

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, JUNE 22, 2009  
7:00 PM

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

**ATTENDANCE**

Members present: Mayor Randy Voller, Commissioners Pamela Baldwin, Clinton E. Bryan, III, and Hugh Harrington.

Members Absent: Gene T. Brooks and Chris Walker, absences excused.

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

**APPROVAL OF AGENDA**

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

Vote   Aye-3   Nay-0

**CONSENT AGENDA**

The Consent Agenda contains the following items:

1. Approve minutes of the May 18, 2009 budget work session.
2. Approve minutes of the June 8, 2009 regular meeting.
3. A Contract between the Town of Pittsboro and Ward & Foust CPA for the audit of the Towns' Fiscal Year 2008-2009 Financial Statement.
4. Resolution Authorizing the Disposition of Surplus Property

Commissioner Harrington said on page 7 of the June 8 minutes, the second paragraph that began with his name should read "Commissioner Harrington agreed, stressing that he was very eager to get that agreement and come back with a resolution he and other Commissioners could support. He stated he believed it was a very reasonable offer that had been put in front of Voller Realty."

Commissioner Harrington said on page 9 of those same minutes, he was noted as saying “Commissioner Harrington said he was also comfortable with executing the contract with the caveat that Fearington would get a stop.” He said he did not recall saying he wanted a stop at Fearington, but had said he wanted the bus to go all the way to UNC from Pittsboro. Commissioner Harrington suggested that the sentence be corrected to read “Commissioner Harrington said he was also comfortable with executing the contract with the caveat that the bus go all the way into UNC.”

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the Consent Agenda with the minutes of June 8, 2009 amended as noted.

Vote Aye-3 Nay-0

## **REGULAR MEETING AGENDA**

### **Citizens Matters**

Bud Rudesill, 611 Millbrook Drive, stated that his group was putting together Kinetic Sculptures Parades and a race with programs for adults and children at the Neighborhood School and Pizzeria. He said that the material he had provided described the different categories of structures, and was asking the Town for permission to hold the race and to set the date for the afternoon of October 31, 2009. Mr. Rudesill said they also wanted help and approval of a route to start at Thompson Street at the Neighborhood School and Pizzeria and moving east. He stated they were not asking for public funds, but did want to have access to the Town calendar so they would know when future events might be scheduled.

Janice Escott, 376 Bellemont in Chatham Forest, spoke in support of Mr. Rudesill’s request, noting she was an artist and had witnessed several races such as the one proposed for Pittsboro. She said she had been involved in Kinetic Sculpture racing for 10 years while living in California. Ms. Escott stated the races were wonderful and fun for everyone involved, including spectators. She said they wanted to begin with children’s parades, and were in the process of obtaining 501(c)3 status. Ms. Escott said such races drew many spectators who would boost the economy of Pittsboro.

Commissioner Harrington said he believed what was proposed sounded like a great idea.

Commissioner Baldwin agreed, especially for the children.

Commissioner Bryan agreed as well, stating it would certainly be something different for Pittsboro.

Mayor Voller said there had been a parade in the last couple of years that had come from Chatham Mill and then to Thompson Street and then to the Fairgrounds, so it seemed logical to invite the Fairground Association to be involved and have it end at the Fairgrounds. He asked if they needed the Board to endorse the concept so they could move forward. Mr. Rudesill

responded yes, that they would need approval of the parade and for the Town to work with them on the route.

Mayor Voller asked Mr. Messick was there some process the Town would need to consider before moving forward. Town Attorney Messick replied they would need a permit from DOT if they were going to use State streets.

Commissioner Harrington moved to approve the concept of the Kinetic Sculpture Parade and to have the Town Manager come back with a recommendation as far as the feasibility of such a parade, including the impact of blocking off streets, conflicts with other events, the need for Police involvement, and any other impacts that needed to be considered.

Mr. Terry suggested referring the matter to staff for a recommendation to be brought back for consideration by the Board of all impacts of such an event.

Commissioner Harrington withdrew his motion. The Board agreed by consensus to refer the matter to staff for a recommendation to be brought back for consideration by the Board of all impacts of such an event.

Faythe C. Clark, 50 Chatham Forest Drive, said that her group was working with Chatham Transit to create a Sister to Sister service and to put together a Direct Planning Grant which was due on Friday. She said they had already talked with Renee' Paschal with Chatham County as well as with Chatham Transit to put together an extensive plan of funding for implementation next year. Ms. Clark stated Pittsboro would be involved in that and in the next couple of weeks they would like to get a letter of endorsement from the Town.

Mayor Voller asked where the Sister to Sister service would run. Ms. Clark said it would be coming from Siler City to Pittsboro and connecting to the service running between Pittsboro and Chapel Hill. She said the reverse commute would be from Sanford and through Moncure, and they were considering a reverse commute from Siler City through Goldston and on to Sanford. Ms. Clark said they were still in the planning phase and the actual implementation would be funded next year. She said she would like to return in a couple of weeks and provide more specific information.

## **PEDESTRIAN PLAN CONSULTANT REPORT**

### **1. Presentation of the Final Report on the Town of Pittsboro Pedestrian Plan (Jason Reyes, Greenways Incorporated).**

Jason Reyes, the Town's consultant with Greenways Incorporated, provided the final report on the Town's Pedestrian Plan. He gave some information on the process that had been followed which began a year ago and included meetings with various groups including the Parks and Recreation Board and a public workshop. Mr. Reyes said throughout the process they had had public involvement, and described how the Plan itself was laid out:

- ◆ Existing Conditions Report: where people were walking today; and, where people might want to walk in future.

- ◆ Pedestrian Network: contained key recommendations regarding crosswalks, trails, and the like.
- ◆ Programs and Policies: covered all programs and policies.
- ◆ Recommendations: covered all aspects of the Plan, including specific changes to policy.
- ◆ Implementation: guidance as to how to implement the Plan.
- ◆ Public Input: the input session held at the Farmer's Market was attended by about 75 citizens who offered comments on the draft map and recommendations. Another 140 people participated in a second input session, as well as others who provided comments during various Town events as well as through filling out comment forms.

Mr. Reyes said when working in the field they were looking at various things: roadway corridors where there might be a possibility for sidewalks, crosswalks and intersections, and Design Guidelines that spoke to the feasibility of greenway corridors and other features. As well, he said, they had coordinated the Pedestrian Plan with the Parks and Recreation Plan. Mr. Reyes said some of the recommended programs included Safe Routes to Schools, Walk to Work Day, No Driving Day, and others. He said various policies were recommended for inclusion in the Zoning Ordinance and Subdivision Regulations, and were noted in the text provided. Mr. Reyes then displayed a map that depicted various pedestrian destinations and the routes that might be taken by pedestrians. He also pointed out existing and proposed greenways and existing sidewalks. Mr. Reyes stated it was important to understand that the Plan was a long-term set of priorities as development continued in the Town and where future connections might be made.

Mr. Reyes noted that there were many recommendations, and described the top twelve priority routes and improvements that had been determined using various criteria, including citizen comments. He pointed out those routes and improvements using slides of various locations throughout the Town.

Mr. Reyes noted it had been a pleasure to work with the Town and its citizens on the project, and they were excited that some of those recommendations would come to pass.

Mayor Voller asked what the Town could do to take advantage of the opportunity in regards to Safe Routes to Schools, noting that luckily they had two schools within the required less than 2 mile radius. Mr. Reyes stated they would continue to communicate on that issue, noting they were involved with six other communities just starting up that program and his company would certainly like to work with Pittsboro as well. Mr. Reyes said it would involve getting onto the grant cycle and putting in place the necessary elements to be eligible for the program. Mayor Voller stated when the Town had looked at it last year they had been too late to get on that cycle, and, they did not yet have a plan adopted. Mr. Reyes said that two years ago they had completed a pedestrian plan for Rocky Mount, who had applied for Safe Routes to School funding and received \$2 million in funding.

Mayor Voller stated the School Board and Superintendent were very interested in that program, so they could take what had been done with Pittsboro's Pedestrian Plan to address the schools in the Pittsboro area. Mr. Reyes stated there was definitely funding available.

Mayor Voller asked what was needed to be done this evening. Planner David Monroe said staff recommended that the Board adopt the Plan prior to the Public Hearing.

Commissioner Harrington said he had thought when reading the agenda that the action recommended was to receive the report, so unfortunately he was not prepared to adopt the Plan. He said he did not have reservations regarding the Plan but would have looked at it with a different eye if he had known they would consider adoption tonight. Mr. Monroe said that the Planning Board had recommended approval of the Plan.

Mayor Voller stated the Plan had already been reviewed by the Parks and Recreation Board and the Planning Board, and was the same Plan substantially that was presented during the budget process.

Commissioner Baldwin said if they adopted the Plan tonight and they discovered something that needed to be amended the Board could do that at any time. Mr. Monroe said it would not make much sense to include Zoning Ordinance text amendments and Subdivision Regulation amendments if the Board had not yet adopted the Plan, which was the model upon which all of the text amendments, were based.

Commissioner Harrington said then he was comfortable with adopting the Plan tonight.

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to approve the Pedestrian Plan.

Vote Aye-3 Nay-0

## **PUBLIC HEARING**

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

Vote Aye-3 Nay-0

### **1. A Zoning Ordinance and Subdivision Regulation amendments to implement pedestrian elements recommended in the Pedestrian Plan.**

Mr. Monroe stated tonight was an opportunity to look at specific changes to the Zoning Ordinance and Subdivision Regulations that would implement the pedestrian elements contained in the Pedestrian Plan just approved by the Board. He stated the amendments would make both documents more consistent with those pedestrian elements of the transportation system.

Philip Culpepper, Preston Development, 100 Weston Estates Way, Cary, commented that he had discussed the Plan with principals at Preston Development and they supported the revisions and the implementation of the Plan. He stated they supported the types of improvements outlined in the recommendations and hoped that the Board would adopt them.

Kenneth Hoyle, Planning Board member, said they had reviewed the Plan and the amendments in detail and recommended approval.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to close the public hearing.

Vote Aye-3 Nay-0

## **OLD BUSINESS**

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

Mr. Terry provided the following update on Capital Projects:

- Disinfection Byproducts Reduction Project: The transition to chloramination was completed on Wednesday, June 10<sup>th</sup>. The overall project would remain in progress pending completion of change orders including repairs to the track-vacuum system for sludge removal and the transition to liquid sodium hypochlorite as their chlorination process.
- 3M Reclaimed Water System Project: Project was underway and moving along steadily. The first construction progress meeting had been scheduled for Tuesday, July 7.

Mayor Voller asked when installing the pipe, he had noticed there was other conduit smaller than the 8" located at the side of the road. He asked was there any effort to put in any kind of communications. Mr. Terry stated there was a communications element to the project between the water tower tank and the Town's plant, with some turbidity meters stationed in various locations.

Mayor Voller said the question had been raised by some people who were interested in high-speed Internet in the County as to why Time Warner and Embarq had not approached the Town about that while the Town was running conduit. He said he had wondered if they were co-trenching. Mr. Terry said that issue had never come up. Mayor Voller said it was too bad that they had not chosen to participate.

Mr. Terry continued his update:

- 3M Park: The next step in the project would be to request an extension on their PARTF Grant contract which was set to expire on September 30, 2009. Paul Horne had begun work on that process concurrently with working out the details of the land transfer from 3M. Mr. Terry said without the extension to the grant, they could not go forward.

Commissioner Baldwin said the most important thing now was the extension on the grant, but the transfer of title to the land had been ongoing for some time and she wondered what the hold up was. She said 3M could no longer use the excuse that they were waiting on the Town since the Town had fulfilled its part of the bargain. Mr. Terry agreed, saying it was his expectation and understanding from the last 18 months of negotiating with them that 3M was reluctant to transfer the land until they saw that the project would go forward. He said what he was hearing now was that they would be ready to transfer title to the land once they saw that the water project was completed.

Mayor Voller stated that had been going on for four years now and perhaps 3M would be ready to transfer the land when the Town told them they were being annexed. He said at this point he did not care if the grant expired because the land was 58 acres and 3M had agreed to deed it over to the Town.

Commissioner Harrington asked if he had understood Mr. Terry to say that he was of the opinion that if they did not receive the grant extension then there was no reason to ask for the land. Mr. Terry said he had said that without the grant money he did not see how the project could go forward. Commissioner Harrington stated they would still want the land even if it was not for a park. He said they absolutely should pursue title to the land, even without the grant.

Commissioner Baldwin stated they needed to reiterate the Town's desire to have the land transferred to the Town at the earliest date possible, adding she did not understand why 3M continued to stall. Mr. Terry stated he would work with Mr. Messick and look over the original PARTF grant application to see what assurances 3M made as a part of that grant process.

Mayor Voller said that the first 25 acres was what they had gotten the two grants for, one a PARTF grant and the other a federal grant. He said at this point, 3M should at least give the Town those 25 acres. Mayor Voller agreed with Commissioners Baldwin and Harrington that they needed to get the land, noting that there was little else to be said about that. Mr. Terry stated to date his communications had been verbal, and perhaps it was time to send a formal inquiry. Mayor Voller agreed, noting that 3M needed to understand that the Town now expected conveyance of title of the land.

Commissioner Harrington said assuming that the park project did not go through then was he saying that based on the contract the land should still be deeded to the Town. Mr. Terry said he could not answer that until he conducted some research. He said he had believed there were two separate projects, but the quid pro quo was the Town would help out 3M with water and 3M would transfer the land.

Mayor Voller said that was not how it all began. He said at the beginning 3M had asked him when he was elected Mayor in 2005-2006 what he could do to move their project forward, and his response to 3M was to approach the Town Board and offer to work on a park or something like that. He said 3M's response was that they had land across the highway that was of no use to them but they did want to retain a portion of it near the intersection. Mayor Voller said he had said to them that perhaps they should look at trying to obtain grants since the Town could not afford to spend the millions of dollars it would take to put a park there. And, he said, 3M was going to build a water tower.

Mayor Voller said 3M putting the land forward was part of a good faith effort to move the whole project forward and that had been stalled. He said the Town had done its good faith and had moved the project forward, noting it was now getting built. Mayor Voller said whether or not there was a grant was something the Town had undertaken, and, they wanted that land. He said it was as simple as that: give the Town the land. Mr. Terry said he believed there was a contractual obligation for 3M to transfer title to the land, but he and Mr. Messick would go through the contract to determine exactly how that was spelled out and what leverage the Town

might have. He said he got the impression from verbal communications with 3M that they were not under any pressure to transfer the title until after the water project was completed.

Commissioner Harrington requested that by the Board's next meeting that the contracts be reviewed and that the Manager provides some recommendations of how to move forward with obtaining title to the land.

Mayor Voller agreed, noting they wanted the land as promised. Mr. Terry stated he would report back at the next meeting.

Mr. Terry concluded his update:

- Powell Place Park (Pittsboro Town Park): The Design work for that project was 99% completed and preparation of bid documents was underway. They anticipated an advertisement of bids during the 2<sup>nd</sup> week of July with a contract awarded in mid-August. The project could be completed as early as December 2009.

Commissioner Harrington said then there have been no changes in regards to the improvements on 15-501 and Springdale Drive. He asked for clarification on what the last communication was from Voller Realty, asking was it true they had an offer to reimburse in the future \$60,000 if the Town would go ahead and do the work, but that the Town would give some general blanket approval for Phase 10. He asked was that the general language the Board was asked to approve. Mr. Terry said that was his recollection, that there was agreement in principle that \$60,000 was a reasonable number and that the Town would undertake the project and pay for it with some sort of reimbursement schedule as part of the contract. He said the sticking point became the pre-approval of Phase 10, and it was his impression that the Board would not be willing to pre-approve a plan that they had not seen.

Commissioner Harrington stated they could not approve something that had not yet been laid out. Mr. Terry said that was correct.

## **2. Budget Amendment: Pittsboro Town Park.**

Mr. Terry stated the next two items were extensions of the adopted Capital Improvements Plan budget. He stated it was necessary to reflect the revenues represented by the grants in the budget, and then offsetting the expenditures equal to the revenues in order to move forward with the project. Mr. Terry stated the budget amendment would transfer the \$30,000 contribution from the General Fund for the purpose of bathroom design and construction, bringing the total project budget to \$480,000.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the budget amendment in the amount of \$30,000 for the Pittsboro Town Park.

Vote Aye-3 Nay-0

### **3. Budget Amendment: Pedestrian Conveyance System Project.**

Mr. Terry stated this amendment was also tied to the Capital Improvements Plan, noting the Town had received a CMAQ grant in the amount of \$193,000 for new sidewalk construction from US 64 Business West, north on NC 87 to Camp Drive, and across a roundabout to the new library. He said adoption of the budget ordinance would allow for the creation of the capital project budget to account for the project's finances and allow them to proceed with design.

Commissioner Harrington asked how much of peoples' yards was being taken by the right-of-way. Planner Paul Horne responded very little due to the extremely compressed timeframe that they were operating under.

Mr. Terry said it was their initial hope that all of the work could be done within the DOT right-of-way, but there were a few areas where that right-of-way was somewhat narrow.

Mayor Voller asked when the project would begin. Mr. Terry responded their plan was to begin the design work immediately. Mayor Voller said it was his understanding the County was moving forward with its related project as well. Mr. Terry replied that was his understanding.

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to approve the budget amendment for the Pedestrian Conveyance System Project.

Vote Aye-3 Nay-0

### **4. Amendments to Section 4.2, Steps 2 & 3 of the Subdivision Regulations relating to community recreation areas.**

Mr. Monroe stated the last time the Board had looked at this Mr. Messick had some minor concern about language proposed so the issue had been tabled, and since that time language had been included that both he and Mr. Messick believed was more appropriate.

Commissioner Harrington asked about the changes. Mr. Monroe stated the highlighted areas in Steps 2 and 3 contained the proposed changes. Commissioner Harrington said the language had said that applicants committed in writing to the payment of a fee in lieu of dedication, and asked if there was any discussion of why that was removed. Mr. Messick responded he did not think it is necessary.

Commissioner Harrington said then what he would have recommended was "...it shall advise the applicant of the required payment of the fee in lieu of dedication and the applicant will commit in writing to payment of the fee as a condition of the final plat approval." He said what Mr. Messick was saying was that second piece would not lock in anything else that was not already locked in. Mr. Messick replied that was correct, because the fees were in the ordinance already.

Mr. Monroe said it was a condition of approval, and that applicants would not receive the approval until the fee was paid.

Commissioner Harrington said then he was saying that was what should happen now. Mr. Monroe responded that that was what happens now, that they had to pay the fee in order to get approval. Commissioner Harrington said then they were not asking for a commitment in writing, but were asking for payment of the fee. Mr. Monroe said that was correct. Commissioner Harrington said that was even better.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to approve the amendments to Section 4.2, Steps 2 and 3, of the Subdivision Regulations relation to Community Recreation Areas.

Vote Aye-3 Nay-0

**5. Zoning Ordinance and Subdivision Regulation amendments to implement pedestrian elements recommended in the Pedestrian Plan.**

Mr. Monroe said essentially the changes were to make reference to the pedestrian elements of the Pedestrian Plan in the Zoning Ordinance and the Subdivision Regulations.

Mr. Messick said that since the Board had adopted the Plan, there was now some “teeth” to making them a requirement.

Mayor Voller said with the changes that have been made would they be noting the date so that years from now they would know when certain changes were made. Mr. Monroe replied the Zoning Ordinance would contain a cover page that indicated when modifications were made. He stated he could put those dates in the text of the Ordinance as well if the Board preferred. Mayor Voller said he believed that would be helpful in order to remove any confusion.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to approve the Zoning Ordinance and Subdivision Regulation amendments to implement the pedestrian elements recommended in the Pedestrian Plan.

Vote Aye-3 Nay-0

**NEW BUSINESS**

**1. Request for Town Support of an Interchange on the US 64 Bypass (Philip Culpepper, Preston Development Company).**

Mayor Voller said the Town had received a request for support of a new interchange on US 64 Bypass from Preston Development Company. He said that the request was referring to a 6,500 acre tract of land, a part of which was sold to them by his company. Mayor Voller said he was not involved in the request in any way, but asked should he recuse himself in order that there was no appearance of a conflict of interest. Mr. Messick stated if the property had already been sold then whatever decisions the Town Board might make in regards to it would not be a conflict for the Mayor. Mayor Voller said that was what he believed as well, since it had been almost a year since the property had been sold.

Philip Culpepper with Preston Development Company stated that they had presented some ideas about the Thoroughfare Plan to the Planning Board, and what they were looking at tonight was one specific item within that Thoroughfare Plan and one that had already been contained in all previous Thoroughfare Plans. He said the 2003 Thoroughfare Plan proposed an interchange midway between US 15-501 and the US 64 Bypass, and although it had been presented to the Board it had never been adopted. Mr. Culpepper said the existing Thoroughfare Plan dating back to 1992 did contain an interchange at that same location.

Mayor Voller asked did it have Park Drive being extended. Mr. Culpepper said that had been on the original plan, noting there were still some interior roads being shown on the plan. He said now the Department of Transportation required not only a Thoroughfare Plan but a Comprehensive Transportation Plan as well, and one element of the Comprehensive Transportation Plan was the Pedestrian Plan.

Mr. Culpepper said what was needed now, and what they planned to help the Town with through their assistance, was to work on a Comprehensive Transportation Plan which had to contain a pedestrian element, a bicycle element, a public transportation element, a land use plan element, and a thoroughfare plan element. But right now, he said, they were looking at the specifics of that proposed interchange.

Mr. Culpepper stated what they had done was gone before the Department of Transportation and asked if they would give their approval to that interchange, so that they could get a basic design and determine what it would cost to build it. He said they would like to have it a privately built interchange at their expense, but they needed to know how much it would cost and needed some approval before that could be determined. Mr. Culpepper stated after meetings with DOT they had determined that what was needed was for the Town Board to make the request to DOT for approval of the interchange so that a private developer could build it. He stated they needed that approval in order to determine the cost and the resolution before the Board tonight would authorize the Town Manager to request that DOT grant approval for the interchange.

Mr. Culpepper said it was their idea to replace what had been shown on other maps with a parkway, privately funded, that would connect with that interchange. He said their preliminary review indicated that a four-lane divided highway, the proposed parkway with median and no curb cuts, would better serve the Town and the County by carrying a great deal of traffic around the Town. Mr. Culpepper said it would serve for many years as a bypass, but what was critical was to know that they could build the interchange.

Mr. Culpepper said there was one correction to the resolution in that Figure 1 was referred to, and it should refer to Figures 1 and 2. He reiterated that they were not asking for any funding, but only that the Town asks DOT for permission to build the road which would be important to the Town as well as to them.

Commissioner Harrington said he believed it was a great idea, but believed it should go to the Planning Board first. Mr. Hoyle stated the Thoroughfare Plan had been through Planning Board review and they had recommended approval of it.

Mr. Hoyle said the Planning Board had reviewed it in terms of the overall Parkway, of which 90% was on property owned by Chatham Park Investors, LLC. He stated the interchange would accomplish the objective in their Thoroughfare Plan without expending any tax dollars.

Commissioner Harrington said it would also not involve the taking of anyone's land. Mr. Culpepper stated they were under contract or negotiating for the remainder of the necessary land. He said at the time they applied for the project, they would come forward with their application for annexation for the entire project, noting they had no intentions of doing any of the project outside the jurisdiction of the Town.

Mayor Voller said he believed that was very important for people to understand. He asked Mr. Monroe where this stood with the RTCC, noting he believed the project was listed as unfunded. Mr. Monroe replied it was funded in 2013, with a new round of reviews of existing projects scheduled at that time. Mayor Voller said so that everyone understood the four counties rural planning organization reviewed and signed resolutions put forward by the four counties. He said currently DOT showed a bypass that was unfunded but was still there.

Mr. Culpepper stated that DOT's plan showed multiple alignments, but if there was to be a road there then the location they had indicated on their plan was the only place the interchange could go because of the space needed for acceleration and deceleration ramps and the like. He said they were proposing a road and an interchange that would function as the bypass and met all the standard requirements of DOT. Mr. Culpepper also said that the majority of the property was located within the Town's ETJ and was known as Chatham Park, and pointed that out on the map. He reiterated that they intended to submit an application for annexation once they applied for the project.

Mayor Voller said the exact location was yet to be determined, correct? Mr. Culpepper said that DOT did not know where it would put a bypass, but they knew where they would put a road that would serve as a bypass, at no expense to the Town.

Commissioner Bryan said what they were looking at tonight had nothing to do with the parkway. Mr. Culpepper stated that was correct, that tonight they were looking only at the interchange. Commissioner Bryan said then obviously that could move. Mr. Culpepper stated that would be up to the Board and Preston Development.

Mayor Voller said the idea of a southern Research Triangle Park had been mentioned, and asked if something like that were to come to pass would that parkway be sufficient to carry that kind of traffic. Mr. Culpepper responded that they believed it would be, and believed that had been referred to in the Master Plan as an "emerging technology park." He said they believed if done properly, what they would have was people living close enough to where they worked to not generate traffic that would be seen at a research park such as RTP where no one lived. Mr. Culpepper stated he believed that would be a new standard, and also believed they would be fighting DOT every step of the way to get their ideas across.

Mayor Voller asked on what timetable he anticipated that annexation would come forward as a concept. Mr. Culpepper stated likely in five years, but it was possible that it could happen before

then. He said they were constantly moving forward, noting they were meeting with the Department of Commerce next month and with Progress Energy tomorrow.

Commissioner Baldwin said Mr. Hoyle had said the Planning Board had reviewed the information but nothing had been formally submitted from the Planning Board for the Town Board's review. Mr. Hoyle replied that was correct.

Ricky Spoon asked Mr. Culpepper if Preston Development built the interchange, would it then be deeded over to the State. Mr. Culpepper stated that it could not be State property because it was within the federal right-of-way, and even though the interchange would be built with private funds it would have to be built to the requirements of a federal project.

Mr. Terry asked if the Board elected to approve the resolution to support the request and DOT accepted that, what would be the next step. Mr. Culpepper said they would then move forward with the final design of the interchange, including cost, and would work with the Town at the same time on the Thoroughfare Plan. He stated they would be designing the interchange to handle a fairly high volume of traffic in order to satisfy DOT.

Commissioner Harrington said he definitely viewed the request favorably, noting he believed they needed it and it was a good place for it. He said he personally would like to see an official recommendation from the Planning Board as well as Mr. Culpepper's comments on it.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to refer the request back to the Planning Board for a written recommendation and official endorsement of the plan.

Mr. Culpepper emphasized that they were talking about only the interchange and not the parkway at this time, and would be happy to go back to the Planning Board.

Mayor Voller said Mr. Culpepper had done an excellent job of presenting the information, and hoped they could send it to the Rural Planning Organization for its review and endorsement. Mr. Culpepper stated he was not sure that fit it with what the RPO did. Mayor Voller stated he believed it did, and believed it should go to the RPO since they were the ones that reviewed the TIP and made the list of priorities. He said as Chair of that organization he believed the RPO should know about it so that member organizations would be informed as a courtesy only.

Mr. Terry said in reference to the RPO, that it might be more beneficial to know what Pittsboro's stand was before it going to the RPO.

Mayor Voller replied yes, noting the next RPO meeting was in Pittsboro and was the only one in Pittsboro this year. He said it would be a courtesy to show that as an update to the plan. Mr. Horne said this was actually just the implementation of the existing plan. Mayor Voller agreed.

Mr. Culpepper said they were not requesting a change to anything, only that they be allowed to move forward with something already planned.

Mayor Voller said if the Town of Pittsboro wanted to go forward with it, the RPO would not be adverse to that. Mr. Terry stated then it made the most sense for the Planning Board to comment, then for the Town Board to comment, and then for it to be presented to the RPO.

Mr. Monroe said the next Planning Board meeting was Thursday, July 16<sup>th</sup>, so the Town Board would not see it come back until August.

Commissioner Harrington said to clarify; he was expecting it to go to the Planning Board next week. Mr. Monroe stated the next meeting was moved to July 16<sup>th</sup> due to the July 4<sup>th</sup> holiday. He stated the packets for the Town Board meeting would go out on the afternoon of July 16<sup>th</sup> so that would obviously not be enough time. So, he said, August would be the earliest the Planning Board comments and recommendation could be provided to the Town Board.

Mayor Voller said he would not mind it coming to the second meeting in July. Mr. Monroe stated they could not do that because the Planning Board would be meeting the same night that the packets went out to the Town Board for its next meeting.

Mayor Voller said it was important that that the entire Board was present to hear the information, noting he would not want to vote on something when Commissioner Brooks and Commissioner Walker were not present.

Mayor Voller called for the vote.

Vote Aye-3 Nay-0

Mr. Terry said if the Board was willing to accept an amendment to the next agenda, they could send out the packets on the 16<sup>th</sup> as scheduled and add the Planning Board recommendation on Friday or Monday to expedite getting it to the Town Board as quickly as possible. He said on Friday morning perhaps Mr. Monroe or Mr. Horne could prepare the written comments and recommendations so that a supplemental packet could be prepared for the Board.

Commissioner Harrington stated he would prefer to do that so that the Town Board could go ahead and address the request at the last meeting in July.

Commissioner Baldwin agreed, noting the important thing was to get the written recommendation from the Planning Board. The Board agreed by consensus.

## **2. North Carolina Small Town Main Street Program.**

Mr. Terry noted that some literature had been provided to the Board for review as well as a draft resolution that would support an application to participate in the NC Small Town Main Street Program for 2009-2010. He said the program was being sponsored by the Economic Development Corporation and the State, and there would be some minor transportation and per diem expenses for the staff members who would participate on behalf of the Town. He said other than that, participation in the program was not a large investment.

Mr. Monroe stated that the EDC had created a Website that contained a large amount of data, and it would be only a matter of compiling that data in order to apply for the program. He said it would require staff time, so that needed to be kept in mind.

Mayor Voller said that Dianne Reid with the Chatham County EDC, because she had attended the pre-application workshop, made the Town eligible to apply. He said normally they would have had to hire someone but they would not need to do that now. Mr. Monroe said one of the requirements of the program was that there be someone in place full time dedicated to the main street of the Town, and Ms. Reid had indicated her willingness to assume that role for the purposes of that program. He said that would mean that Town staff would act as support staff.

Mr. Terry said that the program also required a business person to be involved as well, and the Chair of the Pittsboro Downtown Merchants Association would be the logical person to do that.

Commissioner Baldwin asked was there ample staff time available to compile the necessary data. Mr. Monroe said the first deadline for completing the application was June 30<sup>th</sup>, and they would have to work out who had the time to do that. He said after that, if the Town was accepted into the program that would be when the staff commitment started, and they would not know until some time in September if they were accepted.

Mayor Voller stated it was a great program, noting he had attended some of their workshops. He said the advantage to the Town, especially because of their size, was that if accepted into the program they would become eligible for further funding from other agencies and it would put them on a good footing as far as showing that they were investing in their downtown. Mayor Voller said it was a very small amount to get a big bang for their buck. He stated that Fuquay-Varina and Rocky Mount both had gone through Main Street Programs, as well as many other towns in the State. Mr. Terry stated there was a generic resolution provided in the packet if the Board chose to support the program.

Commissioner Baldwin said what about the \$3,000-\$5,000 cost annually. Mr. Terry said that was money that had not been budgeted, and the majority of it was for travel and per diem expenses for the participants to attend the meetings.

Mayor Voller said the funds would not be expended all at once but spread out over a period of time. Mr. Terry said if the Town was selected he believed that small amount could be accommodated from their Professional Services line item in the Administration Department.

Mayor Voller said he had spoken to the Division of Community Assistance about their water issue downtown where they had submitted for grants for the pipes. He said even though it was a different division he believed that if they were accepted into this program they could piggyback that project into the Main Street Program and they would then be eligible for other funding.

Commissioner Harrington stated he had driven through Fuquay-Varina recently and they had done a lot to improve the downtown area. He said he was inclined to not participate because they had cut a lot out of the budget and there were other things that that \$3,000 to \$5,000 could be used for, such as insurance. Commissioner Harrington stated he wondered what the people in

the downtown thought about it, and if they would rather have that money for a downtown project.

Mayor Voller said if they had the State coming in with the Division of Community Assistance as a part of Commerce, you could actually organize a lot of the merchant's downtown, noting if they all came together they may have access to a pot of money that did not come through the Town. He said he would like to help the downtown merchants, but if the Board decided tonight not to participate they could decline, or, they may not be selected. But, he said, they would never know unless they applied.

Commissioner Harrington stated he would put staff on the spot by asking with all of their other duties, was that program something they wanted to work on. Mr. Monroe said it was a one-year commitment. Commissioner Harrington said of all the priorities they now had on their plate, including starting the Comprehensive Plan, if they were to rank this program with their other priorities for the next year, where would this program fall. Mr. Monroe said it would not be at the top of the list.

Mr. Terry said frankly he was amazed at the speed at which new Planner Paul Horne's plate had filled, including acting as project manager for the Pittsboro Town Park. He said adding something else to his plate would make him an even busier man.

Mayor Voller asked what Dianne Reid had agreed to do as far as support. Mr. Monroe said Ms. Reid had offered to be the lead person responsible for the program, but she would require staff support from the Town to generate information for staff at the State level. Mayor Voller said when this had originally been discussed by the EDC the idea was that Siler City, Goldston, and Pittsboro would participate in the Main Street Program, but you had to have a position funded full time and no one wanted to commit to that funding. He said if you had a half-time position, which was what Ms. Reid was offering, was the remainder of what had to be done something that Pittsboro would have to do. Mr. Monroe said he believed it would fall on Pittsboro. Mayor Voller said then he would have to work with Ms. Reid and her staff. Mr. Monroe said that was correct.

Commissioner Harrington said he wanted to support the downtown, but at the present time they had limited resources, both financial and staff wise.

Motion made by Commissioner Harrington seconded by Commissioner Bryan that the Town not participate in the North Carolina Small Town Main Street Program at this time.

Vote Aye-3 Nay-0

### **3. Appointments to the Parks and Recreation Advisory Board.**

Paul Horne stated they had experienced a fair amount of turnover on the Parks and Recreation Board, and provided a brief overview of the experience and interests of the candidates for appointment. He stated he endorsed the recommendations put forward by the Parks and Recreation Board.

Commissioner Bryan said then they had seven positions to fill, and there were only seven people who had expressed interest. Mr. Horne stated that was correct.

Commissioner Harrington asked had it been clarified and put in writing how they were going to stagger the terms. Mr. Horne responded that had been done.

Motion made by Commissioner Bryan seconded by Commissioner Harrington to approve the recommendations for appointment of the seven current applicants to the Parks and Recreation Advisory Board.

Vote Aye-3 Nay-0

Mr. Messick stated it needed to be clarified how each of the terms would be staggered, noting it appeared that all of the terms were two-year terms. Mr. Horne stated that was correct, noting that all of the appointments were two-year terms. But that some terms had expired in 2008, those would have only one year left of their two year terms.

Commissioner Bryan said his point was that all of those just appointed would have terms expiring at the same time. Mr. Horne replied no, because those appointees were replacing their predecessors who had term expirations that were staggered.

Mr. Messick stated he believed the Board and the appointees would need to know who they were replacing so that they would know exactly when the terms were expiring. Mr. Horne said he was not prepared to provide that information at this particular moment but could provide it to the Board as soon as possible. Mr. Messick reiterated it was important to know each member's exact term. Mr. Horne agreed to provide that, noting that if the Board wanted to allow him a few minutes he could provide that information.

The Board agreed by consensus to continue the meeting and await Mr. Horne's return with the information.

#### **4. Habitat for Humanity Request for Reimbursement of Recreation Fees.**

Mr. Terry explained that the Town had received a letter from Habitat for Humanity requesting reimbursement of recreation fees paid on five lots on Cornwallis Street in October of 2007, using the rationale that the subsequent open space and walking trails included in the Chatham Oaks Subdivision should be credited towards the requirement for donation of land for recreation space. He said after consultation with the Town Planner and the Town Attorney, he had concluded that the transaction in October 2007 was separate and distinct from the subsequent approval of the larger Chatham Oaks Subdivision. He said it was his opinion that reimbursement of the \$2,500 in fees collected in October 2007 was not justified.

Mr. Monroe said the Town allowed Habitat to divide the project into two separate phases by allowing them to do a five-lot minor subdivision on Cornwallis, and subsequently the Town approved the 15-unit Chatham Oaks Subdivision which included in excess of 10% of open space dedicated to a HOA. So, he said, they were really two separate projects but were designed as a

unit. Mr. Monroe said the Town had allowed Habitat to get the homes on the market more quickly by allowing them to do the five-lot minor subdivision.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to deny the request by Habitat for Humanity for reimbursement of recreation fees.

Vote Aye-3 Nay-0

### **Variable Water Costs**

Mayor Voller asked Commissioner Harrington if he wanted to discuss the memo from Finance Director Scott Borrer that was in response to his request for the variable cost of the Town's water treatment process. Commissioner Harrington responded no, that the memo was sufficient and thanked Mr. Borrer for providing it.

### **Parks and Recreation Board**

Mr. Horne provided the following information regarding term expirations:

- Michael Sasscer would replace Sara Donaldson.
- Megan Bolejack would replace Chris Bouton.
- Simon Lobdell would replace Rouse Wilson.

He stated the term expirations were as follows:

- Elizabeth Reid's term would expire on 6-30-11
- Andrew Alden's term would expire in 2011.
- Mike Sasscer's term would expire in 2011.
- Megan Bolejack's term would expire in 2011.
- Simon Lobdell's term would expire in 2010.
- Kim Sevy's term would expire in 2010.
- Charles Gillis' term would expire in 2010.
- Phil Bors' term would expire in 2010.

Mr. Messick asked why those whose terms expired in 2010 would be reappointed if they were already serving. Mr. Horne said because their terms had expired.

Commissioner Bryan said then they were getting only a one-year term. Mr. Horne stated those terms had expired last year and the Board allowed the members to continue until the information regarding their terms was complete.

Mayor Voller asked how many served on that board. Mr. Horne replied it was an eight-person board. Mayor Voller asked how they avoided tie votes. Mr. Horne stated the Chair voted only in the case of a tie. Mayor Voller asked who the new Chair was. Mr. Horne stated the new Chair had not yet been elected, but that would take place once the new members were seated.

Commissioner Bryan asked if Chuck Gillis was the current Chair. Mr. Horne responded that was correct.

Commissioner Harrington asked that the names and term expirations become a part of the record. Mr. Horne stated he would compile a complete list and provide that to the Town Board.

Mr. Monroe said they were missing one member from the Board of Adjustment due to a resignation last week, and they would be advertising that vacancy.

Mayor Voller stated that that board had met only once in the last year. He said he was the Chair, and that there was one Commissioner appointed as well. Commissioner Bryan said he had been appointed. Mr. Monroe responded that Max Cotten had also been appointed.

### **Mayor Updates**

Mayor Voller did not offer any additional updates at this time.

### **Commissioner Concerns**

Commissioner Harrington asked did their people have the duty of picking up dead deer, noting there had been one near Ms. Lloyd's house on Friday on 15-501 and by Sunday afternoon it was difficult having to drive past it. Mr. Terry stated it was the Town's responsibility to pick up dead animals from Town streets, and DOT was suppose to pick them up in the right-of-way of State streets. He stated if the animals were on private property, then it was the property owners' responsibility to remove and dispose of the animals. Mr. Terry stated that they regularly received calls from citizens who were upset because they believed that service should be provided by the Town, but it was not. He said a similar belief was held that when trees fell that the Town should be responsible for cutting them and removing them. Mr. Terry said if a tree fell on someone's property it was that property owner's responsibility.

Commissioner Harrington said if an animal or a tree were on a road right-of-way it would be the responsibility of the Town or the State. Mr. Terry said that was correct. Commissioner Harrington said then on 15-501 that would be DOT's responsibility. Mr. Terry replied yes, noting that if they received a call about an animal on a State right-of-way they referred that call to DOT.

Mayor Voller said given that they were going to go into the archery program, then they probably should have some kind of policy in place because they may have a situation where a deer did not die immediately. He said as well, if a deer was to be wounded and staggered onto someone's lawn, then it might be reasonable for the Town to remove it. Mr. Terry stated many people had simply said they would drag it back out to the street, although he had advised them against that.

Commissioner Harrington said he had heard that the Carnivore Preservation Trust sometimes would take deer if it were a fresh kill, so that might be an option. He said he would check on that. Mr. Monroe said they would collect fresh kill, noting they would carve it and freeze it.

Mr. Terry said some day the Board may want to revisit that, noting it would be a policy change for the Town to begin picking up deer and it would mean having to pick up possums, rabbits, and the like. He stated it was not a policy change that should be done without a lot of thought.

Commissioner Harrington asked where the animals would be disposed of. Mr. Terry replied the landfill. Commissioner Harrington stated if they considered providing such a service, they had to consider that they did not have a landfill. Mr. Terry said he would have to check with the County to see whether or not they would accept dead animals.

Commissioner Bryan said he had some concerns about their law enforcement, noting there was a young woman that he believed was a Northwood student who was pulled over by a Police Officer. He said the Officer asked if she had any weapons in the car, and she replied no. Commissioner Bryan said there was a screw driver lying in the passenger side floor, and the Officer told her that was a weapon. He stated he would have to disagree that that was appropriate behavior, adding that many people carried tools and tool boxes in their vehicles. Commissioner Bryan said he did not know if the young woman had received a ticket and did not know the officer's name, but had wanted to mention it just as a thought. He said he did not believe that it was an appropriate action for their Police Department.

Commissioner Bryan said another incident was a man who was coming from Siler City on US 64 and had admitted that he was traveling too fast. He said an Officer using a PA system yelled at him to slow down, and had then pulled him and given him a ticket. Commissioner Bryan said the man said he understood the ticket but he had never been yelled at in the process.

Commissioner Bryan said he believed there were more serious things for the Police to worry about that a screw driver on the floor of a vehicle.

## **ADJOURN**

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to adjourn the meeting at 9:29 p.m.

Vote    Aye-3    Nay-0

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk