

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, SEPTEMBER 22, 2008  
7:00 PM

Mayor Randy Voller called the meeting to order at 7:03 p.m. and requested a brief moment of silence.

Mayor Voller commended Manager Terry and the staff for all of their hard work to prepare for recent storms.

**ATTENDANCE**

Members present: Mayor Randolph Voller, Commissioner Gene T. Brooks, Clinton E. Bryan, III, Pamela Baldwin, and Hugh Harrington.

Member Absent: Commissioner Chris Walker, absence excused.

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

**APPROVAL OF AGENDA**

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

Vote   Aye-4   Nay-0

**CONSENT AGENDA**

The Consent Agenda contains the following item:

1. Approve minutes of the September 8, 2008 regular meeting.

Mayor Voller commented that it may be appropriate to table approval of the minutes to allow the Commissioners additional time to study them.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to table approval of the minutes of September 8, 2008 until the next meeting.

Vote   Aye-4   Nay-0

# **REGULAR MEETING AGENDA**

## **Citizens Matters**

Kathy Meredith, 499 Chatham Forest Drive, said she was confused because at the last meeting it had been stated that at this meeting the Board would discuss the agenda for the plan of action for the opening of Springdale Drive, but that did not appear to be scheduled for this evening.

Manager Terry stated that at the last meeting he had been given instructions to communicate to Voller Realty the wishes of the Board, which he had done by letter. He stated that Voller Realty had to be allowed a reasonable time to respond to that letter, which had indicated that once they had redlined changes to the contract, the Town and Voller Realty would arrange a contract negotiation meeting to try to come to some agreement. Manager Terry stated he had not asked for a date specific, but he would be contacting them to set up that meeting and could not predict how long those negotiations might take. He stated he would continue to bring reports to the Board as to what was transpiring.

Bob McTighe, 266 Belmont Road, stated that several meetings ago he had asked about the bond for Belmont Road and the expiration of that bond, which he believed was next month. He asked when Belmont Road would be finished, and did the bond indeed expire in October. Manager Terry stated he did not have that information with him, but believed that the bond expired in December. Mr. McTighe stated he would like to see the work accomplished before the bond expired. Manager Terry stated they would not allow that to happen, and would continue to work with Voller Realty.

Bonnie Iverson, 241 Belmont Road, said there were already several homeowners that lived on Belmont Road, that there were manhole covers that were not flush with the street, and that orange cone were still in the street, and that was an inconvenience and somewhat of a safety hazard for those homeowners. She asked was there any timeframe for getting that road completed. Manager Terry stated that during discussions with Voller Realty he had been given verbal assurances that the work would be completed this paving season, which would be prior to cold weather setting in. But, he said, there was no work currently being done and with each week that passed that appeared less and less likely.

Commissioner Brooks said he had been going back through his notes on this issue, and he had noted the following requirements: replace several hundred feet of cracked and damaged curb on Belmont Road; Belmont Ridge Road and Parkview Drive work to be done prior to applying finished paving; install curb on both ends of Belmont Ridge Road as shown on the plans; on Belmont Road repair two ends marked by engineer where road was settling; area at west end of Belmont Ridge Road was a road that needed to be re-graded and seeded; and, provide additional clearance around fire hydrant on Parkview Drive. Commissioner Brooks stated there was more, but that gave a good picture of what the situation was and it was not forgotten. He stated he hoped that all of those issues would be addressed soon.

Ms. Iverson stated she understood about Parkview, but people did not yet live there so believed the priority was for the residents that did live on Belmont.

## **PUBLIC HEARING**

### **1. Request by William and Rocio Brooks for a Special Use Permit to operate a coin sales business at their residence at 63 NC Hwy 87 N.**

Planner Monroe stated this was a two-part application, with the first part a request to rezone the property from R-12 to O & I, and the second part was for a Special Use Permit to operate a coin sales business at the residence. He said the Special Use Permit section of the public hearing was quasi-judicial and would require anyone testifying to be under oath.

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

Vote Aye-4 Nay-0

Planner Monroe stated that last week three letters had been received in regards to this issue, and requested that those letters be entered into the public record. Mayor Voller determined that the Board had had an opportunity to peruse those letters, and entered them into the public record. Thomas Edwards and William Brooks were then sworn in by Mayor Voller.

Thomas Edwards stated that he and his wife owned a residence at 76 NC Hwy. 87 N that was directly across the street from 63 NC Hwy. 87 N. that was currently zoned R-12. He stated #63 was currently rented and occupied by a single mother with two children. Mr. Edwards stated she had expressed a desire for the neighborhood to remain as residential as possible and had concerns about increased traffic that commercial development might bring. He said they were also concerned that bringing commercial development to that area might require extensive widening of Hwy. 87 N. as it connected to West Street, and that might result in the loss of some of their land and several large shade trees which fronted their house.

William Brooks stated he would like to start some sort of gold bullion/precious metals business out of their home. He stated they did not expect much traffic, typically not more than two to three vehicles a day on average, except possibly a few more on Mondays and Fridays. Mr. Brooks stated they did not intend to infringe on anyone's rights, and at the present time did not have any potential clients so did not expect any traffic to build up in any significant way. He said he did not see any tremendous burden on traffic other than just a few people coming in and out of the driveway each day.

Mayor Voller said given the amount of commercial space available in and around Pittsboro, what were the reasons they had not looked to lease or buy space. Mr. Brooks stated they could not afford to do so, but that might be possible should their business prove to be more successful than anticipated.

Mayor Voller stated they were supportive of creating new businesses in Town, but how would they provide security to themselves and the people nearby when it was known that they had large amounts of gold in their home. Mr. Brooks stated they would be installing a security alarm in their home to deter break-ins.

Commissioner Harrington asked would they be new to this business. Mr. Brooks responded yes, noting his wife had just completed an internship to learn the business.

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

Vote Aye-4 Nay-0

Commissioner Harrington said for clarification, this was a rezoning request and a Special Use application. He asked if the property were rezoned would it still be a special use, or were there other options. Planner Monroe explained that rezoning was a necessary first step in order to establish the ability to operate a commercial activity from that property. He stated that the Special Use Permit would give the Town the assurance that this and only this use would operate out of this property. Planner Monroe stated if a Special Use Permit were not requested, then any use that was listed in the O & I zone could be used on that property. He stated the only way some other type of business could ever go on that property would be by amending the Special Use Permit.

Commissioner Harrington stated this would be a rezoning of a property that was between two residential properties. Planner Monroe stated that was correct.

Mayor Voller stated this would be a spot zoning. Planner Monroe commented the Board could reach that conclusion.

Motion made by Commissioner Baldwin seconded by Commissioner Brooks to refer the request to the Planning Board.

Vote Aye-4 Nay-0

## **OLD BUSINESS**

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

Manager Terry provided an update on the following Capital Projects:

- Playground equipment at Kiwanis Park had arrived and been installed in the last two weeks, and congratulated Assistant Planner Paul Horne and Public Works for their good work on that project, and thanked Chatham County for their donation that helped make the project possible.
- The 4 million gallon per day wastewater treatment project – they had received a response from the Division of Water Quality regarding the EIS Initial Completeness Review, with several corrective actions noted that would be necessary. He stated that the review had been discussed with Fred Hobbs of Hobbs & Upchurch in order to develop a plan of corrective action and schedule that work. Manager Terry stated the work was planned to be completed in three weeks, and the revised document could be ready for resubmission by October 8. He stated he had received a second letter from Tim Smith of The Preston Group who was not satisfied by the progress on the EIS and had an alternative suggestion for how the Town might proceed. Manager Terry stated that letter had been provided to

the Board, noting Mr. Smith had articulated some of his concerns about the general pace of the project and dissatisfaction over the quality of work that Hobbs & Upchurch had done on the EIS. He stated his recommendation was that they give Hobbs & Upchurch an opportunity to respond to the EIS letter and provide them the three weeks they needed to complete the corrective action.

Mayor Voller stated he believed this would be the opportune time to allow Mr. Hobbs to take questions from the Board.

Fred Hobbs provided some clarification, noting that there was reference in both the DENR letter and Mr. Smith's letter regarding three submittals, and he wanted the Board to understand what those three submittals were. He said the first submittal was not by Hobbs & Upchurch, it was by Robert Goldstein and Diehl and Phillips in March of 2006, and was for a plan at that time to expand the plant to 2½ million gallons per day with reuse, going to Toll Brothers as an option. Mr. Hobbs stated Hobbs & Upchurch was hired in October 2006 and had met with Toll Brothers, and in April of 2007 had submitted an EIS for a project that was a 1 million gallon per day wastewater plant and reuse at Toll Brothers.

Mr. Hobbs said during the review of that document, two things happened. He said Toll Brothers and The Preston Group came to the table and that the discharge limits that the State gave the Town were incorrect and did not give the Town as much discharge capacity as they had believed they had gotten. So, he said, the third EIS that was submitted was for the expansion of the plant to 3.22 million gallons per day, with reuse in the future to go to 4 million. Mr. Hobbs said so, there were three distinct submittals, two of which were made by Hobbs & Upchurch, and two of which were completely different projects. He said the notion that there had been three submittals and three rejections was in fact incorrect.

Commissioner Harrington asked when was the last submittal rejected. Mr. Hobbs stated the word rejected was not correct, noting the process was to receive and respond to comments. He stated it had been submitted on August 27, 2008, and for final review on September 12, 2008.

Commissioner Harrington stated there was clearly a lot more feedback provided than just some misinformation about discharges and intended use, and asked if Mr. Hobbs agreed. Mr. Hobbs replied no, not necessarily. He said his staff had reviewed the 63 comments and did not find anything of a substantial nature, noting they had not found those comments to be necessarily unusual or necessarily difficult.

Commissioner Harrington stated Mr. Hobbs was saying that they were not difficult to fix, but they did require fixing. Mr. Hobbs replied that was correct. He stated there was one comment among those 63 that the Board needed to understand that was a "Diehl stopper" for everyone. He stated that when the Haw River speculative limits were established by the State, they required a modification of the rules governing the lake. Mr. Hobbs stated the Rules Review Commission was supposed to have taken that matter up over a year ago but had still not done so, and until they did so no additional nutrients could be added to Jordan Lake from any source. He stated when they had talked with the State on Friday they had indicated they did not know when the Rules Review Commission would take that up. Mr. Hobbs said that was a comment that they

could fix, but was a comment the Town should lobby on behalf of because it was potentially a factor that limited the ability to expand the plant now and in the future.

Mayor Voller stated that would be a show stopper, except with the County having negotiated with the Western Wake Discharge, they had 19 million gallons supposedly on the table further down the Cape Fear. He asked would that seem that they were driving the Town to go together with them, and what would be the point of that. Mr. Hobbs said the DWQ believed that the Town should be issued the nutrient loading that had been recommended. He stated that the Rules Review Committee might just be being very cautious.

Mayor Voller asked Mr. Hobbs, using his best guess from his many years of experience, if they were going to want the Town to discharge into Jordan Lake before it got to the Cape Fear River. Mr. Hobbs said if they did not want the Town to do that, then the Haw River nutrient reclassification study would have said that and it did not say that. Mayor Voller said then he believed that this could still be resolved. Mr. Hobbs replied yes, and the State agency believed it could still be resolved. He stated they were uncertain why the Rules Review Committee had not yet taken this up, but they expected a response in the next two weeks.

Commissioner Baldwin said she was deeply concerned with the issues brought out, in that a lot of it seemed to be things that should have been easily addressed in the document submitted. She said for example, #18, item 3 under Disadvantages, it said "Please correct that it would be wastewater and not water disposal." She said it appeared that some issues were with how the document was written, and wondered if the document was reviewed to make sure it had been put together as well as it should have been and proofread in terms of what that particular State agency actually wanted. Commissioner Baldwin stated she understood that things had changed since April of 2007 in reference to the new submittal, and asked if in April 2007 the same kinds of issues had been referenced in the response. Mr. Hobbs replied that a part of the April 2007 comments had been incorporated again into the new document, noting that there had never been a resubmittal. He stated in regard to Commissioner Baldwin's example, it was important to keep in mind that a reviewer had great latitude in how they looked at the document, such as the difference between the term wastewater and water disposal. Mr. Hobbs stated he was not trying to defend the 63 comments and would have liked to have received none, but what he was saying was that the severity of the 63 comments and the three-week time limit were not of concern, because they could be adequately addressed in that time.

Commissioner Baldwin stated she understood, but asked had the April 2007 comments been addressed in the document presented to them. Mr. Hobbs stated yes. Commissioner Baldwin said then basically those were addressed but they had been put into the document again. Mr. Hobbs stated that was correct. He added that some of the April 2007 comments were no longer applicable because of the differences in the methods of disposal.

Commissioner Baldwin asked did Mr. Hobbs believe those comments could be addressed in the three weeks. Mr. Hobbs responded yes, noting they planned to resubmit the document on or before October 8. Commissioner Baldwin asked once it was resubmitted, how long it would take to turn around again. Mr. Hobbs stated the schedule called for a 30-day review and there may be additional comments, but once they were satisfied it would go to DENR to be submitted to a

clearinghouse for other agency reviews which typically took 30 to 45 days. He said they would then expect to review comments from those agencies, for example the Environmental Resources Commission.

Commissioner Bryan asked based on Mr. Hobbs' years of experience, how long did it take to get to conclusion. Mr. Hobbs replied on an EIS, typically one to two years. He said in this case, going back and taking advantage of the State's mistake on the discharge limits so that they were now looking at using the Haw River as well as Roberson Creek, that that may help them with the Haw River Assembly and people that were concerned about water quality issues. He stated that difference between one year and two years was quite often public input/outcry of the document.

Commissioner Brooks said assuming they go through public hearing, would that be publicized. Mr. Hobbs said at some point in time they would publish a notice of Record of Decision on the EIS. He said at that time they would begin accepting written comment, and based on those comments they may or may not hold a public hearing. Mr. Hobbs said the last EIS done in Chatham County that he knew of was done by them for the Siler City Wastewater Treatment Plant, and it did have a public hearing as a result of that process, but there was not necessarily a requirement for a public hearing.

Commissioner Brooks said he was not familiar with the process used, but it appeared to him that this was a hypercritical letter for the Town. Mr. Hobbs stated he believed it was also a hypercritical letter for Hobbs & Upchurch. He stated that Ms. Stallings, who had written the letter, had indicated to Manager Terry that that had not been her intent. Mr. Hobbs stated he had responded that between her intent and the perception of her intent was an ocean.

Commissioner Brooks stated when the comments said things like please note the spelling and organizational issues were distracting and increased review time, he took that to mean the reviewers were tired of doing their work for them. Mr. Hobbs stated he had taken exception to that with Ms. Stallings. Commissioner Brooks stated that left the Board not knowing what to think. Mr. Hobbs stated that between the times the April 2007 submittal was changed and today, the format had been administratively changed, but Hobbs & Upchurch had not picked up on that which he admitted was their fault. But, he added, there was no excuse for misspellings.

Mayor Voller said the most important thing was the work they had done, and noted that the more important thing were the issues that could be Diehl stoppers. He said much of the comments were minor and once corrected would no longer be an issue. Mayor Voller said the State had said they wanted the report to be based on a twenty-year projection, from 2008 to 2028, and they had done a study of Roberson Creek and the Haw River before, so how could they ask them to project something to 2028. He asked what exactly they were asking for. Mr. Hobbs said the Town had only the ability with the current discharge limits to Diehl with about 4 million gallons per day wastewater treatment. He said their 2028 flow projections by anyone's imagination would far outstrip their ability to Diehl with it locally. Mr. Hobbs stated that Ms. Stallings took the view that they were supposed to do the 20-year planning, when in fact they could not ever do those things. He said that was one of his frustrations with Ms. Stallings' review, noting they would never been able to treat it in Pittsboro unless they changed the discharge limitations or they changed the land use regulations, or some combination. Mr. Hobbs said frankly, he felt like

he had been “thrown under the bus.” He said he believed Ms. Stallings had been somewhat frustrated so had “thrown in the kitchen sink,” but according to his staff there was nothing there of substantial consequence in the comments.

Mayor Voller said that item 15 said “Please include that the discharge to Roberson Creek can not be expanded because it is a zero flow stream.” He said that went back to the studies done in 2000 and 2001, and asked Mr. Hobbs to address that. Mr. Hobbs stated the State staff that was superior to Ms. Stallings had entertained the flow limits to Roberson Creek to go to 1.0 or 1.25 on a seasonal basis, so in fact Ms. Stallings was contradicting her own superior staff when making that comment.

Mayor Voller stated that was why he had wanted Mr. Hobbs to address that, because it had not made sense to him. Mr. Hobbs agreed, noting it did not agree with what the staff had told them in subsequent review when looking for discharge limitations.

Mayor Voller said in item 17, it said “Long range regional plans include the establishment of a Chatham County-wide collection system, but the system did not yet exist.” Mr. Hobbs stated that planning efforts were looked at over a region. He said yes, there was planning going on, but there was no short-term ability to co-join this project physically with that planning. Mr. Hobbs stated one question would be how far they tried to pursue that before it became obvious they would not be ready by 2010 or 2011 when they needed the capacity. He said it might be 2020.

Mayor Voller said it would seem to be wise that whatever they did in the interim could wind up tying in with something in the future so that they did not have systems that were not interconnected. He stated their follow-up was “would a system absorb and decommission currently proposed facilities.” He stated he did not believe the Board had been given an answer to that. Mr. Hobbs replied that the Board had not made a formal decision, but he would anticipate that the existing 750,000 gallons per day plant would be decommissioned after the new plant was brought on line.

Mayor Voller asked in item 49, B2, did they have documentation about failing septic systems that were a problem and was that something they needed to know about. Mr. Hobbs said he did not know the answer to that. Mayor Voller said he believed that was a tricky question to throw at them, because it would imply that the Town would need to be extending service to those people.

Mayor Voller asked Planner Monroe had they had any requests for service from people with failing septic systems. Planner Monroe said he knew of only one.

Commissioner Brooks said item 34 said “Please update monitoring information for Pittsboro. Please clarify the people referred to for water quality in Pittsboro.” He said in the last few days the Town had received information from Karen Hall that the Town had received a \$479,000 grant to clean up the upper lake, improve the flow, and to make other improvements. Commissioner Brooks said he would think that with the resubmittal that Mr. Hobbs would include some of that information. Mr. Hobbs stated that was exactly the type of information they needed.

Commissioner Brooks said there was some comment about Pittsboro and Chatham County mitigation, and the only mitigation he knew of was when Siler City had gotten permission to blow the dam at Covington. He asked what they were referring to. Mr. Hobbs said typically that would refer to wetlands or stream channel impact, and he was not familiar with that being a part or parcel of this project. Commissioner Brooks said Ms. Stallings said in item 39 that both Pittsboro and Chatham County were cited as responsible agents for mitigation, but he was not aware that they had been involved in any mitigation. Mr. Hobbs said not that he was aware of. He said in terms of responsible agents, if it is your utility system and you in fact impact with new construction a jurisdictional property, be it a wetland or a stream channel, then you were the agency responsible for that mitigation. Mr. Hobbs said he was unaware of any proposed actions with this project that would need mitigation. He said the answer may be as simple as that there were no mitigating issues with the project.

Mayor Voller said it could also be possible that other entities outside the Town of Pittsboro had conversations with agencies about if the Town were to get its water from Jordan Lake, removing the dam on the Haw River which would be a cause for mitigation. He said who knew if that conversation had gone to the State level and it had in turned been placed in the report as a comment.

Commissioner Harrington said regarding the comment about a County-wide collection system, there appeared to be a lot of comments like that that left a thread hanging, but the problem was they now had to go through and address all the comments. Mr. Hobbs said the fact of the matter was that there was nothing for them to talk to Chatham County about at this time. Commissioner Harrington asked again if Mr. Hobbs believed they could respond to all the comments within the three weeks. Mr. Hobbs replied yes.

Commissioner Baldwin said she understood what Commissioner Harrington was saying, in that some mention had been made of Chatham County in the document and Ms. Stallings had picked up on that and asked that additional information be provided. Mr. Hobbs stated they had talked about Chatham County and regional efforts, and had not tried to hide the fact that in 20 years they would need to be partners with someone else, whether it was Chatham County or some new entity. He said the problem was that they did not have 20 years to sit back and do nothing, so they were trying to balance what needed to be done to get them to that point.

Mayor Voller asked if they knew that Chatham County and Western Wake were players, and that they were also competing for the same scare resources. So, he said, they were going to ask these questions. Mr. Hobbs agreed.

Commissioner Harrington said assuming this did not go well, how fast did Mr. Smith indicate he could do the work. Manager Terry stated he did not want to speak on Mr. Smith's behalf, but noted Mr. Smith had only indicated his dissatisfaction with the progress and that an engineering firm of his choosing could do it faster.

Philip Culpepper, with The Preston Group, stated the purpose of the letter was to offer the Town an option. He said they were concerned about time, noting meetings had been going on for two

years. Mr. Culpepper said it had always been their position not to get between the Manager and the engineer, but had gently offered advice for changes in the EIS and some had been made as a result. Mr. Culpepper said they were now looking at the discharge permit which ended in 2011, and everything he had heard indicated that they could not meet that schedule. He said all they wanted was to express an option of how to move forward if the option now before the Board was not getting them where they wanted to go when they wanted to go there.

Manager Terry said he believed that was a generous offer and if after three weeks the product was resubmitted and came back after 30 days with perhaps another 63 comments, then he may have a different recommendation to put before the Board. But at this juncture, he said, he believed Hobbs & Upchurch deserved an opportunity to correct their mistakes and resubmit the document.

Mayor Voller suggested it would be appropriate for the Board to send a letter to Mr. Hobbs indicating that it was imperative that in the three-week timeframe that all comments were adequately addressed.

Commissioner Harrington said if Mr. Terry believed he had not communicated that sufficiently then perhaps they should send a letter. Manager Terry said he had a trail of emails that specifically spelled that out, and he was comfortable that Hobbs & Upchurch understood the Town's expectations.

Manager Terry continued his update:

- Construction contract on Disinfection Byproducts Reduction Project – scheduled to be considered later on tonight's agenda.
- 3M Reclaimed Water System project – they were continuing to work out details on the easements, and Jay Johnston with Hydrostructures was continuing to work on some of the permitting issues.
- Design Contract Award for the Pittsboro Town Park Project – also on the agenda for later this evening.

Mayor Voller stated they had gotten the study back on the Community House, but asked had the Board looked at awarding any of the work to be done. Manager Terry said they had done a small amount of the work right away because the Board was concerned about the safety of the porch area. He said they had then created the advisory group which Mr. Horne was a member of to study the issues related to the Community House and they were now waiting for recommendations from that group.

Mayor Voller asked Mr. Horne had that group met. Assistant Planner Paul Horne said they had met twice, but did not yet know when recommendations would be forthcoming.

Commissioner Harrington stated there were a lot of people asking, and the Board would appreciate the groups input so that they could understand what the Community House should become. He stated it would help if people who were interested would let the Board know what they would like the use of that building to be, which would help the Board in its decision on what the use would be.

Mayor Voller suggested that interested people send an email to Mr. Horne to be channeled to the group.

Manager Terry suggested that at some point that group provide an interim report to update the Board on its progress. Mr. Horne agreed.

Commissioner Baldwin said in reference to the Powell Place Park and the contract, the contract indicated the fee schedule of \$42,250 plus expenses. She asked was there a cap on those expenses, and also what the timeframe was for completion of the design. Manager Terry stated that the contract stipulated a \$1,600 cap for expenses, and the schedule indicated completion in December 2009 but they expected to be done well before that date.

## **2. Enterprise Fund Budget Amendment in the Amount of \$129,410 for DOT Utility Improvements Construction Contract.**

Manager Terry reminded the Board that on August 25 they had discussed at some length the invoice received from NCDOT regarding an eight-year-old invoice for utility work from Northwood High School Road along US 15-501 north to Mt. Gilead Road, which was apparently one of the Town's water transmission lines. He stated the Board had asked for some additional information, and he had talked with the NCDOT Project Manager who had provided the information contained with tonight's materials. Manager Terry stated it was explained that while the project appeared to be very old, there had been some litigation involved that had only been resolved two years ago.

Manager Terry stated that former Commissioner Cotten had provided him with a summary of his recollections, which supported the fact that this was a legitimate debt on the part of the Town, and Mr. Poteat had confirmed that, in fact the work was performed. He said they had come to the conclusion that it was a just invoice and due and payable by the Town. He said he therefore recommended that the Board adopt the ordinance to amend the budget so that the invoice could be paid.

Manager Terry stated he believed a minor change in their fiscal operating procedures would prevent something like this from happening in the future. He said in his experience, that typically when a contract was done a purchase order would accompany that contract, and that it stayed in force and rolled over each year until the contract was completed. Manager Terry said they were not in the habit of doing that in Pittsboro, but believed it would prevent this from happening again.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the budget amendment.

Mayor Voller said he did not understand how that had dropped out of sight. Manager Terry stated that a contract not backed by a purchase order did not show up in the accounting system unless you created a project budget.

Commissioner Bryan said there had been a concern that the invoice had been paid. Manager Terry stated he was satisfied from his investigation that it had not been paid.

Mayor Voller stated the Town could not afford to have things such as this happen, and asked if he was confident that there were no more of these possible outstanding invoices. Manager Terry said he had no way of knowing if there were other contracts outstanding, but believed it was highly unlikely. He stated if they put the system in place he had suggested, in that anytime they wrote a contract that they also wrote a purchase order to encumber the funds, then that would give it an electronic life in the accounting system and would not fall through the cracks as this one did.

Commissioner Brooks said he did not know what happened, but in the last year there had been messages from NCDOT to the State that they were in a mess and needed help in reorganizing and getting things back on track. He said it seemed that such projects were taking longer and longer to complete and experiencing multiple delays with numerous change orders. Commissioner Brooks stated he believed that somehow the Town had gotten caught up in that. He said it was a convoluted process, and believed that all of the funds owed had likely not been on one invoice.

Vote Aye-4 Nay-0

Commissioner Harrington thanked former Commissioner Cotten for his research and for providing his summary of this issue.

**A BUDGET ORDINANCE AMENDMENT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE**

## **NEW BUSINESS**

### **1. Funding for Active Chatham's 4th Annual Reindeer Run**

Manager Terry stated that Active Chatham had a history of providing funding for various things in the Town. He stated he had not treated this funding request as a loan because of that and the fact that recreation was a legitimate function of a municipality. Manager Terry suggested that this request be looked on as the Town's contribution to the Reindeer Run, and was an investment that Active Chatham would return to them after the event by contributing the majority of the proceeds for improvement of parks and recreation activities. He stated he was recommending approval of the resolution.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to approve the resolution.

Vote Aye-4 Nay-0

Mayor Voller stated that he knew that this event was already planned, but noted that a couple of people had asked him if they could ever put the Reindeer Run together with the Christmas

Parade. He asked that Don Lein attend a Recreation Board meeting and talk with them about this event in the future. Mr. Lein stated it would require a lot of preparatory work with the DOT, but they were receptive to the idea. Mayor Voller said he believed the Town would be glad to work with them on that aspect. He said combining the two would enhance both events.

## **2. Construction Contract Award for the Disinfection Byproducts Reduction Project**

Manager Terry stated they had been under some pressure from the State to take decisive action to address the problems at the plant, and they had been working with Hobbs & Upchurch to design the construction project to switch the process from chlorination to chloramination. He stated they had completed the design work and bids were opened on September 11. Manager Terry stated the low bidder was Shoreline Enterprises in the amount of \$178,850, that they were a licensed contractor in the State and were bondable. He stated they saw no reason not to recommend them to the Board.

Mayor Voller asked if Manager Terry had any worry that their bid was so much lower than the others. Manager Terry stated any time you had a bid spread it did cause some worry and questions. He said they had posed that question to Shoreline Enterprises, asking were they sure they had included everything in their bid and were comfortable with their bid price, and the response was that they were comfortable with it, noting that they were a smaller company that was semi-local and could deliver the project at the price quoted.

Mayor Voller said if there was a situation where the Town got into a lot of change orders or problems, was there any issues if a contract was signed but the company could not perform the work. Town Attorney Paul Messick said the Town would have a performance bond, so he did not see any problem.

Commissioner Harrington said he understood the concern since this company was 30% lower than the next lowest bidder. Mr. Messick said if they asked for a change order the Town could always say no.

Mayor Voller stated his concern was that they might get stuck with a project that was going nowhere. Commissioner Harrington agreed.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the resolution.

Manager Terry stated that the resolution gave him the authority to enter into the contract, but he did not plan to do that immediately. He said concurrently with the effort to put the bid out, he was working with the State on a water system management plan, and before the contract was issued that work needed to be completed. Manager Terry said he would enter into the contract just as soon as the State gave them the authorization to construct, which should be in the next week to ten days.

Mayor Voller said he would like to go on record that they had gotten a good price, but he really wanted them to be careful about how this work was done. Manager Terry said the performance

bond bound them to honor the contract.

Commissioner Brooks said he was going to vote for this, but wanted to explain his vote. He said he was opposed to this and remained opposed because he did not believe it would work. Commissioner Brooks stated he believed it was regulation driven rather than scientifically driven, and that they may continue to have problems. He stated he was on a fixed income, and this had already cost him \$3,000 to remove lead pipes and copper pipes from his home and install plastic pipes. Commissioner Brooks stated to minimize the problems they needed to work hard and work with the citizens, and if there was any ductile line in the ground that they were aware of then it needed to come out. He said after he had spent all that money, he had realized that his meter had copper on it and he would like to see that changed over. Commissioner Brooks stated there were areas in Town where they needed to change over some fittings and meters, and was concerned about the schools in particular because they had some pipes embedded in cement. He stated the entire Board was dedicated to getting water to its citizens and they had to have a coordinated effort to do that. He stated he was concerned that they were trading one health problem for another, and they needed to work hard to minimize that.

Mayor Voller stated they had Bill Wilcox with the Chatham Record present this evening, and suggested this was a story that should be run continually regarding the change over with the water. Manager Terry stated Mr. Wilcox had already done one very good article on this subject, and was sure he would keep the public aware. Mayor Voller agreed Mr. Wilcox had written a good article, but said that sometimes it took many times to get the information across.

Commissioner Harrington said according to the meeting they had attended, Commissioner Brooks was correct in that this was definitely regulatory driven. He also stated that with the way they ran their plant, the way to keep it as safe as possible was to run it continually. He said you did not run a water plant during the day and cut it off at night, nor did you ramp it up to different speeds. Commissioner Harrington said but that was exactly what they did because the water plant was not staffed 24 hours a day. He said that he agreed with Frank Efird that they would be much better off staffing 24 hours a day, run the plant even at all times, keep the chemical loading the same, and the outtake of solids the same, even with chloramination. Commissioner Harrington stated he would like to have Mr. Efird speak to the Board about that some time in the future, because to him that made sense from an operational point of view.

Commissioner Brooks said he also learned after talking with Town employees last week that an additional employee had been hired whose duties included at least in part flushing. Manager Terry stated that was correct, and that their flushing program had dramatically increased.

Mayor Voller agreed with Commissioners Harrington and Brooks, adding that they should be running the plant 24/7/365, and that long term they needed to be looking at Jordan Lake, because the water quality would be better and water quality was a form of economic development.

Commissioner Harrington said the western intake was ten years away, and so this was not something they were doing for a really short term. He said before they went to that regional system there was still a lot that needed to be done, and this was one of those steps.

Mayor Voller stated they knew that ultimately they would likely be getting water from somewhere else, but in the meantime this was what the Board had opted to do and they needed to keep citizens informed.

Vote Aye-4 Nay-0

## **2. Design Contract Award for the Pittsboro Town Park Project**

Manager Terry stated they had gotten 31 bid responses on this project, with some very high quality bids. He stated it was their opinion that Lappas and Havener was the most qualified for this project. Manager Terry said it was his recommendation to offer the contract to that firm. He noted that there was a representative of that company present tonight to answer any questions the Board might have.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to accept the Manager's recommendation.

Vote Aye-4 Nay-0

Mayor Voller stated he knew of this firm and they did excellent work, and had a great reputation in the Triangle. He said he was delighted that their proposal was chosen.

Commissioner Harrington stated it was a nice, clear, and concise proposal, noting it was easy to look through and to follow. He said that reflected well on the company. Bob Lappas from Lappas & Havener stated they looked forward to working with the Town.

## **3. Appointment of New Members to the Pittsboro Board of Adjustment**

Planner Monroe stated they had two pending applications and three vacancies on the Board. He said he had spoken to Max Cotton who indicated he was willing to serve, and recommended that Mr. Cotton and the two applicants, Clinton E. Bryan, III and Cabell Regan, be appointed.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to appoint Clinton E. Bryan, III, Cabell Regan and Max Cotton to the Board of Adjustment.

Vote Aye-4 Nay-0

## **Mayor Updates**

Regarding the EDC, Mayor Voller said that a joint meeting was scheduled for October 7, 2008 at 7 p.m. at the Western Chatham Senior in Siler City, and he hoped to have the full Board attend.

Mayor Voller stated he believed the Board had seen the updates from the RPO, adding he had been working with Chapel Hill regarding the potential for bus service between Pittsboro and Chapel Hill. He said he would continue to keep the Board apprised as to any new information.

Mayor Voller noted that the Fairground Association had held a very successful fair with good weather. He said it was likely other events would be held there, and asked Manager Terry had

there been any problems the Board needed to know about. Manager Terry responded there were none that he knew about.

### **Commissioner Concerns**

Commissioner Harrington said regarding the public comment period, there were rules that governed the public expression period and presentation during regular Town board meetings, specifically #9. He said by the Board's rules speakers were not supposed to ask the Board questions, and he wanted to remind the Board that the public expression period was not intended to require the Board or staff to respond to impromptu questions. Commissioner Harrington said such comments were to be received as a matter of information, but if the comment required action then it may be referred to staff or Board committee for review and recommendation. He said the rule goes on to say that rarely would action be taken at that meeting.

Commissioner Harrington stated there had been cases where the public came in and basically quizzed the Board and quizzed the Town Manager, and once you went down that path it was difficult to stop. He said he only wanted to point out that they were not following their own rules governing public expression, and believed it would be a good reminder to the Board and the public to read #9 at the appropriate time during the meeting and remind people that that was a time to raise an issue, but not necessarily to engage the Board or staff in dialogue.

Commissioner Harrington said he had talked to their Wildlife Commissioner regarding the special deer season, and that a special season required that you apply in April. He said deer season was going on now, and the only reason that people could not hunt in Town was because the Town did not allow it. Commission Harrington said tonight, he was proposing that the Town consider lifting hunting ordinances in Town and allow deer to be hunted. He said he was also proposing that in April they consider applying for permits for hunting deer during the special season.

Commissioner Harrington said he had asked the Wildlife Commissioner if there was a way to get a recommendation on how many deer they should remove, and the response was that they likely could not remove enough and in fact encouraged that as many as possible be removed for population control, because it was the only control mechanism available. He stated that was from a wildlife point of view, not a public safety point of view.

Commissioner Harrington said he was not recommending they do anything tonight, but did want to point out that the Town could allow bow hunting. He said they could perhaps allow people to register with the Town who would be allowed to hunt in Town until the end of the year. Commissioner Harrington said he wanted to get a sense of the Board as to their opinion before spending any more time on this, noting that he believed they could conceivably come up with some process that included public safety requirements to allow in-Town deer hunting. He stated he personally would vote for some process to allow bow hunting in Town. Commissioner Harrington said if there was a general sense that the Board was in favor of that, then he would like to pursue a proposal as to what those guidelines might be. He asked should the Town schedule a public hearing even though one may not be required.

Commissioner Brooks said he did not know that they would need a public hearing, but they did need to determine exactly what the process would be. For instance, he said, people would need written permission to hunt on private property. Commissioner Brooks stated he had asked Dr. Bob McConnaughey, an epidemiologist, to do some detailed research on various tick-related diseases in this area, noting it had been reported by Dr. McConnaughey as well as others that when people died from diseases such as Lyme disease, it was not always reported as such so it may be difficult to acquire the data needed to support the need to reduce the deer population.

Commissioner Harrington reiterated that the Wildlife Commissioner had stated they would support bow hunting in Town, but the question was would the Town support that.

Commissioner Brooks stated he would be in favor of that as long as it was controlled and very limited.

Commissioner Baldwin stated she was in favor of bow hunting under very controlled conditions, but definitely no guns. She said it would be important to make sure citizens knew exactly what was to be allowed and what the guidelines were.

Commissioner Bryan said he would say go ahead and proceed with putting together a process and guidelines.

Commissioner Harrington said they may not be able to get everything in place by the end of this deer season, which was the end of the year, but even if they could reduce the deer population in Town by a few that would be a step in the right direction.

The Board agreed that Commissioner Harrington should pursue the issue and bring a proposal back to the Board.

Mayor Voller said they had been supporting the Woof-A-Palooza event by adopting a resolution, noting this was the dog walk held at the Community College. He asked if the Board would be willing tonight to adopt a resolution in support of Woof-A-Palooza and have the Town Clerk use the same form as in the past to prepare the resolution.

Motion made by Commissioner Harrington seconded by Commissioner Brooks to adopt a resolution in the same form as in past years in support of the Woof-A-Palooza.

Vote Aye-4 Nay-0

**A RESOLUTION FOR CHATHAM ANIMAL RESCUE AND EDUCATION (C.A.R.E.)  
IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE**

**ADJOURN**

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn the meeting at 9:00 p.m.

Vote Aye- 4 Nay-0

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk