

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, FEBRUARY 14, 2011  
7:00 PM

Mayor Randy Voller called the meeting to order at 7:04 p.m. and called for a brief moment of silence.

**ATTENDANCE**

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

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

**AGENDA**

Mayor Voller added an item to a Ceremonial Agenda to welcome new Water Plant Superintendent Scott Jewell.

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

Vote   Aye-5   Nay-0

**CONSENT AGENDA**

The Consent Agenda contains the following items:

1. Approve minutes of the January 22, 2011 Work Session.
2. Approve minutes of the January 24, 2011 Regular meeting.
3. Approve minutes of the February 9, 2011 Special Meeting.
4. Ratification of the authorization for the Mayor to sign a NC Parks and Recreation Trust Fund Grant for Southern Park Phase 2.

Commissioner Brooks stated he wanted the record to reflect that the vote on Item #4 regarding the PARTF Grant was not unanimous, but did not want to pull it from the Consent Agenda for another discussion.

Commissioner Fiocco stated that in the January 24, 2011 minutes on page 10, the first sentence of the third paragraph talked about “reduced flow,” and it should read “diffuse flow.”

Mayor Voller noted that the spelling of Catherine Deininger’s name was not correct, and asked that that be made note of.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adopt the Consent Agenda as amended.

Vote Aye-5 Nay-0

## **CEREMONIAL AGENDA**

Mr. Terry introduced Mr. Scott Jewell, noting he was the new Water Treatment Plant Superintendent. He said Mr. Jewell had come to them from Burlington and was a graduate of the Virginia Military Institute. Mr. Terry stated that Mr. Jewell possessed a Class A certification in North Carolina and had been on the job for about a week. He said he was already well on his way to learning the plant and getting to know the staff, and he wanted to welcome him to the Town.

The Board offered its welcome, with Mayor Voller stating they were looking forward to his working in Pittsboro.

Mr. Jewell thanked Mr. Terry and the Board for their welcome, noting he was excited about the opportunity to have a positive impact on leadership and the quality of water in Pittsboro.

## **REGULAR MEETING AGENDA**

### **Citizens Matters**

David Quick, 127 Hudson Hills Road, stated he wanted to speak about entertainment events in the downtown. He stated that on October 2 of last year there had been an event called Pittsboro by Gas Light which was a multi-venue coordinated event with a lot of entertainment at each location. Mr. Quick said that event had appeared to be a resounding success with the Downtown Merchants Association and with all that had participated. But, he added, it had been an unsupported success and he wanted to propose some municipal support for what he was attempting to do for Pittsboro as well as those he was working with.

Mr. Quick said they had a swing dance themed event planned for April 30, 2011 and on June 25, 2011 they had planned a car show, and they also wanted to do another Pittsboro by Gas Light event in October 2011. He said they were trying to keep the downtown lively and make it more of an entertainment destination by providing venues for bands and the like.

Commissioner Harrington noted that the event last October had been a great success with a huge turnout. He said he had been surprised that so many people had attended when there had not been that much publicity, and he understood that some marketing had been done outside of Town at some expense. Mr. Quick stated that was correct, noting that most of the expense had been

borne by Emma Davenport and her group so he was not exactly sure what the expense had been. But, he said, he would like to gain some support to cover advertising costs particularly for printed ads because that had proved to be the most effective. Mr. Quick said he would also like to have some support for the bands, noting he had somehow been able to gather 12 bands together at \$50 a piece, which was good as an experiment but likely not sustainable. He said he would like to ask the Town for some monetary support, keeping in mind that \$50 for a five member band was only \$10 each. Mr. Quick said there had been no cover charge at any of the venues where the bands were playing which was part of the charm and people had been able to move from location to location. But, he said, people had been hesitant to tip because they were not sure if they were suppose to do that at every location. Mr. Quick said he also would like to try to secure a stage out of doors as well as possibly close off a street so they could have a car show in the middle of the downtown. He said he believed that would draw a tremendous amount of people.

Mayor Voller said last year Mr. Quick had talked to him as well as some of the Commissioners once plans were in place, and he believed the only way to work with Mr. Quick would be through the Recreation budget. He suggested that Mr. Quick work with the Recreation Board to see what they might be able to do.

Commissioner Harrington said that Mr. Quick was working closely with the Downtown Merchants Association, and he would personally like to see the Board offer some support even if it was just a small amount. He stated that the turnout at the events had been huge and it had to be good for the downtown businesses. Commissioner Harrington said it would be helpful if the Board received a letter from the Merchants Association stating their support and that Mr. Quick was working with them, as well as perhaps getting a one-page summary from Mr. Quick on events he had planned or wanted to plan as well as expected expenses, including print media estimates. He stated that that would be a good starting place for the Board because they would have a good idea of the amount involved and would then be able to discuss what support the Town might be able to offer. Commissioner Harrington said he hoped that the Board would be able to provide some help, noting he believed the events would be good for the Town.

Commissioner Harrington said that he had noticed a lot of unfamiliar faces in the crowd at the October event. Mr. Quick agreed, noting that it appeared that many of the residents of Pittsboro had not gotten the word about the event. He stated he would provide the letter and estimates that Commissioner Harrington had requested. Mr. Quick then distributed a document that provided more detailed information about past events.

Mayor Voller asked if Mr. Quick would be willing to appear before the Recreation Board and provide them information about the planned events. Mr. Quick said he would be happy to do so. Mayor Voller commented that was where the discussion needed to start.

Mr. Terry suggested that Mr. Quick contact Paul Horne who was the Town's recreation planner to determine when he could speak to the Recreation Board. He added that the Town now had three recreation-sponsored events that Town dollars were spent on, which were the Street Fair, the Christmas Parade, and First Sundays. Mr. Terry said since they were getting ready to work on the upcoming budget the timing was right if the Board wanted to add support for additional

events. He said if the Board wanted he and Mr. Horne to bring back a proposal they could certainly do that. Planner Paul Horne stated it had been his intent to put in a budget line item for such events.

Mayor Voller said that having Mr. Quick speak to the Recreation Board would be the first step, and commented that Mr. Quick had picked just the right time to speak to the Board.

Commissioner Fiocco asked when the Recreation Board would next meet. Mr. Horne stated they had moved their meetings from the second Tuesday of each month to the first Tuesday of each month, so the March meeting would be Mr. Quick's first opportunity.

Lesley Landis, 21 Randolph Court, President of the Chatham Arts Council, stated that she wanted to voice support for the Main Street Program which was managed by the NC Division of Commerce. She said a few weeks ago Diane Reid, President of the Chatham County Economic Development Corporation and her staff had once again attended the Main Street Program conference. She said at the conference interesting presentations were made and vendors exhibited ideas and products and provided suggestions for making downtowns more vibrant by attracting more residents and tourists such as those expressed by Mr. Quick as well as such things as road races and other events.

Ms. Landis said it was their hope that the Town leaders would agree to work with the Downtown Merchants Association, the Arts Council, and the Chatham County Economic Development Corporation to become a Main Street community and make Pittsboro a destination spot for visitors from all other the country and overseas. She said it was her belief that Pittsboro was tailor-made for this program and asked the Board to seriously consider participating in the Main Street Program as a Main Street town.

Ms. Landis said that some of them may know that the Art Gallery would soon be closing, but they were excited about their current program and hoped that everyone would visit and look at the very fine art for sale and support the local artists and merchants. She said the art show would continue through April 1.

Karen Hall, 4157 Alston Chapel Road, said that on February 5, 2011 they had experienced some heavy rain and she had become aware of a very small drainage ditch coming out of 1520 Hillsboro Street which was the home of Linda Cooper. She said she had spoken at length with Ms. Cooper and she had said that the muddy water coming through her backyard was washing away her driveway. Ms. Hall said that Ms. Cooper was understandably frustrated, noting she had been as well because the drainage was causing a mess. She said that muddy water was draining into Little Creek and in turn into Robeson Creek.

Ms. Hall said she had followed up on that drainage and had determined that it was coming from three different drainages that converged into Ms. Cooper's backyard. She said two were coming from a sedimentation basin and the denuded property behind Ms. Cooper's home which she believed was referred to as Bellemont Station. Ms. Hall said there was what appeared to be full sediment in one of those basins and some of the drainage was coming from a stockpile of red

dirt. She said that Ms. Cooper had commented that prior to that property being denuded she had not had a drainage problem.

Ms. Hall said she had sent an email to the State to the Division of Water Quality, and unfortunately she had not yet heard back from them. She said she believed it was up to the Town to look at such problems and address it, and that the situation spoke to the need for some kind of sediment and erosion control program that would allow the Town to deal with those kinds of issues. Ms. Hall said it was frustrating to her, to Ms. Cooper, and to everyone downstream, and hoped that the Board would listen to those concerns. Ms. Hall distributed photos of the drainage issue she had described.

Commissioner Harrington asked Ms. Hall how much she knew about enforcement, noting that the State had to enforce such things. Ms. Hall said the Town could have a program that they enforced, noting that the County had a Sedimentation and Control program and had inspectors that did on-site inspections and addressed problems. She said the reason the State had jurisdiction in Town was because the Town had no program and Chatham County was not allowed to enforce their program within Pittsboro, so therefore it fell to the State.

Commissioner Brooks said he had distributed photos of the drainage in that area in the past that included another neighbor, Eva Hackney, who had been adversely affected by that drainage. He said he, Mr. Terry, and Mr. Horne had all visited the area and were aware of the issue. Commissioner Brooks stated that a representative of the State had also visited the area, and when a developer had recently come before the Board they had included in his permit that he could not do any construction until those drainage issues were addressed. So, he said, the Board had made a good faith effort to try to help those residents.

Commissioner Fiocco said he knew that the piece of land in question had received multiple notices of violations from the State. Mr. Terry said that was correct, noting he had a memorandum with a timeline of the citations and fines that had been levied so far. He said the State was not getting the result they wanted but they were pursuing that and issuing citations and fines. Mr. Terry said that he would be glad to provide that memorandum to the Board.

Ms. Hall said that they had automatic samplers down stream on Little Creek, and they were "off the chart" in terms of sediment.

Commissioner Fiocco asked was there anything the Town could do under the auspices of the Flood Prevention Ordinance that they did have in place. He said he believed that part of the criteria for understanding whether or not it was a flooding problem was erosion, so if they were seeing runoff at velocities that were creating excessive erosion then perhaps there was something in the Flood Prevention Ordinance that would give them some measure of control. Commissioner Fiocco suggested that staff look into that.

Commissioner Harrington said his question to Mr. Messick was had the Town done everything it could do. Town Attorney Paul Messick said other than having a conversation with the property owner and following up with the State, he did not know of anything else the Town could do.

Commissioner Fiocco said if the property were in violation of the Town's Flood Prevention Ordinance, what steps the Town could take. Mr. Messick replied anything allowed under the Ordinance, but he did not know what that might be without looking at the Ordinance.

Commissioner Harrington asked could the Town go in and repair the sedimentation basin and put a lien for the cost against the property. Mr. Messick responded he did not believe so.

Mayor Voller asked if they could verify if that was possible. Mr. Messick said it would mean the Town going onto private property and doing the work for someone else.

Commissioner Baldwin asked could they follow up with the State and see if they could move forward somewhat quicker, noting that there had been fines and citations so it was obvious the property was in violation. Mr. Terry said he could contact the State and see if there was anything in addition to the citations and fines that could be done.

Mayor Voller asked was there anything within the Master Plan approval process, Rezoning Ordinance, or Subdivision Ordinance that would give the Town any ability to address this issue. Mr. Messick said the Town did not have authority over drainage from property. He said if the Town wanted to exercise some authority under erosion control then they had a couple of options but the Town had never done that.

Mayor Voller asked if one of those options was to partner with the County. Mr. Messick replied that was correct, noting the other option was creating a program for the Town. Mayor Voller asked at what point this was no longer an erosion control problem and became a public hazard or nuisance. Mr. Messick responded if they could get the Health Department to weigh in on that it would be helpful. But, he said, the property owners had rights that they could certainly exercise. Mayor Voller said the Board was elected to represent those property owners. Mr. Messick said that was true, but the Board was not suppose to take private causes of action against individuals. He said if it was a public nuisance or a health and safety matter then perhaps they could do something about it. But, he said, if it was a private trespass of one property owner against another, then the answer was no.

Mayor Voller said one issue raised in the email Ms. Hall had sent was that there was tax dollars involved in regards to Clean Water Trust Fund money being spent to keep the creeks clean. He said it was ridiculous for them to do all that work at a cost of hundreds of thousands of dollars, perhaps a million dollars, and then include like kind contributions for it all to be ruined because at the top end they did not have a program that would enforce erosion control. Mayor Voller said to be good stewards of public dollars the Town should be taking some stance or moving forward, because they could not in good conscience move forward at the bottom end if they were ruining it at the top end. Mr. Messick suggested that the Board could adopt a resolution asking the State to enforce its permits and the violations that had been cited and that they move ahead to address the problem.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to prepare a resolution to send to the State requesting that the State enforce the permits and address the

violations taking place in this area, and that they move ahead to address the problems with due speed.

Vote Aye-5 Nay-0

## **OLD BUSINESS**

### **1. Update on Pittsboro Entry Sign Renovation Project (Life Scout Patrick Crutchfield).**

Patrick Crutchfield provided the Board with the design of the new signs as well as an estimate of the cost of the new signs. He described the design and detailed the materials that would be needed, including the mulch to place at the foot of the signs.

Commissioner Harrington asked if he had estimated for four signs and for five signs. Mr. Crutchfield said in his last meeting with Mr. Terry it had not been clear whether four signs would be needed or five, so he had offered estimates for both. He said the fifth sign would be on NC 87 North.

Mr. Terry commented that there was not a sign there at this time.

Mayor Voller said he believed there should be sign posted as you approached the traffic circle on NC 87 North. Mr. Crutchfield said the sign would read “Welcome to Pittsboro” and “Founded in 1774.”

Mayor Voller commended Mr. Crutchfield for his hard work, noting it spoke volumes for his scout troop as well as for all the troops in the County. Mr. Terry said he had met with Mr. Crutchfield a few times and a few changes had been made, such as getting the signs a little higher off the ground and changing the Courthouse logo to one that was more recognizable. He said he was satisfied that the design was now a good one, adding that the funds being requested were easily available in the Public Works maintenance budget, and he would be happy to recommend using those funds to support the signs.

Motion made by Commissioner Bryan seconded by Commissioner Harrington to approve the design for the Pittsboro entry signs and provide funding from the Public Works maintenance budget.

Vote Aye-5 Nay-0

### **2. Chatham County Justice Center Project Update (David Hughes, Chatham County Public Works Director; Ken Redfoot, Project Architect; Mike Hammersley, Project Engineer).**

Chatham County Public Works Director David Hughes stated they had gotten some feedback from the last meeting and had taken a harder look at the stormwater issue. He said they had immediately recognized the need to provide something a little better than what they had. Mr. Hughes said they did have some constraints with the site, noting they had a large building with a steep slope in the rear so they had tried to come up with a plan that would mitigate some of the

stormwater before it entered the creek. He said he believed they had now developed a better plan and that the Project Engineer, Mike Hammersley, would provide the detail.

Mike Hammersley displayed a diagram of the area, pointing out that the new facility would be located just below East Chatham Street. He said associated with the new building would be parking lots on three sides, and they had a footprint of what would be disturbed in order to get the needed parking and other infrastructure. Mr. Hammersley said as a part of that they had a couple of sediment basins as a part of their erosion control plan, and what they were looking at was trying to enhance the stormwater runoff from the project as well as in the areas already cleared. He said they had looked at the areas where the sediment basins would eventually be removed, and had then looked at installing what was called a level spreader. Mr. Hammersley said that a level spreader took concentrated flow coming from a pipe at high velocity, dropped it into a plunge pool which was a stoned area, and then distributed it along a long linear area created that would pond the water. He said as the water came down it hit the rock and was dissipated out and then rolled into a grassed area.

Mr. Hammersley said the level spreader itself was created by a concrete curve that would eventually allow the water to rise up and flow over top of the curve to create a sheet flow. He said the water would then go out more gently as a sheet rather than as a concentrated flow, which worked much better on a buffered area or an area where you could cause more erosion by having a point discharge. Mr. Hammersley said the level spreader would be about 300 feet from the natural buffer along the stream and in one area it was about 500 feet from the natural buffer along the stream.

Mr. Hammersley explained that the water sheet coming over the top of the curve would flow onto a small gravel strip and then onto a grass strip. He said the grass allowed the sediment to drop out and the grass was easy to maintain. Mr. Hammersley said after that grass strip the water would flow into the natural area.

Mr. Hughes said they had designed the level spreader so that it was further from the stream. He said that in one of the parking lots they had had a geothermal well field for geothermal heating and cooling, with about 120 wells under that parking lot so there was not much they could do with that lot. Mr. Hughes said they were also in the early stages of relocating the jail, but because the site had a large drop off there were constraints to what they could do. He said they had tried to come up with the most effective feature possible to handle the stormwater and still remain on budget, and believed they had done so. Mr. Hughes said he believed the project would be going to the County Board in the next couple of weeks for approval.

Mayor Voller said then if everything went as planned, when they anticipated breaking ground. Mr. Hughes replied at the end of March or the first of April. Mayor Voller asked what the Town Board needed to do to make that happen smoothly. Mr. Hughes said he believed they were over the hump and on their way, noting that once the lots were recombined there was nothing left for the Town Board to do. He said they had wanted tonight to provide an update.

Commissioner Harrington asked Ms. Hall and Catherine Deininger if the Board should be satisfied. Ms. Hall said she had met with Mr. Hughes on Friday and given the constraints of the site she believed they had come up with the best possible plan to address stormwater.

Mr. Terry stated that County staff had also met with Town staff last week to go over the plans, so if the Board had any questions about compliance with the Town's ordinances then Planning Director Stuart Bass and Becky Smith with Hydrostructures could respond to those questions.

Commissioner Brooks said he believed that John Poteat had told the Board that they did not have adequate water and sewer lines going to the County's property. He said when the Town Board had approved the permit it had carried the caveat that the Town would have to have some help with that. Mr. Hughes said they were moving the sewer line from its current location to around the site, and believed the surveyor had recorded that today.

Commissioner Brooks said there was a yellow house, the Patrick St. Lawrence house, on that property that was built in 1787. He said it was his understanding that all three houses on that property would be saved and he was very concerned about that. Commissioner Brooks suggested that many places restored such houses and they served to help bring people into the area. Mr. Hughes said that all three of those historic houses were being relocated to the corner of Small Street and Chatham Street which was in the historic district. He said that the State Historic Preservation Office had required that the houses had to be relocated within the historic district, and the County had been able to purchase lots that were in the historic district. Mr. Hughes said that footings should be put in within the next three weeks and the houses would be moved to that site and foundations built up to the bottom of the houses.

Commissioner Brooks said he believed the County was missing a great opportunity, noting that when people come in to consider moving industry or commercial businesses to the County those houses would be a great calling card. Mr. Hughes said that all three of the houses would be put up for sale within the next few months, so if an individual or an organization was interested in acquiring them then that would be possible.

Commissioner Brooks said he believed that the St. Lawrence house could be used by the County to entertain visitors rather than putting them up in a hotel, noting the idea was that it could be used as a tourism tool.

Commissioner Baldwin said she believed the point that Commissioner Brooks was trying to make was to leave the St. Lawrence house where it was, renovate it, and then put it to good use. Mr. Hughes said if they left it where it was it would be in the middle of a parking lot. He said the problem was the house was meeting a slow but steady demise, and in ten years if left alone the house would not be standing. Mr. Hughes said by moving the house onto footings with a new foundation afforded the house a fighting chance to survive. He said then they would search to find someone or some group willing to purchase the house for rehabilitation. Mr. Hughes added that those houses were not in their original location in that all three had been moved to their present site at some point in the past.

Mayor Voller asked if all of the issues identified with the site plan had been resolved, referring those questions that had been asked by Commissioner Fiocco and others over the last few meetings. Mr. Hughes replied yes.

Commissioner Harrington said that Ms. Deininger had brought up at the last meeting that there was some concern that if Stage 2 of the Jordan Lake rules came into play then that was when retrofitting would have to be done. He said that those retrofits would be required to be done by the towns and the counties, and at that point the County would have to address the stormwater problem and retrofit a solution. Catherine Deininger said the State would not dictate to the Town where those sites were, but if the Town allowed development that would contribute to the increase in stormwater, then they would be working backwards and would have to reduce the stormwater somewhere else.

Commissioner Fiocco asked was it the intent that the stormwater controls were designed to the State's BMP manual. Mr. Hammersley replied that was correct.

Mayor Voller said with the relocation of the wastewater treatment line, that area was low and perhaps during floods there would be an increase in I&I. He asked had they looked into that area to make sure that they did not have any more concentrated storm flows getting into the wastewater distribution system. Mr. Hughes said that most of those manholes had now been rehabilitated and they were fairly tight.

Mayor Voller asked that while they were under construction that they communicate with the Town with whatever they observed. Mr. Hughes said they would be on site and watching that closely, noting if there should be any stormwater runoff into the creek it would be handled immediately. He said they had already alerted the contractor of the importance of that.

Mr. Hughes said as to the old courthouse, they were in the design stage and the design should be completed by June. He said the reconstruction contract would be written in August, noting the exterior would look as close to the original as could possibly be done.

Mayor Voller asked would there be clocks. Mr. Hughes replied yes, adding the roof would be copper and the structure itself would be steel. He said the area where the District Attorney's office was would be opened up and turned over to the Historical Society to be used as meeting and exhibit space. Mr. Hughes said there would also be display areas along the walls, and they were including a warming kitchen to support meetings and for use by employees. He said the second floor courtroom area was basically being built back the same, with some changes to accommodate handicap restrooms. Mr. Hughes said in an effort to make it more historically accurate they would be using something other than mahogany wood, noting that the original wood was something like hickory or oak or some indigenous wood. He said on the first floor they would go back with plaster rather than drywall since plaster was the original finish.

Mayor Voller said with the Justice Facility getting under way, the renovation of the old courthouse, and the water line project there would be a lot of work taking place in downtown Pittsboro. Mr. Hughes stated that the Justice Facility project was an 18-month project and the restoration of the old courthouse was a 12-month project, so they would be running parallel.

Planning Board Chair Ken Hoyle asked if that was the same footprint that had come before the Planning Board. Mr. Hughes replied yes. Mr. Hoyle asked if the County would honor the planting that was suggested along 15-501. Mr. Hughes replied yes. Mr. Hoyle said a jail had been mentioned which had not been mentioned when the plans had come before the Planning Board. Mr. Hughes said that there was not a jail in the plans and no jail planned; it was just something the County was looking at in a very preliminary manner as a future project.

Mr. Terry said to Mr. Bass that the recommendation was to refer this issue back to the Planning Director and the Engineer for comments and recommendations. He asked if the Board needed to see this again or was he now ready to approve the Building Permit. Mr. Bass said that once the revisions were made on the plan sheet he believed they were done, noting they had been through three reviews at this point. Mr. Terry asked if the Board wanted to see it again or were they ready to permit it.

Mayor Voller said as long as all issues raised at the previous meetings had been addressed, he saw no reason for it to come back.

Commissioner Fiocco agreed, noting that if all concerns had been addressed and nothing had changed from the last presentation, then he was satisfied. Mr. Terry said he believed all that was left to do was that when the request for the Building Permit came in, Mr. Bass had to certify that everything complied with the Town's Zoning Ordinance. He said once that was accomplished then the County could proceed with construction. Mr. Bass said that was correct

Mayor Voller asked that the Town Board be notified when the three historic houses would be moved so that Town staff and Board members could observe that.

### **3. Hillsboro Street Transmission Line Replacement Project: Grant Acceptance Resolution and Project Budget Ordinance.**

Mr. Terry stated adoption of the resolution would accomplish three things. He said it would accept the offer of a grant in the amount of \$750,000 from the NC Department of Commerce, Division of Community Assistance; it would authorize the Town Manager to sign contract documents finalizing the grant, and would authorize the Town Manager to enter into a contract in the amount of \$115,080 with Hydrostructures for engineering services. He said adoption of the project budget ordinance would create the project budget for the Hillsboro Street Transmission Line Replacement Project, which would separate this project from the old Downtown Water System Improvement Project. Mr. Terry said it was his recommendation to adopt the resolution as well as the project budget ordinance

Motion made by Commissioner Harrington to approve the grant acceptance resolution and adopt the project budget ordinance for the Hillsboro Transmission Line Replacement Project. The motion died for lack of a second.

Commissioner Fiocco asked if the original project funded by the USDA was the 4,050 linear feet of water line referenced in the letter from Hydrostructures. Mr. Terry replied yes.

Commissioner Fiocco said then they had 4,050 linear feet in addition to the 2,075 linear feet that would get the line to the Courthouse. Mr. Terry replied that was correct.

Commissioner Fiocco asked if they had permits for that 4,050 foot run. Becky Smith with Hydrostructures remarked that it was designed and permitted and was ready to go. Commissioner Fiocco said then what remained was the design and permitting of the additional 2,075 linear feet, construction bid documents, and construction administration. He asked if the construction administration would cover the entire 6,125 feet. Ms. Smith replied yes. Commissioner Fiocco said then they anticipated that they would be able to construct the entire 6,125 linear feet for \$902,580. Ms. Smith replied that was correct.

Commissioner Fiocco asked what linear footage price they had calculated. Ms. Smith replied she did not have that in front of her. Commissioner Fiocco asked if this was a 12-inch ductile iron main. Ms. Smith replied yes. Commissioner Fiocco asked if \$116.32 sounded like a reasonable price per linear foot. Ms. Smith said she would guess somewhere around \$60 per linear foot, noting there was a considerable amount of road work involved including work required by NCDOT that was included in the costs.

Commissioner Fiocco asked if she thought this project was going to require an erosion control permit. Ms. Smith replied yes. Commissioner Fiocco said he believed that had been excluded from the contract. Ms. Smith said in addition to the erosion control permit they would need to obtain an Encroachment Agreement from NCDOT. She said they were at present working on the revision to the environmental report.

Mayor Voller asked was the plan that they would extend the new taps to all those properties. Ms. Smith said anything that was connected now would get a new tap, and all the branches would receive new taps as well.

Commissioner Fiocco asked what kind of impact they thought that would have on the flow and pressure characteristics of the lines. Ms. Smith stated that Mr. Johnston had done a little modeling on that, noting that they were adding one additional segment connection just below Hillsboro and Thompson Streets to provide improvements. Commissioner Fiocco asked was that a part of the scope of the project. Ms. Smith replied it was a part of their plan.

Commissioner Fiocco said they were all looking for better flow and better pressure, but he also believed there was a risk to their older buildings that would now experience increased pressure. He said that was of concern to him that they might be doing a very good thing by increasing the pressure downtown only to create problems in their older buildings. Ms. Smith said they would all have new service but she could not speak to the plumbing inside those buildings.

Mayor Voller asked would it be incumbent upon the property owner to have a pressure reducer valve. Ms. Smith said the pressure would not exceed State levels.

Commissioner Fiocco said but for a very long time these buildings had not seen the kind of pressure he believed the Town was getting ready to deliver or that could be delivered. Ms. Smith said that was possible.

Commissioner Fiocco said it seemed to him that they needed to take that into consideration and have a plan to protect against damaging these properties. Ms. Smith said they were going to have to work very closely with the downtown because there would be some disruption of services as well as some disruption in traffic flows.

Mayor Voller asked if all of that coordination was included in the construction administration, which he said was a significant part of the budget. Ms. Smith replied yes.

Commissioner Fiocco said when they were talking about new connections they were talking about from the meter to the main. Ms. Smith replied yes. Commissioner Fiocco asked was there something they could do at the meter to help regulate the pressure. Ms. Smith said she believed so, but did not know if that would be excluding a standard required by the State and that was what they were trying to meet. Commissioner Fiocco agreed that was a good thing, but was concerned about the unintended consequences of that good thing and wanted to try to protect against that.

Mr. Terry stated that Commissioner Fiocco's point was very well taken. He said that a good public information program about this as businesses were transitioned from the old line to the new line would be helpful. He said the Town could shut off a valve and then gradually reopen the new valve so that those inside a building could monitor the impact. Mr. Terry said there may be some failures but that would provide a way to identify them quickly.

Mayor Voller said he believed they should be notified about that now so they could get their own independent analysis. He stated that the historic residential district might experience some problems, but the buildings downtown had an almost zero lot line. Mayor Voller said when the taps were turned on there was latterly no distance to go before the water was coming into the buildings. He said he wanted to work with the businesses and residents to make the transition as smooth as possible.

Commissioner Fiocco said that public service notice was a good first step and would allow them to investigate their systems before receiving the additional pressure. He said he also thought that they should be looking to having a Plan B where during the course of the project they could introduce a pressure reducing valve at the meter of residences or buildings that might need one.

Mayor Voller said that the Town could get estimates on that, noting that might be a useful thing to do. He asked that staff provide the Board with an estimate.

Commissioner Harrington said if the Town put such a valve on their side of the meter then the Town would be responsible.

Commissioner Bryan said he did not believe the Town should get involved in that.

Commissioner Fiocco said the valve could be placed on the downstream side of the meter in the meter box.

Commissioner Harrington said it would be nice to get a price on that.

Mr. Terry said he would meet with Ms. Smith and Mr. Johnston and determine what the changes in pressure might be as well as the estimated cost to install pressure release valves at every meter box. He said if the cost was significant and outside the current budget then that would need more discussion. Mr. Terry said he did not believe the grant would cover such a cost.

Mayor Voller said there was a reasonable contingency in the budget. He asked if the plans were mostly finished, then he believed they had a mostly aggressive construction administration and engineering budget. Mayor Voller said the Board had loathed having change orders come back, and asked did the budget anticipate covering all possibilities. Ms. Smith said she would pass that concern along to Mr. Johnston.

Commissioner Fiocco said they were looking at \$116 per linear foot, and the estimate he had heard was that \$60 was a reasonable number for the pipe system, which would include hydrants and valves and the like. Ms. Smith replied that was not correct, noting that it was just for the pipe. Commissioner Fiocco asked what she would estimate the per linear foot cost to be if everything was included. He said his point was whether \$116 per linear foot was a reasonable number given the pavement repairs and other issues. Ms. Smith replied that each situation was different, and she would like to have Mr. Johnston respond.

Mayor Voller said that before they got too much further along they needed to get Mr. Johnston to respond to the Board's questions and concerns. Ms. Smith said she would communicate that to Mr. Johnston.

Commissioner Fiocco said that in the proposal it said that the construction contract documents would include a damages clause. He said he believed they should include an early completion incentive clause as well. Commissioner Fiocco said a reasonable amount would be one day of what construction administration costs were.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to approve the grant acceptance resolution and adopt the project budget ordinance for the Hillsboro Transmission Line Replacement Project with a change to include an incentive clause for early completion of the project equivalent to one day of construction administration costs for each day of early completion.

Commissioner Baldwin asked a question about the engineering fees. Mr. Terry said that grant administration was a separate item and they would have an RFP for that. He said that negotiations for land and easements were not an issue because they were already working in the DOT right-of-way. Commissioner Baldwin said that redesign and changes in concept was a big issue, noting that had been an issue in the past that had cost the Town a lot of money. Mr. Terry said he believed that was a small risk. He said they were talking about a linear foot construction project with few alternatives. Mr. Terry said they would lay the new pipe parallel to the old pipe, and then abandoned the old pipe when they connected to the new one. So, he said, in his mind there was very little risk of any design changes.

Commissioner Fiocco said he did believe there would be a risk for the need for easements depending upon whether there was a steep drop off along a right-of-way or something that would require trenching or grading. He asked had they studied the path. Ms. Smith said from the million gallon tank to Chatham Marketplace would not be a problem. She said they were in the process of working on the path from Chatham Marketplace to the downtown now, adding that the plan was to stay in the DOT right-of-way. Commissioner Fiocco said then the 4,050 feet was already designed. Ms. Smith replied that was correct.

Mayor Voller asked if Mr. Messick would be involved in any negotiations for land or easements. Mr. Messick responded yes if there were any, but he was under the impression it would all be within the right-of-way.

Mayor Voller asked that Ms. Smith be sure to convey to Mr. Johnston the Board's concerns. He called for the vote.

Vote Aye-5 Nay-0

**A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$750,000.00 FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE, DIVISION OF COMMUNITY ASSISTANCE FOR THE PURPOSE OF COMPLETING THE HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 14**

**AN ORDINANCE AMENDING THE TOWN OF PITTSBORO 2010-2011 OPERATING BUDGET TO CREATE A CAPITAL PROJECT BUDGET ORDINANCE FOR THE HILLSBORO STREET TRANSMISSION LINE REPLACEMENT PROJECT IS RECORDED IN THE BOOK OF ORDINANCES, NUMBER ONE, PAGE 2**

**4. Guardians of Angel's Proposal for a Long-term Pet Adoption Center (Rev. Terry Dorsey, Guardians of Angels).**

Rev. Terry Dorsey stated that they were proposing to build and staff an adoption center in Pittsboro for cats and dogs that would include a wildlife triage station. He said their written proposal had been provided to the Board with the packet and he would be happy to answer any questions the Board might have.

Rev. Dorsey said the adoption center would serve as a visible, accessible adoption facility where Chatham County shelter animals would be housed for long periods of time while they were being matched with life long homes. He said that currently space restrictions at the County shelter made it difficult to house healthy animals until they could be adopted. Rev. Dorsey said that an adoption center located in a high traffic area would facilitate placement of healthy cats and dogs, freeing up space in the shelter. He said as well, it would be more comfortable and provide a low-stress environment for longer-term animal care, making animals more adoptable. Rev. Dorsey said that now, 65% to 70% of the animals in the shelter were euthanized.

Rev. Dorsey stated that the benefits of an adoption center included that it would attract visitors and consumers from surrounding counties, it would provide long-term sheltering for adoptable

animals, it would enhance the adoption process by matching dogs and cats with life-long homes, it would promote community education and improve the care of all animals in the County, that animal control would be assisted in addressing cruelty, neglect and adoptions, it would allow for more rescued and fewer euthanized animals, and it would build community relations and provide learning opportunities for all ages.

Rev. Dorsey said the proposed size of the center was 5,700 square feet on five acres of land, and that five acres of land was what the Guardians of Angels was asking the Town to provide. He said the estimated cost was \$1.2 million and they had an approach to raise funds for the center, noting that the first three years would be spent raising those funds through community campaigns, grants, and corporate gifts. Rev. Dorsey said their timetable was four years, with completion of the center in 2015. He said they had an ongoing conversation with the County and wanted to have a similar ongoing conversation with the Town, and hoped there would be those in the Town and in the County that could be identified to help facilitate a community campaign.

Commissioner Harrington asked if the Town even had five acres of accessible land available to give away. Mr. Terry said when looking at the Town's inventory of property there was no obvious parcel that came to mind. He said there was some possibility that with land acquisition related to the new wastewater plant that if that parcel was large enough then perhaps some acreage could be set aside for an adoption center. Mr. Terry said he did not know how the Town would want to structure the partnership with this non-profit organization or whether they would want to provide a long-term lease for the property. He said there were other pieces of property owned by the Town but nothing large enough to accommodate the need. Mr. Terry said that there was land available at Southern Community Park but did not know if the deed restriction would allow it. He said as well, that property was a good distance from Town and there was no water and sewer.

Commissioner Harrington said then it appeared that perhaps some land might be identified when acquisition was done for the wastewater plant. Mr. Terry said that was correct, and depending upon how that property developed and how much was required, there may be an opportunity there.

Commissioner Harrington said his immediate reaction was that was in the County and not in Pittsboro. He said there was a lot of unused land at the old landfill, and wondered if the County would be willing to donate some of that. Rev. Dorsey said he had been in conversations with County Commissioner Kost about that and she had seemed enthusiastic about it. He said he had gotten the impression from studying other facilities that the closer to Town the center was the more successful it would be. Rev. Dorsey said that Mayor Voller had had a great idea which was to associate the adoption center with the dog park, and Police Chief David Collins had suggested that would also be a good location for a police substation.

Mayor Voller asked had they had a conversation with CCCC and with Mr. Steele regarding the property in that area. Rev. Dorsey said one of the original ideas was to have the shelter on the community college campus so that vet students could gain hands-on experience. He said he would be willing to pursue that.

Commissioner Bryan said he did not believe there was five acres available there. Rev. Dorsey said five acres would be ideal, but they were going to have to be flexible based on what opportunities were identified.

Commissioner Brooks said that Sanford had a veterinary assistant training program, so that could be a plus in his negotiations with the community college. Rev. Dorsey agreed, noting that an adoption center was a great place for students and the public, particularly seniors, to interact.

Commissioner Brooks said he was curious about the wildlife triage idea, noting he believed it was illegal in this State to possess what was considered a wild animal. Rev. Dorsey said there were laws about that, but the idea was to provide education about wildlife and also to have some sort of screening in place to determine whether or not the animal needed to go to a rescue station. He said they would be working very closely with wildlife rescue organizations, noting there were several wildlife rehabbers living in Chatham County. Rev. Dorsey said he had had about a dozen people volunteer over the last year, including several rehabbers who had offered to be on standby should a wild animal come in to be assessed. He said one of the reasons they had wanted to include a wildlife triage was to raise awareness about neglect and abuse as well as for good pet care. Rev. Dorsey said a wildlife triage tended to raise the bar as far as awareness levels and education.

Mayor Voller said that five acres was the dream, but asked what would be the absolute least amount of land that would be suitable. Rev. Dorsey said an architect who designed such facilities worked in all sorts of situations all over the country and could be very creative if given only a small area to work with. He said obviously they wanted room for future expansion as well as an exercise area for the animals, and five acres would meet all of those needs. But, he said, they would have to adjust based on whatever land they were able to obtain.

Commissioner Harrington asked was it a true statement that the Town did not now have the land to offer. Mr. Terry said that was correct, but he would revisit that and if he changed his mind he would alert the Board. He said the Town had a lot of land around water towers and sewer easements, but nothing that would be suitable to meet this need.

Commissioner Harrington asked didn't the Town have a landlocked piece of land between Belmont and Fire Tower Road.

Mayor Voller said they did and it was ten acres, adding he believed they could get an access easement to the road. Mr. Terry said he would get a tax map of that land and consider it.

Mayor Voller asked Rev. Dorsey if he would like to take a look at that property, noting it was next to Belmont Station. Rev. Dorsey said he absolutely would like to take a look at that. He said it would not be ideal but would be workable, and he was very grateful for the Board's consideration.

Commissioner Bryan said as an animal lover he appreciated their efforts, and hoped that they could work something out. Rev. Dorsey said he appreciated that, adding that their plan was to offer low-cost spade and neutering as well as vaccinations.

Mayor Voller asked how the Town might make a land donation should they identify some acreage and decide to donate it for an animal adoption center. He asked what the Town would have to do to meet the requirements of State law. Mr. Messick said there were rules about how the Town could dispose of public property, and obviously the best way would be to sell it at fair market value. He said he did not think this kind of thing was ordinarily undertaken by municipalities, so some research would have to be done as to how the Town could participate in that. Mayor Voller said but they could do it. Mr. Messick said they could do something, such as a land lease so that they were not giving the property away.

Rev. Dorsey said if it turned out that the Town did have a dog park and a police substation that would be an ideal location to include an animal adoption center. He thanked the Board for its willingness to assist them.

Mr. Terry said if there was no objection, he would continue to look for land that might be suitable. There was no objection from the Board.

#### **5. Adopt (State Approved) Riparian Buffer Ordinance.**

Planning Director Stuart Bass said a public hearing had been held on January 24, 2011 to consider adoption of the State-mandated Riparian Buffer Ordinance, associated with the Jordan Lake Watershed. He said that there were three proposed changes recommended for consideration to the draft ordinance, the first two of which were discussed at the public hearing. Mr. Bass said the third had been added at the Board's request. He said those proposed changes were as follows:

- Delete the reference to the Jordan reserve watershed, making the ordinance applicable to the entirety of the jurisdiction of the Town of Pittsboro.
- Add language that would provide a 100' buffer, as opposed to a 50' buffer, for perennial streams as recommended in the Better Site Design report. This would also be consistent with the County's requirements.
- Add language that would allow the Town authority to question and identify the type of stream shown on the maps lists, which was Section 7.A.3.

Commissioner Harrington said that the 100' buffer was likely a good idea in theory, but it concerned him somewhat. He said there were probably many who lived in Town that were likely already in violation and he had a problem with that. Commissioner Harrington said that many lots would not allow for a 100' buffer and a person would not be able to put anything with any kind of footprint within that 100 feet. He said leaving it at 50' within the Town's jurisdiction did not seem unreasonable to him.

Commissioner Harrington said he would like to leave the buffer at 50 feet for the entire jurisdiction of the Town, and even if that extended into some other watershed to him that was not unreasonable. He said he would like to go with the buffers that were already there, and believed that the suggested language change in item #4 in Section 7 was reasonable. Commissioner Harrington said in short, he was suggesting not extending the buffer to 100 feet other than where the Town had indicated.

Commissioner Brooks agreed with that, as did Commissioner Bryan.

Commissioner Harrington said he had considered treating various parts of the ETJ in two different ways, but did not believe it would hurt to protect the watershed. He said the additional language in clause #4 did provide some clarification. Commissioner Harrington said extending the rule to the entire ETJ and not just an individual watershed in the ETJ was worthy of discussion since the ETJ would grow and would be a bigger part of the Town. But, he said, it made sense and was a reasonable thing to do.

Motion made by Commissioner Harrington seconded by Commissioner Brooks to approve the Riparian Buffer Protection Ordinance, amended to delete the reference to the Jordan Lake Reservoir Watershed and making the ordinance applicable to the entirety of the Town's jurisdiction, to strike the recommended language under Section 7.D.2 that would provide for a 100' buffer; and to add the verbiage recommended under Section 7.D.4 that would allow the Town authority to question and identify the type of stream shown on the maps lists, which was Section 7.A.3.

Commissioner Fiocco said he had had some conversations today about that 100 foot buffer, and the proposal here was just for perennial streams, not intermittent streams. He said his conversations focused around allowing more uses into the 50' buffer that was mandated and the proposed 100' distance. Commissioner Fiocco said he would support the motion not to adopt the 100' buffer at the present time because he believed there were things they could do to protect their perennial streams but allow for more reasonable uses than the State ordinance would mandate today. He said he would like the Board to continue to think about that and work on that, because he believed their waters were critical infrastructure for them and they needed to protect them, adding that perennial streams were particularly important and worthy of additional protection.

Commissioner Harrington agreed with that, noting that one of the things that had bothered him was when you restricted within the buffer area you could not even add anything more than a small gazebo. He said that was a strict limitation and thought perhaps they could loosen up the use in that extra area, but he had not been prepared to say what that extra area should be tonight.

Mayor Voller called for the vote.

Vote Aye-5 Nay-0

**RIPARIAN BUFFER PROECTIONS ORDINANCE FOR LANDS WITHIN THE JORDAN WATERSHED IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 3-37**

## **NEW BUSINESS**

- 1. Mid-year FY 2010-2011 Financial Report (Mandy Cartrette, Finance Officer).**

Finance Officer Mandy Cartrette said in reviewing the Town's financial data, they had determined that the financial condition of the Town was strong and stable for this fiscal year. She said that revenues were expected to exceed predicted estimates for this fiscal year, and expenditures were expected to be less than projected for this fiscal year. Ms. Cartrette provided the following highlights:

- Based on the current year's collection rates and the total amounts collected last fiscal year, it was estimated that General Fund revenues would exceed budget estimates by \$125,362.93. That estimate also assumed that the Town would use the \$158,631.00 from General Fund balance that was appropriated in the fiscal year 2010-2011 budget.
- Property taxes collected totaled \$1,095,085.54 of the \$1,162,000 that was budgeted. Typically the majority of revenues were collected February through June, so they expected that additional revenues would be received that exceeded budgeted amounts.
- Based on the year-to-date percentages spent and the percentages of each department's budget spent last fiscal year, it was estimated that the Town's departments funded through the General Fund would expend \$73,488.00 less than budget estimates.
- It was important to note that the Town's estimated expenditures for the remainder of the fiscal year included \$64,216.00 for a Town Engineer, although none of those funds have been expended at this time.
- It was estimated that the revenue generated from the Water and Sewer Enterprise Funds would surpass budget estimates by \$22,408.00. It was noted that that was a conservative estimate assuming no revenues from Townsends Chicken for the remainder of the year. The two charts included in the packet showed projected amounts February through June, and the second was to show those amounts adjusted for the worst case impact of Townsends Chapter 11 bankruptcy.
- Based on the year-to-date percentages spent and the percentages of each department's budget spent last fiscal year, it was estimated that the Town's departments funded through the Enterprise Funds would expend \$110,703.88 less than budget estimates.

Mr. Terry pointed out that the Town was receiving some small amounts from Townsends. Ms. Cartrette said that was correct.

Commissioner Bryan said in regards to the revenues in the Enterprise Funds, he understood that was assuming no payments from Townsends. He asked had she accounted for the outstanding amount Townsends owed. Mr. Terry said there was some possibility that some portion of the amount owed might be collected, but the second graph in the packet took Townsends' revenue down to zero from the date they had filed for bankruptcy.

Commissioner Fiocco said at the time of their filing, they were already in arrears. Mr. Terry said that was correct, and it continued to increase each day. He said it was unclear to him what Townsends could or would pay over the next few months, and that was why they were assuming the worst case scenario. Mr. Terry said he expected them to remain in business in some fashion, but there was no way to know how it would all play out.

Mayor Voller asked did Ms. Cartrette feel good about where the Town stood. Ms. Cartrette replied yes.

Commissioner Harrington asked what the hold harmless tax was. Mr. Terry said it was tied to revenue sources that formerly had been called the video sales tax related to the cable TV franchise. He said that revenue disappeared and was coming back under a different name.

Mr. Messick said the State had in essence renamed it and put in a “harmless intangibles tax.” Ms. Cartrette agreed, noting that it was a part of the State’s sales tax distribution.

Ms. Cartrette said in terms of recommendations, with revenues projected to be at or above budgeted amounts and expenditures projected to remain within budgeted amounts they did not recommend any actions at this time to restrict spending budgeted for 2010-2011. She said as well, revenue projections indicated that the Board may proceed to authorize the town Manager to advertise for the recruitment and hiring of a Town Engineer within the funds currently budgeted for 2010-2011.

Commissioner Harrington asked how much was budgeted for a Town Engineer. Ms. Cartrette stated \$64,216.00 for four months. Mr. Terry stated that amount included the cost of leasing office space for that position, adding it had been his recommendation to lease office space and move Planning and Engineering together which would move three people out of the current building and free up some space.

Commissioner Harrington asked if they were looking for a recommendation from the Board tonight as to moving forward with recruiting a Town Engineer. Mr. Terry said if the Board was not prepared to discuss that tonight they could talk about it at a subsequent meeting. Commissioner Harrington asked what the person would do in the near term since Hydrostructures would be overseeing the Town’s biggest project. He said that may need to remain that way, and wondered what the person would be doing over the next six months and the next year. Mr. Terry said he could bring that information back to the next meeting along with a recommendation.

Mayor Voller said he would like to know about the possibility of having the capability for residents to pay bills on-line, such as water bills. Mr. Terry said the technology to do that was certainly available, but the real questions were if they wanted to suffer a revenue loss as a part of that or did they want to pass the cost on to the customer. He said that towns all over the country accepted on-line credit card payments but there was about a 3% charge for that, and the Town would either have to accept that revenue loss or place a surcharge on the bill for those who chose to use that service.

Commissioner Bryan asked was it legal to pass that cost on to the customer. Mr. Terry said he believed it was, but he would have to check to be sure.

Mayor Voller stated that the County allowed residents to pay property taxes on-line but the resident had to agree to pay the surcharge. Mr. Terry said if that was something the Board was interested in doing beginning next fiscal year, then staff would begin looking into that. He said the computer software to do that would be an expense as well.

Commissioner Harrington said he would like to know how the situation with Townsends was going to play out as far as the revenue loss the Town would suffer. He said he would like to know that before they considered a revenue loss of up to 3% for on-line payments. Mr. Terry said he was assuming the Board was interested in accepting on-line payments as well as credit card payments over the counter.

Mayor Voller said that was correct, noting that people who elected to pay the surcharge could do so and everyone else could pay by cash or check. He said the 3% surcharge would be cheaper than any late charge that was added to an overdue bill, so people might want to opt to pay the surcharge so that a late fee was not added to their bill.

Commissioner Harrington asked did their software provider provide an option to add a surcharge to a bill. Mr. Terry said he would have to check with them.

Mayor Voller asked that that information be provided along with the information requested regarding the Town Engineer position. Mr. Terry agreed to do so.

## **2. Bid Award: Pittsboro Town Park (Project Manager Paul Horne).**

Mr. Terry said it was his recommendation that the Board table this issue tonight, explaining that the bid had unfolded in a cumbersome way. He said they had had a low bidder who had backed out of its bid, and then they had been prepared to make a recommendation to go with the next lowest bidder. Mr. Terry said in the process of working out the details and trying to determine what the issue had been for the first lowest bidder, they had not yet been able to answer all of those questions. He said for those reasons he was not comfortable making a recommendation until he had all questions answered, including issues about taking the bid bond from the first lowest bidder and then proceeding to award the contract to the second lowest bidder.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to table the bid award for the Pittsboro Town Park until such time as the Town Manager brought back a recommendation.

Commissioner Fiocco said they were in a real time crunch, and asked did he believe he could get everything settled by next week. He said they only had a 90-day construction period and they had wanted to be finished in early May.

Commissioner Harrington asked what the consequences would be in terms of the grant. Mr. Horne said they would be very hard pressed to receive any funding for the second phase.

Commissioner Fiocco said he believed that time was of the essence. Mr. Terry agreed, but said he needed to spend some time with Mr. Messick to make sure they were following all procedures before awarding the contract to the second lowest bidder.

Mayor Voller asked if the Board was comfortable with allowing the Manager to resolve the issues with Mr. Messick and moving forward, or did the Board want the issue to come back at its next meeting. Mr. Terry said the Board would need to approve the contract, so he would bring it

back at the next meeting. Mayor Voller asked if waiting two more weeks would put the Town in jeopardy. Mr. Terry said he did not believe so.

Commissioner Harrington said the worst case would be the Town may not be in good standing to receive funds for the next phase.

Mayor Voller said as well, they could end up with a problem with the first phase and have funding pulled back. He said the longer they waited the worse it was, and did not understand why they could not make a decision tonight.

Commissioner Baldwin stated that if the Manager believed they should delay in order for him to review issues with the Town Attorney, then she was okay with that.

Mr. Messick said the issue was that they were suppose to award the bid to the lowest responsible bidder, but the lowest responsible bidder had indicated orally that he would not honor his bid. So, he said, before they awarded the bid to the second lowest responsible bidder they needed to know in writing that the lowest responsible bidder was pulling out and the Town really did have a claim against the bid bond.

Mayor Voller asked how much the bid bond was. Mr. Messick said 5% of the bid, or \$21,700.

Mayor Voller called for the vote.

Vote Aye-5 Nay-0

### **3. Manager's Proposal for a Market Study of the Town's Pay and Classification Plan and Personnel Policies.**

Mr. Terry stated that it was good business practice periodically for a municipality to formally study its Pay and Classification Plan and its Personnel Policies. He said as well, there had been several questions from the Board regarding the classification of some positions. Mr. Terry said the NC League of Municipalities had done such a study for the Town in the past, and the Town had received a proposal from them in the amount of \$8,280 to perform that service again. He stated that a budget amendment was not necessary as he was proposing to distribute the cost on a pro rata basis among the various departments and divisions based on their total salaries.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to authorize the Manager to enter into a contract in the amount of \$8,280 with the NC League of Municipalities for a market study of the Town's Pay and Classification Plan and Personnel Policies.

Commissioner Harrington asked when the last time was that the Town had undertaken such a study. Town Clerk Alice Lloyd responded about ten years ago.

Mayor Voller said then they were due for another checkup. Mr. Terry said larger municipalities usually conducted such studies every three to four years, so ten years was not unreasonable for Pittsboro.

Commissioner Bryan asked if the information gathered would be public record. Mr. Terry replied that the salary ranges were public record and the information from other municipalities was available. But, he said, because of the time commitment involved he would recommend that a professional conduct their study.

Commissioner Brooks said what bothered him about it was that if they thought they were going to be able to compete with the Research Triangle Park they were in for a disappointment. He said they could not compete with places that had high per capita incomes such as Morrisville and Chapel Hill and Cary. Commissioner Brooks said unfortunately many times the Town would train a police officer or a water department worker and they moved to one of those towns where they could make more money. He said he did not blame them for that, but they could only do what the market would allow them to do and did not understand why they would need a study on that.

Commissioner Harrington said he would like to know where they were lined up with those other communities even if they could not meet the salaries they paid.

Commissioner Brooks said he would bet that if they were compared to Randleman or Ramseur or Carthage that would be a better comparison.

Commissioner Harrington said that was true, but wondered if they would really be compared to larger towns in the region. Mr. Terry said he would work with the consultant in the initial interview to sort out those kinds of questions, noting that he believed they would select cities that struck an average which would likely include Sanford, Siler City and perhaps Harnett County and the like. Mr. Terry said the consultant had techniques to make sure that they made comparisons to the right kinds of towns.

Commissioner Baldwin asked would they be looking at the reclassification of some of the positions. Mr. Terry said that was a part of the study, in that they would interview not every employee but one employee from each group such as a Water Treatment Plant operator and one Patrolman and look at the position description. He said they would look at every job classification and then what that employee was doing would be compared to what their position actually was. Mr. Terry said that would also give the Town the opportunity to adjust position descriptions to reflect the actual duties of a position.

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

#### **4. Town Manager's Proposal for Land Use Plan Update.**

Mr. Terry said the Board's efforts to produce a Land Use Plan went back several years, and while the Board had not set a specific deadline to get a Land Use Plan completed the work did need to be completed by the end of the fiscal year or sooner so that it would not impede the completion of other important tasks such as the Town's Comprehensive Transportation Plan. He said that it was his recommendation that the Town contract with Clarion Associates of Chapel Hill to provide assistance in the completion of the Town's Land Use Plan. Mr. Terry said that

the Planning Director, through the Planning Board, would provide a recommended finished product to the Town Board.

Mr. Terry said this work would not require a budget amendment, in that they would accomplish the work within the Professional Services line item within the Planning Department. He said the consulting contract would not exceed \$15,700, and it represented about ten hours a week from the consultant working with Mr. Bass who would be the author of the document. Mr. Terry said this project was not being turned over to the consultant and the consultant would act as Mr. Bass' administrative and professional support in getting the Land Use Plan completed.

Mr. Terry said it was his recommendation that the Board adopt the resolution authorizing the Town Manager to contract with Clarion Associates to provide those services.

Commissioner Harrington said it was his recollection that when they had hired Clarion before they were supposed to be working on the Land Use Plan to the extent possible. He said he was referring to when Clarion was filling in during the interim period when the former Planner had resigned. Mr. Terry said that Clarion had worked on many projects during that time, including zoning ordinances and reviewing subdivision regulations as well as the Land Use Plan.

Mr. Bass said the idea would be that Clarion would provide technical expertise and graphics required for the document, as well as utilizing the existing Land Use Plan and reformatting the existing language. He said the Planning Board had discussed this at its last meeting and there was a consensus that they would take what they had and put into the format while doing away with some of the language that no longer applied and utilizing information that was more current. Mr. Bass said as sections were completed they would be given to the Planning Board for review, which he believed would expedite the process. He said he would expect Clarion to be on site once or twice a week to work on the document.

Commissioner Harrington asked what he considered might be out of date. Mr. Bass said an example would be information associated with the census which would need to be replaced with the newest census data, as well as language associated with the Environmental Impact Statement on the sewer plant, the adopted Comprehensive Pedestrian Plan, and other documents that had been adopted that should be reflected in the Land Use Plan. Commissioner Harrington said the goal was to be completed by the end of May. Mr. Bass replied that was correct.

Commissioner Fiocco asked how many hours per week he would be able to devote to this task. Mr. Bass replied realistically six to nine hours a week, in two to three hour intervals. Commissioner Fiocco asked what role he saw the Planning Board playing other than reviewing sections as completed. He asked did they foresee taking input from them during the process. Mr. Bass said he did foresee input coming from the Planning Board. Commissioner Fiocco asked would they hold special meetings with the Planning Board or would it be done during their regularly scheduled meetings. Mr. Bass said it may be necessary to hold a special meeting but that was not something that was known at this point.

Commissioner Fiocco asked what Mr. Hoyle thought of the idea of additional meetings. Planning Board Chair Ken Hoyle said he believed that was fine, but said they had requested at

two different Planning Board meetings to have the Land Use Plan on the agenda. He said that had not happened and it was not on the agenda at their meeting last week. Mr. Hoyle said special meetings were not an issue, but the Planning Board was very concerned that nothing was moving forward and there was no point in holding special meetings if nothing was going forward.

Commissioner Brooks provided some history of prior land use plans, with the first done in the late 1950's with a very professional study being done with a grant in 1976, and most recently Philip Culpepper had provided a draft plan. He said it appeared to him with all the studies they had had, with a moratorium, with a Planner, with an Assistant Planner, with an experienced Planning Board, with Mr. Culpepper's plan, and with all the other information they possessed that the Town ought to be able to produce a Land Use Plan without hiring an outside consulting firm. He said for those valid points he was opposed to hiring an outside consultant. Commissioner Brooks said in some ways he believed it would be insulting to the Planning Board to hire a consultant to do that work when the Planning Board had already done so much work.

Commissioner Bryan agreed, noting that Mr. Culpepper had graciously produced at his own expense a draft Land Use Plan for the Town to consider.

Commissioner Brooks said that was true and it was his hope that the Town Board could weigh in on a few things during the process. He said they were a town of 3,000 people and with a Planner and an Assistant Planner he believed they should be able to do that work in-house without hiring any outside help.

Mr. Hoyle said that was well said, noting that he believed the major portion of the work had already been done. He said they had the four past documents, and it was a matter of sitting down and doing the writing and putting everything together. Mr. Hoyle said it was a matter of coordinating the work and moving forward.

Mayor Voller said he would agree that Commissioner Brooks' comments rang true. He said he did think that they had to think about the possibility of allowing flexibility for Mr. Bass and Mr. Terry to grow and contract a department, but the question was if this was the appropriate place and time to do it. Mayor Voller said there were perhaps places where they would need to have that flexibility to do that kind of review, but perhaps not with the Land Use Plan. But, he said, they would need to have that flexibility especially when the moratorium was removed and there were all kinds of reviews that would need to be done. Mayor Voller said that this pre-dated Mr. Bass and that Mr. Horne had done an excellent job with what he had been asked to do.

Commissioner Brooks clarified that his comments were not meant as criticism of anyone; that he had only been reviewing what had been done in the past and the resources the Town had available now.

Mayor Voller said he felt some responsibility because in 2006 they had begun trying to get a Land Use Plan in place, and Mr. Terry was not even on board at that time. He said they had tried to get a Land Use Committee going and it had been so long that David Hughes was now the County Planning Director and he had served on that committee as a resident of the Town. Mayor

Voller said there had been so many attempts to move forward that it did feel like they were spinning their wheels. He said something should have been accomplished before now. Mr. Hoyle agreed, noting he did feel it was an insult to Planning Board members to request that someone else come in and write the document.

Mayor Voller said he was a strong proponent of getting the best they could of their citizens through their service on advisory boards and using their expertise. He said that Mr. Shaffer was present and he had graciously done that work and he was by training a soil scientist, and the object was to have such people to willingly serve on advisory boards which Mr. Shaffer had done.

Mayor Voller said obviously Mr. Terry and Mr. Bass wanted to satisfy the will of the Board and get the Land Use Plan done. Mr. Terry said that was correct and it had not been their intention to insult anyone. He said they had perceived a sense of urgency to get the project done and done correctly, and that was the reason behind the recommendation for help from a consultant because otherwise the probability of getting it done by June 30, 2011 had seemed slim.

Mayor Voller said if the Board was to endorse Mr. Hoyle's suggestion, how soon a finished product could be brought back to the Board that everyone would feel comfortable with. Mr. Hoyle can have a product back in three or four weeks. Mr. Hoyle responded within four weeks. Mayor Voller asked what they would need from the Town in order to do that. Mr. Hoyle said they would need Mr. Bass's help in terms of expediting the work. He said he believed the only other thing necessary would be a special meeting of the Planning Board.

After a brief discussion of schedules and the availability of Mr. Hoyle and various Commissioners, the Board agreed to set a deadline for the first meeting in April for the Planning Board to produce the completed Land Use Plan.

Mayor Voller asked if the Board would get a status report in March. Mr. Hoyle said he could provide a status report at each of the Board's March meetings.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to allow the Planning Board the opportunity to produce the Land Use Plan by the Town Board's first meeting in April, with status reports given at each of the two meetings in March.

Vote Aye-5 Nay-0

## **CAPITAL PROJECTS REPORT**

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

Mr. Terry said he believed everyone had read his update in the packet, and noted that there was nothing under construction right now.

Commissioner Brooks thanked the Manager for the railing along the sidewalk on NC 87.

## **Mayor Updates**

Mayor Voller noted that the EDC would meet at 8 a.m. tomorrow, and that Paul Black was no longer with the RPO because he had been hired by the Asheville Metropolitan Planning Organization. He said that the solid waste bid had now gone out, and that the Fairground Association would soon be coming before the Board with a proposal.

## **Commissioner Concerns**

Commissioner Bryan said it had been brought to his attention that the sidewalk in front of Straight Up Realty had a bad rise and was very uneven. He said he had been told that it was bad enough that it could tip a wheelchair. Mr. Terry said he would look into that.

Commissioner Fiocco asked had there been any word on the possibility of an extended warranty on the pumps. Mr. Terry replied no.

Commissioner Fiocco said that spring was coming soon and it was a good time to do some seeding at Elizabeth's Pizza to improve its appearance. He said it was an eyesore and they needed to get the owners to do something about that. Mr. Bass said he would follow up with the owner.

Commissioner Baldwin said they had in the past asked Chapel Hill Transit to divide their report by route so that they would know the exact ridership, and they still had not done so. Mr. Terry said he would pass that request along.

Commissioner Harrington asked had there been any progress with the railing in front of Verlies. Mr. Terry replied not as yet, but that was on his list.

Mayor Voller said that the new lights were now up on Thompson and Farrell Streets, and thanked staff for following up on that.

## **ADJOURN**

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn the meeting at 9:50 p.m.

Vote   Aye-5   Nay-0

## **FYI -**

1. Chatham County Resolution of Support for Approval of the Application of the Town of Pittsboro for a NPDES Permit to Build a New 3.22 MGD Wastewater Treatment Plant in Pittsboro, North Carolina.

2. Letter to Holmes Oil Company from the Town Planner.
3. Chapel Hill Transit Pittsboro Express Bus Performance Report for January 2011.

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk