

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, AUGUST 9, 2010  
7:00 PM

Mayor Randy Voller called the meeting to order at 7:05 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., Finance Officer Kay Hamrick, and Assistant Planner Paul Horne.

**AGENDA**

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to approve the Agenda as submitted.

Vote   Aye-5   Nay-0

**CONSENT AGENDA**

The Consent Agenda contains the following items:

1. Approve minutes of the July 26, 2010 regular meeting.
2. Approve a Resolution thanking 3M for donation of park land.
3. Accept annual tax settlement report from Chatham County Tax Collector.

Commissioner Fiocco said in regards to Item #1, minutes of July 26, 2010, there was one correction to page 20 in the first paragraph, the second to last sentence. He said that the sentence read ‘Commissioner Fiocco said he was only concerned about not having the opportunity to do a process here.’ Commissioner Fiocco said it should read “Commissioner Fiocco said he was only concerned about not having the opportunity for due process.”

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the Consent Agenda as amended.

Vote   Aye-5   Nay-0

**A RESOLUTION OF APPRECIATION FOR 3M PITTSBORO'S CONTRIBUTION OF PARKLAND IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 90**

**TAX COLLECTOR'S ANNUAL SETTLEMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 91**

## **REGULAR MEETING AGENDA**

### **Citizens Matters**

Mayor Voller remarked that no one had signed up to speak, and asked were there any comments to be made on items not on the agenda.

Commissioner Brooks said that Bob McConnaughey and his wife were unable to be present but had given him a note that he would like to comment on. He said they frequently mowed in the area where the railroad use to end to keep it from becoming overgrown, and there was a lot of broken concrete and other debris that made it difficult to mow near the right-of-way particularly from J. A. Farrell Street to Small Street. Commissioner Brooks said the request was if some of that debris could be removed so that they would have better access to mow. He said there were some pieces of concrete left over from the old sidewalk that had never been replaced, and they were unsure whether that should be left alone. Commissioner Brooks said the weeds and brush had grown up in that area to the point that they were no longer able to mow it.

Mayor Voller said Commissioner Brooks was referring to the area north of the old Pittsboro Ice & Fuel that was now the Main Street Station where some sidewalk had been torn up.

Commissioner Brooks said it was on the back side of Main Street Station on the north side of Salisbury Street along the street. Mr. Terry said he would check into that.

## **PUBLIC HEARING**

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to go into Public Hearing.

Vote Aye-5 Nay-0

### **1. Adjustments to Zoning Ordinance Parking Requirements.**

Roger Waldon, the Town's consultant with Clarion Associates, stated that this issue was coming to the Board following a series of previous discussions regarding parking requirements for new multi-family dwelling units and had been brought up in the context of the Powell Springs development. He said they were recommending that the Board amend the parking requirements that would change the parking requirements for multi-family residential use, and the changes had been supported by the Planning Board who recommended adoption of the amendment.

Mr. Waldon stated that the amended language eliminated reference to handicapped or elderly population, but would involve a gradation in parking requirements based on the dwelling sizes. He said a suggestion by the Planning Board was that they clarify that 2 parking places for a dwelling unit would apply to both single-family and developments.

Commissioner Fiocco said for clarity, the bulleted items under item #4 made reference to bedrooms, and he believed it would be clearer to say efficiency or 1 bedroom dwelling units, 2 bedroom dwelling units, and 3 bedroom dwelling units.

Commissioner Harrington asked if these were somewhat standard requirements in other communities. Mr. Waldon replied they were very comparable to what you would find in other communities.

Mayor Voller asked how Mr. Waldon saw this providing clarity to the situation with Powell Springs and future development projects. Mr. Waldon said he believed it would be an improvement, and if this had been in place prior to Powell Springs coming forward he believed there may have been a little less confusion. He said by not making any reference to handicapped or elderly population that the requirements would be more standardized. Mr. Waldon said with the objective of trying to minimize impervious surface and stormwater runoff, it was his opinion not to allow excess parking areas, and if this new language had been in place when Powell Springs was proposed it would have allowed the required parking to be reduced. He said when the Board had approved Powell Springs a condition had been added that allowed the requirement for parking to be reduced to meet the ordinance if in fact the ordinance was amended. Mr. Waldon said the effect on Powell Springs would mean that the current requirement of 98 spaces would be reduced to 66 spaces with the new language, which he believed was a very reasonable number for that development.

Mayor Voller said if you had people working there how would parking be managed outside of the requirement for residents. Mr. Waldon said that was incorporated into the requirement.

Commissioner Fiocco said he believed this was a good solution.

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

Vote Aye-5 Nay-0

## **OLD BUSINESS**

### **1. Update on the Restoration Project at Pittsboro Upper Town Lake (Karen Hall, NCSU Water Quality Group – NC Cooperative Extension).**

Karen Hall said that Chris Bass was a Project Engineer at NCSU in Biological and Agricultural Engineering and was available this evening to respond to any questions the Board might have. Ms. Hall then presented a PowerPoint presentation on the Town Lake Restoration project, as follows:

## Timeline

- November 2004 – North Carolina State University (NCSU) awarded \$78,000 from the Clean Water Management Trust Fund (CWMTF) to perform feasibility study on Town Lake
- May 2007 – NCSU completes feasibility study
- August 2007 – Town of Pittsboro votes for NCSU to proceed with passive restoration
- September 2008 – NCSU awarded \$476,000 from CWMTF to implement passive restoration on Town Lake
- November 2008 – NCSU awarded an additional \$40,000 from EPA 319 program to eradicate aquatic and terrestrial weeds around Town Lake
- March 2009 – CWMTF suspends all 2008 grants due to budget crisis
- April 2010 – CWMTF reinstates Town Lake restoration funding
- Summer 2010 – Weed eradication continues; monitoring stations installed; restoration planning resumes

## Background

- Town Lake was an impoundment of Robeson Creek
- Approximately 15 acres (upper lake is 12 acres; lower lake is 3 acres)
- Impaired for aquatic weeds (Parrot feather)
- Former water supply reservoir for Pittsboro
- Public concern for the declined state of upper lake (water quality, aesthetics)

## Feasibility Study

- Historical data was studied from the lake itself
- Performed water quality analysis, substrate analysis, and hydrogeomorphic survey of the lake
- Offered restoration alternatives for the upper lake

## Results of the Feasibility Study

- Approximately 40,000 cubic yards of sediment accumulated in upper lake
- Phosphorous levels high
- Aquatic weeds infest entire upper lake
- Earthen dam is in severe need of maintenance
- Spillway also in need of repair
- 6 restoration alternatives suggested
- Passive restoration recommended as preferred alternative

## Recommended Alternative – Passive Restoration

- Conversion of upper lake to a more natural ecosystem with a channel, associated wetland floodplain, and diverse native vegetative community
- Continued recreational use (fishing, etc.)
- Improved water quality and habitat
- Minimal dam repair/retrofit
- Estimated Cost: \$345,000 (as of August 2007)
- Currently have funding to complete the restoration through the CWMTF

## Next Steps

- Continue water quality monitoring upstream and downstream of lake
- Continue weed eradication efforts
- Begin educational program
- Finish restoration design
- Begin permitting process with State and federal agencies
- Work with CWMTF and Town of Pittsboro on clean water easements around and on the lake
- Prepare for construction in 2011

Commissioner Brooks commended Ms. Hall for leaving areas suitable for fishing. He said when you rode through rural areas you saw ponds that were designated as water points, and guessed that they would be able to utilize the lower lake in the event of a fire if water was needed. Commissioner Brooks said he also assumed that if something terrible happened in the Haw River and they were not able to get water from there for a short period then they would still have a fairly adequate amount of water in the Town Lake. Ms. Hall said that was correct.

Commissioner Brooks asked what emergent native plants would be included. Ms. Hall described some native plants that would look nice in terms of aesthetics as well as plants that would not crowd out the non-native plants. She said those plants would be a very nice enhancement. Commissioner Brooks asked did she believe that this project would address the mosquito problem in that area. Ms. Hall said the invasive vegetation in that area contributed to the problem because fish could not get to the mosquito larvae. She said the efforts she had described in her update would improve that situation to a great extent.

Commissioner Harrington said when the natural weeds were introduced would they crowd out some of the more invasive vegetation. Ms. Hall said they could not control what came up the stream and into the lake, so management of the vegetation may always be an issue to some degree but certainly not to the extent as it now existed. Commissioner Harrington said if he remembered correctly they would basically be applying Roundup. Ms. Hall responded that was correct, noting it was an aquatic approved chemical called Touchdown that did not affect the aquatic life.

Commissioner Harrington said if they had problems in the future would they still be able to treat the invasive vegetation without destroying others. Ms. Hall said at present they had funding sources for that, so it would depend on future funding. She said they frequently relied on research programs to help in that regard when funding was not available, so that always remained a possibility. Commissioner Harrington said his question was not so much the money but whether you could treat the invasive vegetation and not damage the vegetation they wanted to keep. Ms. Hall said they had the expertise to be very selective about what was treated.

Mayor Voller asked what the red bloom was on the lake. Ms. Hall said it was red algae and was very common on the subsurface of ponds at this time of year. She said it grabbed nitrogen from the air to survive and usually was present for only a few weeks, at which time it either disbursed or sunk down to the bottom of the lake. Mayor Voller said based on what Ms. Hall had said they would now be going forward with that project. Ms. Hall responded that was correct.

Commissioner Bryan asked what the timeframe would be once construction began. Chris Bass responded it would take only about a month to complete the project, depending on how much it rained. He said if they had a spell of rainy weather it may take a little longer.

Mayor Voller asked would this have any effect on the trails that had been put in. Assistant Planner Paul Horne said there was no problem with the trails.

Commissioner Harrington asked exactly how much funding was available. Ms. Hall said the grant itself was \$476,000 with an additional \$40,000 from EPA, so they had \$516,000 available. Commissioner Harrington asked was \$345,000 going towards the passive restoration. Ms. Hall said the \$345,000 was what they had estimated the restoration would take in 2007.

Commissioner Fiocco asked were they channelizing the lake, and were they lowering the water surface elevation. Mr. Bass responded the answer to the first question was no, noting they had drained the lake down to perform the study and that had allowed them to see where the old stream was located and where the deepest part of the lake was. He said as to the second question, they may lower the lake level somewhat. Mr. Bass said they would be taking a lot of the sediment that had been deposited at the front part of the lake and moving it around to the outside edges of the lake, and would use that to basically kill and cover up whatever weeds were left. He said they would then plant new material into those areas. Mr. Bass said once that was done they wanted to figure out what the right level for the water was, and he suspected it might mean lowering the elevation by a small amount, or less than a foot. He said one of the parts of their plan was to put in a concrete box that looked like a typical pond overflow that was adjustable so they could change the height of the water until they had it right where it needed to be. Mr. Bass said they would like to lower the water level while the plants were growing, and once they were established they could raise the level to any height they wanted.

Mayor Voller asked for a brief explanation of what this would do for the Roberson Creek watershed and why people should understand that it was good. Ms. Hall said it would improve water quality in terms of phosphorus and enhance mosquito control. She said she believed it would be something the community could take pride in and that people would want to come out and use the trails. Mayor Voller said then they expected to see a marked improvement in water quality from Roberson Creek coming from that end after the project was completed. Ms. Hall responded that was what they anticipated and was why they were monitoring both upstream and downstream before, during, and after construction.

Mr. Horne asked did they envision breaking open the earthen dam, and what would the flow do once it reached that point. Mr. Bass said there was a pipe with a valve on it and basically they had drained the lake by opening that valve, and the concrete box would be attached to that pipe and then the main flow would go all the way around and out the top side. He said the spillway would be repaired and used only for emergencies.

Commissioner Fiocco said they had mentioned 40,000 yards of silt, and asked would that be enough to do the project or would they have to bring in additional material. Mr. Bass said they would work with what was already there, and believed there was more than enough to do what

was necessary. He said they wanted to maintain large areas of open water so they did not want to fill it in so much that they had nothing but plants. Mr. Bass said their intent was to have plants around the perimeter of the lake, sort of like a border, and then have some large deeper areas in the middle.

Commissioner Harrington asked where was the closest place they could visit to see how this project would work. Ms. Hall said there was a small version at the Rural Advancement Foundation.

Mr. Bass said there were many examples in almost every big city, but they had their own project in Raleigh. He said what was exciting about this project was that it would be one of the first to actually be on a link, and from NC State's standpoint there were hundreds of lakes around North Carolina with old dams that were unsafe and full of sediment, and there were towns just like Pittsboro who were looking for solutions to that. Mr. Bass said he believed that Pittsboro was setting an example with this project.

## **2. Adjustments to Zoning Ordinance Parking Requirements.**

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to approve the adjustments to the Zoning Ordinance parking requirements with the addition of the phrase "dwelling units" to the bullet points describing the number of bedrooms per dwelling unit in Item #4, Multi-Family Residents of 3 or more units.

Vote Aye-5 Nay-0

## **AN ORDINANCE AMENDING THE PITTSBORO ZONING ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 29**

Mayor Voller said it was of concern to him that once this change was made that people coming in with development plans be provided with the most complete and updated information, and all of the changes that had been made over the last 4 or 5 years be reflected in that information. Mr. Waldon stated that was understood, and he, Mr. Terry, and Mr. Messick had discussed the changes that had been adopted over time and they were working to get all of that together in one document.

## **3. Update on Off-premise Signs and Wayfinding Signs (Roger Waldon, Clarion Associates).**

Mr. Waldon said the Board was not being asked to take any action tonight, but they were suggesting that this was an opportunity for the Board to offer them some guidance if warranted. He said there were 2 issues they had been focusing on, the first being a change to the Zoning Ordinance to permit off-premise directional signage under certain conditions on private property. Mr. Waldon said a public hearing had been called on that issue for August 23, and included in the memorandum was the proposal they would be bringing to the Board at that time.

Mr. Waldon said the second issue was not as well defined and was what they were calling way finding signage. He said one issue identified was what if businesses that were not located along a major thoroughfare wanted to be allowed to have some directional signage at key intersections that pointed in the correct direction with the name of the business on it. Mr. Waldon said as discussions had gone forward they had developed a proposal where there would be a Town-managed system where the Town would initiate and manage the installation of signs on major thoroughfares to provide direction to businesses and institutions located off of the major thoroughfares. He said there would be fees associated with businesses who participated in that program, calculated to ideally offset the cost of the program. Mr. Waldon indicated that an example of what such a sign might look like was included in the memorandum. He said the Planning Board had suggested that when the Board considered that program that even though it did not require a public hearing that there be some opportunity for public comment.

Mr. Waldon said there was a wide range of possibilities for way finding or directional signage, and the Town had a stake in businesses being viable and successful. He said there was a wide spectrum of what they might chose to do, from something very simple to something that was more aggressive to something that was more in the middle.

Mr. Horne presented a PowerPoint presentation to provide the Board with examples of the various possibilities of the types of signs that might be considered for a way finding program. He stated that such signs were designed to catch your attention as you were driving by and could be easily read from the distance a car would likely be from the sign. Mr. Horne said signs used in Pittsboro could display a logo that was unique to Pittsboro, such as the old courthouse. He said the Planning Board had expressed some concern about creating visual clutter around the traffic circle and people getting confused looking at signs and causing traffic issues. So, Mr. Horne said, that may be a place where you would want to have signage mainly for pedestrians.

Mr. Horne stated that the Town of Hillsborough had just established a way finding program, noting they were a county seat and had government functions just as Pittsboro did. He said Hillsborough had formed a Wayfinding Committee made up of citizens, Commissioners and staff and had met for about a year, and had then created a Wayfinding Plan. Mr. Horne said they had then determined the locations for each type of sign and they had hired a design consultant to develop the signs, which were now patented. He said that Orange County actually used those signs to direct people to their government buildings, although Hillsborough itself had not yet begun installation of its signs. Mr. Horne said that Hillsborough had wanted to consolidate its signage and get rid of those signs that were no longer wanted or needed to reduce clutter and to make signage more uniform throughout the town. He said that was an expensive program in that the signs would eventually cost Hillsborough around \$100,000 although they were searching for grant funding and other ways to fund the program.

Commissioner Harrington said his interest was to minimize clutter to the utmost, and stated that where they had a street sign now that said, for instance, Small Street, they could have a street sign that also had a directional sign so you would not be adding clutter and you would have only one sign per intersection.

Commissioner Brooks remarked that several of their historical markers that were owned by the State Department of Archives and History needed to be refurbished. He said one in particular was the one at Horton School that referenced the Spanish raid on the courthouse during the Revolutionary War, noting it was barely legible and was now inaccurate. He said he would like to see Archives and History refurbish or replace that sign as well as making some alterations or changes to some others that were in need. Commissioner Brooks asked that Mr. Horne contact him so that they could discuss that. Mr. Horne agreed to do so.

Commissioner Fiocco commented that the sketches Mr. Horne had provided was heading in the right direction, but believed a key component was the mounting pole. He said the suggestion of putting directional signs on the street signs would to him be totally inappropriate, and he would like to see something more substantial and more decorative.

Commissioner Harrington said he had meant only to combine the two and would also like them to be more decorative.

Commissioner Fiocco said he had a couple of questions that did not need to be addressed now but should be considered as they moved forward. He said one of the recommendations was that businesses pay a fee to get their names on the signs, and his question was who paid for that first set up. Commissioner Fiocco asked would the first business to request a sign pay the full cost of the sign, and would that business then recoup some of the cost as other businesses added on. He said another question was how many placards would be allowed per sign, and were the signs to be two-sided. Commissioner Fiocco asked what happened when there was no more space available on the sign, and asked would the space then go to the highest bidder. He asked if home businesses would be eligible for those signs.

Commissioner Harrington said for lighting of off-premise signs, he believed that should be measured in lumens rather than watts. As well, he said, the suggestion of 150 watts would be hugely bright for outside and believed they needed to get some advice on that. Commissioner Harrington said when considering changes you had to think about all the things you did not say, and as the language now read he could technically put such signs all over Town because no limit was mentioned. He said he believed they needed to set the limit in the language to anticipate that.

Mayor Voller said they had a lighting ordinance, and he did not know how that affected the recommendation on wattage. He said the ordinance addressed commercial, and believed many of the signs would be for enterprises that were commercial and/or possibly quasi-commercial, so that language needed to be coordinated with the existing lighting ordinance. Mayor Voller said he wanted to be sure that they were not inviting something they would not want to happen, such as the example just expressed by Commissioner Harrington which could happen if they were not careful about how the ordinance was written.

Mayor Voller asked why they could not have this as a Special Use Permit process so that they did not get into a situation where the Town lost control of such signs. Mr. Messick said he did not believe the Town would want to be arbitrary, and if they set standards then those standards

would have to be met. He said a Special Use Permit process would be on a case-by-case basis and the signs may not be the same, and that was problematic.

Mayor Voller said they had gotten into this quagmire because they had a desire to help a church with directional signage, so how could they do it without getting into a situation where they ended up with signs multiplying all over town. Mr. Messick responded the answer was to not allow them to multiply beyond a certain point, but they needed to be prepared for a multitude of signs being suggested. Mayor Voller said he wanted to do something reasonable without ending up with a result that the public did not want.

Commissioner Fiocco said he believed there were provisions in the language to help control that, such as the language regarding only one intersection sign per business, and that was a mechanism that would limit the proliferation of a particular business having signage in multiple areas of Town. Mr. Waldon said he was hearing him suggest that for off-premise non-commercial signs there could be a limit on the number of signs. Commissioner Fiocco said that was correct.

Commissioner Brooks said they could limit it to one off-premise non-commercial sign for churches and parks and the like.

Mayor Voller said that the Board would be holding a public hearing at its next meeting on this issue.

#### **4. Selection of an Accounting Firm to conduct the Fiscal Year 2009-2010 year-end Audit.**

Mr. Terry stated that Kay Hamrick had solicited proposals from additional firms and had then conducted reference checks and reviewed the proposals. He said several Board members had requested an opportunity to discuss the selection of an accounting firm tonight, so he was looking for guidance on how to proceed. Mr. Terry said from the point of view of the staff, he did not believe they were strongly leaning in one direction or the other.

Commissioner Harrington said they had just received the audit for last year, and the one for the year just completed was suppose to be completed by the end of October. Mr. Terry said that was officially the due date, but he had been told unofficially that the Local Government Commission would be happy to have it completed by December. He said he had shared with some of the Board members his conversation with the LGC when they had called to ask how they were coming along with the audit. Mr. Terry said he had apologized for the delay and said they were working on it, and had hoped that they were not the last town in the State to get their audit completed. He said the response was not only was Pittsboro not the last, there were towns that were 2 and 3 years behind in submitting their audits.

Mayor Voller said to him it was most important that they get the audit in as soon as possible as was reasonable after the fiscal year was closed so that the information was timely and useful for their budget considerations the following year and for the public to review. He said getting that information late did not help anyone. Mayor Voller said who did the audit did not matter to him

as long as they were qualified, but he wanted it done professionally by a reputable auditor and done on time.

Commissioner Bryan said it was his understanding it was due on October 31, 2010 but there was a built in 30-day grace period. But, he said, as Mr. Terry had said, as long as it was submitted by the end of the year the LGC would be happy.

Mayor Voller said he wanted to be one of the towns that got the audit done on time, and they should not be in the position of always being late. Mr. Terry said that there had been some circumstances that had attributed to the audit not being done on time over the last three years, including a change in management and in staff.

Commissioner Bryan said he agreed there had been some special circumstances several years ago, and the next year the audit had been presented at the end of November which was within the grace period. He said this last year it was very late, but what he had been told was a lot of the problem was because of the information that was provided to the auditor. Commissioner Bryan said he had been told that when the auditor was given the General Ledger that it was not in balance, and he was not a CPA but balancing the ledger seemed to him to be "Accounting 101."

Commissioner Fiocco said if the current auditor responded that they could get the audit done by the end of the year then he was willing to do that.

Commissioner Baldwin stated she would want to reiterate the importance of having the audit completed in a timely fashion.

Commissioner Fiocco said he had felt strongly enough about this to go and meet with Lynda Ward, and the message that he had delivered was that the Board was completely dissatisfied, they did not appreciate being told it was the Town's fault that it was so late, and they had expected a professional to be more proactive and to do what needed to be done to get the necessary information to help the Town achieve its deadline. Commissioner Fiocco said Ms. Ward had been very professional and knowledgeable and very helpful from the information he had gathered. And, he said, he believed it was a good time to have some continuity and would definitely give Ward & Foust another year.

Commissioner Harrington said he would want that firm to advise the Town now whether they foresaw they could get the audit done by the end of the year and to commit to that.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to select Ward & Foust as the accounting firm to conduct the Fiscal Year 2009-2010 year-end audit with the stipulation that the Town receive a commitment to get the audit completed and submitted by the end of the year.

Vote Aye-5 Nay-0

Town Clerk Alice Lloyd advised the Board that the contract would have to be approved by LGC before the firm could begin its work.

Commissioner Bryan asked how long that would take. Ms. Lloyd responded it could take up to three weeks.

## **NEW BUSINESS**

### **1. Fit Community Proposed Robeson Creek Greenway Project.**

Megan Bolejack with the Chatham County Health Department stated that the Town of Pittsboro had been awarded the Fit Community Designation at the Bronze level which was for up to \$60,000 over a two-year period. She said tonight she was requesting official endorsement of the project to provide enhancements to the Roberson Creek easement corridor, and that the Board appoint a Commissioner to serve on the Fit Community Advisory Committee.

Ms. Bolejack provided some background on the Health and Wellness Trust Fund that provided grant opportunities for programs such as Pittsboro's, noting benefits of being a Fit Community at the Bronze level was receipt of a plaque to be hung in an appropriate place, recognition as a Fit Community on the Fit Community Website, use of the Fit Community Designation logo at the Town's discretion, brochures to distribute to community residents and others, and the bolstering of civic pride and economic development investment. She shared some of the feedback from the reviewers on the Town's assessment that had been submitted for the grant, noting that there were 11 key criteria including fiscal projects, policy, programming and promotion and preparations, and support for positive environmental level changes in schools, communities, and workplaces.

Ms. Bolejack said the Town's strongest areas were in policy and in worksites, noting that two of the worksites interviewed were Piedmont Biofuels and Chatham County government. She said that improvement areas included equity, clarifying the policy sections, and improving joint use with the schools, noting that schools were the lowest scoring section of the assessment.

Mayor Voller asked why schools had scored so low. Ms. Bolejack stated no specific reason was given to her, but if you looked at the actual assessment you would see that there were fewer checked boxes indicating there were fewer initiatives within the schools that fit the criteria. She said other improvement areas included increasing promotional strategy by doing some special marketing around physical activities.

Ms. Bolejack said the grant project was development of the Roberson Creek greenway by April 2011, and to do that they needed to construct bridges across the tributaries, construct natural barriers around exposed sewer lines, erect signage to promote the use of the greenway, and perform landscaping and surfacing of the greenway. She said the project also included development of policies to encourage use of the greenway and sustain future greenway development by June of 2012 by creating access points for users of the greenway by May 2011 and to raise additional funds for future greenway development by June 2012. Ms. Bolejack said as well, the project included the development of grassroots leadership development training to empower residents to be more active in local government by April 2011, to implement physical activity programming for community residents by June 2011, and to promote active living throughout the 2-year grant period.

Ms. Bolejack stated she was also asking tonight that the Board appoint a Commissioner to serve on the Fit Community Advisory Committee, noting that the overall Committee role would be to guide the Fit Community grant project, to ensure the success of planned project goals, and to sustain future greenway opportunities by helping to secure supportive funding and assisting in establishing a greenways committee under the Pittsboro Parks and Recreation Advisory Board. She said the Fit Community Advisory Partnership role would be to consult within individual areas of expertise on the project throughout the grant period, to participate and assist with project activities, and to communicate and advocate for interests of their own organizations while trying to meet others' needs as aligned with the Fit Community project vision and goals.

Mayor Voller asked that Ms. Bolejack email to the Board the assessment so that they could study it at their leisure, noting he would like to provide a copy to the schools so they could see where they were not graded well. He also stated that when the plaque was received that it would be hung in the lobby of Town Hall so that citizens would be aware of the designation.

Mayor Voller suggested that the Board appoint a representative and an alternate so that if one was not able to attend a meeting then perhaps the alternate could do so. Ms. Bolejack said that their meetings were quarterly, so there were only 4 meetings a year.

Commissioner Harrington volunteered to serve as the Board's representative on the Fit Community Advisory Committee.

Mr. Messick stated that there were several legal issues involved with the grant that needed to be considered and resolved even if the Town endorsed the project. He said this was a County grant, and at the very least they needed to authorize the County to be working on the Town's sewer easements. He said the project also contemplated a greenway program that the Board did not even have a plan for, and perhaps they should consider doing that because even if the property was used for sewer purposes there may be some question as to whether it could be used for pedestrian and greenway purposes and that needed to be investigated. Mr. Messick said to the extent that there were private property owners along the way they needed to be notified of what was going on.

Mr. Messick said there was the whole issue of promoting use of the greenway, ADA compliance may be an issue, the bridges needed to be structurally sound, and they would need to be engineered and have building permits. He said this was a serious project, and if the Town was going to go down that road then they needed to be prepared to implement a greenway program and there were many steps that had to be taken to do that.

Mayor Voller asked hadn't the Board already endorsed a pedestrian master plan that had elements of a greenway program. Mr. Horne replied greenways were in that plan in a very broad way.

Mr. Terry said that was true but did not believe that plan responded to all of Mr. Messick's concerns.

Commissioner Harrington said to pull out one issue the question was did they have a comprehensive greenway plan. He said he would say they had a wish list, and it appeared that one endorsement to this Board would be in concept, in that would they endorse developing along that sewer easement on Roberson Creek the greenway that was proposed. Commissioner Harrington asked would it be sufficient to endorse the project as proposed without having to develop a comprehensive greenway plan. Mr. Messick said it was fine for the purposes of endorsing the project, but you had to consider what would happen when they got ready to build the bridges.

Commissioner Harrington said there were obviously issues that had to be considered. Mr. Messick said the County was doing this and the Town was receiving benefit from it, but what good would the bridges do if they were not going to be prepared to allow equal use of the greenway. He said the questions included how people would get access to the greenway, where would they park, would it be safe, what happened if someone was attacked or injured, would it be ADA accessible, and likely others.

Ms. Bolejack said that safety had been considered during development of the project plan, and noted that the bridges would be constructed in a manner that would support ATV's and other small vehicles.

Commissioner Harrington said Mr. Messick had raised a lot of issues, and asked what the Board needed to do at this point. Mr. Messick said they needed to understand that even if they endorsed the project that before they allowed the County onto the Town's property that they acknowledged their right to be there and that they were prepared to go forward with the plan to develop it as a greenway.

Commissioner Harrington said then what he was saying was that the Town could endorse the project but expect the plans to come to the Board for approval. Mr. Messick said that was correct, and they should be prepared to spend more money and that it was going to take some staff time. Commissioner Harrington said that would be considered along with the approval process. Mr. Messick said if the Town gave Ms. Bolejack its endorsement then he believed she would be moving forward.

Commissioner Harrington asked would it be appropriate to say the Board endorsed the project and expect to be notified when it began. Mr. Messick responded that the grant did not contemplate using it as a greenway; the grant contemplated infrastructure by building the structures. He said the Town would have to build the trail, maintain it, provide access to it, and provide safety along the trail.

Ms. Bolejack said that was not 100% correct, in that they had funding to provide improvements to the trail although not enough to pave it. But, she said, they would be doing some surface improvements and providing access to the trail from the County parking lot down to the greenway. Ms. Bolejack said that maintenance would not be included and was something the Town would have the opportunity to do.

Mr. Terry said this was a sewer easement and Town staff did periodically cut the grass to a level that provided access to the sewer easement, but that may not be sufficient for people who wanted to use it for other purposes.

Commissioner Harrington said there was no requirement for the Town to cut the grass any more than what was done now, and that people did walk on the trail now. He said to clarify, he believed Ms. Bolejack had stated that some of the money would be used for trail improvements but not paving. Commissioner Harrington asked had she meant that it would be partly paid for. Ms. Bolejack said that was correct. Commissioner Harrington said then that could include some maintenance to areas that were somewhat swampy that would need dirt added to raise it up. He said he did not believe anyone was envisioning it would be stable and ready in the near future but it was an effort to get started in that direction.

Commissioner Brooks said in 1976 he had been asked to obtain easements for that major sewer line that the federal government had paid for that circled the Town. He said it was his memory that those were just sewer easements and nothing else, because the land belonged to the people just like a right-of-way. Commissioner Brooks said that since those easements did not allow for anything other than putting in the sewer line and maintaining it, would that enter into this issue. Mr. Messick replied yes, noting that it needed to be verified if that was the case or whether there was some easement provision that allowed for other uses besides sewer. He said that a significant part of this proposal would be on Town-owned or County-owned property, and he presumed that the County would be willing to give the Town an easement for the greenway although no one had asked.

Commissioner Brooks asked when they built May Farm/Potterstone did they deed the Town the old railroad road for that purpose. Mr. Messick said it was deeded to the Town but he did not recall for what purpose. Commissioner Brooks said it was his memory that was suppose to be a part of the American Tobacco Trail. Mr. Messick said unfortunately the railroad was abandoned before anyone thought of making a trail out of it. He said you could use the old part of it but did not know where it would go.

Mayor Voller said it could actually access the back of this trail, noting you could go from Potterstone into this greenway potentially and across the old bridge. Ms. Bolejack said that a Parks and Recreation Advisory Board member had walked that old railroad easement and it would connect Potterstone and as well as connect east of Cornwallis.

Commissioner Brooks said it appeared to him there were two issues. He said they needed to give Ms. Bolejack the Board's support so that she could move forward with a viable project, and at the same time they needed to be sure that the Town met Mr. Messick's valid concerns and went about this in the right way.

Mr. Terry said that Ms. Bolejack was only asking for support for the project tonight, and they could then address the concerns brought forward by Mr. Messick.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to endorse the Fit Community Grant Project to allow enhancements to the Roberson Creek corridor for the purposes of building a greenway.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to appoint Commissioner Harrington to the Fit Community Advisory Board with Commissioner Fiocco as the alternate.

Vote Aye-5 Nay-0

Commissioner Brooks asked in what condition was the trail that the Jaycees had built a few years ago. Mr. Horne said that trail was in good shape.

Commissioner Harrington restated that the metal bridge down from the dam was put in by the Jaycees. Commissioner Brooks said yes.

Commissioner Fiocco asked did they have a deed of easement on file for all of the Town's sewer easements, or did they dedicate them as they were constructed. Mr. Messick stated they were dedicated as new lines were constructed, although subdivision type easements were probably not although they were noted on a map. He said the Town did not receive a written easement for subdivisions although they probably should, noting those were normally done through a dedication and noted on a map of the subdivision.

Commissioner Fiocco said he would be interested in making sure that every easement the Town received had the rights for these pedestrian activities. Mr. Messick said that might depend on whether or not the owners would allow people to cross their private property to access the easements.

**2. Offer of a Grant in the Amount of \$496,126 from the North Carolina Rural Center for the Purpose of Completing the Credle Street Sewer Rehabilitation Project Phase III & IV.**

Mr. Terry said the Rural Center had offered the Town a grant for \$496,126, and the resolution provided in the packet would accept that grant. He said the Town would be required by the terms of the grant to fund a 50% match of the grant amount by adding \$248,063 from the Enterprise Fund, for a total project budget of \$744,189. Mr. Terry said a budget ordinance was also included that would create the project budget. He stated that the basic design for Credle Street was already completed and it would be a multi-stage project. Mr. Terry said acceptance of the grant and creation of the project budget would allow them to proceed with bidding the project.

Commissioner Harrington asked what the fund balance was in the Enterprise Fund. Mr. Terry replied he did not have the exact figure in front of him but it was well over \$1 million.

Commissioner Fiocco said capturing the \$248,063 match would bring them down to \$1.3 million.

Mayor Voller said this project went back quite a ways, and the question was whether the Board at some point wanted to entertain instead of dipping into the Enterprise Fund balance to get a line of credit, noting they now had a grant of almost a half million that would not have to be paid back. Mr. Terry said that was correct, noting his recommendation was to use what they had available but they could provide the matching funds using some other method such as a 10-year installment loan.

Commissioner Harrington said he would like to at least determine what it would take to finance the Town's match,

Commissioner Fiocco said a couple of things to consider while the Board was thinking about it were that there were provisions about having a contract within 9 months of the award date. He said the award letter was dated May 19 and the Town had to confirm a commitment by July 19 which had passed. Mr. Terry said he had contacted the Rural Center and they understood the Town was working on it, so they were fine with the dates. He said he believed the award date was considered to be May 19, so the Town would have to have a contract within 9 months of that date, which was February 19, 2011. Mr. Terry said he would verify that date with the Rural Center.

Commissioner Harrington said that he believed they could technically, since this was a sewer project, adjust the sewer rate to pay for this. Mr. Terry said they could but was not sure they would want to do that. He said if they financed it over a 10-year period the annual payment would be about \$24,000 to \$26,000.

Mayor Voller said it seemed to him to be wiser to get a 10-year note that could be paid down quicker since they had finally gotten the Enterprise Fund to a point where it was making a profit.

Commissioner Fiocco asked did he have a sense of how long they had beyond the commitment date that the grant made reference to as far as making that commitment. Mr. Terry said the Rural Center had indicated to him that the commitment date was not a problem, noting the more pressing question was if they decided to borrow the match then the LGC would have to approve it which would take some time and they met only once a month.

Mayor Voller asked could they go forward with that if the Board accepted the grant tonight and created the project budget. He said they could always do a budget amendment later on if they decided to use a loan. Mr. Terry said if the Board made the decision to borrow the money rather than taking it from cash on hand then they could begin that process immediately.

Commissioner Fiocco said he would like to shop it.

Motion made by Commissioner Fiocco seconded by Commissioner Bryan to table the issue until the Board's next meeting in order to provide staff time to research options to finance the Town's 50% match to the Rural Center grant, to contact the LGC regarding the possibility of the Town

acquiring a loan for the match, and to contact the grant administrator to confirm the deadline dates.

Vote Aye-5 Nay-0

### **3. Project Ordinance Amendment: Haw River Intake De-Silting Project.**

Mr. Terry stated this was discussed along with the CIP this year as well as last year. He said the project would fund the removal of accumulated silt from the Town's raw water intake at the Haw River. He said there was a companion CIP project which they had not yet taken action on because the studies had not been completed to identify if there was a way to reconfigure the raw water intake so that the silt was reduced.

Commissioner Harrington said that last September 14 they had taken \$50,000 from Fund Balance for Haw River improvements, and asked what exactly that was for. Mr. Terry said that was for an engineering study to design an engineering solution to keep the silt pushed back away from that intake so that they did not have to remove the accumulated silt each year. He said that study had not yet been done so that \$50,000 had not been spent. Mr. Terry said there was a project budget but the project had been delayed due to the loss of their Water Superintendent earlier this year, but the project was still on the books and they expected to receive competitive bids this year.

Commissioner Harrington said if that project had gone forward they may have had a permanent solution in place but instead they were still paying \$30,000 a year to remove the silt. He asked if the cost of \$30,000 a year was arrived at through a bidding process. Mr. Terry said the same company had performed the service both times it had been done, and \$30,000 had covered that cost. He said they intended to re-bid the project this year and look for other companies that were qualified to do that kind of specialized work.

Mayor Voller stated it was obvious that they had to remove the silt, and the question was when they could arrive at a permanent solution. He said the bottom line was they had to remove the silt to produce good quality water.

Commissioner Harrington asked why this was a CIP project when it was a part of the maintenance for the water process. He suggested it should be budgeted into their water rates since the work was done each year.

Commissioner Bryan asked wouldn't it be an expense to the Enterprise Fund.

Commissioner Harrington said it was an expense that should have been budgeted that it was not a CIP project. He said this was an ongoing cost that was a maintenance expense. Mr. Terry said staff had discussed that and there was more than one way to handle it. He said it could have been done through contract services in the operating budget, but he had not done it that way because his past experience was that any project of this magnitude required that it be a capital project. Mr. Terry said even though this was a large number it could be handled through contracted services.

Mayor Voller asked how many times had the silt been removed over the last 10 years, or was two years ago the first time it was done. Mr. Terry said he had been told it was an annual event but he would have to research to identify when it was first done. Mayor Voller said he did not remember it being done annually until around 2006, and if it had not been done for some time and now they were doing it yearly then how did it cost the same every year if they were not dealing with the same accumulation of silt that would have been building over many years. He said if they were accumulating the same amount of silt each year then there was a problem that needed to be addressed and that begged finding a permanent solution.

Commissioner Brooks said he did not remember the year they started removing the silt but it had not been done for a very long time, if ever.

Commissioner Harrington asked how they knew that they needed to do it. Mr. Terry said he had asked the same question a year ago and had visited the intake site to see for himself. He said if you stood on the grate on top of the intake you could see that the water was only about a foot deep because of the accumulation of silt. Mr. Terry said you could take a stick and stir it up because it was so close to the surface, and it was apparent that the intake was being affected by the silt. He said that it had frustrated him that the nature of the silt was so fine and so viable that when they removed it and piled it on the riverbank that the next day it had started creeping back toward the water.

Commissioner Harrington said that was of concern to him as well. He said he wondered that once they pulled the silt out and they went back six months later and it looked exactly the same, then they were not really accomplishing much. Mr. Terry said he had not inspected the area since that time.

Commissioner Brooks suggested that they table the issue to allow Mr. Poteat to provide information regarding when the silt removal had begun. Mr. Terry said that would be appropriate since this was not an emergency.

Mayor Voller said he was interested in the company that had designed the intake and whether they had any liability on the fact that the intake was in a position that caused the Town to have to regularly remove silt from the intake. He said it just did not seem reasonable that they had to deal with this issue again and again.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to table the issue until the Board's next meeting to allow staff to determine when the silt removal had begun and to provide any other information that might be helpful.

Vote Aye-5 Nay-0

#### **4. Amendment to the Bulk Water Agreement with Aqua North Carolina Inc.**

Mayor Voller stated they had wrestled with this organization before, and in the past they had come forward with amendments that asked that the Town do things to benefit them but there never seemed to be anything included that would benefit the Town. He said he was not against

approving the amendment, but it seemed that the Town should receive some benefit by allowing the organization to sell water. Mayor Voller wondered if they would come back at a later date and hold the Town responsible in some way.

Commissioner Harrington asked was the contract saying that it might be okay for Aqua to sell to others but they had to come back to the Board to receive some approval to allow them to sell outside their system. Mr. Messick said the context of the agreement was that there were people who were not on the existing line that wanted to connect. He said the amendment would allow the Town to approve the connection and the Town to collect the access charge and then basically sell additional water to Aqua so they could serve those new customers.

Commissioner Bryan said that Aqua just did not want to take away from their allocation to Chapel Ridge. Mr. Messick said that was correct.

Mayor Voller asked what was in it for the Town and its citizens. Mr. Messick said the Town would receive the access fees as well as revenue from selling Aqua the additional water. Mayor Voller said he was playing devil's advocate, and said presumably they were dealing with an issue on silt right where the intake was and if they were ripping things up upstream then shouldn't they take steps to address that. He asked if Aqua was contemplating selling water to new developments or to existing homes. Mr. Terry said right now this was precipitated by one customer who had been asking for a connection for some time. He said that Aqua had approached him about it and that was why the amendment had come forward.

Frank Foushee stated that 5 years ago when the line had been installed to Chapel Ridge he had asked to have access to the water, and he was told that if the Town would make an allocation over the amount already allocated to Chapel Ridge that they would allow him to tap on at that time. He said he had talked with the former Town Manager who had indicated the Town did not want to get into contracts with individuals. Mr. Foushee said the line from Brooks Creek all the way to the water storage facility was owned either by Aqua or the developer. He said according to Aqua, they could not take any of that developer's allocation away without the Town giving them additional availability or the Town allowing the taps. Mr. Foushee said he had talked with Aqua over the 5 years and they had finally agreed that if the Town could come up with method then the people in the ETJ could get water from that existing line. He said the water being discharged into Brooks Creek was contaminated, so if you had people using the water further up the line it may solve some of the problems in Brooks Creek.

Mr. Terry said he believed that the amendment before the Board now would solve the problem.

Mayor Voller said he had more empathy for the people who had lived in the area for quite some time than for those who had built developments that were now in bankruptcy or might never be built. He said for them to hold citizens over a barrel and say they could not supply water to those area residents was ridiculous. Mayor Voller said they all knew that many of the units would never be built unless the market changed, and if the State had not extended the permits they would have already expired and the developers would be coming back to the Town for approvals. He said he did not know why Mr. Foushee and others had not been given water 5 years ago. Mr. Foushee said it was frustrating to have the water running across his property and

not having access to it. He said Aqua was considered a public utility by law, and they could run the water across private land without receiving any permission or easement from the owner.

Mr. Terry said that the amendment under consideration would allow the Town to work with Aqua to allow connections outside of Chapel Ridge on a case-by-case basis. He said the intent was to be able to offer connections to residents along that existing line, and Aqua was willing to do that as long as they did not have to sacrifice any portion of their water allocation dedicated to Chapel Ridge.

Mayor Voller said the water was available and there was no reason why they could not do that, adding the water had been available 5 years ago and it could have been done then. Mr. Foushee remarked he had thought it was a no brainer.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve the resolution authorizing the Town Manager to execute the amendment to the existing bulk water agreement between the Town of Pittsboro and Aqua North Carolina, Inc.

Commissioner Fiocco asked where in the contract language it said that the Town had the right to approve or deny future connections by Aqua. Mr. Terry said that was under Section 4.1 on page 3 with additional language in Section 5.

Commissioner Fiocco asked if the language in Section 5 gave the Town the ability to deny requests for connections. Mr. Messick replied yes. Commissioner Fiocco said the language in Section 5 read in part that the Town had the discretion to decline service to any potential Aqua customer when the anticipated volumes of water usage were deemed to be more than could be reasonably supported by the Town. Mr. Messick said that was correct. Commissioner Fiocco said he believed they needed to be diligent about that in that there was the potential that the Town in the future could get to that point and they would need to turn off the tap to Aqua and preserve it for their municipal limits.

Commissioner Harrington asked what if they had 1,000 reasonable requests along that line, and asked could they provide some definite allocation for that purpose now so that there would be a cap.

Commissioner Fiocco commented he believed they needed to keep an eye on it. Mr. Messick said it was reasonable to assume the Town would not want a commercial user outside the ETJ, so anything they did that would facilitate that outside the Town limits would be a bad thing. He said by making the availability of water not be an easy process would encourage commercial users to locate in Town.

Commissioner Harrington said they could have a situation where someone came along and for whatever reason needed individual connections outside of Chapel Ridge, and it would begin to add up. He said 5 years from now they might be at a point where they would need to stop allowing connections. Mr. Messick said that was entirely possible.

Mr. Terry said to a certain extent it was self-limiting, noting that the diagram on page 7 showed that the waterline was only so long and only so many taps could be accomplished.

Commissioner Fiocco said you could put another 8" line off that and provide water to a 400 unit subdivision. He said he believed they needed a policy outside of this contract so that they could keep an eye on it and that they set some thresholds now so that when they reached a certain point that the issue would be revisited.

Mr. Foushee asked was there a way that the Town could legally say that residences that were in existence on a date certain would have availability. He said then if someone came forward with a proposal for a subdivision or a business the Town would have the right to consider that proposal with those existing residences in mind.

Mayor Voller said that seemed reasonable to him, noting he thought what could happen based on the way the contract was written was that they were intending to help the people like Mr. Foushee that had a home near the line. He said while Aqua may not want to give up any of its capacity they may have other options or other land the Town did not know about and could go to the County to get additional water. Mayor Voller said he did not want to propose something that Aqua may not want, but the Town had to have some ability to control the water.

Commissioner Fiocco said he suspected that Aqua had a contract with Chapel Ridge to provide that many gallons through the life of the project and would be in contract violation if they were to allocate water outside of Chapel Ridge. Mr. Terry reiterated he believed it was self-limiting based on where the meter was located and the length of the line.

Mayor Voller said he wanted to help people like Mr. Foushee but he did not want to get into a situation where the Town had not thought through every issue and were blamed for issues they had not meant to create. Mr. Terry said he believed they were protected.

Commissioner Fiocco said he believed they had the coverage necessary on reasonable grounds to deny future use and allocation with this document, and although he did not expect to receive a massive amount of requests they still needed to keep an eye on it.

Mayor Voller asked Mr. Messick if he believed that language would give them the ability to deny a request, and how would he define "reasonable." Mr. Messick stated that this was different because it was contractual and was an Enterprise Fund. He said the Town could make any deal on its own without any kind of rules or regulations except that they needed to be uniform about it.

Commissioner Fiocco asked was it similar to the allocation deal the Town had made with two developers for sewer. Mr. Messick replied yes, adding in this case they were talking about only 400 gallons a day. Commissioner Fiocco said but they would not be obligated to make that same deal with someone else. Mr. Messick replied that was correct.

Commissioner Harrington said there was no sunset date, and 15 years from now someone could still be asking under that contract and the Board would have to continue to say no virtually

forever. Mr. Messick said the contract was drawn to supply one customer 400 gallons per day. Commissioner Harrington said his point was that at some time in the future they would have a maximum number of people on that line, and the way the contract was written there was no end to it. He said his concern was that 50 years from now people would still be referring to this contract and trying to tap on to the line, and suggested they put a sunset date on the contract. Mr. Messick said he believed that was reasonable.

Commissioner Harrington suggested a friendly amendment to the motion that the contract be in effect for 5 years, and anyone could request to tap on to that line up to 5 years from now and then that contract would go away and a new contract would need to be executed.

Mr. Terry cautioned the Board that since they were making a change to the contract that he would have to send it to Aqua for their approval before it took effect. The Board then held a brief discussion on how water could or could not be provided to additional customers in future, as well as various nuances of the contract under consideration. They also discussed the fact that at some point the Town would likely not want to send any more water to that line, and that should be noted so that future boards would understand that they could deny requests while still abiding by the contract by not sending any more water into that line. After the discussion, it was determined that a sunset date was not needed.

Commissioner Fiocco said that reference was made in Section 4.2 to NC Administrative Code T15A:02H.0200, and that section of the Code had been repealed and replaced with Subchapter 2T, which was based on sewer flow calculations.

Commissioner Fiocco made a friendly amendment to make reference to NC Administration Code Subchapter 15A:2T in Section 4.2 of the contract and remove the reference to T15A:02H.0200. Commissioner Bryan and Commissioner Brooks accepted the friendly amendment to the motion.

Mayor Voller called for the vote on the amended motion to include reference to the NC Administrative Code.

Vote Aye-5 Nay-0

**AN AMENDMENT TO THE BULK WATER SERVICE AGREEMENT WITH AQUA NORTH CAROLINA IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 92-98**

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN THE AMENDED AGREEMENT WITH AQUA NORTH CAROLINA IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 99**

## **CAPITAL PROJECTS REPORT**

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

Mr. Terry provided an update on Capital Projects as follows:

- Disinfection Byproducts Reduction Project – The ferric sulfate tanks were installed but not yet tested, so they continued to feed ferric sulfate from the temporary set-up. They hoped to get this project completed in the very near future.
- Wastewater Treatment Plant Wet Weather Flow Improvement Project – They processed two small change orders last week. Change order #5 was for \$5,576.47 to install three yard hydrants, and change order #6 was for \$1,865.11 for relocation of the turbidity meter in the UV system flow channel. A construction progress meeting was held on August 3, and the general contractor remained on schedule and had added a second site superintendent to accelerate the work. The electrical contractor expressed some concerns about not being able to begin his work until the general contractor completed nearly all of his work. All things considered, the project seemed to be on schedule for an end of October completion. The cash flow on this project was working well; they have made six payments to the contractor and submitted five reimbursement claims. The claims were being processed in a timely fashion so that they had only about two payments outstanding at any one time.

The EPA grant administrator in Raleigh reported that he was close to completing his review of the Town's reimbursement claim on the 3M Reuse Water Project and noted that there was about \$45,000 remaining in available grant funds. The administrator said that if the Town had something more to do at the plant he could obtain permission from the EPA for those unspent funds to be used with a 50% Town match. They were in the process of obtaining 3 quotes on the bar screen renovation that they were unable to get done under the ARRA project. They will submit quotes to the CG&L EPA grant administrator and seek authority to do the work using the surplus EPA grant funds. If successful, a 50% match from the Enterprise Fund balance of about \$50,000 would be required.

Mayor Voller asked did he feel that that project was worth pursuing. Mr. Terry said it would provide routine maintenance of the system. He said that because the ARRA funding would not cover that work it had been taken out of the project, but this would allow them to get that work completed using the \$45,000 remaining in the grant. Mr. Terry said they could delay the work for a year, but the work would eventually have to be done. Mayor Voller said this would be the better deal because the ARRA money was half grant and half low interest loan, and to do this work the Town would have had to get a low interest loan for the entire amount. But, he said, they would now be able to get the work done by providing a 50% match rather than borrowing the entire amount. Mr. Terry said it would still be a 50/50 project, because it had been allowed under the scope of work for the project. He said either way, the remaining grant funds were not enough to complete the project so the remaining amount would have to be through a 50% match.

Mayor Voller said if the EPA allocated those remaining funds for this project, his question would be was it a better fiscal decision to do the project now. Mr. Terry said he believed so, because the work would have to be done in any case.

Commissioner Harrington said that Mr. Terry had mentioned something about low interest loans, but they could not get that now.

Mayor Voller said that was correct, that they were locked out now.

Mr. Terry asked for consensus from the Board regarding pursuing the EPA funding for this project.

Mayor Voller asked how soon they would need to renovate the bar screen, and was it something that would have to be done next year or the next in any case. Mr. Terry said that was correct, noting they could continue to make repairs but they would eventually have to do the work. Mayor Voller said in that they would be considering obtaining a low interest loan for the Credle Street project, could they borrow more than necessary and use the difference for such projects as the bar screen renovation. He said he did agree with Mr. Terry that if they could get a grant to cover half of the cost for something that they knew was a problem then that would be better than waiting for it to break down completely and having to pay the full amount later on.

Commissioner Fiocco asked were they indeed getting the quotes now. Mr. Terry said he had a quote from the contractor working out there now, and Mr. Poteat had one that had been submitted some time ago. He said they would need to obtain at least one more so that the 3 quote could be provided to the EPA grant administrator. Mr. Terry said he would bring those price quotes back to the Board at its next meeting so they could then decide whether to move ahead with using the remaining grant funds.

Mr. Terry continued his update:

- Mary Hayes Barber Holmes Park – During a recent rain event some severe problems with drainage were noted at the entryway to the park. The stone steps basically became a waterfall feature. Since that time, the contractor built some new drainage structures designed by the architect. As part of the punch list, they were waiting for another significant rain event to prove the effectiveness of those new drainage features. The majority of other punch list items have been resolved.

Mr. Horne provided a brief description of the work taking place or planned at the park, including plants that needed to be replaced, park signs, and some other minor issues.

Commissioner Fiocco asked if they had retainage equal to motivating the contractor to do that work. Mr. Horne responded yes.

Commissioner Harrington asked if Mr. Horne believed the drainage issue at the steps had been addressed. Mr. Horne said he believed so, noting that the solution that had been installed should solve the problem.

Mr. Terry said they did have some options, adding that the biggest problem they had now was that when it did fail it pushed all that gravel and sand down the steps. He said one solution would be to remove all of that and plant grass near the large flagstones. Mr. Terry said they would then have water flowing through a vegetated area rather than down the steps.

Commissioner Harrington said when you looked at the lay of the land you could see that that corner was lower, but it was one of those things you saw after the fact. He said he had visited the park Saturday night and there were about 16 people out using the park, and that was good to see.

Mr. Terry continued his update:

- Southern Community Park – They have completed review of the statements of qualifications and in the process of scheduling interviews with the 5 firms for the week of August 9<sup>th</sup> to August 13<sup>th</sup>.

Mayor Voller asked what basis was used to end up with the 5 firms. Mr. Horne said they had used a matrix that included the ability to meet deadlines, hit budget targets, quality of work, references, and the like.

Mr. Terry continued his update:

- Pedestrian Conveyance System Project – A letter was sent on August 4<sup>th</sup> to NCDOT informing them of the budget amendment adding \$65,000 to the budget for engineering fees and authorizing them to proceed with work on the sidewalk. NCDOT has indicated that the conditions noted in that letter were not conditions they were willing to agree to, and their preference would be to drop the project. In response to that, with Commissioner Fiocco's help a meeting had been scheduled to try to negotiate around that position and the results of that meeting would be reported back to the Board.

Commissioner Fiocco said he had contacted Tim Johnson and discussed his unwillingness to entertain the Town's proposal, and suggested that they meet in person to try to resolve it. Mr. Terry said he had had a brief conversation with David Hughes today, and he still had a sidewalk that needed to be installed as a part of that project. He said the traffic circle could still be opened but it was not an ideal situation. Mr. Terry said Mr. Hughes had suggested that perhaps the County would be willing to assist with a solution by participating in the project in some fashion, so that might be an option. He said he did not know what the County's budget was for the two projects they had done in that area, but if there were any contingency funds available perhaps they would consider offering the Town some financial help.

Commissioner Fiocco said the Town had a contract with NCDOT for them to include in their project construction of the sidewalk, they had taken bids on it, the Town had funded its portion of it, and the Town had written them a letter asking them to consider certain considerations to move forward with the project. Mr. Messick said the Town was limiting its approval of the contract with those conditions spelled out in the letter. Commissioner Fiocco asked could the Town amend the contract in some way. Mr. Messick said not without NCDOT's agreement and he did not believe they were willing to do that now. Commissioner Fiocco said if they had a deadline to perform the work but said they were not willing to accept the conditions noted in the letter, they were still under contract to perform. Mr. Messick said he would have to look at that contract. Commissioner Fiocco said in any case they needed to get the project completed, and any objection the Town had NCDOT was still under contract to perform. Mr. Messick said the contract was to do the roundabout, and the question was whether or not they were obligated to do

the sidewalk and he was not sure that was clear. Commissioner Fiocco said then they may not be under contract with NCDOT to do the sidewalk.

Mr. Terry said the Town had two supplemental agreements, and with those supplemental agreements NCDOT had agreed to combine the two projects.

Commissioner Fiocco said there had been a hint that somehow the Town had not performed, and he disagreed completely. He said that project had been on “go” for months.

Commissioner Harrington asked why the supplemental agreement was not a contract.

Commissioner Fiocco said he believed it was a contract. Mr. Messick said the Town had not approved the quote NCDOT had received from Sanford until last week, so if there had been a delay then that was the starting point. He said the Town had attached conditions to that approval.

Mayor Voller said the Board had not attached conditions to that approval; they had asked Mr. Terry to write NCDOT a letter expressing the Board’s concerns. Mr. Messick said he had not construed the letter as expressing concerns. Mayor Voller said but the actual approval had no conditions and Mr. Terry had been instructed to write a letter specifically detailing the Board’s concerns, but that had not been made conditional on moving forward with the sidewalk. Mr. Messick said he had understood the letter to be conditions.

Commissioner Bryan said the Board had talked about the Town not incurring any additional costs and that was exactly what the letter said. He said Mr. Messick had interpreted that to be a condition and it likely was.

Mayor Voller said his point was that was not what the motion was that the Board had approved. He said he had gone to the site on Friday and talked with a supervisor from Sanford Contractors and he knew nothing about doing the sidewalk. So, he said, it appeared that the two sides were not communicating.

Commissioner Harrington said it was almost as if it had already been decided that they would not do the sidewalk because it had never been on anyone’s radar.

Mayor Voller said either NCDOT had been playing games or the contractor had never wanted to do the sidewalk. He said he did not know how they could claim that they were out of the contract, because the Town had agreed to the price. Mayor Voller said people wanted the sidewalk built, the Town had pushed to get it done, and it needed to be done.

Commissioner Brooks said that democracy ruled and to assume that it would all work out. He said assuming the sidewalk got built they needed very soon to contact the Board of Directors of the Community College and encourage them to deed over to the Town the sidewalk that would be constructed on their campus so that they would have the maintenance and liability for it. Commissioner Brooks said he had asked the Provost who had responded that when the project was completed it would belong to the Community College.

Mayor Voller asked whose land it was. Mr. Messick responded it was the County's land.

Commissioner Brooks said he had seen a rough draft of the contract with Hydrostructures, noting a signed copy had not been located, and it mentioned several figures that totaled approximately \$22,000. He said they had spent \$22,521 but with change orders it had reached \$65,000, but he did not remember the Board voting on those change orders. Commissioner Brooks said he would like to see those signed change orders so that he would understand what had happened, noting that was a considerable difference.

Mayor Voller said from the private side, it had always been a great level of frustration in dealing with engineering and surveying and consulting services because there was scope creep and the bills kept getting bigger. He said he agreed with Commissioner Brooks, in that it was hard to justify that. Mayor Voller said on the other side of the coin, he could see that NCDOT was utilizing the Town's engineers and "running the meter."

Commissioner Brooks said he was not arguing about it anymore; he just wanted to see the signed change orders. Mr. Terry said he would bring back to the Board an itemized list of the engineering expenses. Commissioner Brooks reiterated that he wanted to see the signed change orders.

Mayor Voller said that Mr. Terry would be meeting with Mr. Johnson tomorrow and hoped that some clarity would come out of that meeting. Mr. Terry said he would bring back a report to the Board that itemized the cost as well as report on the meeting.

Commissioner Harrington asked when they had said the project would be done.

Commissioner Brooks said the plan was to open the buildings on August 20, and the official opening would be in mid-September.

Commissioner Harrington said that NCDOT had indicated its work would be done on August 20 so that was what they were aiming for. He said the Town still had its money so they could always go out and get bids for the sidewalk. Mr. Terry said that was what NCDOT was suggesting they do, but in the same breath they had said before the Town did that they needed to review the plans and specifications again.

Commissioner Harrington said the Town had plans that NCDOT had approved so if the Town hired someone else to build the sidewalk, what was there to review. Mr. Terry said that had been his response as well. He said those plans had been approved a year ago and on August 5 they were ready to break ground on that project, and 5 days later NCDOT was indicating they needed to review the plans and specifications which he did not understand. Mr. Terry said there had been no changes whatsoever since August 5 and had asked why they needed to be reviewed again, and the response was that it was federal dollars and they had to be really careful.

Mayor Voller said it was time for him to contact Secretary Conti, noting the situation was ridiculous and they may have to go above Mr. Conti. Mr. Terry said one of his thoughts was

how long that review would take, but his sense was it would take as long as NCDOT wanted it to take.

### **Mayor Updates**

Mayor Voller offered no updates.

### **Commissioner Concerns**

Commissioner Brooks said it had been stated that NCDOT had made a commitment to help the Town fix some of the problem areas in Town. He said the intersection of Salisbury Street and Hillsboro Street was littered with potholes and the pavement was rough. Commissioner Brooks said another problem area was beside the Kangaroo Station at the stoplight where Elementary School Road went into 87/15-501. He said there were others but those two were exceptionally rough places that got a lot of traffic, and he hoped that that could be addressed before cold weather was upon them.

Commissioner Brooks stated that they needed to have someone inspect the old depot and make sure that no one was using that building, and then place a piece of plywood where the door had been before someone got in there and got hurt. Mr. Terry said he and Mr. Poteat had visited that site and at the next Board meeting he would present an agenda item that would provide the authority to tear it down.

Commissioner Brooks said that around the traffic circle there were two leaning poles with heavy cables hanging from them. He said they appeared dangerous to him and did not want to imagine what would happen if one or both of those poles were to fall with those lines on them. Commissioner Brooks said he would like to have that addressed.

Mayor Voller said they needed to have Progress Energy look into that. Mr. Terry said he would take a look at the situation.

Commissioner Brooks said that the State had made some changes to its hunting regulations and there would be a community input meeting at the Community College on September 8. He said it would appear that they were going to allow anyone to use crossbows this year during bow season and the user did not have to be handicapped. Commissioner Brooks said he supposed that the Town would have to decide if they were going to do that as well, and to complicate the matter the user would have to have a permit to purchase a pistol to do that but he did not know why. He said you could not carry the pistol but you had to have a permit in order purchase a crossbow and use it legally to hunt. Commissioner Brooks said he would urge that they simplify their regulations, noting that the enforcement agency had simplified its reporting process. He said he believed the hunting program had worked and that there had been fewer accidents than in the past. Commissioner Brooks said if the Town was going to have an archery season again then it should coincide with those changes.

Mayor Voller said they had been successful in culling the deer population.

Commissioner Harrington said the big point was to decide whether to allow archery hunting in Town again. Mr. Terry said that the Town's regulations prohibited the use of crossbows.

Commissioner Brooks said that was because at the time the State had prohibited it. He said archery season began in September so if the Town was going to consider making a change then it needed to be done soon.

Commissioner Harrington said it would be his inclination to let the Town regulations stand as is.

Commissioner Bryan said in regards to the work at the roundabout, last week they had discussed the possibility that the money that was spent for sleeves could come from the downtown water system project. He asked had it been determined whether that was possible and how much that would be. Mr. Terry said he would have to go through and do a line by line accounting, and he would bring that information back as soon as that was completed.

Commissioner Bryan asked did they know who was going to replace the walking trail at CCCC. Mr. Terry responded he was not familiar enough with that project to know the answer to that.

Commissioner Brooks said it was necessary to disturb that trail in order to construct the two new buildings.

Mayor Voller said the County was the one paying for it, and suggested he contact David Hughes to respond to that question. Mr. Terry said that most construction contracts stipulated that if something was disturbed then it would need to be replaced or restored as a part of the contract. He said he would be seeing Mr. Hughes tomorrow and would ask about the trail.

Commissioner Brooks said since the road was going to cross it then it likely needed a crosswalk.

Mayor Voller agreed, noting that would be a part of the CMAQ project.

Commissioner Bryan asked if the Town was staying in line with the TTHMs. Mr. Terry said he had not heard anything new recently, noting they had been conducting spot checks and had not had anything over .8. Commissioner Bryan said that was a good thing particularly since the weather had been abnormally hot lately.

Commissioner Fiocco said in regards to the noise ordinance, there had been a question posed to Officer Roberson about whether or not there was a device that would measure just the bass line of noise, and he was suppose to look into that and report back to the Board. He said he would like for Officer Roberson to respond to let the Board know if that was possible.

Commissioner Harrington said he was at Lowe's this morning and the 7:20 a.m. bus was sitting there waiting to leave and the later bus was sitting right behind it. He said he supposed it sat there and wanted until time for it to leave, and to him that was not a very efficient system. Commissioner Harrington said he would like to have Chatham Transit come and talk to the

Board at some point about how it might run things if they had one or more of those routes, and what service they might offer.

Commissioner Harrington asked if they were going to be able to provide portable toilets at the park. Mr. Horne said replied yes, and he would prefer to do it within his existing budget.

Commissioner Harrington said that one of Mr. Terry's neighbors was not happy with the 20 No Parking signs along Millbrook Drive, and asked if they really needed an entire farm of signs. Mr. Terry said he had received some emails about that situation, noting it was a long stretch of road and he had indicated to Mr. Poteat to put up whatever he believed was needed to make it enforceable.

Mayor Voller asked could you just paint the curb and put one sign at the beginning and one at the end. He said 20 seemed like an eyesore.

Commissioner Brooks said they needed to talk about Fund Balance, noting that it concerned him that approximately a half-million dollars had gone out of the Fund Balance in the last year. He said that frightened him, noting that one of these days the Town's old water pipes would fail and they would have no money to replace them. He said the Board needed to have an in-depth discussion and agree on some way to save their money for infrastructure.

Commissioner Baldwin remarked that was well said.

Mayor Voller said that could be an item for discussion at the next meeting or a subsequent meeting where they could go through some of those items to see what could have been done differently. He said those expenditures were related to investments in the Town, and the question was do you take Fund Balance or did you seek alternative funding so that your Fund Balance remained high, and that did need to be discussed. Mayor Voller said that was a policy and procedural issue and the Manager needed to have guidance on that from the Board.

Commissioner Harrington asked did they have a valve such that if the Town had a problem they could take water from the County if they needed it. Mr. Terry said it had been a long time since he had posed that question, and he had posed it to two people and one had said yes and one had said no. He said one answer was operational from Mr. Poteat who had said that if you opened a valve the water would run both ways. Mr. Terry said the other answer came from Jay Johnston who based his response on the lack of pressure if you opened the valve. Commissioner Harrington said then he supposed the assumption was they could not take water from the County in an emergency.

Mayor Voller said that situation needed to be rectified.

Commissioner Brooks asked had the County ever responded whether they were going to give the Town its allotment back, noting they had a rather large allotment that they did not use. He said he would like to follow up on the Town's request and see what could be done.

**FYI**

1. Financial Statements for the Month Ending July 31, 2010.

**ADJOURN**

Motion made by Commissioner Harrington seconded by Commissioner Bryan to adjourn the meeting at 10:35 pm.

Vote   Aye-5   Nay-0

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk