

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, JUNE 25, 2007
7:00 P.M.

Mayor Randolph Voller called the meeting to order and there was a moment of silence.

ATTENDANCE

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

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

AGENDA APPROVAL

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the agenda as presented.

Vote Aye-4 Nay-0

CONSENT AGENDA

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the consent agenda as presented.

- Minutes of the June 11, 2007 Board of Commissioners regular meeting.

Vote Aye-4 Nay-0

Commissioner Brooks entered the meeting.

CITIZENS MATTERS

Efrain Ramirez – 250 Town Lake Drive stated first of all he wished to commend Commissioner Cotten for his many years of service to our community. He will now enjoy a well deserved retirement from public service. It is not a simple thing to take on the responsibilities that he has had for so long. The last time he spoke at a meeting he suggested the board rename this building in memory of Clinton E. Bryan, Jr.

Recently this board turned down an affordable housing proposition, in part because the area where it was to be located was determined unsuitable for the volume of traffic that would be generated. There were other reasons, valid or not which caused three members of the board to vote no.

Then, at the last meeting residents raised serious concerns about the quality of our drinking water. Commissioner Brooks gave a detailed response, relating the history of

Pittsboro and its attempts to bring our water plant up to appropriate standards; efforts that continue today and may take many months; a year or more before Pittsboro town water can achieve the level desired. We are all also aware of the need to bring the water distribution system up to date.

Then of course, there is the waste water treatment plant, which will require considerable work. It is my understanding that Pittsboro's wastewater treatment capacity is more or less tapped out. So where do you go as far as new development is concerned.

We have in Pittsboro a jewel of a town, one which attracted me some 22 years ago. I was attracted by a courthouse in the square; the main street north of the courthouse with its shops. The general character of this town and the friendly people whom I met and became friends with. It has been 22 lovely years. I expect many more, though perhaps not 22. I knew the town was going to grow and I hoped it would change gradually, still retaining the character of a town, or village, with its traditional "Town Center" with business radiating from the center of Town. I am a realist, I know it going to grow and hopefully change for the better.

Now it is my understanding that our planning board has approved and is proposing to this board that you approve some 2 million square feet of project on East Street, across from the shell station, surrounding the area where the bio diesel plant is located. This is 2 million square feet of commercial and mixed use space, with multi storied buildings. He wondered if he heard correctly that they would be 12 stories high. He asked how long the project has been under consideration that it has reached and been approved by our town planning board? How many other residents, such as himself have been kept and/or are ignorant of the magnitude of this project and the impact that it will have on our lovely Pittsboro Town Center.

1. We have to improve the quality of our water and improve the aging water distribution system.
2. We have to increase the capacity of our waste water treatment and disposal system.
3. Fire Chief Daryl Griffin doesn't have a capability to get much over three, maybe four stories high. Then of course, the developers might be willing to donate a new firehouse, fully equipped with adequate equipment.
4. How about Chief David Collins. How many more officers and patrol cars would he need to handle the bottle necks of traffic when the multiplex movie lets out several times a day. And where would all the parking be? How about the volume of run off? What effect would that have on Roberson Creek? I may be getting ahead of myself here since I haven't truly studied the magnitude of this project.
5. I do firmly believe however that the remaining merchants in our Pittsboro Town Center would rapidly start to shut up shop. We would have a dead town, much like what used to be the commercial center of Siler City. The center of social exchange between neighbors ... the center of culture. As it is, our merchants seem to be loosing out to lawyers, developers, real estate agents and insurance agents. I would hope that now that we are getting some decently designed office

space that all of the aforementioned who are currently occupying store fronts will move to office space and allow merchants and shops and restaurants to return to what some call “downtown Pittsboro”.

He stated he would urge you as responsible Town Commissioners to please take this mega development for our town center into very serious consideration. Allow sufficient time for study and citizen input through well publicized public hearings.

The property where this project is planned for is an industrial park site. That is what we need there. Jobs creating clean industry. Not a multiplex with bowling alley with big box store(s) ad infinitum or mega development. If I want that, when I occasionally want it, I can go else where as for movies, I just saw “King Kong” at the Pittsboro outdoor theater. “To Kill a Mockingbird” comes next.

Mr. Ramirez asked the Commissioners to think very seriously before this is taken further.

Joyce Kachergis – 615 Stone Wall Rd., Pittsboro – stated they have owned property in Chatham County and lived her for 38 years. For twenty years she has had a business in the Town of Pittsboro and unlike other people who are treated like a bedroom community they have actually imported workers. People that work for her take walks downtown and eat lunch downtown. Pittsboro is a very nice town the way it is. Her company designs books. The board should consider developing our downtown and working out from there.

Karl Kachergis – stated he has been living here for 38 years. Pittsboro has always been an extremely warm/friendly town. It is beautiful walking in town. He doesn’t want to see the downtown get blown away and he believes that is what will happen if this huge shopping center goes in on Industrial Drive. He thinks Industrial Drive is already named that for industry.

Dee Reid – 590 Old Goldston Road, Pittsboro – stated she agrees with everything Efrain, Joyce and Karl just said. She would like to emphasize two points the importance of the industrial site and the importance of the public hearing process. She wants to second what the Chatham County Economic Development Corporation has done which is going on the record saying they would not recommend approval for the county’s industrial sites to be rezoned for multi-use/residential/commercial development. In her opinion that would be squandering a primary industrial site at a time when we need to be recruiting good paying jobs. If you approve it you will convert the land into low paying jobs/retail. We have industry out there (Piedmont Biofuels). She would like for the board to seriously think about this before you consider rezoning and handing it over to retail and residential. Secondly, the process because of the magnitude of this development it has the potential for doing to Pittsboro what strip development has done for Siler City. It could overwhelm us and take away from the potential viability of downtown Pittsboro.

Sonny Keisler – stated he has lived in Pittsboro for about five years near Rocky River on 15-501. He stated he used to be a college professor. He has a PHD in Government. One of the things he taught was planning. So he wanted to make a few comments about planning. Planning of course looks to the future and you want to make sure the things you do does not create problems further down the road. In terms of the future more and more of us are becoming aware of climate change. Climate change is going to have an affect on all of us. What the Town Board needs to do is to minimize climate change. Some recent studies have come out stating climate change is occurring three times faster than the worst case scenario of 2-3 years ago. The worst case scenario depicts a 10-12 degree average rise of the temperature of the planet by the end of the century which is not far off. We need to hit the brakes today and make a u-turn as fast as we can. He would recommend that the board consider economic development that takes a very low carbon footprint which means you keep as many trees as you possibly can and you choose development that utilizes carbon based economy for energy sources as much as possible. The proposed development across the road has a large problem with that. Please take this into consideration.

PUBLIC HEARING

Motion made by Commissioner Walker seconded by Commissioner Baldwin to go into a public hearing.

Vote Aye-5 Nay-0

Planner Monroe stated this revision goes along with the larger Lighting Standards Ordinance but covers subdivision development. The document covers both street lighting and pedestrian lighting. It requires that all lighting fixtures used in a subdivision have the same color of light (Planning Board recommended approval). The Planning Board also recommended that the Commissioners adopt the Lighting Regulations and incorporate them in to the Codified Ordinances of the Town. The Board felt that the regulations would provide important guidance to developers and engineers planning those developments.

Planner Monroe stated the Planning Board has reviewed both and recommended approval.

Mayor Voller said no one has signed up to speak. He said the new basketball courts and tennis courts (especially tennis) would that be an example of this type lighting. It is anti light pollution essentially.

Planner Monroe stated full cut off fixtures will be required from this point forward. Even pedestrian lighting where you might have an acorn type fixture it would have a cap on the top of it so that the light will go down.

Mayor Voller asked if this to help cut down on light pollution. Planner Monroe said yes.

SUBDIVISION REGULATIONS

Amendment to Section 7.1 of the Subdivision Regulations regarding lighting of streets.

PUBLIC COMMENTS:

None

LIGHTING ORDINANCE

An amendment to the Code of Ordinances of the Town of Pittsboro to create the Pittsboro Lighting Ordinance.

PUBLIC COMMENTS:

None

Motion made by Commissioner Walker seconded by Commissioner Baldwin to go out of public hearing.

Vote Aye-5 Nay-0

OLD BUSINESS

SUBDIVISION REGULATIONS

Amendment to Section 7.1 of the Subdivision Regulations regarding lighting of streets.

Planner Monroe stated our current regulations are vague. With this amendment the Town may be asked to take over street lights within subdivisions, it is at the Board’s discretion.

Commissioner Walker asked why we would want #6 in there. He would assume that we would want the homeowners association to continue to bear that expense. He realizes it says the Board has the option if we were to take them over. That would be more of a burden to the taxpayers. He asked if #6 has to be in there. Planner Monroe said you do not have to have it in there. Commissioner Walker asked why it was in there. Planner Monroe said there is not a written policy in our current ordinances that says who will maintain the lights. It has been our policy that the homeowners associations would pay for the street lights. It is a policy that the Town expects the homeowner association to bear the cost, but that we would be willing to hear a request. Mayor Voller stated this gives us options.

Planner Monroe stated we have a subdivision like that now (Magnolia Trace). Residents there would like streets lights (safety issue). Their covenants say that the Homeowners Association will do that but the development has not reached the point where an association is created.

Commissioner Bryan asked if the Planning Board required street lighting. Planner Monroe said yes they did.

Mr. Ramirez stated when streets are built they are turned over to the town, correct. Mayor Voller said correct. Mr. Ramirez stated then it would seem logical that the lights on the streets would be turned over also. Mayor Voller said it would be, except the way Progress Energy works they cut a deal when you have larger developments and it is put in the covenant that these lights are handled by the Home Owners Association. They are in the right-of-way.

Commissioner Cotten stated lots of times in situations like that they want special lighting and that is one of the reasons it has been left up to the homeowners association.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the amendment as stated and written. Vote Aye-5 Nay-0

LIGHTING ORDINANCE

An amendment to the Code of Ordinances of the Town of Pittsboro to create the Pittsboro Lighting Ordinance.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the amendment to the Code of Ordinances to create the Pittsboro Lighting Ordinance.

Commissioner Walker stated there was a typo on page 2 – letter F it should say elevations. On page 9 – 58.15(b) – for example if Food Lion had a truck to back into their light would they be required to replace it? Planner Monroe stated they would if it was damaged. General maintenance can be done on the current lights.

Vote Aye-5 Nay-0

NEW BUSINESS

2007 – 2008 BUDGET

2007 – 2008 Budget

Attorney Messick stated the budget ordinance before them tonight is a consensus of what the board recommended the other night. There are only a number of ways to accomplish that and he is not sure he had complete direction in how to handle that. So he has given you a couple of options. There is a significant amount in the Police Department capital budget for a new building. There are a number of personnel issues that you all talked about possibly combining to serve dual purposes. But you didn't all agree on which positions you wanted to combine. He suggested that the difference in making up the tax aspect would either allow for the finance officer, planner and recreation director as part-time and will reduce the capital outlay budget by \$39,000 or you can delete the finance

officer and recreation director all together and make the planner part time and keep the capital outlay in place.

Mayor Voller asked when the last time we actually had a tax increase was.

Attorney Messick said he was not sure but he believes it has been over two years ago.

Mayor Voller stated there has not been one since he has been Mayor. Staff told him it had been a while.

Commissioner Brooks said we had it when the county re-evaluated everyone's property. It doubled the tax value.

Attorney Messick stated the numbers changed but it was intended to be revenue neutral.

Commissioner Brooks stated he is paying over twice as much tax as anyone else. The current county leadership said they wouldn't ask for a tax increase but they did. He said if you do the three cents (to the Town's proposed) that will be five cents on the hundred dollar increase or 5%. He said a lot of people in this town don't need a tax increase because they are struggling to make it as is. Taxes are burdensome enough as it is. We are going up on the water rates that ought to be enough.

Mayor Voller asked how much a one cent increase would bring in.

Commissioner Walker stated 1997 was the last time we actually had a tax increase.

Mayor Voller stated one cent currently brings in about \$30,000. Attorney Messick said yes with a 100 percent collection. Mayor Voller said a couple of years ago Commissioner Walker had said it was \$22,000. Commissioner Walker stated it was about a 15-16% decrease when they had a re-evaluation.

Mayor Voller stated so that the people could understand. In the county a penny brings in \$682,000. In the Town of Pittsboro it is about \$30,000. This is a significant difference in budget size. Of course, we are not funding schools either.

Commissioner Cotten stated he personally feels we need all these personnel and the capital outlay. He would prefer appropriating the money out of fund balance (we have some in general fund, thank goodness). He stated the way he looks at it he can agree to create 2 positions. He thinks by law we must have a finance officer, they do not have to be full time they can be assigned to other tasks by the Manager like all other employees. He feels we need a part time recreation director and a part time zoning compliance officer so that would be two positions. We need to be able to tell the new manager that he/she is going to be hiring these personnel. There will be a 19% increase on the solid waste charge. Sooner or later the Town is going to have to look at incorporating that into the tax rate. He would like to take \$78,000 from fund balance and it would not hurt it at all.

Commissioner Baldwin asked, in reference to what Commissioner Cotten stated about using \$78,000 from the fund balance, would that hurt us?

Attorney Messick stated considering what you are going to be looking at funding he would caution you about appropriating further balances from fund balance. There is no fund balance appropriated for this budget for either the general or enterprise fund.

Commissioner Cotten stated the enterprise fund balance is in trouble. General fund has over a million dollars. He feels we need to provide these services. Attorney Messick advised Commissioner Baldwin we could appropriate fund balance.

Commissioner Baldwin stated she is definitely against a tax increase. She would agree with the positions being part time as opposed to deleting those individuals all together. She has concern about the fund balance situation.

Commissioner Cotten stated the recreation department has received two grants and we are required to have a staff member as the coordinator, etc. He stated we recently signed an agreement with the county that we would have someone on their recreation board and he assumes they meant a staff person or a member of this board. Attorney Messick stated we already have a citizen on that board.

Commissioner Walker said like he stated before he feels it makes more sense that once the Manager is in place that he/she can hire an assistant manager. The Assistant Manager can help Mr. Monroe with planning, head up the recreation project and also help Ms. Lloyd with Finance.

Commissioner Cotten stated the Finance Officer must have an accounting background. Attorney Messick stated in the past the town has relied on the Manager to do that sort of thing.

Commissioner Bryan stated he was heading in the same direction as Commissioner Walker was. He is certainly not in favor of a tax increase. He thinks it would only be fair to the Manager to allow him/her to get in here and see what they need before we jump into this.

Commissioner Brooks stated he has heard people talk tonight about growth. We don't have any wastewater to sell anybody. These people you are talking about have some capacity reserved (15,000 gallons). Until we can solve those problems there is not going to be much growth around Pittsboro period. He does not want us to be like Cary. We need some businesses and industries. He can't vote for a recreation director, assistant planner or assistant zoning director until we get some of our problems solved and we get some money in the bank and then we can do some of these things. That's the way he sees it. We have to solve one problem at a time. It may be that in January or February we can do more than we can do now. He stated sometimes governments should be like the people – have the money before you spend it.

Attorney Messick said if they are not ready to resolve it tonight we can have another meeting.

Mayor Voller said the last time we raised taxes was 1997-1998. It is the Board's decision as to whether we raise taxes. We have grants totaling half a million dollars that require staff to monitor the projects. Trash is something we need to look at in the future (that will help our citizens).

Mayor Voller asked the Board to consider the delay of purchasing the modular building until next year when we will have the funds. It is the will of the Board he stated.

Motion made by Commissioner Cotten to authorize Attorney Messick to put in two positions to be determined by the Manager with the exception that a finance officer shall be included and that the money be budgeted out of fund balance.

The motion died due to the lack of a second.

Efrain Ramirez asked didn't the YMCA agree to share with the Town. Mayor Voller said yes. Commissioner Cotten said but they want money.

Motion made by Commissioner Walker to leave \$90,000 (new positions) in there, reduce capital outlay by \$50,000 and to leave the \$25,000 in the budget for further expansion, give authority for the Manager to decide what positions are necessary and allow him/her to make the hire, no fund balance will be appropriated and there will be no tax increase, seconded by Commissioner Baldwin.

Attorney Messick proposed the \$90,000 go into the Administration salary line item. The Board will have to create a position first.

Commissioner Walker amended his motion to add Attorney Messick's comment to his motion. Commissioner Baldwin agreed to the amendment.

Commissioner Brooks said for the record there is no property tax increase but we have raised a large number of fees to try to recoup what it costs us. Planner Monroe gave an example for zoning fees. Commissioner Brooks also stated there will be an increase in the solid waste charge and 5% water and sewer increase.

Commissioner Brooks said Chief Collins has applied for two officers with grant funds; and also for a grant to fund ½ the salary of a Domestic Violence Officer and he hopes we get those.

Vote Aye-4 Bryan/Baldwin/Walker/Brooks
Nay-1 Cotten

ENERGY AUDIT – ABUNDANCE FOUNDATION

Energy audit request – Abundance Foundation.

Rachel Burton stated she came to the meeting two weeks ago and was requested to get a sample of an audit performed by NCAT. She stated the cost of the audit is \$2,000. They are requesting that the Town pay \$1,000 and the Abundance Foundation would match the amount and pay \$1,000. She stated on June 12 she emailed Mayor Voller a Letter of Understanding.

The Abundance Foundation is a 501c3 located in Pittsboro and their purpose is to increase the public awareness of sustainable energy usage and local food consumption. The corporation's goal is to create programs that can model how human beings can harness, use, and benefit from renewable energy sources as well as support the increase of local, sustainable farms. The Abundance Foundation is being established not only to promote advances in areas like solar, wind, and biodiesel, but also to encourage conservation and alternative energy paradigms. They are all about local, sustainable fuel and food.

The information provided to the board will be recorded in the resolution book.

Ms. Burton said the town could see a \$25,000 savings in next year's budget.

Commissioner Cotten said he was curious how you can reduce power that is used by an electric motor. That is where our biggest cost is with the motors at the water plant and sewer plant. Ms. Burton said lots of times they would recommend variable speed motors which would save on consumption. She said it is essentially a \$1,000 investment and possibly a \$20,000 savings for the Town. She stated currently Lee County is doing an energy audit. So is the community college and Chatham County Schools. This is something that others in our community (organizations) are looking at.

Mayor Voller stated so if the town invested \$1,000 and the Abundance Foundation matched \$1,000 and it brought in the energy audit team and they visited all our areas in town and if they were successful that would be a 100% return the first year.

Ms. Burton said exactly. You wouldn't lose any money if you found a \$1000 saving capacity which is typically cooling and heating and insulation items.

Mayor Voller advised that since we have taken a step on working on the environment here by working on the heating and air conditioning system here to get better air quality. This type of investment if they were to find one small thing it could save the town money.

Commissioner Cotten stated you are comparing apples and oranges when you are comparing CCCC, Lee County, Chatham County and Chatham County Schools. He said he used to work for the schools and a lot was done to reduce it down when he worked.

Ms. Burton stated she use to work at CCCC Pittsboro campus. She believes it is only the Pittsboro campus that is doing the audit so we could take those two building and kind of

compare them to the buildings the town has. It is similar in square footage not considering the water plant.

Mayor Voller said this is something that will identify areas that we can save energy in the future.

Commissioner Cotten stated when they identify the areas you would have to correct what they find. You are not saving anything. He knows it sounds like a small amount of money but at this time in our situation, he feels it is a waste of money. But the board can do what they want to.

Mayor Voller said he respectfully disagrees. Trying to save money on energy is not a waste of money.

Commissioner Cotten said this is just a study not an action plan.

Commissioner Walker said in looking at the audit for Cherryville he thinks the Commissioners are looking at the cost of some of these changes. Some are very nominal and can save some money. How about we make a deal with you because some of the things we may not be able to do because cost prohibits it. Consider this if they can save us more than \$1000 over the next year then we will pay \$1000. If we don't have a \$1000 worth of savings you pay the full \$2000.

Mayor Voller asked are they willing to accept that.

Ms. Burton said yes.

Motion made by Commissioner Walker seconded by Commissioner Bryan that the Town will reimburse the Abundance Foundation once we have actually saved \$1000 within the next 12 months.

Vote Aye-4 Bryan/Brooks/Walker/Baldwin
 Nay-1 Cotten

BOY SCOUTS

Commissioner Brooks acknowledged the Boy Scouts in attendance. Austin Neville is working on his Citizenship and Communication Badge and Nicolas Almond and he is working on his Communication Badge. They are from Troop #93.

The Board thanked them for being in attendance.

PARTF GRANT AGREEMENT

PARTF Grant Agreement.

Commissioner Cotten stated it needs to be changed where Mr. Misenheimer's name is.

Commissioner Walker said for clarification, the town's local match is the land itself not funds coming out of our pocket, correct. Attorney Messick said yes that is his understanding.

Commissioner Walker read the following paragraph "The parties to this contract agree and understand that the payment of the sums specified in this contract is dependent and contingent upon and subject to the appropriation, allocation and availability of funds for this purpose to the Department." He asked if there is a possibility with the word "contingent" in there if we get into this and we would have to pay the \$450,000. He asked Attorney Messick for his legal interpretation of "contingent upon".

Attorney Messick said it is a good phrase to use in government when you don't know where the funds are coming from or whether you are going to get them or not.

Commissioner Walker said we could get into the project and get stuck for the \$450,000.

Attorney Messick said no sir. It means you will not be able to hire the consultant to spend the money unless the state approves it. The state will not approve it unless they have money to fund the project in the first place.

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to approve the PARTF Grant Agreement. Vote Aye-5 Nay-0

PARTF GRANT AGREEMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

PITTSBORO ABC BOARD

Appointment of Commissioner Liaison with Pittsboro ABC Board.

Attorney Messick stated we received a request from Dr. Allen to have a Commissioner Liaison on the ABC Board.

Commissioner Cotten volunteered to serve for the remainder of his term.

Motion made by Commissioner Brooks seconded by Commissioner Walker to appoint Commissioner Cotten as the Commissioner Liaison on the Pittsboro ABC Board.

Vote Aye-5 Nay-0

2006-2007 BUDGET AMENDMENT

Approval of 2006 – 2007 budget amendments.

Be It Ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 25th day of June, 2007.

Section 1. That the following **GENERAL FUND REVENUE ITEM** be increased by the amount indicated for Public Building & Grounds Department:

10 3990 000	FUND BALANCE APPROPRIATED	\$ 8,000.00
TOTAL		\$ 8,000.00

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

10 5500 334	PROFESSIONAL SERVICES	\$ 8,000.00
TOTAL		\$ 8,000.00

Section 3. That the following **GENERAL FUND REVENUE ITEM** be increased by the amount indicated for Sanitation Department:

10 3990 000	FUND BALANCE APPROPRIATED	\$ 16,000.00
TOTAL		\$ 16,000.00

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

10 5800 040	CONTRACTED SERVICES	\$ 16,000.00
TOTAL		\$ 16,000.00

Section 5. That the following **GENERAL FUND REVENUE ITEM** be increased by the amount indicated for the Legal Department: (due to White Mtn.)

10 3990 000	FUND BALANCE APPROPRIATED	\$ 3,000.00
TOTAL		\$ 3,000.00

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

10 4700 041	LEGAL SERVICES	\$ 3,000.00
TOTAL		\$ 3,000.00

Section 7. That the following **GENERAL FUND REVENUE ITEM** be increased by the amount indicated for the Administration Department:

10 3990 000	FUND BALANCE APPROPRIATED	\$ 5,000.00
TOTAL		\$ 5,000.00

Section 8. That the following **GENERAL FUND EXPENDITURE ITEM** be increased by the amount indicated:

10 4200 040	PROFESSIONAL SERVICES	\$ 5,000.00
TOTAL		\$ 5,000.00

GRAND TOTAL GENERAL FUND AMENDMENTS \$ 32,000.00

The following contracts were approved with no indication as to where to pay from and have been paid from the 3M Reuse Fund:

New Wastewater Treatment Plant	\$571,830.00
3M Re-use Pump Station Reclaimed Water & Storage Tank	120,300.00
Force Main & Storage Tank Administrative Services	57,600.00

Section 8. That the following **WATER FUND REVENUE ITEM** be increased by the amount indicated:

30 3990 010	FUND BALANCE APPROPRIATED	\$749,730.00
TOTAL		\$749,730.00

Section 9. That the following **WATER FUND EXPENDITURE ITEM** be increased by the amount indicated:

30 8200 040	PROFESSIONAL SERVICES	\$749,730.00
TOTAL		\$749,730.00

GRAND TOTAL WATER & SEWER AMENDMENTS \$749,730.00

Section 10. That the following **ENVIRONMENTAL ASSESSMENT PROJECT REVENUE ITEM** be increased by the amount indicated:

68 2560 000	TRANSFER FROM WATER & SEWER	\$ 32,605.00
TOTAL		\$ 32,605.00

Section 11. That the following **ENVIRONMENTAL ASSESSMENT PROJECT FUND EXPENDITURE ITEM** be increased by the amount indicated:

68 1200 010	ENGINEERING	\$ 32,605.00
TOTAL		\$ 32,605.00

Section 12. That the following **WATER FUND REVENUE ITEM** be increased by the amount indicated:

30 3990 010	FUND BALANCE APPROPRIATED	\$ 32,605.00
TOTAL		\$ 32,605.00

Section 13. That the following **WATER FUND EXPENDITURE ITEM** be increased by the amount indicated:

30 8200 0744	TRANSFER TO GENERAL FUND	\$ 32,605.00
TOTAL		\$ 32,605.00

GRAND TOTAL ENVIRONMENT ASSESSMENT AMENDMENTS		\$ 32,605.00
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GRAND TOTAL WATER FUND AMENDMENTS		\$782,335.00
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Adopted this 25th day of June, 2007.

Commissioner Cotten stated he does not think we have any choice but to approve the amendments.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the 2006-2007 Budget Amendments as presented.

Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Walker to take a five minute recess.

Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to reconvene.

Vote Aye-5 Nay-0

Attorney Messick stated that in July it is anticipated the County will solicit the qualifications of a consulting firm to do the revision of the County's Master Recreation Plan and the town had mentioned earlier they would like to be included.

Commissioner Cotten asked if he had an idea how much it would cost us.

Attorney Messick stated probably around \$5,000 the cost to the county will be in excess of \$30,000 more to the tune of \$50,000-\$60,000.

Mayor Voller asked if we could use the fees we are charging for recreation to pay for this.

Attorney Messick said those fees are restricted for recreation land acquisition and property.

Attorney Messick stated he will be in New Mexico with the Boy Scouts July 3-17 and will not be here for the next meeting. He stated his partner will be ready to fill in if we have a crisis.

Mayor Voller referenced the letter in FYI from Attorney Messick to Chatham County requesting a refund of monies owed to the Town.

Commissioner Cotten stated since we have a letter from NCDOT (regarding Springdale Drive connection) he wanted to know if we have a letter of understanding to be signed. Attorney Messick said no sir, we talked about it previously that we needed a time frame. He doesn't know if the developer has a time frame or not.

Commissioner Cotten stated if he read it correctly the letter said that we should not open Springdale until the improvements are made.

The letter reads:

Dear Mr. Bahho,

The recently submitted Traffic Assessment for the Chatham Forest Subdivision, compiled by Ramey Kemp & Associates dated May 1, 2007, and its improvements to US 15-501, have been reviewed by Rob Stone, P.E., Division Traffic Engineer, and he had the following comment:

In addition to extending the southbound left turn lane on US 15/501 to 100 feet of full storage and appropriate tapers as proposed in the TIA, I recommend a northbound right turn lane be provided to remove the slower turning traffic from the through lane in an effort to improve safety at the intersection. The right turn lane should provide a minimum of 50 feet of full storage with appropriate tapers.

A driveway permit with construction plans detailing the aforementioned improvements shall be submitted to this office for approval. These improvements shall be installed per an approved driveway permit prior to the opening of Springdale Drive to the Chatham Forest Subdivision.

It was signed by Reuben Blakley, P.E., Division Engineer.

Commissioner Brooks asked Mayor Voller if he would take off his Mayor hat and put on his developer hat. The residents of Chatham Forest had stated they would like to have a timeline of completion.

Mayor Voller said he thinks they would be anxious. He will work with Mr. Messick to develop this memorandum. He does know Mr. Monroe and he have discussed starting from the middle and going up to Powell Place there is a whole series of things going on there. So we are going to need to find out now (if you noticed all the surveying going on) there are a series of plans that are being proposed starting from Park Drive but did not involve him that's coming forward. But they would be happy working with Mr. Monroe and Mr. Messick to come up with a timeline and how this will be addressed.

Commissioner Brooks stated he wasn't thinking about it so much for the Board's sake, but for the citizens there. You know they wanted some feed back about when the improvements would be done.

Mayor Voller stated his only disappointment is that it has gone a long way out here and now it is tied up with DOT issues beyond the scope of his little development frankly.

Mayor Voller stated you are starting at the Mill and ending up at Powell Place eventually DOT is looking at long term issues that are beyond the scope of what they contemplated. The letter kind of changed what they want.

Commissioner Brooks stated he does remember Mr. Webster telling him when he built the Chevrolet Place they were required to put in some turn lanes.

Mayor Voller stated DOT, if you read the TIA, where Hillsboro Street meets with Thompson Street starting with that traffic flow they are not sure about traffic going north and south so they decided three quarters of the cars turn north but there is no proof of this. He said DOT are now in a discussion with Chatham Mills he is not sure when that ends and this begins that is what he is telling you. He said they would be happy to work with Mr. Messick and Mr. Monroe on this and get a timeline so that it can go on the website and people will know.

Attorney Messick stated there is a letter under FYI from the Town to the EPA that was prepared by HUA that has not been sent yet regarding an extension on the grant. He stated we will need to send this letter if the Board wants to extend the grant. He said it probably should have been in the action part of the agenda since it has not been sent.

Commissioner Cotten stated several things in this letter bother him – he would like to see this put on a future agenda so that he can do some research. Specifically it mentioned the loan to the Town – he thinks that loan is specifically dedicated for 3M Reuse.

Commissioner Walker stated the engineering firm HUA has been handling this for the County and the Town and he would like to ask them how it got to this point this late in

the date. Shouldn't they have been on top of this at an earlier point and time since they were the administrator?

Commissioner Cotten stated they have already claimed what they were entitled to for administering the grant.

Commissioner Walker stated he felt we need to send the letter on out.

Motion made by Commissioner Walker to send the letter out to the EPA and to send a letter to Bob Etheridge (to help us in supporting this extension) seconded by Commissioner Baldwin.

Commissioner Baldwin stated she agrees with Commissioner Walker if HUA was suppose to be monitoring all this why did they wait this late to bring it to our attention. We need an answer from them on that.

Attorney Messick stated according to the estimates there will be enough grant money without any loans.

Vote Aye-4 Bryan/Walker/Brooks/Baldwin
Nay-1 Cotten his questions have not been answered

Mayor Updates

- EDC – there will be a reception for the new EDC Director on tomorrow at CCCC from 2-4 pm.
- RPO
- Solid Waste
- Fairground Association
- PMA/Downtown

FYI

- Letter to Charlie Horne
- NCDOT – Chatham Forest TIA Recommendations
- 3M – EPA grant time extension

COMMISSIONER CONCERNS

- Commissioner Cotten's resolution regarding Hobbs, Upchurch & Associates' contracts

The following is supporting information from Commissioner Cotten:

A RESOLUTION PROVIDING FOR CANCELLATION OF CONTRACTS WITH HOBBS UPCHURCH AND ASSOCIATES FOR ENGINEERING SERVICES

WHEREAS, during the administration of previous manager certain contracts were approved by Pittsboro Board of Commissioners without identification of sources of revenue as required by NC General Statues (159-13.2) and;

WHEREAS, it has now been determined that revenue to cover these contracts is not available;

NOW THEREFORE BE IT RESOLVED THAT, the Pittsboro Board of Commissioners directs the following contracts with Hobbs, Upchurch and Associates shall be cancelled effective immediately:

Disinfection By-Product Reduction	\$ 35,000.00
Wastewater Treatment Plant	571,830.00
3M Re-use Force Main & Storage Tank	120,300.00
Administrative Services	57,600.00
EIS Haw River Discharge/New Wastewater Treatment Plant	188,369.00
Water Treatment Plant Master Plan	45,500.00
General Consulting Services	Unspecified
Grand Total	\$1,018,599.00

BE IT FURTHER RESOLVED THAT, the Interim Manager shall retrieve from Hobbs, Upchurch all pertinent documents for which Hobbs, Upchurch has received payment.

SUMMARY OF HOBBS-UPCHURCH CONTRACTS

1. New Wastewater Treatment Plant	
Engineering & Design	\$ 326,760.00
Inspection	<u>245,070.00</u>
Total	\$ 571,830.00

See page 2-3 for services not included

2. Disinfection By-Product Reduction Plan (TMDL)	
a. Preliminary Engineering Report – by the hour not to exceed	\$ 35,000.00
b. Capital Improvement Design – to be determined	
c. Monitoring of Improvements – to be determined	
3. EIS for New Wastewater Treatment Plant and Haw River Discharge Points	
Basic contract	\$ 128,900.00
Archeological Survey	26,864.00
Wetland/Endangered Species Survey	<u>\$ 32,605.00</u>
Total	\$ 188,369.00

4. 3M Re-Use Pump Station Reclaimed Water Main & Storage Tank	
Inspection/Management	\$ 89,800.00
Scope of Services	<u>\$ 30,500.00</u>
	\$ 120,300.00

See page 3 for services not included

5. Contract for Administrative Services (Force Main & Storage Tank)	\$ 57,600.00
6. General Consulting Services – Hourly (per fee schedule)	
Example: 12 hours x 130.00 = \$1560.00	
7. Water Treatment Plan Master Plan	\$ 45,500.00

GRAND TOTAL	\$1,018,599.00
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SUMMARY OF CONTRACTS

Disinfection By-product Reduction	\$ 35,000.00
General Consulting Services	unknown
Wastewater Treatment Plant	571,830.00
3M Re-use Force Main & Storage Tank	120,300.00
Administrative Services	\$ 57,600.00
EIS – Haw River/Wastewater Treatment Plant	188,369.00
Water Treatment Plant Master Plan	45,500.00
Grand Total	\$1,018,599.00

Commissioner Cotten said he doesn't know what procedure here to follow. He does know we have paid a significant amount of money to HUA and it was reflected in the budget amendments tonight. We have paid them a significant amount of money on these contracts. He does know that they have invoiced us a percent of every contract. The best he can figure right now there are four contracts that they have not really billed a significant amount on. But they will if we do not cancel the contracts. Item #2, to him is a wide open contract. #3 the basic contract is for the new wastewater plant (the best he can determine) which to the best he can tell Pittsboro never approved it. He wants to contact the clearinghouse to see what reports they have filed. The WTP Plan he feels it is for the county's benefit, not ours. We already have an allocation from the Haw River that exceeds what our current plant can process.

Attorney Messick stated there is a big difference between terminating a contract and telling people to stop doing whatever it is they are doing until you get the handle on whatever you think you need to get the handle on. For example the General Consulting

contract was recently approved and it will not cost us anything unless we tell them to do something.

Commissioner Cotten stated he would change his motion to say put it on hold until we find the money. Authorize Attorney Messick to advise HUA to put a hold on any further activity until we identify the sources of money, Commissioner Brooks agreed to the change of the motion.

Attorney Messick said they are entitled to a status report from them on each of these contract as far as what is going on and what needs to be done and that sort of thing.

Commissioner Brooks stated that is what he would like to see. That sounds reasonable to him. He stated we can't stop, we have to continue. He doesn't think it is unreasonable to expect a status report on the contracts like Mr. Messick has suggested.

Mayor Voller stated for us to stop working on the projects is a disservice to our residents.

Commissioner Brooks stated we should do what Mr. Messick said and find out where the money is coming from. They need to be told we need a status report.

Commissioner Cotten stated we have to have the money, all of these are engineering fees it is no construction at all.

Commissioner Walker said he agreed with Mr. Brooks. He said we cannot stop; we just need to identify the source. He stated we need to have a work session with HUA. He agrees with Mr. Brooks and will vote no on our motion on not proceeding. This is something we cannot stop.

Commissioner Brooks stated he wanted this report in writing.

Commissioner Baldwin said we do want it in writing we don't want them to just stand here like they have done in the past. We need a detailed report of what they have done.

Attorney Messick said in fairness to them they know what is going on here. They do read the paper, they do realize the complicated issues regarding the wastewater plant and they are sort of in a holding pattern to some extent. But there are things that are on going. He thinks they would be very cooperative as far as a status report and coming up here to explain anything you do not understand. We have a wide variety of services in here.

Commissioner Cotten withdrew his motion. Commissioner Brooks withdrew his second.

Commissioner Brooks made a motion to request this status report from HUA and that it be written so that anyone can understand it and that it be entered into public record, seconded by Commissioner Walker.

Mayor Voller asked Commissioner Brooks if he would amend his motion to include what Commissioner Walker said about scheduling a work session within the next six weeks. Commissioner Brooks said so moved and Commissioner Walker agreed.

Vote Aye-5 Nay-0

CLOSED SESSION

Motion made by Commissioner Brooks seconded by Commissioner Walker to go into closed session pursuant to GS 143-318.11(a)(3) to discuss matters within attorney-client privilege.

Vote Aye-5 Nay-0

Motion made by Commissioner Walker seconded by Commissioner Brooks to go out of closed session.

Vote Aye-5 Nay-0

ADJOURNMENT

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to adjourn.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk