

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, NOVEMBER 22, 2010
7:00 PM

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

ATTENDANCE

Members present: Mayor Randy Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Clinton E. Bryan, III, Michael Fiocco, and Hugh Harrington.

Staff: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul S. Messick, Jr., Planning Director Stuart Bass, Assistant Planner Paul Horne, and Finance Officer Mandy Cartrette.

AGENDA

Mayor Voller said that Commissioner Harrington had requested that Item #4 under New Business, Resolution to Accept a Chatham County Recreation Grant, be moved to Item #1 under Old Business.

Commissioner Harrington said that item and Item #1 under Old Business were related and believed it would be better to consider the two together.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the Agenda as modified.

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the October 25, 2010 regular meeting.
2. Approve minutes of the November 8, 2010 regular meeting.
3. Schedule a public hearing for December 13, 2010 for a Zoning Ordinance Amendment - Planning Board Term Limits.
4. Approve a Resolution Amending Membership of the CTP Steering Committee.

Commissioner Harrington said he had communicated via email some very minor errors that had already been corrected in the draft. Commissioner Fiocco said he had also provided some very minor corrections that would be reflected in the final revised minutes.

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

Vote Aye-5 Nay-0

A RESOLUTION CONFIRMATION OF AN ADDITIONAL MEMBER FOR PARTICIPATION IN A COMPREHENSIVE TRANSPORTATION PLANNING STUDY FOR THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 168

REGULAR MEETING AGENDA

Citizens Matters

David Duke, 117 West Skye Hawk in Cary, said he was the Government Municipal Contract Manager for Waste Industries that served eight states. He said he had provided to the Board via letters comparison rates of surrounding municipalities, and encouraged the Board to consider issuing a RFP for garbage collection services. Mr. Duke said his company was well versed and very experienced in providing waste disposal services and transition services in terms of moving from one contractor to another, and Waste Industries had a sincere interest in providing those services to the Town. He said the Town's current contract with Waste Management had expired a very long time ago, and although they were a well-respected company Waste Industries could provide those same services and actually do a better job.

PUBLIC HEARING

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to go into Public Hearing.

Vote Aye-5 Nay-0

1. Special Use Permit - Child Day Care/Home Residence at 631 Old Graham Road.

Planning Director Stuart Bass stated the Town had received an application for a Special Use Permit to operate a Child Day Care Facility at a family residence at 631 Old Graham Road. He said the Zoning Ordinance required a Special Use Permit for such a facility, and the purpose of the public hearing was to solicit public comment. Mr. Bass said at the conclusion of the public hearing, the permit request should be referred to the Planning Board, and after their review a recommendation from the Planning Board would be forwarded to the Town Board for final action on the request.

Carla Pedrotty, 631 Old Graham Road, stated that she was requesting that the Town Board grant her request for a Special Use Permit to operate a Day Care Facility in her home. She said there were parents in the community who needed quality day care for their children, and she planned to provide a safe, nurturing learning environment. Ms. Pedrotty said she had been teaching for 11 years in a variety of early childhood studies and would like to continue teaching while operating a small business in her home.

Mayor Voller asked what ages she would target. Ms. Pedrotty said her facility would be for children aged five and six just prior to their entrance to Kindergarten.

Commissioner Baldwin asked had she received her license from the State. Ms. Pedrotty said she could not receive her license until the zoning was approved by the Town.

Commissioner Fiocco asked how many students the facility would have. Ms. Pedrotty responded no more than five.

Mayor Voller asked once Ms. Pedrotty was approved, would it be appropriate to require that she bring in a copy of her State license. Town Attorney Paul Messick responded that could be made a part of the approval process once the Planning Board had completed its review and the Board gave final approval.

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to close the Public Hearing.

Vote Aye-5 Nay-0

OLD BUSINESS

Resolution to Accept a Chatham County Recreation Grant (moved from Item #4, New Business; to be considered in conjunction with #1 below).

1. Quarterly Report from the Parks and Recreation Advisory Board (PARAB) (Megan Bolejack, Chair, PARAB).

Megan Bolejack said in an effort to provide more communication, she had provided to the Board highlights from recent meetings of the PARAB. She went over the various issues noted in her report, as follows:

- New member Brett Moraes recently joined the PARAB.
- The PARAB had participated in the grand opening of the Mary Hayes Barber Holmes Park.
- They had been involved in the Southern Park processes including the consideration of what facilities would be most appropriate and had participated in an input session.
- The PARAB had been involved in the Fit Community application, and the Town had received the designation at the Bronze level.
- The PARAB continued to work to procure a grant from Chatham County to fund various facilities and to assist with the Robeson Creek Greenway pilot project. Members of the PARAB had participated along with Commissioner Fiocco in a walk of the greenway.

- A joint meeting with the County PARAB and Town PARAB has been scheduled for January 19.
- They had guest speakers attend PARAB meetings who shared their interests in greenways, specifically looking at Potterstone as well as the Pedestrian Transportation Plan.
- The Annual Reindeer Run would be coming up on December 11, 2010.
- The PARAB had discussed the possibility of the elimination of the Parks Planner position, and the PARAB had submitted a letter dated November 17, 2010 which noted that the position was essential for the development of quality parks and recreation opportunities as well as a walkable and bikeable community. The PARAB voted unanimously to recommend to the Town Board that the Parks Planner position remain fully funded.

Mayor Voller asked what the status was of the potential greenway, noting he knew they had received the grant. Ms. Bolejack said it was coming along slowly, noting they were working with the County on getting bids. She said they had met today to discuss whether to specify a prefabricated bridge in the bids, as well as design and engineering costs. Ms. Bolejack said as far as programming, she had conducted some interviews in different communities about what the current barriers might be for physical activities and what facilities the community might want to see. She said she had completed three interviews with residents in the East Cornwallis neighborhood, three from Small Street, and two in other neighborhoods. Mayor Voller asked what the comments were from the Small Street interviewees. Ms. Bolejack said they had indicated that the main barrier was the large trucks speeding through their neighborhood.

Mayor Voller asked had she received an opinion regarding a basketball court. Ms. Bolejack said not as yet. Mayor Voller said it appeared that half of the residents wanted it and the other half did not.

Commissioner Harrington said a portion of the \$60,000 grant was for construction, and asked had she received any quotes for construction. Ms. Bolejack said they had not yet gotten that far in the process. She then invited the Board to participate in the joint meeting on January 19, 2011.

Mayor Voller asked Mr. Horne for a brief summary of what the grants were that had been referred to in Ms. Bolejack's report. Assistant Planner Paul Horne said there was the CCAP grant for erosion control, the Adopt-a-Trail grant for \$1,500, a Chatham County Recreation grant for \$8,877, \$20,000 from the NCSU Water Quality Group for the Mary Hayes Barber Holmes Park, \$10,000 from NCSU Water Quality Group for Southern Park, and \$243,000 for the CMAQ sidewalk project.

Commissioner Fiocco offered good luck with the greenway, noting it was a beautiful space and a lot of citizens would enjoy it with some improvements to it. Ms. Bolejack said she would keep the Board informed as things progressed.

Mayor Voller asked where they would access the greenway. Ms. Bolejack said the four points of access were on 15-501 at the stop light, at the County parking lot near the Judicial Center, at the Fairgrounds, and at Industrial Drive.

Mr. Horne briefly reported on what the grants would fund, noting that a lot of questions had been asked about providing grills at the Mary Hayes Barber Holmes Park.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to adopt the resolution accepting a grant in the amount of \$8,877 from Chatham County to fund improvements at Town Lake Park, McClenahan Park, the Mary Hayes Barber Holmes Park, and along the Roberson Creek Greenway Pilot Project Corridor; and, to adopt the ordinance to increase the Recreation Department revenue line item by \$8,877 to reflect receipt of the grant from Chatham County.

Commissioner Brooks stated he was grateful to the County and thought it was a good idea. He asked if they placed grills at the Mary Hayes Barber Holmes Park, what the liability issues were they should be aware of. Mr. Messick remarked that there were grills at Town Lake Park so he saw no difference.

Vote Aye-5 Nay-0

A RESOLUTION ACCEPTING THE OFFER OF A GRANT IN THE AMOUNT OF \$8,877 FOR FUNDING IMPROVEMENTS AT TOWN LAKE PARK, MCCLENAHAN PARK, MARY HAYES BARBER HOLMES PARK AND ALONG THE ROBESON CREEK GREENWAY PILOT PROJECT CORRIDOR IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 169

AN ORDINANCE AMENDING THE FY 2010-2011 OPERATING BUDGET IS RECORDED IN THE BOOK OF RESOLUTION NUMBER ONE, PAGE 39

2. Proposed Amendment to the Wastewater Capacity Agreements of Ricky Spoon Builders, Inc. and Moore's Grove, LLC.

Mr. Terry stated this issue had been discussed at the Board's November 8, 2010 meeting, and Mr. Spoon and Mr. Steele both had requested that their Wastewater Capacity Agreements be extended for an additional year. He said the Board had tabled the issue to provide time for the two attorneys to develop some language that would serve to extend those agreements. Mr. Terry said he had discussed the issue with Mr. Bass and Mr. Messick and weighed the pros and cons, and in considering approval he cited the continuity of economic development efforts on the part of those two developers. He said he had asked himself why the Board might not want to approve the extension, and the thought that came to mind was that there may be other users that needed the capacity although he was unaware of any at this time. Mr. Terry said even if the Town took the capacity back they were under a moratorium and there was no mechanism to assign the capacity elsewhere. He said the Town Board would have to lift the moratorium in order for the capacity to be reassigned to another developer.

Mr. Terry stated the Board had multiple options. He said they could say yes to both or no to both, yes to one and no to the other, or yes to an extension for a shorter term. He said he believed the Board could reasonably say yes to the requested one-year extension to both developers.

Commissioner Brooks stated he was ready to make a motion to extend both agreements for one year, but asked if they did so would they have anything left for other developments downtown. Mr. Terry responded that based on his recollection when they had allocated the capacity, they had somewhere on the order of 100,000 gallons of capacity, or perhaps a little more. He said the two developers had agreed to back off their original requests of 50,000 gallons apiece and ask for 40,000 gallons apiece, so the Town had retained about 20,000 gallons of capacity which was still available. Mr. Terry said that amount of available capacity had actually grown with the recent improvements to the plant, but it was hard to determine a specific number. He said they had at the very least 20,000 gallons of capacity if the 40,000 gallons allocated to each of these developers was renewed for an additional year.

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to extend the Wastewater Capacity Agreements of Ricky Spoon Buildings, Inc. and Moore's Grove, LLC for one year, provided that Ricky Spoon Builders be required to be in compliance with the State's erosion control and sedimentation rules and regulations prior to any future development of the property and that compliance be demonstrated to Town staff and to the Town Board.

Commissioner Fiocco agreed with Commissioner Brooks' sentiments about managing the site in a more compliant manner. Mr. Spoon indicated he had spent the entire day working towards that goal. Commissioner Fiocco asked that he continue that work. Mr. Spoon agreed.

Mayor Voller said they did have capacity to allocate and had some flexibility, and believed the Board had asked for this issue to be brought back in a way that the developers would be agreeable to some flexibility if the Town needed to make other allocations, but he did not see that reflected in the resolution. He said but, he had not heard any objection to that from counsel at the last meeting on that matter. Patrick Bradshaw, attorney representing Moore's Grove, LLC, said he was not sure how something like that could be included in a contract.

Mr. Messick agreed it was problematic in that it would be difficult to word. He said as long as the moratorium was in place there would be no allocations made in any case.

Mayor Voller asked if they lifted the moratorium and there was a plan, for instance, to place a new restaurant in the downtown, how the Town would accommodate that. Mr. Messick said it was up to the Town to determine what excess capacity they had to offer to others. He said if they had no excess capacity then they should not entertain applications.

Mr. Bradshaw pointed out that the Town had a lot of other capacity that had been committed on paper that was also not tributary and much of it had been committed for much longer than what was being requested here. He said this was by no means a unique situation.

Commissioner Harrington said perhaps, except the Town would be contractually obligated to keep that 80,000 gallons of capacity available. Mr. Bradshaw said he believed that was true where the Town had allocated sewer capacity in conjunction with a site plan approval or subdivision approval.

Mayor Voller said he believed the only thing they had contracted was Powell Place.

Commissioner Harrington said his problem with this was that they were in a moratorium, and they were being asked to commit for another year to at least one project that was showing no movement. He said if they reallocated the capacity and remained in a moratorium, then there was no opportunity for others to come in with an application. Commissioner Harrington said he did not believe the Town would see a project in the next year that would need 40,000 gallons of capacity, but he did not believe it was in the Town's best interests to lock up 80,000 gallons of sewer capacity for a year and basically exclude others who may come in with new ideas for developments or even smaller projects. He said the Board had the opportunity tonight to open up some sewer capacity while still providing these two developers with some amount that would likely be more than what they would need to use over one or even two years. Commissioner Harrington said it concerned him a great deal to allow 80,000 gallons of sewer capacity to be tied up for another year with no clear indication it would be used.

Commissioner Harrington said for those reasons, he would vote against the motion as stated, and believed they should half the allocation being requested. He said when those developers started their developments and actually needed the capacity they could then come back to the Town and make that request. Commissioner Harrington said that would provide 40,000 gallons of capacity for others to start small businesses such as a restaurant. He said because of the moratorium they were not accepting applications, so they had no idea who might be waiting for the moratorium to be lifted so they could apply. Commissioner Harrington said the fact that they did not know who they would give the capacity to was not important; what was important was to have some capacity available for small businesses. He said once these two developers actually started their projects, they could come forward and request any additional capacity needed at that time. But, he said, tying up 80,000 gallons of capacity for another year was of great concern to him.

Commissioner Brooks said that Commissioner Harrington had made a lot of great points. But, he said, at the time the Board had agreed to allocate the capacity these two developers had volunteered to help the Town pay for what it needed when no one else had offered. Commissioner Brooks said he believed the Board had committed at that time to help them with their projects as they had committed to help the Town with its project. He said at this point he felt committed to support the extension because of that prior commitment by the two developers to the Town's project. Commissioner Brooks said he believed they were obligated to honor what they had said originally.

Commissioner Harrington said he believed the original agreement was that the Town would support the projects if the developers could come back and help the Town with the sewer plant. He said he believed it was clear at this point that these two developers were not in that position, and believed that past mutual relationship that both the Town and the developers could benefit from no longer existed. Commissioner Harrington said he believed these two large projects

would not begin in the next year or even the next, and hoped that in the future when the projects moved forward that the Town would be able to allocate all the capacity that was needed. But in the near term, he said, he believed there may be others with ideas for small projects that would need some allocation of sewer capacity. Commissioner Harrington asked the Board to imagine what the addition of four or five restaurants downtown would do for the Town, noting it would be a huge economic boon that would bring more people into the downtown with other small business projects.

Commissioner Brooks said he believed Commissioner Harrington made very valid points, but continued to believe that they should stand by their commitment. He said when the agreement had first been made no one could have predicted the economic downturn the country would face. Commissioner Brooks said he believed they needed to recognize that people had not been able to carry forward with plans they had committed to, and he continued to feel an obligation to honor the Town's agreement with the two developers. He said he believed Mr. Terry was correct in that there was additional sewer capacity available if needed.

Commissioner Harrington reiterated his suggestion to cut the reallocation in half.

Commissioner Baldwin said she understood Commissioner Harrington's stance and his concerns were very much valid. She said by the same token she understood Commissioner Brooks' comments, and believed if they did approve the extension request that that should be the one and only extension that would be considered. Commissioner Baldwin said perhaps they should consider extending the allocations for six months rather than a full year.

Commissioner Brooks said he would be willing to amend his motion to extend the contracts for six months rather than one year if Commissioner Fiocco would agree to it.

Commissioner Fiocco said what Commissioner Harrington had said was true, and he could appreciate that sentiment. He said he could appreciate as well how difficult land development was now and how risky it was in general. Commissioner Fiocco said a lot of equity existed in those two projects because of the allocation, and a year ago when the Board had decided to enter into the contract it was a good move. He said no one could have foreseen that the economic climate would have carried on this long, and did not know that they could foresee how much longer it would last. Commissioner Fiocco said to help the two developers preserve the validity and the value of their projects, and therefore the value they could bring to the Town if developed, he would like to extend the contracts for one year. But, he said, he did not believe they would extend it beyond that additional year.

Commissioner Brooks withdrew his offer to amend his motion.

Mayor Voller asked was Commissioner Fiocco suggesting that the contracts be capped at an additional one year and no more. Commissioner Fiocco said that was correct.

Commissioner Harrington asked was there no thought to reducing the allocations somewhat.

Mayor Voller said he believed they had plenty of capacity; it was just the way the State forced them to allocate it. He said these developers could get started and put 170 homes in but use only 22,000 gallons, and it would take some time to get to that point. Mayor Voller said all he would ask was that if the two developers would agree that if the Town allocated them the full amount to preserve the equity that Commissioner Fiocco had mentioned that there would be flexibility so the Town did not get stuck the way they had gotten stuck with Powell Place. Mr. Bradshaw said the difference in this case compared to Powell Place was that this contract had a one year term which they had not been able to satisfy because of the stagnant economy, and were asking for a one year extension. He said with due respect he had to say that when trying to evaluate whether the Town had any sewer capacity available, using this 80,000 as all the sewer capacity that was available was a false analysis. Mr. Bradshaw said because of the improvements to the plant, Mr. Terry had concluded based on sound analysis that another 10,000 gallons of capacity was available. But, he said, that did not get to the point which was that the Town was under-calculating the amount of capacity in the plant. Mr. Bradshaw said the Town's engineer had told them a year ago that with all of the capacity that the Town had allocated at that point on paper, including the 80,000 gallons in question here, if all of that went through the plant then the plant would be drawing 560,000 gallons per day and it was a 750,000 gallons a day plant.

Commissioner Harrington said he would very much like to have the Town's engineer say that to the Board again. Mr. Bradshaw said he had a copy of the engineer's report from a year ago which stated that.

Commissioner Harrington said he was saying they were under a moratorium because they had no sewer capacity. Mr. Bradshaw said if the Town was not under a moratorium then his clients would not have value problems with their projects. He said they were asking only that the contracts be extended for an additional year so that his clients could get through this tough economic period.

Commissioner Harrington said at some point what the Town allocated was based on a calculation of what was on paper. He said at this point if someone was willing to come forward and prove what the available capacity was, then using that capacity would be fine. Commissioner Harrington said what he was saying was that they were under a moratorium and they were bumping up against their capacity. He said if they were not bumping up against their capacity then they needed to lift the moratorium.

Commissioner Fiocco said he agreed with Commissioner Harrington, noting that one of the things they had to control was the I&I issues which greatly exaggerated their average daily flow.

Commissioner Harrington said it was not the capacity of the plant; it was dealing with the peaks. He said he believed everyone knew they could do more, but their capacity number was very nebulous in that regard. He said they knew when it rained they would not have enough capacity, and that was giving them some uncertainty of what they could do.

Mayor Voller asked when that basin would come on line. Mr. Terry said it was already in use although they had not accepted the final inspection. He said all of the features of that plant were completed and they were currently working on the punch list items and final inspection was

scheduled for December, so they were in a good position. Mr. Terry said with the completion of that project and with the completion of the Credle Street Sewer Rehabilitation Project Phases III and IV, he believed they would be in a position by late January or early February to reexamine exactly what the available capacity was and then to consider lifting the moratorium before its natural expiration date.

Mayor Voller said they would know where they stood fairly quickly because they were getting into the rainy season. Mr. Terry said he believed by February they would know exactly how the plant would perform.

Mayor Voller said that Commissioner Brooks had included in his motion a condition to be added to the Spoon extension in regards to erosion and sedimentation control. He asked Mr. Messick to speak to that. Mr. Messick said he would suggest that the “Now, Therefore” paragraph be modified to add the following phrase to the end of the sentence: “...provided that Ricky Spoon Builders be required to be in compliance with its erosion control permit prior to any further development on its property.”

Commissioner Brooks said he would accept that language.

Vote Aye-4 (Commissioners Baldwin, Brooks, Bryan, Fiocco)
Nay-1 (Commissioner Harrington)

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A ONE YEAR EXTENSION TO THE EXISTING WASTEWATER CAPACITY AGREEMENTS BETWEEN THE TOWN AND RICKY SPOON BUILDERS AND BETWEEN THE TOWN AND MOORE’S GROVE, LLC IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 170

Commissioner Brooks said he would like to say to Mr. Spoon that there were several people who lived in the area, such as Ms. Cooper and the Hackney’s, who were very concerned about this and they would be very appreciative of Mr. Spoon’s willing to go forward. He said he had always thought he would go forward since it would be self-defeating not to go forward because there were unnamed tributaries to Robeson Creek and he was about to spend money to improve a wastewater plant on Robeson Creek. Commissioner Brooks said so, it would not make sense to try to prevent something from going in, and he appreciated his willingness to do that. Mr. Spoon said he had talked with Ms. Cooper this morning and had also been in touch with the Hackney’s about digging out on the side of their house to correct the drainage. He said he had spent the day with the engineers working on those issues.

Patrick Steele thanked the Board for their faith in them.

NEW BUSINESS

1. Revisions to the Pay Classification Table.

Mr. Terry explained that this issue had first come up on November 8, 2010 and the reason for the recommendation made at that time was to avoid losing an experienced employee. He said unfortunately that employee had taken another job, but believed that modification to the Pay Classification Table was still warranted because it would in effect create a career progression path for maintenance workers. Mr. Terry said even though they had only one position, when they recruited for that position it provided flexibility as to what grade was assigned to the new employee and what compensation they could offer. He said when they went out into the market to look for an experienced maintenance employee they would have some flexibility, but if they were not so fortunate then a lesser grade could be considered.

Mr. Terry said they were not asking for a new position; they were asking for something like a ladder that an employee could climb while remaining in the same job.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to approve the revisions to the Pay Classification Table as presented by the Town Manager to include the Utility Systems Maintenance Mechanic at the Master level at pay grade 25 for fiscal year 2010-2011.

Commissioner Brooks said essentially this was a new position, to which Commissioner Fiocco agreed. Mr. Terry said that was correct, but it would not increase the actual number of employees. He said it would only provide an opportunity to hire an experienced mechanic should the opportunity arise.

Vote Aye-5 Nay-0

2. Position Reclassification.

Mr. Terry explained that this issue had been tabled on November 8, 2010 noting this was a different personnel matter in that it was a reclassification which was typically used when a position changed over time in terms of the duties required of an employee. He said in this case they had an employee, Misty Bonnau, who was currently filling a Customer Support Specialist position at grade 17, but had demonstrated certain skills and abilities since that time that allowed them to add additional duties, including significant grant administration work, assistance with contract administration, and becoming the recording secretary for the Planning Board.

Mr. Terry said that Attachment B to the agenda item described the duties that would be associated with the reclassified position, including providing back-up to the Finance Director in regards to payroll processing and administration. He stated that Ms. Bonnau was also their information technology manager, or system administrator, but he had not included that in the new position description. Mr. Terry said it was his preference to leave that as a “floating” assignment for now. He said adding that to the position description at this time made it too specialized and too difficult to fill should Ms. Bonnau leave the Town’s employment, adding that Ms. Bonnau was paid a 5% bonus at present to perform those duties.

Mr. Terry said in regards to the budgetary impact, the proposed reclassification would increase Ms. Bonnau’s salary from \$31,400 to \$36,100, which represented an annual increase of \$4,700. He said since they were well into the fiscal year the impact would be about \$3,000, and believed they could absorb that impact without the need for a budget amendment.

Commissioner Brooks suggested that the Board take no action now and look at it again in January when they could take a look at revenues. He said he would prefer to wait and make this change along with the new budget. Commissioner Brooks noted this was a valuable employee and he appreciated all the services she provided, but wanted to err on the side of caution and wait and see how the revenues were doing before any change was considered.

Commissioner Baldwin agreed they should wait until budget time to look at this as well as any other positions that may need to be reclassified.

Motion made by Commissioner Baldwin seconded by Commissioner Brooks to reconsider any employee reclassifications during the upcoming budget deliberations for FY 2011-2012.

Mayor Voller said he was not sure that that defeated the purpose of doing the reclassification. He said he did not disagree that there were other positions that should be looked at for possible reclassification, but that was not the point. He said they may reach budget time but not have the employee.

Commissioner Baldwin asked was it fair to do this reclassification now and not others. Mr. Terry said it made sense to periodically study position duties and consider reclassifications since some positions changed in character and took on additional duties as well as had duties assigned elsewhere. He said perhaps that could be discussed during the budget process, or the Board could instruct that he begin that process prior to budget discussions so that cost estimates from HR consultants could be gathered. Mr. Terry said the work could be done during the third quarter so the data would be available during the fourth quarter as they finalized the upcoming budget. He said this reclassification had been brought forward now because the addition of new duties over time had stood out and was obvious.

Mayor Voller said he did not think the intent of reclassification was to raise everyone's salary, but there must be some way to provide the flexibility to management to recognize when an employee had taken on additional responsibilities that were above the current job classification. Mr. Terry said this was a position reclassification and was not about performance. He said the job description had changed, noting they had hired this person to perform a specific list of tasks and that list was what had changed dramatically over time.

Commissioner Harrington said to clarify many of these duties had been performed by the employee for some time, such as grant administration, contract administration, and secretary to the Planning Board. He said the back-up payroll clerk duties were not a part of that. Mr. Terry said that was correct, in that those duties would be new to the position.

Commissioner Harrington said as far as information technology manager, she had been responsible for getting the Town's Website up and running. Mr. Terry responded she had worked as the Town's liaison with the contractor they had purchased the software from, and had visited each department to help them develop their Web pages and explain how the software worked. Commissioner Harrington asked did she maintain the Website. Mr. Terry replied she did. Commissioner Harrington said then she was currently managing the Town's Website. Mr.

Terry said one of the reasons the current Website was better than previous ones was that they had multiple portholes; with the old Website the only way changes could be made was from his computer in his office. He said now, each department head had that capability.

Commissioner Baldwin asked did the employee actually make changes herself or did she contact the company to make those changes. Mr. Terry said Ms. Bonnau did the changes from her workstation.

Commissioner Fiocco asked was she actually managing the Town's servers. Mr. Terry responded yes, on a daily basis, although they still had an information technology consultant with ICS who was the provider of their financial management software who periodically did upgrades. He said one example was when the new Planning Director's computer had to be linked to the server and required some additional wiring.

Commissioner Baldwin said in terms of any IT problems, ICS resolved such problems and not the employee. Mr. Terry said the consultant oversaw the software, so they were responsible for solving such problems.

Commissioner Brooks said the Police Department software had come from a company he believed was Southern Software, and asked if that company oversaw the Police Department. Mr. Terry responded he was not sure of the company name, but that software was specialized software that the Police Officers did their reporting on.

Commissioner Harrington asked had the backup payroll clerk duties begun or was that something they were intending to begin training for. Mr. Terry said that was a duty intended for the future once training was completed, which they hoped to do as soon as possible. Commissioner Harrington asked was that waiting on the reclassification. Mr. Terry said not so much on this as it was waiting to find the time to move it forward as a priority.

Commissioner Baldwin asked did they have a back-up payroll clerk now. Mr. Terry said that Town Clerk Alice Lloyd had been the Payroll Clerk for a very long time, and part of the reason for adding the new duties to the reclassified position was to provide Ms. Lloyd some relief from those financial management duties. He said by providing a back-up it would put those duties in the Finance Department, and he was attempting to set up a situation to provide some true relief from that.

Commissioner Brooks said it sounded to him like this was an evolving process, so perhaps they should consider adopting the motion as stated and then observe the situation as it evolved so they would have a better idea of how to move forward.

Commissioner Fiocco asked was he suggesting that if there was a change in the situation he would invite Mr. Terry to bring it back for the Board's consideration before budget deliberations began.

Commissioner Brooks said possibly. He said he believed the "first line of defense," so to speak, was the Finance Director and Ms. Lloyd was her back-up. Mr. Terry said by default Ms. Lloyd

had had to be the back-up. Commissioner Brooks said he understood that was how it was in the past, but he was talking about being optimistic and looking forward in that having Ms. Lloyd serve as back-up would work. Mr. Terry said as the Town grew and the Finance Department grew beyond the four employees they had now, that Department should have some redundancy so that it could stand alone and not require back-up from the Clerk's Office. He said the Town Clerk had a long list of very important duties that she needed to attend to without having to continuously spread her time over Finance duties.

Mayor Voller said he did not understand why they could not just reclassify the position as requested and then revisit any other reclassifications during the upcoming budget discussions. He said he found it hard to understand why they would want to wait.

Commissioner Fiocco said he believed they wanted to be an organization that promoted fairness and encouraged people to excel. He said as he understood this situation, this particular individual had been hired for certain duties and had taken on additional duties, and the expectation was that they would perform those additional duties and had been doing so. Commissioner Fiocco said he understood the employee had not only been performing those duties but had excelled at performing them. He said he thought it would be disingenuous not to reward individuals who took on those additional tasks and did them well, and he would like to do that in a fair way. Commissioner Fiocco said he understood it may be unfair to individuals if they did not do that.

Commissioner Brooks said that was true, but they had to be very careful about doing that. He said they would run the risk of having employees who were not a part of the process but who felt they were just as deserving, and that could result in a morale problem. Commissioner Brooks said he had seen that happen time and again in other organizations. He said at one time the Town had brought in someone, he believed from the League of Municipalities, to study the employees and their performance and to make recommendations as to job reclassifications. Commissioner Brooks asked Ms. Lloyd if she had any memory of that. Ms. Lloyd replied yes, in 2001. Commissioner Brooks said perhaps they needed to look at doing that sometime in the future, but he would like to go ahead and consider the motion on the floor.

Commissioner Baldwin said the motion was to delay action tonight and look at this position and possibly others during budget deliberations. She said they could reclassify this position now but she believed they needed to take into consideration all positions, because there may be others who were performing additional duties that should be a part of the discussion. Commissioner Brooks agreed.

Commissioner Harrington said one side of the argument was that he believed the Board did want to give their Manager the latitude to manage. He said they had a recommendation from the Manager and did not believe the change in duties was in dispute.

Mayor Voller said by reclassifying the position it had nothing to do with the current employee, in that someone could apply for that position. Mr. Terry said yes, but only if the position was to become available. Mayor Voller said the same could be said for any position that had taken on more duties.

Commissioner Harrington said if this employee were to leave the Town's employment, then they would need to hire someone to perform grant administration, contract administration and IT duties, and that would be how they would advertise the position if it were vacant. Mr. Terry said they would advertise based on the current job description, which was Attachment A. He said that Attachment B was the new job description that included those new duties, with the exception of the IT duties. Mr. Terry said he had crafted the description to provide some flexibility, so that if the Town was ever in a position to hire an IT specialist they could do so and not have to rely on someone who just had a knack for that sort of work. He said if the position in question were to become vacant the new hire in all likelihood would not have those IT skills, and he would need to look around the organization to identify who was the next most talented and qualified person to take on that 5% bonus and do that work. Or, he said, they might find themselves in a position where they relied more heavily on their computer contractor.

Mr. Terry said he was hearing some reluctance from the Board in moving forward with this reclassification without a Town-wide market study that would look at all positions, and he was willing to follow that guidance and get some price quotes for that study from the TJCOG or the SOG, and perhaps others since there were contractors who did that sort of work on a regular basis.

Mayor Voller said the amount of money the Town would have to spend to do that was basically the amount of money it would take to reclassify this position. He said to cut to the chase, if they had people that were doing more work than they were hired for then the Board should allow the Manager to give them the raises needed to solve any morale problems. Mayor Voller said if an employee was found not to be performing at an acceptable level then it would be explained to them why they were not being considered for a pay raise. He said if they had a situation like this one where a position had grown, regardless of who held the position, then they had to make a change and allow the Manager the ability to do that. Mayor Voller said if they delayed a decision now they would find themselves having to deal with it again in a few months.

Commissioner Baldwin said she had no problem dealing with it again at a later time. She said in this particular instance the recommendation was to reclassify the position from grade 17 to an Administrative Support Specialist at grade 19, but specifically naming Ms. Bonnau for that position and that was a concern for her. Commissioner Baldwin said she continued to believe that delaying action until budget deliberations was the appropriate way to go. She said there were likely other employees who had new duties assigned to their positions who should be considered, and the Manager was suppose to know what those employees were doing. Commissioner Baldwin said any positions could have new duties assigned at any time, noting that was a part of every job description

Mayor Voller said that was true, but if they had to advertise for that position they would have to advertise those duties that the employee was currently performing that were not a part of the current job description.

Commissioner Baldwin said if there were other individuals who believed their job duties had changed, then they needed to alert Mr. Terry so that they could be considered for reclassification.

She said if that were done, they may not need to go to the expense of conducting a market study to evaluate all positions.

Mayor Voller said that was exactly his point; that Mr. Terry needed to have the flexibility to handle those matters himself.

Commissioner Fiocco remarked for clarification that he understood that this was the Manager's recommendation and was not coming from a particular employee. Commissioner Baldwin agreed.

Vote Aye- 3 (Commissioners Baldwin, Brooks, Bryan)
 Nay-2 (Commissioners Harrington and Fiocco)

3. Funding of Matching Requirements for Expenditures Related to Credle Street Sewer Rehabilitation Project Phase III & IV.

Finance Director Mandy Cartrette stated that on November 8, 2010 the Board accepted a grant from the Rural Center for the completion of the Credle Street Sewer Rehabilitation Project Phases III and IV. She said as a stipulation of the grant, the Town was required to provide matching funds in the amount of \$248,063. Ms. Cartrette said the RFP was sent to five local banks, with three of those institutions providing quotes for a 59-month period of fixed rate installment payments on \$248,000. She said the Board had two options to consider: they could choose to take funds from the Town's Enterprise Fund Balance which was currently about \$1.5 million to pay for the project; or, they could choose to enter into an installment loan agreement to obtain the needed funds.

Ms. Cartrette said the response to the RFP with the lowest interest rate attached was received from BB&T at an interest rate of 2.49%, which would amount to an interest payment of \$17,250.60 over the 59-month period.

Commissioner Fiocco stated that the resolution indicated a three-year term on the installment loan, not 59 months, so that needed to be corrected. Ms. Cartrette said that was correct, noting the reference to three years was in error and it should be 59 months.

Commissioner Brooks said at one time the State Employees Credit Union was not allowed to bid on municipal projects, and asked was that still true or had the Credit Union been given the opportunity to bid. Ms. Cartrette said she was fairly certain that the law remained in place that would not allow the Credit Union to bid on municipal projects.

Motion made by Commissioner Fiocco seconded by Commissioner Bryan to authorize the Town Manager to execute an installment loan agreement for matching funds in the amount of \$248,000 related to the Credle Street Sewer Rehabilitation Project Phases III and IV, amended to correct the second "Whereas" paragraph to change the phrase "3-year term" to "59-month term".

Vote Aye-5 Nay-0

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AN INSTALLMENT LOAN AGREEMENT FOR MATCHING FUNDS IN THE AMOUNT OF \$248,000 RELATED TO THE CREDLE STREET SEWER REHABILITATION PROJECT PHASE III & IV IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 171

4. Resolution to Accept a Chatham County Recreation Grant.

This item was heard earlier in the meeting.

RECESS

Motion made by Commissioner Harrington seconded Commissioner Bryan to take a brief recess.

Vote Aye-5 Nay-0

RECONVENE

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to reconvene the meeting.

Vote Aye-5 Nay-0

5. Update on 2009 Permit Extension Law.

Planning Director Stuart Bass said that this item referred to the 2009 Permit Extension Law passed by the State Legislature which extended local government approved site plans and approved developments for a three-year period, from January 2, 2008 until December 31, 2010. He said the legislation had been modified to extend that an additional year, until December 31, 2011, but it was written so that if a local government took no action otherwise during that time period, then it was automatically extended for an additional year to December 31, 2011. Mr. Bass said tonight the Board could exercise the option to opt out of that additional extension of one year, and a resolution to that effect had been included in the packet.

Commissioner Fiocco said his thought was whether or not to schedule a public hearing on this issue to provide the public an opportunity to weigh in on it. He said he did not believe they had any obligation to do that, but believed it would be good to hold a public hearing prior to making any decision. Commissioner Fiocco said the public hearing would have to be scheduled for December 13, 2010 the Board's only meeting in December, and they would have to take action at that meeting as well.

Philip Culpepper stated that the Town did not have to take any action.

Mayor Voller said they did have a choice, and he would prefer that the Town opt out of the extension. He said if the Board decided to hold the public hearing Mr. Culpepper could speak at that time, or the Board could choose to opt out now. Mayor Voller said the third choice was to

do nothing, so they had three choices. Mr. Bradshaw remarked that the point was that no action needed to be taken; the Board could simply allow the one year extension to proceed.

Commissioner Harrington said it would be interesting to hear public opinion on the issue. But, he said, usually such public hearings did not draw even one member of the public to speak. He said that may not be the case in this instance.

Mr. Bradshaw stated that he and Mr. Culpepper would likely attend the public hearing if held.

Mayor Voller said two of the four people who might be impacted were present tonight. He asked Planning Board Chair Kenneth Hoyle if he would attend a public hearing if held. Mr. Hoyle responded yes.

Commissioner Brooks said he wanted to know what the Board's goal was; that is, what were they trying to accomplish.

Mayor Voller responded that by holding a public hearing everyone who might be affected had a fair opportunity to go on record with their comments.

Commissioner Brooks asked what they were ultimately trying to achieve by opting out or not opting out.

Commissioner Harrington said the Mayor had said he would like to see the Town opt out, and asked for what reasons.

Mayor Voller said he believed that opting out gave the Town the most level of local control. He said the legislation had taken away that local control and they had no idea what the State Legislature might do in the next two years, and theoretically the legislation could be extended again and again. Mayor Voller said he preferred that the Town Board deal with local developers and let the Board chose to extend a permit or not, adding that he could not recall a time when the Board had not honored a request for an extension when a good argument was made.

Commissioner Brooks said that was true, that in his memory developers had always been provided at least one extension.

Mayor Voller said the Town Board had always been fair. He said when the legislation was first proposed there were some of them who had said that the local governments should deal with it but others argued otherwise. Mayor Voller said when the legislation was passed it was complex and not easily understood.

Commissioner Brooks said he did not believe the general public would be interested in the issue unless they had a vested interest, so he believed the Mayor was right.

Commissioner Harrington so to clarify, extensions the Town had already approved would not be affected one way or the other. Mr. Bass said the extension dates would remain as the law currently stood.

Commissioner Brooks said realizing what they may have ahead of them he wanted to ask Mr. Bass which of the three options he preferred. Mr. Bass said he had no strong opinion one way or the other since there were good arguments to be made on both sides. He said he had talked with Mr. Terry about it and noted the pros and cons, and the Mayor made a valid argument that the Town through its development provisions had the right to extend permits.

Commissioner Brooks asked Mr. Hoyle for his preference. Mr. Hoyle said they were not addressing a complex issue, in that they could just do nothing and allow the legislation to expire in one year. He said he believed this was a miniscule matter and it would be a wasted effort to do anything.

Mr. Terry said the reason he had made the recommendation he did was that he and Mr. Bass had looked over the list of approved MUPDs and site plans and the like, and because there were so few it had not seemed necessary to take any action at all. He said by extending those approvals for an additional year there was basically no effect, in that there was very little wastewater capacity at stake and most were MUPDs or related to Powell Place which was not directly a part of the extension in any case. Mr. Terry said when he had asked himself the question of what they would lose by allow the existing MUPDs and sites plans to be extended for an additional year the answer was not much.

Mayor Voller said they would lose flexibility. He said they could always approve an extension if it was called for, and the composition of the Town Board could change. He said he did not want to do anything that would tie the hands of a future Board another year.

Commissioner Fiocco said the goal of the original legislation was to preserve the validity of the investment that developers had made that was likely to expire because of the economic conditions and the fact that they could not secure funding for projects they had already made huge investments in. He said this simply extended that rationale, and he could not imagine the State doing it again.

Mayor Voller said he could see the State doing it again and again. He said the composition of the Legislature was likely more receptive to extending such legislation than it had ever been, including taking it out of the local government purview.

Mr. Bradshaw said there was a significant weakness in the local control argument. He said it would be difficult if they had a public hearing and a decision made the same night because it would not provide much opportunity for a give and take discussion. Mr. Bradshaw said his point about local control was that the Town's Zoning Ordinance put a three-year term on MUPDs and that the Board could provide one one-year extension. He said so there was no local control beyond that because the Ordinance regulated what they could do. Mr. Bradshaw said they had MUPDs outstanding which in some cases had already been given the extra year, so when the permit extension law ran out those MUPDs would expire. He said those permits cost tens of thousands of dollars, and were not free to the Town either because it took staff and Board time to consider and act on them. So, he said, it was not as simple as saying that if it expired to bring it back.

Mr. Bradshaw said his other point was that he and the Mayor had both been at the County Commissioner's meeting where they had decided to opt out. He said there was an argument made there that did not exist here, which was that the County had made significant changes to its Ordinances since many of their projects had originally been approved. Mr. Bradshaw said that was not true in the Town's case because they had not made wholesale changes to the Ordinances. He said if the current permits had to expire because of the effect of the economy and the developers just could not pursue their projects, then they would be put in the position if they could of coming back and asking the Town to re-approve the same project, but that was an extremely expensive process.

Mr. Culpepper said the only project his client had outstanding was Eubanks Road, and that one project with the original three years would extend the permit to sometime in 2013. Mr. Culpepper said the only extension they could get would be from 2013 to 2014.

Mr. Terry said what Mr. Culpepper was referring to was the extension date based on the original legislation.

Mayor Voller said a one-year extension would put them at 2014, which was fairly far out. Mr. Culpepper said they were at 2013 at present, and the cost to do the rezoning for that project was \$75,000. He said that investment gave them a strong interest in being able to develop that property, and if they lost that year they may lose the window where they could actually develop that property. Mr. Culpepper said losing that year could mean losing a project that would force them to start the process over.

Mr. Culpepper said as far as holding a public hearing, it would be difficult to hold a public hearing and make a decision immediately after because there was no time to think about it in depth. He said that was why it may be a better idea to talk about it now and make a decision, and whether or not a public hearing was held they could still act on it in December.

Mayor Voller asked was Mr. Culpepper representing that people had to spend that much money. He said for instance, when Mr. Jackson had come before the Board and requested an extension, it had cost him tens of thousands of dollars to do that. Mayor Voller said the way Mr. Culpepper had represented the situation it would cost a lot of money to get a simple extension from the Town. Mr. Culpepper said he did not know what Mr. Jackson had spent. He said his point was that his client had a real potential to get his project moving forward, and that extra year window gave them that opportunity. Mr. Culpepper said if the Town did nothing then they stopped spending money. He said right now, just discussing it cost them money because staff had to sit and listen to the discussion and they were being paid to do that. Mr. Culpepper said as an example, the Town of Chapel Hill had opted to not even bring the issue forward for consideration. He said he believed the local governments who chose to opt out raised a red flag that perhaps they were not pro-business. Mr. Culpepper said he was very serious in that statement, in that those towns that opted out were being identified as anti-business because they had taken that step, and there were only a handful of towns in the region who had taken that step.

Commissioner Bryan asked were those towns seen as anti-business. Mr. Culpepper responded that from the vote they had taken the answer was yes.

Mayor Voller said if that were true then if the Town did nothing they would be considered pro-business. Mr. Culpepper said his statement was based on what was out there and what he was seeing. Mayor Voller said he understood that, but believed it was ridiculous to say that if the Board opted out that they would be seen as anti-business, especially based on its record of trying to do everything possible to help developers in every way. Mayor Voller said his only issue was to allow the local governments to have control.

Commissioner Harrington said as far as asking for an extension, he did not believe that entailed another investment of money by the developers unless it was attorney fees or something of that sort. Mr. Bradshaw said that was true, but he believed his first point had gotten lost. He said the Town's ordinance allowed the Board to extend an MUPD only once and that was for one year, and for whatever reason they may think that was enough. Mr. Bradshaw said but, if they did not and if they thought the reason the Legislature had adopted the permit extension law and then provided for an additional extension was because they believed that there were projects that people had invested in and through no fault of their own were unable to move forward within the three-year period, then if that was a valid argument the Town's Ordinance did not allow the Board the flexibility or the option to have developers just come in and request an extension. Mr. Bradshaw said they would be required to reapply for an MUPD.

Commissioner Harrington said he saw no way to stop the clock from ticking.

Mayor Voller said unless they made a change to the Ordinance. Mr. Bradshaw said that was a possibility. Mayor Voller asked how Mr. Jackson had gotten the extension that was referred to. Mr. Bradshaw said the MUPD permit was for three years and Mr. Jackson had received an additional one-year extension, but that was all that was allowed so when that expired it was done. He said some projects had been started prior to the start of the recession or before they had any idea of how long it would last, so if that one year extension had already been given then there was no further local control. Mr. Bradshaw said the Board could amend its Ordinance, but he was not sure the current circumstances were ideal. He said it would be better to just take advantage of the one year the Legislature was providing unless they decided to opt out. Mr. Bradshaw said then in one year if they believed they should amend their Ordinance it could be considered at that time.

Commissioner Harrington said to clarify the Ordinance referred to a one-year extension only for MUPDs. Mr. Bradshaw said he believed that was correct.

Mayor Voller said that not all the developments were created equally, in that some had made great efforts to move forward but others may not have. He said the record reflected that some had made representations about things that may or may not have happened, and in this instance they would be looking at 2014 if they did not opt out and that was quite a long way away. Mayor Voller said good points had been made both ways, but he would hate to see any local control being lost. He said there were some projects he would like to see die; for instance, the project in front of Horton School which had been outstanding for five years and there was

nothing there but a cleared area with no other action and the erosion control fencing was now falling down. Mayor Voller said he did not know if the extension would affect that property, but frankly that one should not be extended when there were others that should be.

Commissioner Fiocco said he believed that spoke to other issues they were experiencing and not to the extension.

Mr. Culpepper said his comment regarding towns that might be seen as anti-business had been stated in various articles he had read, and it had now been said about Chatham County. He said someone who had never heard of Chatham County but read about the action they had taken would cause them to assume the worst. Mr. Culpepper said that perception was something the County had been trying to dispel for a very long time, but their actions were being seen as otherwise. He said he believed the only other town that had opted out at this time was Wendell and Morrisville was considering doing so.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to take no action to opt out of the extension provided by the Legislature.

Commissioner Harrington said he wanted to again raise the issue they had discussed earlier, in that should one or more of the outstanding permits expire then that was sewer that could be allocated to other projects. Mr. Terry said in going through the list he would agree. He said if he had gone through the list and found 60,000 gallons of sewer allocation sitting idly he would have made a different recommendation. Mr. Terry said but when looking at the list, most of the capacity was not available to the Town. Commissioner Harrington agreed. Mr. Terry said when you looked at the capacity that was at stake, it was only about 5,000 to 6,000 gallons, so the Town would not gain much if anything by opting out of the extension.

Commissioner Harrington said his point was they needed to be able to allocate sewer and that all came back to getting out from under the moratorium. He said they needed to identify just how much sewer capacity they had to give out.

Mayor Voller said he would like to get out from under the moratorium and just move on. He called for the vote.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Mr. Terry provided the following update on Capital Projects:

- Wastewater Treatment Plant Wet Weather Flow Improvement Project – Rain delays have moved back the date for paving the road into the Wastewater Treatment Plant. Additionally, work on punch list items have not proceeded as quickly as expected. The final inspection date has been moved to November 24, 2010. Due to the number of unresolved punch list items, completion is not expected until early December.

- 3.22 MGD Wastewater Treatment Plant Construction – The State has received comments from the Haw River Assembly and the Chatham County Environmental Review Board on the Town’s NPDES Permit application; however, they believe the comments were fully addressed during the EIS approval process and not likely to delay the NPDES permit for an extended period. They remain optimistic that final permit approval would take place in a matter of a few weeks.

Commissioner Harrington asked if the Chatham County Environmental Review Board was an official entity of the County. Mr. Terry said it was a County advisory board. Commissioner Harrington asked if the Town knew what the comments had been. Mr. Terry said he had received a copy. Commissioner Harrington asked if the comments were negative. Mr. Terry responded the comments had expressed some doubts about the positioning of the discharge. Commissioner Harrington said it would have been nice to have the County behind them 100 percent, or for their concerns to have been brought to the Town sometime during the process rather than coming up now at the end of the process and dropping negative comments directly to the State. He said to do that now was concerning for him. Mr. Terry agreed.

Commissioner Fiocco asked had they had any indication that comments would be forthcoming from them. Mr. Terry said it was his sense that the Town would not be asked to respond in that the State would provide final approval in a few weeks.

Mr. Culpepper said the Town was susceptible to having to call a public hearing if the Director determined that the comments were of a high enough nature to warrant that. Mr. Terry said that would be called by the State and held at a location selected by the State.

Commissioner Fiocco said he had been curious as to whether the Town had been given any indication that the County would comment in that manner. Mr. Terry replied they had not.

Commissioner Harrington said he had expected comments from the Haw River Assembly in that they were not a government agency, but he had not expected a County board to come in behind them and make such comments without giving any notice. He said the Town had held public hearings and no one from the County had come forward to make any comments, so to him they were delaying the Town’s permit when they knew how important it was to economic development. Commissioner Harrington said it may make no difference in the end, but it was slowing down the process. Mr. Terry said it certainly would have been better to have no comments, and he had had some of the same thoughts Commissioner Harrington had expressed. He said he had refrained from calling the County Manager to ask whether he was even aware that the comments had been submitted or if any of the County Commissioners were aware of it.

Commissioner Fiocco asked was there a 30-day window for submitting comments. Mr. Terry said yes, and they had submitted the comments within that timeframe.

Mr. Terry continued his updates:

- Credle Street Basin Rehabilitation Project – On the agenda tonight was an item reporting on the results of the Requests for Proposals for an installment loan in the amount of \$248,000 to cover the requirement for matching funds.

- Downtown Area Water System Improvement Project – They have completed the five items discussed on November 8, 2010; however, a few other outstanding issues had emerged. They were currently working on those including a statement of the Town’s Minority Business Outreach Plan.
- Pedestrian Conveyance System Project – Work is underway and the project appears to be about 40% complete.
- Haw River Water Intake Desilting Project – John Poteat has identified one vendor to remove the damaged gate valves and a different vendor to dig out the silt from around the raw water intake. The combined cost of this work will be under \$20,000.

Mr. Terry stated that completed his updates.

Mayor Updates

Mayor Voller said that the Fairground Association wanted to bring something to the Board in regards to possibly extending the road that had been previously discussed.

Commissioner Concerns

Commissioner Brooks asked had everyone received his report about the past uses of land near the Wastewater Treatment Plant. Commissioner Fiocco indicated he had not received it. Commissioner Brooks said he had talked with someone who had worked at Piedmont Wood Yards for many years and he did not recall any creosote or anything of that sort being used in that area.

Commissioner Brooks asked if there was any plan or schedule in regards to the use of Powell Bill funds. He said there were many places in Town that needed attention as far as patching and repairs, especially at intersections such as Salisbury and Hillsboro, and Pittsboro Elementary and NC 87. Mr. Terry said that John Poteat had been working directly with the maintenance arm of NCDOT, and they were working on getting crews into the area to make such repairs.

Commissioner Fiocco wished everyone a Happy Thanksgiving holiday.

Commissioner Harrington said that in regards to bus ridership, the numbers submitted by Chapel Hill Transit indicated that on one of the routes they were averaging 7 riders in the mornings and averaging 6 riders in the afternoon. He said he had been told that the route that ran after 5 p.m. rarely had anyone on it, which he believed was the 5:31 p.m. route. Commissioner Harrington said the numbers submitted did not appear to line up from what he was hearing for at least one of the routes.

Commissioner Harrington said they were projected to run out of money, in that they had budgeted a certain amount and it did not appear those funds would carry them through to the end of the fiscal year. He said he believed they should be asking Chapel Hill Transit how they could provide just two routes a day rather than three as well as the cost savings associated with that, since it appeared two routes would be more than sufficient.

Motion made by Commissioner Harrington seconded by Commissioner Brooks to remind Chapel Hill Transit of the Town's ability to opt out of the agreement by providing a 60-day notice; that Chapel Hill Transit be requested to provide a proposal on how to continue the service with only two routes and passing on the corresponding cost savings associated with that; and, to remind Chapel Hill Transit that at the present rate the Town would not have the funds necessary to continue the present service through the term of the contract.

Mayor Voller asked Mr. Terry if the representation he had made at the last meeting was true in that the Town would have spent the budgeted funds prior to the end of the current contract. Mr. Terry said the invoices they were paying were higher than the monthly allocation, so the funds would not last until the end of the contract period.

Commissioner Fiocco asked how that had happened, in that he had thought they had a fixed fee.

Commissioner Bryan agreed, noting he believed they had used the phrase "not to exceed" when the funds had been budgeted.

Commissioner Fiocco said he had thought the only possible increase they might experience was in the price of fuel. Mr. Terry said the contract had a monthly aspect and a guaranteed maximum total. He said he had contacted Chapel Hill Transit to remind them of that fact, and he had a meeting scheduled with Brian Litchfield of Chapel Hill Transit and County Manager Charlie Horne to discuss that issue.

Mayor Voller said there was a discrepancy because they had extended the service into August before the Town had accepted the contract. He said Commissioner Fiocco was correct that the contract carried a cap and there was no way they should find themselves in this position. Mr. Terry said part of the problem was they had wrestled back and forth on renewal of the contract, noting the original contract was a 20/80 split. He said the Board may recall that at end of that wrestling back and forth the Town had ended up with a 30/70 split for this year. Mr. Terry said that had had some impact on the numbers not working out as they had previously planned, noting that when the funds were budgeted he had assumed the 20/80 split would survive which it had not.

Mayor Voller said he believed the budgeted numbers had been revised to reflect the 30/70 split, and there had been a cap placed on the maximum payment.

Commissioner Harrington said they were projected to exceed that cap. He said Chapel Hill Transit used two people to run the three routes, so if they used one person to run both routes and the Town dropped back to those two routes, he believed the cost savings would be sufficient to continue to service.

Commissioner Fiocco said he vaguely recalled that there was a comment about whether they ran two routes or three routes that the driver still had to be paid for his shift whether he was driving or not.

Commissioner Brooks agreed that that was exactly what had been said, as did Commissioner Bryan.

Commissioner Fiocco said his question would be if Commissioner Harrington would be willing to wait until they received a report at the next meeting.

Mayor Voller said they could request Chapel Hill Transit attend the December 13, 2010 meeting so that the Board could get as much information as possible.

Commissioner Fiocco asked if the meeting Mr. Terry had scheduled could take place prior to December 13, 2010 so that a report could be made on December 13, 2010.

Commissioner Harrington said the motion was asking that Mr. Terry raise the issue and to ask for options of how to reduce service to two routes as well as what the cost savings might be.

Commissioner Brooks said what he understood was that Commissioner Harrington had seen a problem, and he wanted the problem solved by looking at how to opt out of that third route and going with two routes a day and identifying associated cost savings. Commissioner Harrington said that was correct.

Commissioner Harrington said he believed the instruction to the Manager would be to attend the meeting and convey the Board's message and welcome them to reply at the December 13, 2010 meeting.

Mayor Voller asked was he requesting that Chapel Hill Transit should offer a counter-proposal.

Commissioner Harrington said he wanted to remind them that the Town could opt out with a 60-day notice, that they were on schedule to run out of money and exceed the current contract, and they were proposing that the routes be reduced to two per day, one in the morning and one in the evening which he believed the numbers suggested. He said if Chapel Hill Transit wanted to make a counter offer that included cost cutting measures then the Board could consider that.

Commissioner Fiocco said he believed they should just say that they had agreed to pay for three routes in the morning and three routes in the afternoon for a certain amount of money, and that was the agreement. He said he believed they were being over billed.

Mr. Terry said what he was hearing was that the Board was not willing to expend any more than the \$15,000 that was budgeted.

Mayor Voller said exactly, in that the Board did not want to exceed that amount and wanted to hear proposals for increasing riders and cutting costs.

Commissioner Harrington withdrew his motion, and Commissioner Brooks withdrew his second.

Commissioner Harrington said they needed desperately to understand what their remaining sewer capacity was, and at the first meeting of next year he wanted a discussion on why they

were under the moratorium and what the pros and cons were. He said he wanted Mr. Terry to come back with information at the first meeting after the New Year so that they could determine whether or not to lift the moratorium. Mr. Terry agreed to do so.

Commissioner Harrington asked what the Town was participating in regarding the Scattered Site Housing Program. Mr. Terry said it was simply a letter of support for the County to attempt to obtain a grant. Mr. Bass explained it was a program to rehab housing throughout the County.

Commissioner Brooks asked should they add to the next agenda whether they wanted to put out for bid the waste pickup contract. Mr. Terry said it was his intent to include it on the December 13, 2010 agenda.

ADJOURN

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to adjourn the meeting at 9:40 p.m.

Vote Aye-5 Nay-0

FYI:

1. Pittsboro Express Bus Ridership Data for October 2010
2. Hobbs Upchurch letter of September 23, 2010; RE: Chatham County CDBG Scattered Site Housing Program

Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk