest the Ordinance be prepared and brought back to the next meeting. He not sure about the distance.

Chief of Police Collins had submitted the following:

I have personally noticed an increase of tractor trailers and large trucks traveling East Cornwallis Street. This matter concerned me deeply knowing that this is a residential area with narrow streets and very sharp turns whereby making this a very unsafe area for

vehicular traffic and children that live in the area. I talked with Town Planner David Monroe about this issue. Mr. Monroe informed me that Potterstone Village has made the construction personnel use East Cornwallis Street as the entrance and the exit of their vehicles. Mr. Monroe said he will address this issue with the developer of Potterstone Village.

I am requesting the Town Council to declare starting from US 15-501 (Sanford Rd.) to the easterly terminus of East Cornwallis Street to be a no thru truck area. This request will assure the safety of the citizens of East Cornwallis Street and allow the Police Department to enforce the Town Ordinance of keeping the tractor trailers and large trucks from traveling on East Cornwallis Street.

Commissioner Cotten stated he wasn't aware of East Cornwallis coming close to any street.

Mayor Voller stated Potterstone Village at the very back connects to East Cornwallis, it is a gravel road.

Planner Monroe stated after a meeting with the Homeowners Association that resulted in the Developer being asked to deter construction traffic at the split point of Phase 2B. Everything north of the split the contractors were instructed to exit on East Cornwallis.

Commissioner Cotten asked what type trucks were we talking about.

Planner Monroe said trucks with heavy equipment on the back of them, dump trucks, pickup trucks, etc. Commissioner Cotten said they will need to be assessed for damages on East Cornwallis Street. Planner Monroe stated he spoke with Mr. Witek on Friday and asked him to remove the sign directing construction traffic to East Cornwallis Street and he agreed to do that.

Commissioner Cotten stated the people living in Potterstone are no different than the people living on East Cornwallis.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to authorize Mr. Messick to prepare an ordinance prohibiting large trucks from using East Cornwallis Street for the next meeting.

Mayor Voller stated he believes East Cornwallis Street is a part of the whole gray water program. This road will eventually get paved when the re-use line is put down.

Commissioner Baldwin stated she does not think they need to use the street for that type of heavy traffic – there are a lot of children in the area as Chief Collins mentioned in his letter.

Attorney Messick stated he will prepare an ordinance prohibiting double axle trucks.

Vote Aye-4 Nay-0

WASTEWATER COLLECTION SYSTEMS PERMIT & WASTEWATER PLANT RESOLUTION– COMMISSIONER COTTEN

Commissioner Cotten stated the resolution was presented at the last meeting but he got no where with it so he went back and obtained a copy of the permit and he prepared and handed out before the meeting with a justification for going back to the old re-use project and re-activate it. He thinks what he has said here is self explanatory. He stated that out of the nine items here item number one and item number nine are the critical ones. The rest of them are his personal feelings about what needs to be done. He wished he had assumed more responsibility when Mr. Hughes was Manager and we re-advertised again. But the last statement down there the Town of Pittsboro cannot afford the upgrade to current plant and proposal of Hobbs-Upchurch. The upgrade must be one if we are going to continue to operate the current plant it's that simple. If you don't believe him call Mr. Blaisdell and he will tell you the same thing he is telling you. We are going to have to go with number six.

Commissioner Cotten's justifications for re-activation of original re-use project:

1. Permit Number WQCS dated April 15, 2005 was issued based on fact Town of Pittsboro agreed to up-grade the current plant to capability of producing re-use quality water (verified by Mr. Blaisdell via telephone 3-6-07).
2. Plans to accomplish this have been prepared by Diehl and Phillips and Hydrostructures and were approved by Division of Water quality in 2004.
3. Grants and no interest loans totaling approximately four million were obtained to cover major portion of cost.
4. The developer of River Oaks (Toll Brothers) agreed to advance to town six million plus dollars for infrastructure improvements. These advances were to be credited to their capital recovery fees as they developed property.
5. There will be no need to acquire additional land to do up-grade as proposed and approved.
6. The proposal of Hobbs-Upchurch will not meet requirements of permit cited above according to Mr. Blaisdell. The Town of Pittsboro will have to obtain a waiver of provisions of permit WQCS 00146. Obtaining this waiver may be difficult due to classification of Roberson Creek.
7. Plans being prepared by Hobbs-Upchurch will require purchase of additional land and do not provide for the future need of Pittsboro.
8. I have been assured by the Department of Water quality that if the Town of Pittsboro secure bid on the up-grade to current facility and can demonstrate funds are available approval will be facilitated.
9. The Town of Pittsboro cannot afford the upgrade to current plant and proposal of Hobbs-Upchurch. **THE UPGRADE MUST BE DONE IF WE ARE GOING TO CONTINUE TO OPERATE THE CURRENT PLANT.**

Motion made by Commissioner Cotten to approve the Resolution that he has previously submitted and authorize Mr. Messick to get in touch with Diehl & Phillips and Hydrostructures and authorize them to take bids. The bids will have to be approved by the state before we can move forward. We have wasted 18 months almost on this thing and we are no closer to solving the problem than we were before. Seconded by Commissioner Brooks to get it on the floor for discussion.

Commissioner Walker stated if he remembers correctly when we received the bids in – with the cost estimate of Diehl and Phillips one of the reasons this never came to fruition it was one million plus dollars over budget at that point and we did not have an alternate solution for funding that million dollars so it pretty well died. When Randy Voller was elected Mayor at that point he saw a way to take two projects and combine them into one to re-activate the re-use project and also work on another small plant to provide additional capacity. I can not vote for a contract unless you have something, Diehl and Phillips has not been involved in this in over seven-nine months. We don't even know if they have any interest in doing so. He will vote no.

Commissioner Cotten stated he wanted to remind Commissioner Walker that we spent \$150,000 developing these plans, of the grant money that supposedly the county is still holding. As he pointed out the Town can not afford to upgrade the plant and build a new one. The plans are still outstanding, they are approved. He just thinks it would be a mistake to not let it go back out for bids.

Commissioner Walker stated what he heard the other night from Mr. Kiker it is going to come in under cost.

Attorney Messick stated it is his understanding that the original proposal that Diehl and Phillips prepared the plans for and went to bid on was to improve the existing wastewater treatment plant to the point where it could produce re-use quality water. As a part of that process we were going to also benefit from the increase treatment level of the effluent but we were also going to be able to ship part of it to 3M so that the 3M project that was originally contemplated involving improvements to the plant and increasing the treatment standards to re-use standards down 15-501 to a tank and then using it in 3M industrial process. When the bids came in over budget it was at a stand still for awhile. Then the current method of what Hobbs-Upchurch is proposing to do is in the short term doing a transmission line from the waste treatment plant to 3M, build a larger tank and still send it to 3M. The effluent in the short term will be what is now being produced at the current time, until such a time as the new addition comes on line and that is the permit modification that Mr. Cotten discussed at the last meeting. Mr. Kiker had the letter from 3M saying they would be willing to take the effluent being produced by the Town under its current permit levels to use in their industrial process even though it is not going to be re-use quality but the 3M project and the grants and funding sources for that project would be available not only to take care of the tank and the transmission line but also to be used as apart of this project to build a new plant. He would urge you to invite Hobbs and Upchurch to explain this in much better detail. This does not take away from what Commissioner Cotten's concerns are.

Mayor Voller stated that is a pretty good summary.

Commissioner Cotten read the letter 3M prepared for Mr. Blaisdale. He stated we will have request from DWQ a permit modification. The permit was based on the fact that we were going to modify the current plant.

Attorney Messick stated he thinks the variance mentioned in the 3M letter is a variance to 3M's permit not the Town. Commissioner Cotten stated that according to Mr. Blaisdale both would require a variance.

Commissioner Cotten stated if the board wants to go ahead don't cry when we start getting fined.

Mayor Voller asked didn't we recently receive a five year extension of the current permit. Commissioner Cotten stated we would have to get a wavier of the permit.

Commissioner Brooks stated for a long time this has been confusing he would like to follow Mr. Messick's suggestion and add to it that we invite Mr. Blaisdale or whoever he would like to send in his place if he can't come, to come to a meeting and lets try to get this sorted out. He feels that would be useful to him. Maybe if we could get all these people together we could find out what is going on.

Commissioner Baldwin stated she felt the same way that Hobbs & Upchurch and Mr. Blaisdale be invited to the meeting to discuss all the concerns regarding the permit modification. We need to have all this clarified.

Commissioner Cotten called for the vote.

Commissioner Brooks stated it puts him in an awkward position now because he seconded the motion but he really wants to do what he suggested.

Vote Aye-2 Brooks/Cotten
Nay-3 Walker/Baldwin/Voller

Motion made by Commissioner Brooks to invite Mr. Blaisdale from the State Division of Water Quality (or whomever he could send) to go over the permit with us and give us advice and at the same time that Hobbs and Upchurch to come and be with us to answer the questions and that this happens no latter than two meetings from this one.

Mayor Voller asked Commissioner Brooks if he would modify his motion that these permits we are referring that we send notification to our representatives Speaker Hackney and Senator Atwater, that the Town needs help with these and whatever assistance they can provide. Commissioner Brooks said yes. Mayor Voller stated he attended Speaker Hackney's event today and he said he would help Chatham, Pittsboro, Siler City and Goldston.

Commissioner Brooks amended his motion to include Mayor Voller's comments and hopes we can keep the agenda down that night, seconded by Commissioner Baldwin.

Mayor Voller stated the reason we were trying to send the water to 3M under the letter they wrote was so we could get more wastewater capacity to our citizens.

Vote Aye-4 Nay-0

RELEASING OF CLOSED SESSION MINUTES

Attorney Messick stated we have had a request from the local press for certain closed session minutes in February and he told her that he did not have the authority to release the records but he would bring it before the board. One of the matters discussed in closed session has been resolved but there is one involving property acquisition and attorney-client privilege which has not be resolved.

Commissioner Cotten asked if he needed a decision tonight or could he just give us before the next meeting the items you want to exclude from release.

Attorney Messick stated you know when the press gets anxious they are anxious.

Commissioner Cotten stated in his opinion, we really need to act on it tonight. Because it is in all the papers now "sunshine" about closed meetings. Really and truly when a matter has been settled you can't keep it in closed session.

Motion made by Commissioner Walker seconded by Commissioner Cotten to release those items Mr. Messick mentioned and redact the issues that are still on-going and are sensitive to the Town of Pittsboro business.

Commissioner Baldwin asked what the issues that she wants are.

Attorney Messick stated she wanted the issues concerning Mr. Misenheimer.

Mayor Voller stated you can issue things that would be considered a personnel issue can you. How does that work.

Commissioner Cotten stated you can once it is settled.

Attorney Messick stated matters involving an employee are different than relating to the Town Manager.

Mayor Voller stated he sees no problem now. There was not that much complication.

Vote Aye-4 Nay-0

COMMISSIONER CONCERNS

Commissioner Cotten stated he did not want to prolong the meeting but he is concerned about this buying water from the county and the price they are proposing to charge. I know we have got to do the maintenance but they ought to at least exercise the contract we had with them previously, that they never canceled and give us the benefit of that instead.

Commissioner Brooks asked Commissioner Cotten if what he was saying is they should charge us what we would charge them per thousand gallons. Commissioner Cotten stated that is correct. Commissioner Walker stated he would go along with that.

Motion made by Commissioner Brooks seconded by Commissioner Walker to request of the County Commissioner/County Manager that they charge us the same price as we are obligated by contract to sell water to them for during the time when we are cleaning our water basins.

Vote Aye-4 Nay-0

Staff Reports/Manager updates

- Land Use Plan Advisory Group, TJCOG Workshop – David Monroe.
Planner Monroe stated the Land Use Plan Advisory Committee and the TJCOG will be sponsoring a workshop tentatively scheduled for March 29, 30 and 31. The workshop will be facilitated by Paul Black. It will be at the multi-purpose room at the Community College.
- Water Plant memo – Frank Efird.
- Financial Report-Alice Lloyd
- Tennis Court status

Attorney Messick stated he understands the lights will be completed this week. Other than signage and some designation of who is in charge, he thinks we are ready to go. The Recreation Committee is meeting tomorrow night and the signage that is proposed will be considered. He stated he has had some discussions with County Finance Officer about the county's contribution towards the basketball and tennis court projects has been kind of verbal and there is very little in writing to that effort. But the current scenario, as he understands it, is that because of the problem with the county recreation fee authorization for land acquisition rather than improvements, it is likely that the contributions from the County would not be available until the first of July or thereafter. Mayor Voller stated but they are going to do it. He has been asked by the finance officer to provide some type Interlocal agreement between the Town and County.

Motion made by Commissioner Walker seconded by Commissioner Brooks to authorize Attorney Messick to prepare an Interlocal Agreement between the Town of Pittsboro and Chatham County.

Vote Aye-4 Nay-0

Mayor Updates – Mayor Voller stated these are various boards that he interacts with and if anyone had any questions, he will be glad to give an update.

- EDC

- RPO
- Solid Waste
- Fairground Association
- Clyde Fest
- PMA/Downtown

FYI

- DWQ Letter
- NCLM memo
- NCDENR memo
- Notice HRA Cleanup

Commissioner Brooks stated Dr. Robert Jacques has had a long standing concern about the old town lakes from a health standpoint. He mentions this Avian Flu thing, it is not gone yet. Today he watched a problem regarding global warning. He thinks we are very short sighted if we don't do something to fix those two lakes. Restore that dam and get it dredged out it might cost a lot of money, but he could almost promise you sooner or later we are going to need that water. Not to mention the fact that if it were cleaned up it would make such a fine area for recreation, walking, fishing, hiking, etc. But just from a health standpoint right now it is just a mess. It has so much sedimentation in it and the dam is broken. We need to try to look at this. He promised Dr. Jacques that he would bring it before the board again. We need a plan on how to get it cleaned up.

Planner Monroe stated Karen Hall with NC State and the Roberson Creek Council is very close to having an assessment completed on the two lakes and the spillway and the breached dam. The study will give the estimated depth of the silt and the projected cost of removing it. She is about three or four weeks away from being ready to present that finding to the Town Board that will have three scenarios: fix the dam, breach the dam, or do nothing.

Commissioner Walker stated he thought one report we were given said we could not fix the dam, we could not bring it back up.

Planner Monroe stated there are some serious questions about whether we really could because there are some very large trees growing adjacent to the dam.

Commissioner Brooks said we will have a better flow to Robeson Creek if that dam is fixed.

Mayor Voller stated he thinks we should address those concerns.

ADJOURNMENT

Motion made by Commissioner Brooks seconded by Commissioner Cotten to adjourn.
Vote Aye-4 Nay-0

ATTEST:

Randolph Voller, Mayor

Alice F. Lloyd, CMC, Town Clerk