

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, NOVEMBER 10, 2008  
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 Gene T. Brooks, Clinton E. Bryan, III, Pamela Baldwin, Hugh Harrington and Chris Walker.

Staff present: Manager Bill Terry, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe and Assistant Planner Paul Horne.

**APPROVAL OF AGENDA**

Motion made by Commissioner Harrington seconded by Commissioner Bryan to approve the agenda, amended to move Item #1 under New Business to the first item after Citizens Matters.

Vote   Aye-5   Nay-0

**CONSENT AGENDA**

The Consent Agenda contains the following items:

1. Approve minutes of the October 17, 2008 regular meeting.

**Action recommended: Approve minutes.**

2. Renewal of the Contract for Fire Protection Services.

**Action recommended: Authorize the Mayor to sign the proposed Fire Protection Services Contract.**

3. Lawrence Green requests a rezoning of his property (Heartwood Pine) from R-A2CU to M-2.

**Action required: Set a public hearing for November 24, 2008.**

4. Petition of Annexation by Mr. Corey and Ms. Justice for property at 412 NC Hwy 87N.

**Action required: Set a public hearing for November 24, 2008.**

5. Corey/Justice rezoning request R-15 to R-12 with a Special Use Permit to allow a non-profit counseling office.

**Action required: set a public hearing for November 24, 2008.**

6. Resolution of Intent to Close Womack Street.

**Action required: Set a public hearing for November 24, 2008.**

7. Resolution Authorizing the Disposition of Surplus Property.

**Action recommended: Adopt the Resolution Authorizing the Disposal of Surplus Property.**

Commissioner Walker stated that regarding the Minutes for October 27, page one, the motion to approve the Agenda, he was not present at the October 27 meeting, so Commissioner Harrington should be noted as seconding that motion. Commissioner Walker stated that on page 11, there was a comment that "Commissioner Harrington stated he had spoken to Commissioner Harrington..." and it should read "Commissioner Harrington stated he had spoken to Commissioner Walker..."

Regarding Item #2, Renewal of the Contract for Fire Protection Services, Commissioner Harrington added a requirement to the contract for an audited report with expenditures to be provided to the Town Manager and made available to the Town Board.

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the Consent Agenda as amended.

Vote Aye-5 Nay-0

## **REGULAR MEETING AGENDA**

### **Citizens Matters**

There were no citizens who expressed a desire to speak at this time.

### **Moved Item – Joint Elected Boards Meeting of November 18, 2008 (Diane Reid, Chatham County Economic Development Director)**

Diane Reid, EDC Director, extended an invitation to the Town Board to attend the Joint Elected Boards meeting which had been rescheduled to Tuesday, November 18, in the Multipurpose Room at CCC in Pittsboro. She stated the participants included the County Board of Commissioners, the Town Boards of Goldston, Pittsboro and Siler City, the Chatham County Board of Education, and the EDC Board. Ms. Reid said when they had received the Strategic Plan recommendations in June, they understood it was important to get moving on them, and this joint meeting was critical. She said it would be a working meeting and the elected officials

would be asked to provide their input and ideas as to the next steps, as well as who needed to be involved.

Ms. Reid stated she had also brought with her tonight a draft resolution for future consideration in support of the Strategic Plan. She said it was clear that the EDC could not do it alone, that it would take a lot of partners working together to have an impact on economic development. Ms. Reid said for that reason they would be asking the Chamber of Commerce and other civic organizations, as well as the elected boards, to sign on as partners in the implementation of the Strategic Plan. She said the EDC was requesting that the Board consider adoption of the draft resolution.

Mayor Voller said there would be a grand opening of Uniboard USA in Moncure on November 14 that the Town Board had been invited to. Ms. Reid said that Uniboard USA was a subsidiary of a German company that had purchased ATC Panels in Moncure, and on Friday, November 14, at 10 a.m. they would be breaking ground for a state-of-the-art medium density fiberboard facility on that site. She said it would represent a \$142 million investment and about 100 new jobs for the County, which was significant for the County. Ms. Reid stated that the Governor was expected to attend the groundbreaking.

Commissioner Walker stated he had heard several times over the past week that with Pilgrims Pride's buyout of Goldkist that there may be up to as many as 40 poultry farmers that may be cut in the County, and asked if Ms. Reid had any information regarding that rumor. Ms. Reid said it had been announced to those poultry farmers that Goldkist would no longer be using their product. She said the Cooperative Extension Division was working with those farmers to try to identify alternative sources.

Mayor Voller asked if Ms. Reid knew the rationale for that decision. Ms. Reid stated that Pilgrim's Pride was in very serious financial straights and looked to be on the verge of bankruptcy and/or were looking for someone to buy them out.

Commissioner Walker asked had they made any comments in regards to the hatchery in Siler City. Ms. Reid stated it was still functioning and nothing had been announced regarding that facility.

Commissioner Walker asked had she heard anything on Performance Fibers in Moncure. Ms. Reid stated that Performance Fibers had experienced some layoffs, but they were still functioning and had not announced any plans beyond the cutbacks already made. She said there were still projects ongoing around the State and still companies in the County that were planning to expand.

Commissioner Walker said there was good news on Biolex. Ms. Reid stated they had received additional funding.

Mayor Voller stated tomorrow morning they would be holding their monthly meeting at 7:45 a.m. at the Ag Auditorium, and encouraged the Town Board members to attend. Ms. Reid said

one of the things they wanted to address at the November 18<sup>th</sup> meeting was ways to promote better communication, perhaps through quarterly meetings or other methods.

Mayor Voller stated that one suggestion made by the EDC was that Ms. Reid or another representative come before the various boards quarterly to provide updates, noting it was helpful to get regular information and to have the opportunity for questions and answers.

Commissioner Brooks suggested that the EDC consider inviting either the Board or whoever was appropriate from the Community College to attend the meeting on the 18<sup>th</sup>. Ms. Reid stated the President of the Community College would be attending that meeting.

## **1. Manager's Update on Capital Projects**

Manager Terry provided an update on the following Capital Projects:

- The 4 million gallon per day wastewater treatment project – as reported at the last meeting, Hobbs and Upchurch had completed their revision to the EIS and delivered that to him. He said they were conducting a staff review of that document and had identified some minor corrections, and expected that it would be ready by the middle of next week.
- Short-term wastewater treatment project – Sterns and Wheler had done the analysis, and they were looking at actions regarding financing and deciding how to pay for that project. He stated that Attorney Patrick Bradshaw was working on an agreement in cooperation with Town Attorney Messick to lay out how developers Mr. Spoon and Mr. Steele might participate in the project by paying access fees and capital recovery fees in advance. Also, later in tonight's meeting the Board would receive from him a request for approval of a reimbursement resolution regarding the proposed financing for the wastewater treatment plant capital.
- Disinfection Byproducts Reduction Project – they were holding a preconstruction conference with contractors on Wednesday and hoped to execute completion of the contracts at that meeting. He stated he remained cautiously optimistic that the project would be completed by the end of January or the first of February, adding the project would likely take about 90 days, 120 at the most.

Commissioner Harrington stated that the Manager had talked previously about doing mailings and other things so the community was aware of the project. Manager Terry stated they were working with the same company that printed their annual water report to prepare a brochure that would be widely distributed sometime before the project began. He added that when the project was done, the Town would be in control of when they actually switched over to the new system.

Commissioner Brooks suggested that any business or institution that might be drastically affected by the changeover should receive a personal visit from someone with the Town, such as the Dialysis Clinic. Manager Terry stated he did not believe that was unreasonable, and they would work on identifying those businesses or institutions that might be affected. Commissioner Brooks stated he believed that the number would be less than ten.

Mayor Voller said that he believed Commissioner Brooks had brought up previously that the schools should be notified. Commissioner Brooks stated he had already done that but had not heard anything back from them.

Mayor Voller stated he agreed they should receive notification. He suggested adding a tab on the Town's Web site to notify the public of when the changeover was expected. Manager Terry stated that could easily be done.

Commissioner Brooks suggested contacting Durham or other jurisdictions that had done similar projects to see what they had done to facilitate the schools' use of the new water.

Kathie Russell asked who Commissioner Brooks had provided information to. Commissioner Brooks responded to Mr. Moody. Ms. Russell said she would talk with him tomorrow.

Commissioner Walker stated he was somewhat worried about a brochure making this announcement, because sometimes when he received brochures they caught his eye quickly, but sometimes not. He said it may be more appropriate to use a letter form rather than a brochure.

Commissioner Brooks asked if the Board had any objections to having Mr. Eford or Jay Johnston attend a School Board meeting to provide information regarding the changeover and any pros and cons to be considered.

Mayor Voller agreed that a staff member should attend a School Board meeting so that they would be aware of what would happen when the time for the changeover was reached.

Commissioner Baldwin said in terms of notification, an announcement should be placed in The Chatham Record along with some updates on the project.

Commissioner Walker stated he believed Commissioner Brooks had mentioned previously, and he had read, that some schools in other areas when similar switches were made literally had to change out the water fountains in the schools.

Commissioner Brooks stated that had happened with some of the schools in the Durham system.

Mayor Voller asked that the Board consider more than one form of media outreach, to include a letter as suggested by Commissioner Walker, that it be put on the Town's Web site, that they contact a number of local radio stations in Chatham and Sanford to do public service announcements, and that articles be placed in The Chatham Record.

Commissioner Brooks stated he believed a woman from Duke University who had coordinated the study in Wilson had said that they already had a computerized list of people who had medical problems related to leaching. Manager Terry said he believed that list referenced persons who had medical problems related to lead.

Mayor Voller stated they needed to be on top of this now before they got to the end of the project.

Commissioner Brooks stated that many of the schools had been built years ago, and they may very well have some lead pipes.

Commissioner Harrington said that there was so much that came through the mail that was lost or discarded, and suggested that perhaps Boy Scouts who needed community service hours would be willing to deliver notices door to door.

Commissioner Walker stated there would likely be legal concerns with that.

Mayor Voller said he was advocating as much notification as possible, including possibly having it announced during church services.

Commissioner Harrington commented that right now they had literature being developed, so how to distribute the information did not have to be decided now.

Mayor Voller asked Manager Terry what he needed from the Board. Manager Terry stated he believed he understood the direction in which the Board wanted to move.

Commissioner Brooks said they needed to have someone who really understood the issue, such as someone from Hobbs and Upchurch, to attend a School Board meeting and answer questions. Manager Terry agreed. He added it was their intention to get the water chemistry exactly right so that lead leaching would not be a problem.

Commissioner Harrington asked if the water plant ever had the money appropriated to obtain the meter for measuring the THMs and other chemical analyses. Manager Terry responded the funds had been budgeted but he did not know if the meter had been purchased.

- 3M Park – there was no change from the report made on October 27, although there was one permit that had proven to be problematic, which was the Sedimentation and Erosion Control Permit. The problems related to some regulations which had changed and some major revisions had to be done, and that was now being worked on.
- The update on Powell Place Park includes a project schedule showing conceptual design taking place in November and December. We hope that the architect will be ready to show his concept plans to the Board some time after the holidays, probably in January.

## **2. Connectivity between Springdale Drive and Fox Chapel Lane.**

Town Attorney Paul Messick asked that Mayor Voller be recused from the discussion of this item and that Mayor pro tem Brooks preside over the discussion.

Motion made by Commissioner Walker seconded by Commissioner Harrington to recuse Mayor Voller from discussion and any action on this item, and that Mayor pro tem Brooks preside in Mayor Voller's stead.

Vote    Aye-5    Nay-0

Manager Terry provided a brief history of the issue to date, beginning when the Board asked the developer to suggest how they could accomplish connectivity between Springdale Drive and Fox Chapel Lane. He said after much discussion and meetings, he was not sure they were where they needed to be as yet, noting the proposal provided to the Board in the agenda packet was not the same as what had been delivered to him this afternoon. Manager Terry stated he was not ready to make a recommendation either for or against.

Manager Terry stated he had contacted Reuben Blakely a representative of NCDOT to ask about one feature in the contract, noting the developer and his attorney had asked that the Town consider asking NCDOT to open the road before the improvements were done if the contract contained a bond or a Letter of Credit on the part of the developer to guarantee the work. He stated he had posed that question to NCDOT, but had not yet gotten a response.

Commissioner Harrington stated he believed that the contract had been agreed to on June 11, 2007, and asked had it ever been signed and returned. He stated the same was requested in a letter on September 16, 2008. Manager Terry stated rather than getting a signed contract returned, they had agreed to have a meeting where they would discuss specific details. He stated they had never reached a point of full agreement on the contract.

Kathie Russell stated they had struck through language on the contract but had never met about it.

Commissioner Harrington stated he would take issue with some of the language where the word “compromise” was used, noting that he would call last June 11 a compromise. He stated that representatives of Voller Realty and engineers had met with Chris Walker, and they had compromised and agreed on what should be done on Springdale, which was a reduction in the requirement as well as a confirmation and a public commitment as to at least part of what NCDOT understood would be done. He stated they were told that day that it was reasonable, that the contract would be signed, and that a schedule would be provided, which had not been done. Commissioner Harrington stated this was a request to again reduce the requirements that had already been negotiated in good faith and agreed upon last June.

Commissioner Harrington encouraged the Board to request that whenever they had a contract to be put in place that it be signed and offered as a proposal to the Town Board, and if the Town Board accepted it then it would be locked in. He stated in this case, the contract never got signed. Commissioner Harrington stated in the document included in the agenda packet it stated that the cost of one improvement was estimated to be \$60,000. He said it also included language that said in Section II.C that the Town would reimburse Voller Realty \$30,000, one-half of the NCDOT improvements. Attorney Messick said that referred to a payment that was one-half of the improvements. Attorney Messick stated his version of it would say a flat amount of \$30,000, adding that would tie into what Voller agreed to in Section I.A, which was either \$60,000 or whatever the cost of the improvements were. Attorney Messick said one or the other of those options was preferred.

Commissioner Harrington stated in either case the cost was not to exceed \$60,000. Attorney Messick said that was what Voller would like it to say, which the estimate of the NCDOT

improvements was. He stated there were other improvements in B, C, D, E, and F to be done by Voller that were in addition to that \$60,000.

Ms. Russell remarked that Voller Realty was absorbing all the costs on Springdale.

Commissioner Harrington stated then the agreement was \$60,000 for the improvements on 15-501 and all of the improvements on Springdale. Ms. Russell stated that was correct.

Attorney Messick said that the Springdale improvements were in Exhibits I and II, and the traffic calming device had now changed.

Commissioner Harrington asked was it gone or modified. Ms. Russell replied that instead of a roundabout, which many people did not like, they were included a second narrowing of the road. Commissioner Harrington stated that Voller Realty had proposed the roundabout. Ms. Russell said it was their idea, but they had decided against it.

Commissioner Harrington stated the main issue was that traffic needed to be slowed down, and he did not care how it was done as long as it was accomplished. Ms. Russell stated that roundabouts could be driven through, so they had discarded the idea.

Commissioner Harrington said he noticed in the correspondence provided with the packet that it stated that the work would be bound by a Letter of Credit. Attorney Messick said the Letter of Credit was offered in order to get an early opening of Springdale; otherwise, the previous iteration of the contract said once the work was completed then Springdale would be opened. Commissioner Harrington said then without the Letter of Credit, Springdale would not be opened until the work was done. Attorney Messick said he would contemplate that the Town would indicate a deadline to have the work completed, and if the work was not completed then the road would not be opened. Commissioner Harrington said then the Letter of Credit would not guarantee that the work would get done by either Voller Realty or the Town. Attorney Messick said the Town was not going to do the work under any of the iterations.

Commissioner Harrington said with a Letter of Credit, it would allow the barricade on Springdale to be removed prior to the improvements being completed, and that was the only consideration for using the Letter of Credit. Ms. Russell said once the traffic calming on Springdale was completed, the Letter of Credit would be transferred over to secure the improvements on 15-501.

Commissioner Baldwin asked what seemed to be the objections to a roundabout. Ms. Russell said there had been comments that roundabouts had not worked well in some places and in Chapel Hill some had been driven through.

Manager Terry stated that some of those comments were his, noting he had seen roundabouts in other places that had been driven through. He stated in his experience when you placed islands in the middle of lanes in unexpected places, it caused a maintenance issue because people ran over them. Manager Terry said for that and other reasons he was not fond of them.

Commissioner Baldwin said she was still fond of them, and the one proposed would be landscaped with a concrete median. She said her primary concern remained decreasing the speed in a residential area and the safety of the children playing there. Ms. Russell said in all the discussions they had had with Manager Terry, Attorney Messick, the surveyor and the engineer it appeared that narrowing of the lane was the preferred method of slowing the traffic, because it would create a road visual for drivers.

Commissioner Harrington commented that he had talked with Bill Clancy, and the concern was when you were heading down a hill and there was narrowing of the lane, the inclination was to drive in the middle. He asked had any thought been given to offsetting narrowing to force drivers to slow. Ms. Russell replied they had talked about that and there was an area of offsetting narrowing being included. Commissioner Harrington stated he would like to see an even larger area of narrowing.

Commissioner Harrington stated he also wanted to see some real completion dates included so that the Town and residents would know exactly what to expect. Ms. Russell said that was one of the points still being discussed, and they had committed to submitting plans by March 31, 2009, and they would then have a year from that date to complete the work. She remarked that it would take some time to gain NCDOT approval.

Manager Terry added that the work in front of Chatham Mills was a similar project, and the time it had taken for that project was similar to what was being discussed now.

Commissioner Walker and Commissioner Bryan both indicated they had no questions at this time, although Commissioner Walker indicated he still had concerns.

Mayor pro tem Brooks said that this was the first time the Board had seen the proposal provided tonight, and Attorney Messick had suggested that they might delay until they had at least had an opportunity to go through the documents and compare them to earlier documents, discuss them, perhaps through a small committee.

Commissioner Walker said he thought that was a fair assessment.

Commissioner Harrington stated they needed to work toward locking into a contract, getting it signed, and bringing it back to the Board so that it could be bonded.

Commissioner Walker said he would like to hear some comments from Planner Monroe, noting he had been at the meeting a year and a half ago. He stated in fairness to Mayor Voller, the comments he had heard were not so much in favor of a roundabout, but for speed calming in general. Commissioner Walker asked how Planner Monroe felt about the current proposal. Planner Monroe responded that he had not seen that document. Commissioner Walker said that was exactly his concern. He stated he had heard from a neighbor that if speed calming devices were not placed and were not deemed to be appropriate, then they could anticipate the people who lived there would park their cars along the road to narrow the road themselves. He said that would be dangerous, because children tended to run out between parked cars. Commissioner

Walker stated he did not want to make a decision on the changes tonight, and even though what was proposed might work he wanted time to look into what was the best alternative.

Commissioner Walker said there was one other issue that he, Commissioner Harrington, and Planner Monroe had talked about regarding curbs that jutted out. Planner Monroe said that device was called a Chicane and it was offsetting curbing that forced a driver to perform an “S” movement to get through it and would not allow two cars to pass each other. He stated one vehicle would have to come to a stop if there were two cars traveling in opposite directions, adding it was a very effective device.

Commissioner Walker said it would be impossible to speed through it. Planner Monroe agreed. Commissioner Walker stated that device could be used down Springdale. Planner Monroe said if the proposal was to put one at the top of the hill where the two roads connected as well as midway down the hill it would be very effective.

Commissioner Harrington stated he believed that was what they should aim for, noting it would be less expensive and more effective. Planner Monroe stated it would likely be less expensive to install two Chicanes rather than a roundabout.

Ms. Russell stated they could certainly have their engineer look at that, but stated that part of their strategy was to take the funds previously dedicated to a roundabout and put it towards improvements on 15-501.

Commissioner Walker stated he did not know if Chicanes were the right answer, but he would like to find out.

Mayor pro tem Brooks stated it was important that when talking about traffic calming devices that they keep the safety of all citizens in mind, noting that long stretches of pavement such as that on Springdale needed traffic calming. Ms. Russell stated there were other devices discussed as well, one of which was two stop signs and a crosswalk. She said it seemed there were issues with each device discussed, so it was a matter of finding something that everyone could agree to. Ms. Russell said actually installing traffic calming was not the issue; it was finding the right one.

Commissioner Walker shared a copy of the proposal with Planner Monroe and pointed out several sections. There was then a general discussion among the Board members while Planner Monroe looked through the documents.

Commissioner Bryan said there had been one comment about the work being done at Chatham Mills, and asked who was paying for that. Manager Terry replied the developer was paying the costs.

Mayor pro tem Brooks stated that a number of people had indicated a desire to speak, and he believed now was the time to allow that participation by citizens.

Bill Clancy, a resident of Springdale Drive, said that these were emotional issues with a lot of promises having been made, but safety was the bottom line and he did not care what it cost to

achieve that. He said he did not care how long it took, but the road should not be opened until all the work was completed. Mr. Clancy remarked you would not move into a house until it was completed, and this should be treated the same way.

Bonnie Iverson, 241 Bellemont Road and President of the Chatham Forest Homeowners Association, said they have not seen the most current proposal but had attended many meetings and voiced over and over their wish to have the road opened. But, she said, she did not know how the homeowners in that area would feel about the proposal to push the traffic into a single lane, and asked how it would be determined who had the right-of-way and would go through first. Ms. Iverson said she believed that would be a big problem and would instigate a traffic jam, particularly in the mornings and evenings when people were traveling to and from work. She said stop signs might work, but if a portion of the road was reduced to only one lane she believed there would be many unhappy residents.

John Blair stated his concern was the cost, and wondered why the Town was bearing any costs at all. He said according to the Town's ordinance, the developer should bear all costs of the extension or improvements to utilities. Mr. Blair stated that to do what was being proposed the ordinance would likely have to be changed and that should be looked into and taken very seriously. He said the next time this happened it might cost much more than \$30,000, so the Town should not set a precedent.

Mike Timmons, 145 Fox Chapel, stated it would be his preference not to open that road until all the improvements were completed. He said many children played in that neighborhood, and the road would not be safe for children and pedestrians unless it the work was completed prior to opening.

Ms. Russell remarked that if the Board would like, she would be happy to address the history of this issue at the next Town Board meeting. She said she understood the concerns expressed tonight, but it was important that they keep in mind that this was a completed subdivision and they were talking about opening a public Town road. Ms. Russell reiterated that the opening of Springdale would not be achieved until work was completed, and the bond pertained only to 15-501 improvements.

Motion made by Commissioner Walker seconded by Commissioner Harrington to table this issue until details could be worked out and a contract finalized.

Vote Aye-5 Nay-0

Manager Terry said there was a suggestion by Attorney Messick that a small group of Board members work to hammer out an agreement, and asked if that was acceptable or something the Board preferred not to do. Manager Terry said there was language in the current document that suggested that one of the compromises was that the Town would agree to provide a portion of the funding, and there was information that suggested that was inappropriate. He stated he would like to hear from the Board as negotiations went on as to what they were or were not willing to do, particularly in regards to what the Town would be willing to pay.

Commissioner Harrington stated he believed they should leave on the table that the Town may contribute in that regard, because they knew there was an old asbestos line underneath the northbound lane which would have to be replaced. He stated the Town needed to replace that, and it made sense to help in some regard with the preparation of that northbound turning lane at that time. Commissioner Harrington stated for that reason, he believed the Town should make a contribution in regard to 15-501, although he was not willing to commit to a dollar amount at this time.

Mayor pro tem Brooks said he did not believe they should make a decision tonight on what they would or would not do.

Commissioner Harrington stated he was only expressing his opinion and not the opinion of the Board.

Mayor pro tem Brooks stated to Manager Terry that he believed the Board would be open to whatever it was necessary to discuss. He asked if any Board members had an interest in participating with Manager Terry in the negotiations. Commissioner Harrington stated he would be interested in doing so.

Mayor pro tem Brooks stated any Board member who wanted to attend the discussions should do so, but he did not believe they should participate in the actual negotiations because it would become too cumbersome. Manager Terry said he believed a subcommittee of two would not be cumbersome nor would it trigger the requirements under the Open Meetings law.

Manager Terry said if he understood his direction correctly Commissioner Harrington would be attending the meetings, and there was the possibility of an additional Board member attending. It was the consensus of the Board that it was appropriate for any member of the Board to attend the meetings, but there was one opening for an official Board member to participate.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to reinstate Mayor Voller into the meeting.

Vote Aye-5 Nay-0

### **3. Manager's Report on Enterprise Fund Revenues.**

Manager Terry stated that at the last meeting he had brought the Board a report, and he had recommended at that time that the Board adjust the water rates in order to collect the revenue that had been authorized. He stated they had a much better understanding now of what the rate structure would look like and were in a better position to make a recommendation. Manager Terry indicated he had made an error in the profit and loss statement provided at the last meeting, noting that the third billing period postings had been included in the fourth billing period, and that had now been corrected.

Manager Terry stated they had created a computer model spread sheet to help them track revenues, and called attention to the agenda materials and the sheet with the heading "Current

Rates.” He stated they had included the number of customers served in each band and what the average consumption was in that band to show a more accurate prediction of revenues. Manager Terry stated with the current rate structure they were in the negative by about \$20,000 for each billing period, and with the four billing periods that amounted to about \$80,000. He stated that Option A, his previous recommendation, would allow them to increase their revenues to the point that a small surplus of about \$14,000 would be created for each billing period. Manager Terry stated by doing that, over the last eight billing periods they would recapture what had been lost during the first four periods and have a small surplus of \$34,000, which would go towards covering the \$129,000 loss they had unexpectedly experienced. He stated that even with the higher revenue rates in Option A, they would still expect the Fund Balance to be in arrears by about \$90,000.

Manager Terry stated the last column of the spread sheet indicated what the individual monthly impact would be on customers in the various bands. He stated the in-Town users of the smallest amounts of water would have an impact of about \$10 a month, in-Town users in the middle band would have about a \$12.00 a month impact, and those in the highest usage band would have an impact of about \$35.00 a month. Manager Terry said the biggest impacts would be on large commercial customers, with Townsend experiencing an impact of about \$2,600 a month and Chapel Ridge an impact of about \$2,400 a month.

Mayor Voller said when somebody had a parcel with a meter, or someone had divided a lot, and were not putting sewer into the system, they would be paying for both because of the meter. Manager Terry stated they had customers who paid only for water. Mayor Voller stated they bought only water, but when a meter was installed on a lot the owner would be paying for both water and sewer even though they were not contributing to the sewer. He said they would be double paying until they actually contributed sewer. Mayor Voller said if a builder was constructing houses and put in the meters but was using Port-a-Johns, they would still be paying fees for both sides of the meter during the entire building process. He said one of the problems with the new model was that they no longer had a lot of building taking place because the market had changed, so they no longer had that “free ride” of revenue, and they would not get that extra revenue until the market changed.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the new water rates and that the new rates be retroactive to November 1, 2008.

Commissioner Brooks said he understood that they had a shortfall, but this was a very bad time to place any more of a financial burden on citizens. He stated that since June natural gas rates had gone up 31%, that Progress Energy had requested a rate increase, and people were having to pay more for medical and insurance. Commissioner Brooks stated there were many people who would be affected by even a small increase in the water rates.

Mayor Voller agreed it was a bad time. He said their licensing agreement was only with Time Warner and perhaps Sprint, noting they did not have any impact on PSNC or Progress Energy as far as rates. Mayor Voller asked Commissioner Brooks if he wanted the Board to send a letter to the Utilities Commission and copy their elected State officials about this issue.

Commissioner Brooks noted that Embarq rates had been increased last month as well.

Mayor Voller said that Commissioner Brooks was right that many residents were experiencing reduced incomes and other issues.

Commissioner Brooks said that would not address the issue of the increased water rates. Mayor Voller said that was true, but believed they should send the letter so that people would understand that the Board did not think it was fine to increase all rates. Commissioner Brooks agreed that the Board should send such a letter.

Vote Aye-4 Nay-1 (Commissioner Brooks)

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR FY 2008-2009 IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE**

Motion made by Commissioner Brooks seconded by Commissioner Baldwin that the Board send a letter to the Utilities Commission and elected State officials regarding the impact of public utilities increases on citizens.

Commissioner Walker stated that PSNC had asked for a rate decrease within the last week, and it had been granted by the State Utilities Commission.

The motion was modified to include that Mayor Voller would draft the letter for the Board's review.

Vote Aye-5 Nay-0

**4. Pittsboro Urban Deer Hunting Program.**

Manager Terry said what the Board had been given in the agenda packet was a collection of different materials as well as a sample ordinance for the Board's consideration regarding a deer hunting program in Town. He stated the draft ordinance would create a new Section 4 on the first page of Chapter 6 of the Town Ordinance.

Manager Terry said also provided was a draft of what the hunting regulations might look like. He said he was not making any specific recommendation tonight but was offering the information for further discussion.

Commissioner Walker said under #3, it said "A person or persons owning a tract...." He asked if the owner of the tract was a legal entity, such as Voller Realty, would they be prohibited from joining in on that, or did "person or persons" cover legal entities. Attorney Messick stated the "person" would be the person authorized by an entity.

Commissioner Brooks asked if that would include the municipality itself, so that hunters would be allowed on sewer easements. Attorney Messick responded that he did not think that sewer

easements would be appropriate or permissible for hunting, because it was a sewer easement and not a deer hunting easement.

Commissioner Harrington asked why that was not appropriate if the easement was on a large tract of land away from Town or other property. Attorney Messick stated it would require the Town to allow someone to hunt on its property.

Commissioner Brooks stated he understood that, but if the Town gave written permission as required by State law why could it not be allowed on easements that were major deer thoroughfares. Attorney Messick said as far as a site for hunting that may be appropriate. He said the draft ordinance contemplated that people who wanted to have deer hunting on their property would make application to the Town to determine whether or not that particular parcel of land was appropriate for that purpose. Attorney Messick said the five-acre minimum size had been his suggestion, because small tracks would not be appropriate for bow hunting. He said presumably there were some standards and objective standards that the Board could evaluate a tract of land that would be appropriate for hunting. Attorney Messick said once a parcel was qualified as appropriate with a willing landowner, then the hunters who might be interested could be connected with the landowner in order to gain written permission to hunt on that parcel.

Commissioner Harrington asked why this draft ordinance appeared to be so much more complicated than the examples from Virginia. Attorney Messick replied he did not believe it was, noting he believed the draft was taken from one from Virginia.

Attorney Messick reminded the Board that there was a specific urban hunting season for municipalities allowed by the State in January and February after the close of the regular hunting season. He said he understood you had to notify the NC Wildlife Commission by April 1 the year before if you were interested in doing that. So, he said, that was an option for 2010 but it was too late to consider that for 2009. Attorney Messick said the regulations would apply in the corporate limits of Pittsboro, but he did not think they wanted to have deer hunting any place where there was a willing landowner within the Town. So, he said, the question was how you made sure that where hunting was allowed that it was both permissive and safe, and that was the important criteria to be concerned about.

Commissioner Harrington said the criteria they put forth was that there had to be a distance of 100 yards from an occupied building. But, he said, there was no mention in the draft about having arrows coded to identify hunters, or that deer stands had to be of a certain height. Attorney Messick responded that he did not believe the Town of Pittsboro was capable of administering that kind of program. Commissioner Harrington stated he did not agree, noting the height of a deer stand could be regulated. Attorney Messick replied if that was what the Board wanted, that requirement could be included in the ordinance, as well as coded arrows.

Commissioner Harrington said the Board had said that and had asked that an ordinance be drafted around those criteria, but he was looking at the draft and those things were not included. He said the five-acre minimum size eliminated any deer hunting in Town, and wondered if any other jurisdictions were requiring what had been included in the draft ordinance. Commissioner Harrington said what the Board had asked to be drafted was an ordinance that specified that

experienced hunters would be selected, that they would have to hunt no closer than 100 yards from an occupied building, and that an exception to that would be if the landowner granted permission to hunt closer. Attorney Messick stated he believed the problem with that was that the Town could not select qualified hunters, because they could be discriminating against another hunter that may have a perfectly valid license.

Commissioner Harrington stated that this was not a recreational opportunity. He said the Town was making a choice that it would go out and effectively permit some people to remove deer because they had too many. Attorney Messick stated the second issue was the property to be hunted on, rather than the people who hunted. He stated if the Town wanted to hire hunters, that was a completely different scenario. Attorney Messick said if the Town was going to allow otherwise qualified hunters you had to have objective criteria other than the possession of a valid hunting license, and he did not know what those criteria would be.

Commissioner Harrington said some of the criteria would be that you had to have permission from the property owner and that you were at least 100 yards from an occupied building. Attorney Messick said the more criteria added to the ordinance the more complicated it became. Commissioner Harrington said the Board had made a motion to write a draft ordinance around the document provided.

Mayor Voller asked what the objective was Commissioner Harrington was trying to achieve. Commissioner Harrington responded safe deer removal via bow hunting.

Mike Timmons, 145 Fox Chapel Lane, said that he had been hunting all over the United States, and many places required shooting tests. He said you were placed on a platform and you were allowed to shoot five arrows a distance of thirty yards, and if you could consistently do that then you were given a permit to hunt. He said that was criteria that could be used in Pittsboro to make sure you had safe hunters. Attorney Messick stated they could do that, but was not sure who would do the testing.

Mayor Voller asked if it was Mr. Timmons representation that there were criteria used in the United States that would certify that hunters were experienced. Mr. Timmons responded that was correct. Mayor Voller asked if he could provide that criteria and where it was used to the Board. Mr. Timmons responded he would be glad to do so.

Bill Clancy stated that many big cities are doing it, including Atlanta. So, he said, the criteria were out there; it just needed to be obtained and provided to the Board.

Commissioner Harrington said in realizing that they would not have a permanent ordinance that would be in place many years, the idea was to get something going this year on a very limited and controlled basis to allow hunting of only deer and only by a few select hunters. He said the Board knew of several very experienced hunters who were committed to safety and had been hunting for many years, and only a few such hunters would be selected. Commissioner Harrington said that was what they had wanted laid out in an ordinance, agreeing that only a very few places in Town would be appropriate for hunting and only the few selected hunters would be permitted to harvest the deer. He reiterated that this was not a recreational program.

Mayor Voller said what Commissioner Harrington wanted was to get going with some objective criteria for this season with the idea that next year they may have something more rigorous in place. Commissioner Harrington said by then they could likely conduct the program during normal archery season.

Former Mayor Charles Devinney asked what the liability issue was for the Town; that is, what it would cost the Town if someone had an accident and how you would control the program.

Commissioner Harrington said people broke the law now and hunted without a license or hunted out of season, and that would likely not change. Mr. Devinney agreed, but said that could not be controlled so how could you control a new program. Commissioner Harrington said the control was that only select hunters would be permitted by the Town and they would be limited to the places they could hunt. Each time that hunter went out to hunt, he said, he would be required to notify the Town as to when and where he would be hunting, and would have to notify the Town once he discontinued hunting. Commissioner Harrington said every Police Officer would have a list of those select hunters.

Mayor Voller asked if you would still have Wildlife Commission officers who already patrolled properties for illegal poaching involved in this program. Attorney Messick said he had tried to contact Reggie Barker who was the person who dealt with that in the County, but had not yet been successful. He said that these hunters selected by the Town would become agents of the Town, and that did incur liability issues.

Commissioner Harrington stated that was certainly a legitimate concern. He said the Town would in effect be picking volunteers, and he understood that, and if Attorney Messick was saying they could not do that then they were done. Attorney Messick stated he had significant reservations about that.

Commissioner Walker stated he was not willing to make a decision on the draft ordinance, particularly when considering the potential liability issues to the Town. He said he believed they should continue their consideration.

Commissioner Baldwin said this was just a discussion item at this time, and agreed they should continue that discussion.

Commissioner Harrington stated he would like them to do the pilot program he had laid out in his proposal, which would include that the selected hunters would have arrows with a confidential code on each. So, he said, if someone was hurt by an arrow and it did not contain the confidential code, then they could be assured that it had not been shot by one of the Town's hunters. Commissioner Harrington stated that was the idea of the pilot program, but there was no rush to do that this year.

Mayor Voller said everything was fraught with risk, including coming to this meeting. He said he was not really afraid of liability issues, but it needed to be a well-run program. Mayor Voller said they knew they had a problem with deer in the County, and the likely tick-borne diseases

that accompanied that problem. He said they had too many deer and it caused a significant safety issue for people who hit them, and if you looked at the number of people injured by collisions with deer it far outweighed the likelihood of getting shot with an arrow. Mayor Voller said they had gotten input from a citizen about things that could be done to prevent deer from crossing roads and getting hit, and they knew that regardless of the program put forth there would be some who would not want to see the deer injured or killed. He said deer were wild animals and at some point became pests if they were not culled. Mayor Voller encouraged Commissioner Harrington to continue to work on the issue and find other ways that satisfied the public good that the Board could support as a policy, but did not believe that would be done tonight.

Commissioner Harrington stated he understood Attorney Messick's concerns for the long term, but if something could be put together to be used in the short term that was easier then that would be preferable. But, he said, if the concerns could not be addressed then they were likely finished with this issue, and there was no use in pursuing this from now until the end of the year unless there was some easier limited pilot program that could be put in place without so many restrictions.

Mayor Voller said if that was the case, then he would encourage Commissioner Harrington to continue to work on the issue so that next year the Town could put a program in place by the April deadline to solve this problem, which would continue to grow. Commissioner Harrington agreed.

##### **5. Report on the History of Recreation Land Dedications or Fees in Lieu of Land Dedication for Pittsboro Subdivisions.**

Planner Monroe stated that subsequent to the agenda packets going out, he had added a few more subdivisions to the list of those that had been platted. He said that Ashford Lake had a recreation area identified on the plat that was 0.13 acres, that Juleanne on Thompson Street paid a fee in lieu of dedication, and that Governors Commons paid a fee of \$5980.00. He stated there were a couple more, such as South Pointe that was off of 902, as well as South Ridge and Ross Ridge, and those should be added to the list.

Mayor Voller said that this actually covered the ETJ of the Town. Planner Monroe stated that was correct. Mayor Voller stated then the ETJ in 1993 was covered as well. He stated that the County collected a recreation fee with its building permits, and recommended that the Town look at doing the same. He said it would be a much easier mechanism to keep track of. Attorney Messick said those fees were paid that way now.

Planner Monroe said there were threwo methods you could use in terms of recreational opportunities with subdivisions. He stated the Town could accept the dedication of a tract of land that was suitable for use that was equivalent to .033 acres per lot on the plat. He said the second was the Town could accept that dedicated land and turn around and sell it, or, the Town could accept a fee in lieu of dedication of land. Planner Monroe stated if the Town were to sell land dedicated for recreation, then the proceeds would have to be used for recreation purposes, such as planning parks, improving parks, or providing land for parks.

Attorney Messick said the choice was the Town's, and not the developers. He said the Town could opt for the fee in lieu of the land dedication, which would in turn have to be used as Planner Monroe had described.

Commissioner Walker said in the email Attorney Messick had sent out, in the past it had been up to the developer to decide whether to provide a fee or provide land. Attorney Messick stated that had been changed in 2007.

Mayor Voller said then Attorney Messick was saying that when the ordinance was amended in 2007, that the Zoning Compliance Permits at that point began collecting these fees from subdivisions. Attorney Messick stated that was correct.

Planner Monroe said the only subdivisions exempt from recreation fees at \$500 per lot was family subdivisions where a father or mother was leaving a tract of land to a child or children. He said that was limited to three lots only, noting a family subdivision could not be more than three lots.

Commissioner Baldwin said then for the most part the subdivisions were in compliance. Planner Monroe stated for the most part, either the fee had been collected or an arrangement had been made to work around the fee.

The Board agreed by consensus to have Planner Monroe continue to update the Board as new information was received, which could be done by email.

Mayor Voller recognized Joe Glasson, the new Chair of the Economic Development Commission. Mr. Glasson invited the Board to attend the Joint Elected Boards meeting that had been rescheduled for November 18 in the Multipurpose Room at CCCC in Pittsboro. He stated the EDC would be looking at the Strategic Plan and would begin to act aggressively on its implementation. Mayor Voller said he hoped the entire Board would attend.

Commissioner Walker thanked Mr. Glasson for his volunteerism.

## **NEW BUSINESS**

### **1. Joint Elected Boards Meeting of November 18, 2008 (Diane Reid, Chatham County Economic Development Director).**

This item was heard earlier in the meeting.

### **2. Reimbursement Resolution Regarding Proposed Financing for the Wastewater Treatment Plant Capital.**

Manager Terry stated this item was being brought forward in anticipation of the upcoming wastewater treatment plant project. He stated they could take money from the Fund Balance and start the design of the project, and then once the project began to solidify they would have a

better handle on the exact costs, at which time they could decide on the financing method. Manager Terry stated having this resolution in place would allow them to put the money back into the Fund Balance that was taken out to do the design.

Manager Terry stated the two developers represented by Patrick Bradshaw had indicated their willingness to pay the financing, noting that what they had tentatively agreed to do was to pay their access and capital recovery fees in advance. He said even if the two developers did that, the problem would still be that some borrowing would need to be done to facilitate the project, and the fees paid would likely be used to pay down debt on the project. Manager Terry stated he did not believe the payment of those fees in advance would provide sufficient cash to do the project on a cash basis.

Motion made by Commissioner Walker seconded by Commissioner Walker to approve the Reimbursement Resolution Regarding Proposed Financing for the Wastewater Treatment Plant Capital.

Vote Aye-5 Nay-0

**A RESOLUTION REGARDING PROPOSED FINANCING FOR THE WASTEWATER TREATMENT PLANT CAPITAL IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE**

**Mayor Updates**

Mayor Voller stated he would be attending a meeting in New Bern. Mayor Voller said they should likely be talking with the EDC and downtown merchants because they were being asked to get involved with revolving loan funds. He said what that usually meant was they had money left that they needed to clear, so the notice may mean they had funds available before the next budget cycle. So, he said, if they got in they may be able to get something for the merchants, with the best application winning the funds.

Commissioner Walker said it seemed to him that they would need some type of program set up.

Mayor Voller said they would need to ask Mr. Burnett, the Director; however, he knew that the EDC had been working with such a fund that was put together through Self Help Ventures, and these funds could be directed towards Pittsboro. He said he knew the EDC was keen on promoting small businesses and entrepreneurs, and this was something they should at least pursue.

Commissioner Walker stated there had been a program set up in a mountain town some years ago where the program was administered through the Chamber of Commerce, and they had a panel of small businessmen set up that had already participated in such programs. He said it was called a "micro-loan program" for loans as small as \$3,000, noting that many banks did not want to lend such small amounts of money. Commissioner Walker stated they had actually grown the fund because interest was charged, so the initial seed money grew over time. He added that it had been a successful program.

Mayor Voller stated he would bring this up to the EDC tomorrow, but believed the Town should look into it to see if they could help the Town's businesses.

### **Commissioner Concerns**

Commissioner Walker said the Board had touched on the work being done at Chatham Marketplace earlier, noting that visualizing the road on the north side as you got down to Park Drive, people consistently tried to turn left onto Park Drive and traffic heading north and would go off the road to go around cars. He asked if the conceptual design included a turn lane, and how they would keep people from illegally passing on the right side.

Mayor Voller noted there had been a serious accident there not long ago.

Charles Devinney stated there should certainly be a turn lane on that road, noting that right now you were a "sitting duck."

Commissioner Walker stated he assumed that NCDOT had approved those plans. Manager Terry stated that he would check with Mr. Blakely to confirm if DOT had approved the plan. Commissioner Walker stated there had been numerous accidents over the years at that intersection. Manager Terry said then vehicles would conflict with people coming out of Chatham Mills.

Mr. Devinney said if you looked at it where they had the curb built up, just short of Park Drive, he did not know far that would be extended but it needed to be narrowed down.

Manager Terry stated he would reexamine the plans.

Mayor Voller said if it was not in the plans then there were two things to consider. One, he said, was in 1999 when it was approved, lining up Park Drive with Chatham Forest had been talked about and subsequently done, but nothing had ever happened internally to create that road. He said secondly, if it was not on the plans then perhaps they needed to identify how that improvement could be accomplished.

Planner Monroe stated in the last two years the Board had adopted a resolution asking DOT to permit a center turn lane from 15-501 North all the way to Hollow Place. He stated that was being reviewed by TARPO and RPO Technical Advisory Committee.

Commissioner Walker commented that the Mayor's father, L. A. Voller, had appeared before the Board a few weeks ago and spoke in support of Veterans. He said he wished they had a resolution in place today that would honor all the men and women currently serving as well as all Veterans. He thanked Manager Terry for his military service, as well as other veterans that might be present. Commissioner Walker asked Town Clerk Alice Lloyd to draft a resolution for the Board's consideration at its next meeting that honored all veterans for their service. Manager Terry added that today, November 10, was the 233<sup>rd</sup> anniversary of the founding of the United States Marine Corp so he had worn his Marine Corp pin tonight.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to direct staff to prepare a resolution honoring all Veterans, to be brought back to the Board at its next meeting for consideration of adoption.

Vote Aye-5 Nay-0

Commissioner Harrington commented that at the recent Street Fair he saw nearly every Town employee working that day, and believed the Town was very lucky to have such a good staff. He stated it was pleasing to see those employees working at jobs other than their own, such as putting up tables and directing traffic.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to thank all Town employees for their good work and positive attitude while working at the recent Street Fair.

Vote Aye-5 Nay-0

Commissioner Harrington said he would like staff to come back with advice on the general feasibility to go to a 24/7 operating cycle at the water plant. Mayor Voller suggested that be brought forward at the Board's budget retreat. There was no objection from the Board.

Mayor Voller stated that the Town had done a good job mobilizing for Halloween, noting it had been a very safe day.

## **ADJOURN**

Motion made by Commissioner Walker seconded by Commissioner Baldwin to adjourn the meeting at 9:20 p.m.

Vote Aye-5 Nay-0

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk