

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, JANUARY 9, 2012  
7:00 PM

Mayor Randy Voller called the meeting to order and called for a brief moment of silence.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Pamela Baldwin, Michael Fiocco, Jay Farrell, Bett Foley, and Beth Turner.

Staff present: Manager Bill Terry, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., and Planner Stuart Bass.

Mayor Voller said we need a motion to approve or modify the agenda as set forth. Is there any reason to modify, Manager Terry? Manager Terry stated unless Commissioner Fiocco asks for an update on something at the Wastewater Treatment Plant. He said currently there are no capital projects report listed on the agenda. Mayor Voller asked if Commissioner Fiocco wanted to proceed with approval with an update on the pumps. Commissioner Fiocco said he would like to include an update on the pumps and, I think Manager Terry, there are two other capital projects that we have ongoing that he would like to just get an update on and that is the Hillsboro Street Water Main, where we stand with our permit applications and specifications and bid documents, and as well as if there is any update on the 3.22 MGD Sanford Project. If we could add those I'd like to hear where we stand. Mayor Voller asked if everyone is clear on this. He would like to make those modifications to the agenda. Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the agenda with the modifications mentioned.

Vote    Aye-5    Nay-0

**CONSENT AGENDA**

The consent agenda contained items.

1. Approval of the December 12, 2011 meeting.
2. Approval of a resolution and recognition of Patrick Crutchfield for achieving the rank of Eagle Scout.

Commissioner Fiocco said for the record the following corrections was made to the minutes: page 2, last paragraph, regarding the resolution for appreciation for the services of Hugh Harrington, stated Commissioner Harrington, seconded that motion. And I don't think that's possible since he had already been replaced. Correction Commissioner Baldwin seconded. And page 38, under the Mayor's update on Solid Waste, section 3, Commissioner Turner is not named but she was appointed as a representative to the Board. Mayor Voller called for approval with modifications to the minutes of December 12, 2011 meeting.

Vote Aye-5 Nay-0

Mayor Voller asked if Patrick Crutchfield was present tonight. He said he is not sure if the folks are aware of it, but the Scout Troop in Pittsboro, Troop 93, is producing Eagle Scouts at a rate of six times higher than the national average, which really is due recognition. Generally speaking, about two percent who start off as a Cub Scout make it to Eagle Scout and we're doing it above 12%, so I think the Scouts deserve our recognition.

**RESOLUTION  
IN RECOGNITION OF PATRICK CRUTCHFIELD FOR ACHIEVING THE RANK OF  
EAGLE SCOUT**

**WHEREAS**, The Boy Scouts of America was founded on February 8, 1910, and has been at the forefront of instilling timeless values in our youth; and

**WHEREAS**, The Boy Scouts of America is committed to helping millions of youth succeed by providing the support, friendship, and mentoring necessary for character building, citizenship training, and personal fitness; and

**WHEREAS**, Patrick Crutchfield, son of Sonny and Allison Crutchfield, is a member of Boy Scout Troop 93, sponsored by the Pittsboro Lions Club; and

**WHEREAS**, Patrick has achieved the coveted rank of Eagle Scout, the highest and most distinguished award earned by a Boy Scout, which reflects determination, dedication and leadership,

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Board of Commissioners of the Town of Pittsboro that we recognize Patrick Crutchfield for his exceptional commitment and hard work in achieving the rank of Eagle Scout and for his outstanding talent in building the "Welcome to Pittsboro" signs for his Eagle Scout Project. We honor you for your abilities, achievements and citizenship and wish you continued success in all your life's endeavors.

Adopted this the 9<sup>th</sup> day of January, 2012.

Mayor Voller said that whenever you come into town and see the new “Welcome to Pittsboro” sign that was an Eagle Scout project. If you have other ideas for Eagle Scouts, do submit them. He thinks there are a few more that would like to become Eagle Scouts.

**A RESOLUTION IN RECOGNITION OF PATRICK CRUTCHFIELD FOR ACHIEVING THE RANK OF EAGLE SCOUT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 1**

**REGULAR MEETING AGENDA**

Citizens Matters

Linda Bienvenue – 31 Cobble Ridge Drive, in Pittsboro. Ms. Bienvenue stated she had two concerns to bring before the board this evening, both regarding Powell Place, the development in which she resides. The first one that she would like to address is getting a cross-walk with pedestrian crossing signals from Powell Place to Belmont Station. Trying to cross 15-501 safely at this location is a dangerous undertaking as she is sure you are aware. With the McDonalds on one side and the Cruisers Gas Station/Convenience Store on the opposite side, traffic turning and crossing has increased and you take your life in your hands trying to traverse from Powell Place to the businesses in Belmont Station and back. Her second concern is getting a sound barrier placed on US 64 where Powell Place is the closest to the highway. US 64 at that location has an established speed limit of 65 miles per hour however, we all know that speeds of well over that are maintained. The truck and automobile traffic is extremely loud at all times of the day and night and it can be difficult to sit outside or even indoors and enjoy our properties. Take a drive on 64 East just past the Historic Pittsboro sign and you will see through the trees just how close Powell Place is to the highway. With Powell Springs Senior Apartments getting ready to open for business, she can only assume she will not be the last one to bring this issue to the forefront. Now, you might be getting ready to tell me that these matters cannot be addressed solely by the Town of Pittsboro. She begs to differ, however, in that the Commissioners are the individuals that we as the tax payers in Pittsboro have elected to address our concerns to. She are hopeful that, as our elected representatives, you will endeavor forthwith to find out how to get the ball rolling on both of these matters be it at the town, the county and state, or the federal level. Thanks you for your time and consideration.

Brian Starkey – PO Box 28504, Raleigh, North Carolina, 27611. Good evening Mr. Mayor, members of the Board of Commissioners. My name is Brian Starkey and my firm, OBS, is architecturally responsible for the design of your new Rock Ridge Park. My purpose in speaking to you this evening is two-fold. One, to inform you the project closeout was mismanaged by town staff and that OBS was treated unfairly in the process. Two, request compensation for the additional services provided during construction.

He is here because I have received unsatisfactory responses from the Town Manager and he is now appealing to you. In nearly 30 years of experience and practice in landscape architecture, He have never been treated as unprofessionally as he was during the final months of this project. We were ignored so much so that we were not even invited to the park's grand opening.

First, allow me to cover two things that are important to the scenario. One, what our responsibilities on the project were, and two, what liquidated damages are.

OBS was hired by the town to prepare the master plan for the park, produce construction documents for phase one, and to provide construction administration services over a 90-day construction period. We completed those tasks in full and during construction provided twice the services for which we were contracted.

Liquidated damages are fees that are held back and not paid to a contractor who fails to meet contracted obligations resulting in some form of damage to the owner. In this case, damages to the town, or the owner, are the costs incurred for services provided by my firm beyond our contract.

Prior to the construction of the park, the town extended the construction time period from 90 days to 120 days. At that time, I did not request any additional fees for the 30 days, hoping for a smooth construction process. However, the contractor was not able to meet their obligations and took over 180 days to complete the project. Consequently, we provided services during construction for three months beyond our contract.

Our expenditure of time over those three months is equal to \$41,000. This is equivalent to approximately 84% of our entire fee for master plan to producing documents through administrating construction. Throughout the construction process and during construction meetings with the contractor, Mr. Horne, himself, used the possibility of liquidated damages as motivation to urge the contractor to complete the project in a timely manner. Obviously, that was not effective.

On September 8, 2011, I formally requested additional fees via letter and asked for a meeting with the town. At this time, the contractor had not received final payment. In a letter dated September 12, 2011, Mr. Horne acknowledged our effort during construction being a direct result of, and I quote, "a non-cooperative contractor who has established a pattern of evading responsibility for their actions throughout the project" and that he and Manager Terry were happy to meet with me to discuss my request.

Throughout the month of September and into October, I sent several emails to Mr. Horne regarding the meeting. Some went completely unanswered. That series of communications is outlined in a handout that I have for you this evening. Copies of these communications and others were sent to Mayor Voller, Manager Terry, and the town's attorney.

On October 10, 2011, I learned that the contractor had been paid in full. Thus eliminating liquidated damages as a means of compensating OBS. I must tell you that the contractor's reaction to being paid in full was one of surprise and shock. They expected liquidated damages as they delivered the project two-months late. On November 21, 2011, I was finally granted a meeting with Mr. Horne and Manager Terry... two and a half months following my original request. When asked, Mr. Horne and Manager Terry gave no reason for the lack of communication following their agreement to meet prior to project closeout.

Throughout that meeting, Mr. Horne and Manager Terry stated that one of the reasons for the delay in the meeting was that they had a September 30, 2011 deadline to pay all parties involved in the project. However, OBS did not receive final payment on our original contract until December 8, 2011... so much for paying all parties by September 30, 2011. They also stated that they didn't feel there was a case for liquidated damages.

This position was puzzling to me given Mr. Horne's recognition of our effort, his admission that the contractor had not performed during several discussions that we had relative to liquidated damages, Mr. Horne's numerous threats of liquidated damages during construction, and the fact that the contract between the town and the contractor expressly defines liquidated damages. Services required and fees paid for consultant due to a contractor's inability to perform is common for levying liquidated damages. I have had similar experiences working with the Town of Cary, the Town of Garner, and Wake County.

Per the contract, the town could have levied as much as \$60,000 worth of liquidated damages on the contractor. Based on our effort and our contract, it is my position that OBS is due compensation for additional services provided on this project and my request is \$25,000, far less than our time expenditure beyond our contract.

In closing, let me say that we are proud of our work at Rock Ridge Park and we hope the community enjoys it for many years to come. OBS provided excellent services for master plan through construction. The design of the park is unique and the project was brought in under budget. While the contractor was paid in full having not met their obligations, OBS was penalized for our good-faith effort and commitment to the project and the town.

I'm sure this situation does not reflect how the Town of Pittsboro normally conducts business. I truly believe a solution could have been reached and I would not be here this evening had project closeout been competently and professionally managed.

I would be happy to address any questions you might have before discussing this in more detail. Based on your response to this request, I will decide what further steps I shall take to seek compensation. Thank you.

Commissioner Fiocco asked Mr. Starkey if he was communicating that he did construction administration services on the project. Mr. Starkey replied yes sir. Commissioner Fiocco asked if during the course at which the project appeared it would go beyond your budgeted time, were there discussions then about what additional services you might be providing and additional compensation. Mr. Starkey replied there were discussions about it but there was no formal request on my part until September 8, 2011.

Commissioner Fiocco asked what form of contract did you have with the town, was it a fixed fee or hourly? Mr. Starkey replied that it was a fixed lump sum fee. Commissioner Fiocco asked if it included assumptions about the duration of the project. Mr. Starkey replied 90 days was what I was contracted to do.

Mayor Voller asked for any questions? Manager Terry? Manager Terry responded I have no comments, Mr. Mayor, obviously I don't agree with Mr. Starkey on several points. If the Board wants me to address it I will address it with the Board separately.

Mayor Voller asked Ashlee Campbell if this is the same topic. She replied no. Commissioner Fiocco advised Mr. Starkey we will get input from Manager Terry and we will have a response. Thank you.

Mayor Voller addressed the first speaker. He stated NCDOT does have a cross walk on the long range plan. The question is when NCDOT will go with it, but it has actually been approved. As far as the sound barrier, that's the first I've ever heard of it here and that's a whole separate topic that would have to be discussed, but, the first item is actually approved, it is just a question of when to build it. Mayor Voller said it was on one of the STIP plans and it was just on the recently adopted one including widening 15-501 all the way down to Chatham Market Place and up to Lowes, so unless there is a way to speed up NCDOT which I'm not sure that's possible, it's there I don't know when it is going to happen, but we have addressed it and we've heard that issue as it has come up before.

## **OLD BUSINESS**

### **1. Chatham County Request for Sewer Capacity for the Chatham County Jail Project.**

Mayor Voller said we have a request for sewer capacity for the Chatham County Jail Project. I believe County Manager Charlie Horne is here.

Manager Terry said in preparation of this agenda item, I have prepared three separate resolutions for the Board's consideration. Only one of them needs to be selected and adopted. Resolution A would approve the request of the county for an application of 10,740 gallons per day of wastewater capacity in construction of the new jail and would further approve the proposed alignment as you see in Exhibit A of the top map here, which is a force main that travels

basically along the NC 64 right of way in the town until where it meets the town gravity sewer. Resolution B would also approve the request of the county, however it would stipulate that the county agree to a different alignment of the sewer line that would maximize gravity flow and minimize the force main and the second map on the bottom shows some options. You see the segments that are in various colors: the yellow is segment A, blue is segment B, red is segment C, and on the bottom green is segment D shows potential routes of gravity sewer that would also be the system. Resolution C would simply reflect we deny the request of the county for allocation of sewer.

Further background, on November 1, 2011, Manager Horne brought the request to the Town initially in the form of a letter and he subsequently appeared before the Board on November 14, 2011 at which he articulated his request and amplified what the County is requesting. At that time, the Town Manager presented several items of fact to consider. One was that this item can be considered outside of the town moratorium that was in place at the time and can be considered now outside our existing moratorium because it is well outside the city limits and not covered by the moratorium. Also note that the town does in fact has sufficient resources to respond favorably to the county's request should we so desire because we have approximately a balance of 90,000 gallons of sewer capacity available.

I provided the Board financial data including the estimated access fee to say yes to this request. The county would pay about \$215,000 and another \$22,600 in a capital recovery fee. A conservative estimate of the annual income from saying yes to this request took about half of the flow would actually be realized so an annual income of about \$62,500 would result from saying yes to this request.

On November 14, 2011 the Board further requested and tabled it for several reasons: one because our development moratorium was in flux and we were getting ready to extend or modify that. There was also an outstanding question of whether or not the two developers who had contracts for sewer reservations would execute those contracts or let them lapse. One contractor did execute and one did let it lapse and that did not change the estimate of about 90,000 gallons of sewer available. And the fourth reason was we were just coming out of the election and we had three new commissioners who were not fully familiar with the item and it seemed prudent to give them additional time to become familiar with it.

Subsequent to November 14, 2011, the town did extend their development moratorium and adopted a follow up to administrative policies and procedures for wastewater capacity. Under those policies and procedures, the Board could approve the Chatham County request with either part of the 18,000 gallons from commercial and industrial or from part of the 45,000 gallons that you deposited in your discretionary category.

Subsequent to the December 14, 2011 meeting, we had several staff level meetings: one was on December 2, 2011 with the county where we looked at the first map and discussed alternatives in respect to increasing gravity flow. The offshoot of that was that in the final analysis the county indicated that the additional expense of going the gravity flow route was probably more than they could accommodate if that option was one that the Town required they would rather have an alternative that would involve the Spray field Package Plant that was more economical from the county's point of view. Subsequent internal staff meetings that did not include the county were on December 6 and 14, 2011 when we met with Becky Smith of Hydrostructures and John Poteat of our Utilities Division and we worked particularly on the second map developing the gravity flow alternatives that you see there.

The least expensive alternative of the several that you see there would be to connect the segments C and D, which would eliminate about 790 feet of forced main and add about 18,300 feet of 8" gravity sewer in the southern route that you see here. My conservative estimate of the cost differential to the county there is about \$638,000. I'm thinking an average cost per foot; the county's engineers believe that would be higher because they are running through undeveloped farm land and they think the marginal cost of selecting that option is closer to a \$1 million but I believe the county engineers are here tonight and can confirm that.

Looking at the various options, Resolution A, which approves the county's request pretty much as it is. One favorable factor there is that to do so would in generous spirit of intergovernmental cooperation and made evidence the Town in terms of garnering Chatham County support for our pending 3.2 MGD Wastewater Treatment Plant Project. That's important to the Town due to the scope of that project, the county's support will be incredibly important when the time comes.

The gravity flow options shown on Exhibit B are, in fact, more compatible with the Town's sewer collection system master plan. The Town would envision developing that area that is now farm land in a manner that would call for that gravity sewer not to flow along 64 but to follow the natural terrain as it does in Segments C and D.

That being said, it can be argued and has been argued by the county that construction of that gravity line through that undeveloped farm land is an expense more appropriately born by an unknown future developer who may chose to take that land and turn it into something other than farm land.

Some additional facts before I give up the floor, in his initial letter County Manager Horne said the proposal was to construct the collection system to the Town's specifications and transfer that infrastructure to the town once the construction was complete. So this brings up the issue of what would it cost the Town to operate about five miles of forced main out to a single customer at quite a distance from the town.

I had John Poteat do some rough calculations about regular routine maintenance and you have been provided that information in your agenda item. It would require servicing a backup generator, almost daily inspections or at least five or six times a week inspections of the facilities, twice yearly cleaning of the pump station, and a telephone bill for hooking up the alarm system on the lift stations. Total annual O&M (Operations and Maintenance) costs would be on the order of \$17,700. But as noted above we would be taking in revenue on the order of \$62,500 so the Town could consider to still operating the system at a profit.

Mayor Voller asked Manager Terry what would be the life cycle of that unit? Manager Terry asked for clarification: are you speaking of the generator, the lift station? Mayor Voller responded the lift station. Manager Terry said the lift station has a lot of components in it: electric motors, under high duty use they are subject to failure. Considering random figures...it could be 4 years, 8 years, depending on loads that they carry. An electric motor might have to be replaced every 4, 5 or 6 years. The pumps, also, a lot goes on inside those sewage pumps. They have a reasonably short life span as well. It is hard for me to be specific because of the nature of the beast... there's a lot going on in a wastewater pumping station both electronically and mechanically and different elements have failed at different intervals.

But having said that, if the Board is uncomfortable with ownership of that very long run of pipeline, one option would be to have the county consider that if the Board was willing to make that connection would we as a town consider an alternative to the county's proposal is that we meter the sewage at the property line of the jail and that we own the line from there all the way to town, a proposal would be to put a meter vault at the first manhole where we achieve gravity flow which would be two and a half to three miles in town and the ownership of the forced main might remain with the county so they would take on the risk and liability of operation and maintenance up to the meter vault at the first gravity manhole. I haven't asked them to do that but it is mentioned in the agenda item as a possibility and perhaps we will hear from County Manager Horne whether that is something they would take some time to consider.

That being said, of the three resolutions, staff recommendation is to adopt resolution A through the county's request and the Board may consider the modifications that I just mentioned and the primary rationale behind that is twofold. Number one, we can do it. Number two, as I mentioned before in generating good intergovernmental relations with the county consider it our best interest in the long term in view of the wastewater treatment plant project that we are planning to undertake in the next few years. And with that I would be happy to respond to questions.

Mayor Voller asked Mr. Horne if he would like to say something first before we get into Q and A. Charlie Horne said we appreciate you giving us time on the agenda. I think we've covered the Manager's report in our presentation. We're here to answer questions. I don't know of anything more specific that I could tell you at this particular point in time.

Commissioner Farrell had a question for Manager Terry. On the force main vs. the gravity fed, now if you are on forced main you cannot add residential, is that correct? Manager Terry said that's true. One thing I failed to mention is that the entire run of forced main will probably never have another customer attached to it by virtue of it is under pressure and tapping into that changes the dynamic of the pump station and a lot of other things, so that entire run of pipe up to the first place... Commissioner Farrell asked where is that forced main pump. Is that coming from the jail facility? Manager Terry said that was correct. Looking at the maps, here's the landfill and where the jail will be, the course that runs down to 64 down here, this runs about five miles, probably three and a half to four miles there, and while it is technically possible to put other connections in there it is not advisable. It changes the dynamic of the pump station. Commissioner Farrell asked if that was going to be about 8,000 feet. Is that correct? Manager Terry stated the total run is about five miles so the force main is longer than 2,000 feet. I don't have that number right in front of me.

Commissioner Farrell asked where we are tying into gravity off of 64. Looking at the map, Manager Terry said it is a dashed line where it changes.

Commissioner Turner asked Manager Terry a question regarding either scenario. In Resolution A, the town maintenance responsibility is about \$18,000 a year? Is that what you said? Manager Terry said that figure is correct. Commissioner Turner said the county has expressed that this is incredible expensive right now, but what would the Town's responsibility be in terms of maintenance be for that. Gravity kinda maintains itself, right? Manager Terry responded that it would be substantially less because if we are just responsible for the gravity portion we still have to go out periodically and inspect it and the lines have to be cleaned periodically but we didn't run a calculation on that. The big maintenance dollar eaters are the electric backup generator and the lift station with the electric motor and pumps in there. The gravity flow piece we would still have to maintain it but it would be negligible in terms of the maintenance budget and utility commitment.

Mayor Voller asked Mr. Horne, for point of clarification, so we have the plan that you presented last time and I'm not sure if your staff and your Board have adjusted that but, since we have a new Board here, could you tell everyone exactly what your intention is for build out, starting with the jail? Mr. Horne stated the jail is the first phase over time and maybe get the sheriff's office out there, which is not in the plan at this particular time...it may be something in the future. Mayor Voller asked are you planning to cooperate with the Board of Education on the other facility as well. Is that part of this plan or another plan? The garage or some type of ... is that in this plan? Mr. Horne responded not the garage; we have talked a number of different times with cooperating with the Board of Education to create a maintenance facility on that site but it's still in discussions.

Mayor Voller asked who they are intending to be in this facility. I mean we saw that presentation last time about you're reaching a critical mass or you are projecting a critical mass but who is intending to be in this jail? Mr. Horne responded all the honorable citizens that worthy. Is your question that we are entertaining federal prisoners and that sort of thing? Mayor Voller stated that is something that people have asked. Mr. Horne said we don't have that plan as possible but in the future who knows, but that's not what we're building the jail for. Renee Paschal, Assistant County Manager, said it is more likely we will have state.

Mayor Voller said Sheriff Webster told him that there are some changes where they might have to house some prisoners between them and the state. Mr. Horne said this may be the issue you have probably heard about and it may be likely at some point.

Mayor Voller said obviously from our perspective, this is an economic development issue as much as it is/ whether it is you or someone else trying to build a development out there. So you have a need and you have presented different ways that you could address the need for your sewer line and you have a budget and we can respect that since we are both operating under similar constraints. But I think we'd like to figure out, I can't speak for the Board, but this is the discussion that have happened if you have read the materials that Bill just cited, that it would seem that if could find a way that would meet the needs that it would make a lot more sense if we could provide adequate sewer to the citizens of Pittsboro and Chatham County if we are going to do this, because we don't know what the long range plan is out there but we do know that that is out of the critical area of the watershed which is a lot better place to have gravity sewer than some of the other places. So we hope that we can find a way to make this all work. We know what your need is and we respect that, you need to have a commitment.

Commissioner Baldwin said one of my concerns is that basically the way the route is where it is just straight down 64, the individuals that live on 64, they are taxpayers as well; they wouldn't be able to link on to that particular forced main? Mr. Horne responded there are ways to do it with a pump station at the residential site. I'm not an engineer but I think you could do this. And then also there are other options whereas I know it would be more costly to go instead of that straight line to go basically where there is more gravity instead of having to force that sewer let gravity happen and allow it to be able to flow easier so I have a problem with it coming straight down like that. Mr. Horne said we don't believe we have the time or the resources to go on that meandering route through that farm to make that work for us. We think that is better left to the developer in the future. I understand where you all are but I can't in good conscience go before the Commissioners to say let's go an extra million dollars and maybe set back that construction time for a year and a half trying to get easements to make it work.

Mayor Voller asked when you are anticipating that you would have to be occupying said jail - you have one now. Is this 2014? Renee Paschal responded we need to be in the jail as quickly as we can be. Mr. Horne said our preference is 2014. Ms. Paschal said the projected completion

date is August 21, 2014. Commissioner Foley asked what this deadline is based on. Ms. Paschal responded that the jail is over capacity. We have 51 beds and have been averaging running 51 beds. That is just the schedule that is determined by the work that has got to be done.

Mayor Voller said so if this was being plugged in, would this lead you to go back the generic site that was in the original proposal? I mean I know you can't go where the Judicial Center is - that ship sailed a long time ago, but there was a generic site that never was named. I'm not sure if it was just being used as a cost or if you actually had a site, but either way. Ms. Paschal said the other option for wastewater is a spray field plant. Mayor Voller clarified which is just spray, which people out there, from what I understand, aren't excited about either.

Manager Terry asked if he may interrupt just a second. One part of my briefing I skipped over I meant to call your attention to is the fact that if you do say yes to this the amount of sewer you that would be allocating is about 12% of your main capacity and you are probably going to be limited to that 90,000 gallons for the next two and a half to three years.

Commissioner Farrell asked for a breakdown on those numbers instead of 12%, you say 90,000? Manager Terry responded that was correct. Commissioner Farrell asked if that was after this allotment. Manager Terry responded that what I'm saying is saying yes to the county and giving them 10,700 gallons is about 12% of your remaining 90 that you have so you would be allocating 12% of what you've got left that has to last you an average three years. So that needs to be part of your decision making process.

Commissioner Fiocco said the preference for the Town to grow in a fiscally responsible way is to extend gravity sewer as far as you can. It is the most cost-effective way; it is the most durable design. Getting into maintenance of forced mains, lift stations is something that if we can avoid it we should. You can't always avoid that. In this instance, there is a substantial amount of gravity sewer that can be extended relatively close to the project and it has the benefit of being public infrastructure that the public gets to tie on to more readily and easily and has a larger capacity to serve this drainage basin. The 4" force main, yes, others can tie on to it, there's more mechanical devices, check valves, lift stations and force mains and, as I understand it, there is a 4" pipe proposed so there's very limited additional capacity in that pipe. So I just think having your proposal is less attractive to the Town to spend 12% of its allocation on and if there is a way for us to find a better way to do it I would like for us to do that. I'm in favor of the reservation of the allocation, but I'm in favor of doing it in a different way than you propose. And I don't necessarily need to specify tonight what that arrangement could be but I sure would appreciate if both staffs would get together to get a better solution than having 2,900 feet of gravity sewer that, quite frankly, in its location on 64 people can't tie on to because the road is above the grade and the 4" force main that very few additional customers could tie in to. Not a good system from the Town's perspective. So I think there's a better solution and I'd like us to take some time to find out. And, with that, I would propose modification to Resolution B to reserve the allocation

and having the Boards and staffs finding a better solution. It is more of a win/win than we've got on the table right now.

Mayor Voller said Commissioner Fiocco you have made a motion to modify. Commissioner Fiocco said yes. Mayor Voller asked if the Board understands the modification that is proposed, seconded by Commissioner Foley.

Mayor Voller asked Mr. Horne if he understands that he's recommending to reserve it for you but wants to see if we can further explore a solution that may or may not be there. I think you have two things going. One, you have to know you that you can get sewer. Two, you have to decide whether to make that investment.

Mayor Voller said he did understand the constraints because none of the easements have been put together at this time but I think that we would like to be able to put this in better way going forward for the future in this area. But I know that you are needing to have a reservation allocation and I think we are willing to do it we would just like to further explore where that gravity line and how it is going to line up for some of the things that Commissioner Fiocco laid out. And I do think that if you drive past the Community College he is correct in that you are above grade at a certain point on old 64 and we would really to like make this project work for as many property owners and taxpayers as possible, which is what I think we are both charged to do. I think we can. What would be your next step that you would like to go forward? Charlie Horne responded we'll have to take a quick look at it, but we have a drop dead date to keep this thing on track. Mayor Voller asked what is your main push. We originally said the January 9, and 23, 2011 which are outside, do you still have to submit something to the state that says - what is your outside push on that? County Manager Horne responded, to try to get all of this stuff in to the state on discharge permits and the like before construction. As you well know, sometimes it takes as long to get the paper work done as it does to do the project.

Mayor Voller called for a vote. Manager Terry asked if we could clarify the documentation ... would it be to further resolve and modify. That one says that the county will redo segments C and D but I hear Commissioner Fiocco say it would be further resolved to resume negotiations with the county. Mayor Voller said he thinks he is saying that he is willing to communicate reservation but to find a better solution. The question is if the new pushing of the state if they are willing to accept without saying that we will be willing to reserve capacity versus design. You have different designs as submitted by plan plus the building and you have to be able to show on the building side that you have sewer but then the line is a separate issue but I do agree the paperwork itself doesn't need to take this long.

Mayor Voller called for a vote.

Vote Aye-5 Nay-0

The resolution is as follows:

**A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE REQUEST FROM CHATHAM COUNTY FOR AN ALLOCATION OF 10,740 GALLONS PER DAY OF WASTEWATER CAPACITY TO ACCOMMODATE THE CONSTRUCTION OF A NEW CHATHAM COUNTY JAIL**

WHEREAS, on November 14, 2011, the Chatham County Manager formally requested that the Town of Pittsboro reserve an allocation of 10,740 gallons per day of wastewater capacity to accommodate the construction of the new Chatham County Jail; and

WHEREAS, Chatham County proposes to construct, to the Town's specification, the infrastructure necessary to connect the new jail to the Town's wastewater collection system and then transfer ownership of that infrastructure to the Town; and

WHEREAS, under the Town's "Administrative Policies and Procedures for the Allocation of Wastewater Capacity for the Town of Pittsboro Wastewater Treatment Plant" the Board of Commissioners could approve Chatham County's request from the 18,000 gallons in the Commercial & Industrial category or from the 45,000 gallons in the Discretionary category; and

WHEREAS, the Board of Commissioners recognizes the need and importance of the new Chatham County Jail for the citizens of Pittsboro and Chatham County; and

WHEREAS, the Board of Commissioners recognizes the importance of regional intergovernmental cooperation with respect to meeting the water and wastewater needs of our citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the request from Chatham County for an allocation of 10,740 gallons per day of wastewater capacity to accommodate the construction of a new Chatham County Jail is hereby conditionally approved contingent upon agreement from Chatham County to pursue a sewer line design that will minimize the length of force main and maximize the length of gravity sewer; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Town of Pittsboro hereby directs the Town Manager to continue negotiations with the Chatham County staff with a view toward reaching and agreement upon the specific sewer line alignment to be recommended to the Board of Commissioners for final review and approval at a subsequent regular meeting of the Board of Commissioners; and

BE IT FURTHER RESOLVED, that the Town Manager is hereby authorized to send a letter of commitment to Chatham County confirming the reservation of 10,740 gallons per day of wastewater capacity and communicating the Town's willingness to continue work on defining the alignment of the proposed sewer line.

**A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE REQUEST FROM CHATHAM COUNTY FOR AN ALLOCATION OF 10,740 GALLOS PER DAY OF WASTEWATER CAPACITY TO ACCOMMODATE THE CONSTRUCTION OF A NEW CHATHAM COUNTY JAIL IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 2-3**

Mayor Voller asked Manager Terry if he knows where the next step is to go forward. I think I saw the Chair before so I hope that we can talk to the Board and see if we can make this work out under what Commissioner Fiocco was saying. If we can't we can't but we are willing to at least explore that but we are willing to reserve it.

**2. Special Use Permit – School (academic) private, Haw River Christian Academy, 50 West Salisbury Street**

Commissioner Fiocco advised the Mayor and the Board that he needed to recuse himself from this item in that there is a potential conflict of interest to a client of mine and with your permission I will recuse myself from this item.

Mayor Voller asked Attorney Messick if he could advise the Board on the rules as far as recusal is concerned. Attorney Messick interjected also for the purposes of the new Board members most decisions you all make as Commissioners for the Town of Pittsboro are legislative decisions...you take action based on what you think is in the best interest of the Town of Pittsboro. This particular request and some other similar ones are called special uses. They are different than legislative decisions and the process is different. In judicial proceedings you are acting as a tribunal to find the facts and make conclusions and to render a fair and impartial decision that is fair and impartial both to the applicant who has made the request and to any persons who might be affected by that request as well. As part of that process, all of you should be impartial and refrain from having communication with the parties and be able to not have any financial interest or involvement in the process that might be affected by the decision one way or the other. Both the people who are involved in this (both the applicant and anybody that is opposed to it) expect that the people who make the decision don't have their minds made up, they are able to consider the evidence that was presented at the public hearings, without having to take into account any special knowledge or information that has been furnished by other parties outside of the process. Commissioner Fiocco is suggesting that he might have a financial conflict of interest involving this decision and that would be a legitimate reason for him to recuse himself. Others of you may have something similar and, obviously, if you are conflicted in this manner then you should make the announcement and refrain from participating in any discussion or the decision that you might make on this. It is up to the Board to accept the recusal so

somebody would have to make the motion to recuse Commissioner Fiocco. Commissioner Baldwin made a motion to recuse Commissioner Fiocco, seconded by Commissioner Foley.

Vote Aye-4 Nay-0

Mayor Voller started off by referring back now that to Board knows that we're charged to. On September 26, 2011, we started a public hearing and we read this in so now that we have more folks in the room and we have new Board members seated, I thought we would go back to this. Even if the Board of Commissioners finds that the application complies with all the provisions of this ordinance, it may still deny the permit if it concludes, based on the information submitted at the public hearing, that if completed as proposed, the development more probably than not would materially endanger the public health or safety or would substantially injure the value of adjoining or abutting property or will not be in harmony with the area in which it is located or will not be in general conformity with the land development plan or other plans officially adopted by the Board of Commissioners. The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of the ordinance remains at all times upon the applicant. The burden of persuasion on the issue of whether the application should be turned down for any other reason set forth is subsection 5.b.3 rests on the party or parties urging that the request be denied. Essentially those are your findings, this is purely a factually based ruling and we are charged to look at the evidence that was submitted to us as guided by Manager Terry, Attorney Messick and Planner Bass.

Commissioner Farrell said he would first like to thank the Planning Board and their Planning Director for all the work they did on this. I think they went above and beyond. With that said, I would like to go ahead and make a motion that we accept Resolution A for the special use permit for Haw River Christian Academy. Mayor Voller noted motion on the floor by Commissioner Farrell to accept Resolution A. Commissioner Farrell also wanted to mention that if anybody has not seen this land use plan the bottom word in here is future, and I feel like these kids are our future and we need to work with them and help them out and get them in to Pittsboro. Mayor Voller said we have a motion on Resolution A by Commissioner Farrell seconded by Commissioner Baldwin for discussion.

Mayor Voller asked if everyone was familiar with what A says, which is essentially approving with stipulations. I assume that the motion was made because you feel the Town Board could reasonably conclude more probably than not that the evidence has been persuasive.

Commissioner Farrell agreed yes, by all means. Mayor Voller said the Board would proceed with questions.

Mayor Voller said that at the November meeting, Commissioner Baldwin wanted a review from the Planning Board, which was on November 14, 2011, page 4. Did we get a full review? Mr. Hoyle, you are the Chair. I have the excerpts from your minutes of the meeting and you state on

page 1 that there is a lot of information to consume and you felt the site plan was inadequate and there was still traffic concerns, etc., etc. Would you like to address the Board about what your views were then and if anything has changed between that meeting and December 2, 2011?

Mr. Hoyle said his statement still stands. I think it has some merit but I don't think they have completed submitting all the necessary documents. One, the site plan is not complete, and the other issue of the traffic. They have a traffic report that they paid for but the traffic report only addresses traffic on the premises. It does not take into consideration traffic coming into the streets. The other thing that I am quite concerned about is the recommendation of 17 different communities. The Planning Board was still receiving information with regards to this request at 6:45 p.m. He stated it was not a unanimous vote at all. Mayor Voller said so you are still receiving information from the applicant and other parties at 6:45 p.m.? Mr. Hoyle replied yes. Mayor Voller asked if any other Planning Board member here who wanted to say anything on the matter? I know we have a few in the audience.

Mayor Voller said a couple of items we will refer to from that meeting. One, did you have a full side set of plans like the ones that we have received during the review? Mr. Hoyle responded no, we had an 8 ½ by 11. Mayor Voller asked if the Board felt that that was adequate for them to make their review. Mr. Hoyle said no, it was not. We finally only saw the 4/5 scale only briefly, and I still have questions about it.

Mayor Voller said the issues that were raised by the previous Board, which were input from Fire Marshall Tom Bender and from Chief Griffin, was that submitted to your board? Mr. Hoyle responded no, I requested that two months before hand and had not received it. Mayor Voller said but to be fair, subsequent to your meeting, you may be aware of this, Fire Marshall Bender and Chief Griffin have in fact now reviewed the plans within the last week. Mayor Voller asked Planner Bass, who was in the audience, if that was true. Planner Bass responded yes, we met with Mr. Bender and Chief Griffin. We met twice, the first time was two days after the Planning Board meeting and then we met again last Thursday and we reviewed the plans with revisions that were requested and then I received an email from the Fire Chief on Friday.

Commissioner Foley said one question she had in regard to fire issues is I don't know if there is a law that requires sprinkler systems but if so, is this building equipped with sprinkler systems? Response from Planner Bass was that it would be but they would have to go through the entire building permit process and submit plans to the county for that. There would be a building permit for renovation and there would be another full set of review for those. Commissioner Farrell noted that if the Board has any question regarding the fire safety Chief Griffin was in the audience.

Mayor Voller asked Chief Griffin if he had in fact reviewed the plans at this point and if at this point he feels good about what you've seen. Chief Griffin responded that he had reviewed the

plans and absolutely felt good about what he had reviewed. Mayor Voller noted that Chief Griffin did not review them before they went to the Planning Board so they did not have a chance to review them in the recommendation. Mayor Voller asked Chief Griffin did you do the review with the site with the turning radius with the vehicles or was that Tom Bender? Was that based on the alignment of parking spaces as was on the plan or what has now been brought up? So Stuart (Bass), you know what I'm referring to, the question about the angle of the spaces which we can now figure out since we have a full set of plans. Planner Bass responded the recommendations from the Fire Marshall had to do with the turning radius and some of the landscaping and the addition of another fire hydrant. Mayor Voller asked but the issue on the alignment of the parking spaces and whether they met our code and whether they meet the radius, that was brought up again and my question is have they seen this since it was brought to your attention. Planner Bass said the plan hasn't changed and that wasn't part of the discussion.

Mayor Voller asked Commissioner Baldwin, do you have any questions? Commissioner Baldwin said she did have questions about the comments in reference to what they were saying about the Planning Board and the traffic report. Basically, I think the traffic report definitely should have looked at Hillsboro Street and at how busy that street is at that time of the day. During that time of the day, Hillsboro Street is extremely busy and you're talking about coming out of Hanks Street and making lefts onto Hillsboro Street, which is almost impossible, so I am very, very concerned. The school is a great idea but I am very, very concerned about the traffic and the way that I know the traffic will back up there and individuals taking risks trying to get where they are going and the potential for a major accident. Now, also you were saying that the Planning Board was still receiving additional information at 6:45 which, I'm sure, did not allow them adequate time to continue their review. That also concerns me. Now I know the Fire Marshall has indicated there was no problem and he did review the information. Now, you are saying that the turning radius and all of that for the fire trucks, that is adequate and then the reference to the parking spaces that the Mayor was talking about. Fire Chief Griffin said that what they had reviewed of what they have now is good. Commissioner Baldwin said she was concerned about that too. Children are very important to me and the children have to be safe and to me if the children aren't safe we have some major problems. And when it comes to this traffic issue it doesn't appear to me that the children will be safe and I am very concerned about that and the fact that the Planning Board did not have a chance to see all that they needed to see, so this concerns me greatly.

Commissioner Turner said she had to agree with Commissioner Baldwin especially in terms of traffic. I've lived in that part of Salisbury Street for many years and even 15 years ago it was incredibly unsafe. I was a teacher at the Pittsboro Montessori Pre-School when it was on Salisbury and we couldn't let the kids walk up the street. That being said, I loved having the Montessori school here and I think a school here is a great idea I just think it is a location that hasn't been vetted enough in terms of the information the Planning Board got. I can stand there

for hours and take pictures of traffic that just flows and flows and flows and my biggest concern is when I was a Montessori teacher of a kid getting hurt and I don't know how the panel could live with that. Somebody that is trying to make this decision that it really scares me that it might be an unsafe situation for 50-60 kids because your proposal is to have a lot of kids there. The planning board had to make a decision based on incomplete information.

Mayor Voller said he thinks it is important for the participants to remember that when we started the process this is just merely about whether this piece of real estate and this application meets these findings and facts not whether we like the school because certainly everybody likes the idea of the school. The Board has been tasked to decide whether approval of this special use permit and the application meets the preponderance of evidence. It is a difficult decision.

Commissioner Foley said she is concerned about economics for the town; she is concerned that is one of the few large spaces in downtown Pittsboro that is considered a retail space. The building has been vacant for a long time and there is no guarantee that you would be able to find another tenant. Working with the Main Street grant, I have faith that we could actually use that space to generate revenue for the town which is something that is really important right now. Does anyone have any thoughts on that?

Commissioner Farrell asked if doesn't the property owner pay taxes? Commissioner Foley replied that they pay taxes but if it were a retail space there would also be additional income generated and if the school was to purchase that space then there would be no revenue for the town. I really support the school: my children attend the charter school and I think a parent should have choices about where their kids go to school. I have concerns about the location. Seems like there are some other places in Pittsboro that would work better...I don't know Chatham Mills or Main Street Station. But there are other locations where the traffic wouldn't be an issue, it wouldn't impact the downtown. We are working so hard trying to renovate the downtown and it is true that parents would spend some money when they come to town although I did some research...I was speaking with someone from the NC Department of Commerce and they told me that, in general, schools with elementary aged children the parents tend to drop off and pick up and don't usually stay. With high schools, it is a different matter. Students walk over, or whatever, but with smaller children it seems to be pick up and drop off and not much revenue for the town.

Commissioner Farrell said he understands the concern with the traffic but if we had zero traffic in Pittsboro we wouldn't have no business, we wouldn't need a barber shop, we wouldn't need a soda shop, if we get traffic we are going to increase our business. Commissioner Foley said that the traffic you want is throughout the whole day not just morning and late afternoon when the traffic is worse on Hillsboro Street. And traffic is backed up all the way down almost to Pittsboro-Moncure Road. Traffic is really bad that time of day. I appreciate the school talking about having different times of school start that would certainly help ease the situation.

Mayor Voller asked Planner Bass specific requirements on the recommendation of the permit associated with schools, this is coming out of 5.3.3.47 that you site: Structures, location and approximate size of all buildings and on the line adjacent thereto. Are you including the size and height or just pulling it off the GIS map? Size is a three-dimension so there is no information on size. Planner Bass said for the site plan purposes, the information provided is for the layout. Mayor Voller said so you feel what was submitted was adequate? Planner Bass said yes. Mayor Voller asked about circulation? You say automotive, pedestrian, and bicycle circulation within to and from the site including the proposed egress and patterns in turn situations. So, was the Planning Board given a pedestrian and bicycle plan coming here? Planner Bass responded that with the traffic analysis the major focus wasn't the pedestrian and bicycle but would be primarily vehicular and that the site was an existing developed parcel. Mayor Voller said the main issue all seems to come down on either traffic and/or whether it conforms with the district or the Main Street Program. Why didn't we request in this process or why wasn't it asked for other forms of getting there other than a car? Planner Bass replied that was just the applicant's major intent that that was going to be the predominant means of getting there. Mayor Voller said but the site plan requirements require that and there is nothing in here that says it was done. Planner Bass said part of the issue was that it was an existing site. Mayor Voller asked so are you representing that it is a complete site plan? Planner Bass responded yes. Mayor Voller asked when it was a complete site plan. When you brought it to the Planning Board or when it just came together last week? Planner Bass said the necessary information came about after the revisions associated after the Public Hearings and after the Board's concerns were heard. Mayor Voller asked so did the Planning Board actually see a complete site plan? How, they didn't get the full site that was looked at by the Fire Chief. Planner Bass responded yes they did, it was the same plan. Mayor Voller asked Mr. Hoyle if he did actually get a full size set of plans at your meeting. Mr. Hoyle responded no sir.

Manager Terry asked that he clarify that, there was a full size set of plans at the table. Mr. Hoyle responded one set after the fact. We had only previewed it without the proper measurements on it because I continued to raise questions until someone from the school said well, you're looking at a reduction.

Planner Bass said that for the purposes of agenda packets, we had reduced the site plan to send out.

Mayor Voller said he was not sure where this is all going to fall down on but the entire process has been a request to have a complete set of plans that was given so that when it finally went there that that's where this rational nexus came from and I can't blame necessarily applicant, they are being guided by the town but this is dated 12/27/2011 and 01/03/2012 which is after their meeting. So they didn't have actually a set of plans that we got so whatever they reviewed was not a full, complete set of plans for application. Planner Bass said that unless the revisions

that were made were made as part of the Planning Board's recommendations which required having the Fire Chief and the Fire Marshall look at it.

Mayor Voller said all I can do is go back on fact that people that I know that did this job before for in terms of applying when coming to town they always had to get a full set of plans for the entire process. I don't understand how our Planning Board could actually sit and review without having that unless, you said you had one there, but we're getting different representations on this which is very disappointing.

Mr. Robinson asked if he can address some of the questions that have been put up that I don't feel like have been adequately answered? Mayor Voller stated that's a good question. Attorney Messick, what do you think? If we allow them to say anything we have to allow other people that are on the other side...how do you interpret this?

Attorney Messick said there is a motion on the floor and it is for the Board to consider and deliberate and that really ought to be all that is going on here, but you have been asking questions. The issue is before the Board and I think that is where I would make my decision on the motion. So if you want to open it up the Board certainly can do that but I don't know where you would stop if you open it up.

Mayor Voller said, Mr. Robinson, I am going to let you say something, only you, because you represent the school and I want to be clear the completeness of this application this is not a point of blame on you at all, this is just a process question because we are tasked to rule on application and one of the suggestions that came forward to us was that it was incomplete so we have to establish is this complete and that's one point in procedure. Otherwise, it would nullify potentially the first item Commissioner Farrell offered because it isn't complete. So now I think everyone's heard that so now go ahead.

Larry Robinson, 125 Lady Bird Lane, Chapel Hill, NC. I just wanted to try and clarify the site plan issue from our defense. We were asked to put together a packet of information that included copies of the site plan so that Planner Bass could put those in packet form so that the Planning Board would have those copies. That's what we did. Our architect was here that night and had full sets of the plans, not a full set for every member of the Board, but we did have a full set of plans and when questions started to arise about the width of the ingress and egress lanes and that they were only 5-feet wide, we realized that the measurements Mr. Hoyle was talking about read incorrectly due to the reduced photo copy and not off of an the actual site plan. The dates of the plans that you have are based upon the recommendations from the Planning Board to go to the Fire Marshall and have revisions made to those plans. So that is why your plans are dated after the Planning Board meeting. At no time did we provide you with a copy of plans that the Planning Board had not made a recommendation, that the modifications have been made based upon the Fire Department's recommendations. So I wanted to clarify that. And then we also have

the gentleman here tonight that provided the traffic study. If there are questions you would like to ask that engineer we'd be more than happy to try to answer. I just wanted to make sure that that was clear.

Mayor Voller asked if everyone was clear on the input from Mr. Robinson now. Okay, Thank you.

Manager Terry said he would like to interject something with respect to the question as to whether the application is complete. I think one could make the argument that the application was complete shortly after it was first submitted. There is some text in our ordinances around special use permits that give the Planning Director some latitude to depending upon the complexity of the project at hand to either subtract elements of the application permit list or to add additional things. So one could make the argument that the application was complete even before we asked them to provide additional information in the form of a traffic study and additional information in the form of a map sheet that has those contour lines on it. Those were requests for supplemental information that the Board requested and that's fine for the Board to do. But again you can make the argument that the application was complete when it was first submitted and the Board did want some of that check list which we did not require of them. The Board asked to have that information didn't mean the application wasn't complete when it was first submitted.

Mayor Voller said so you are comfortable representing to the Board that the application was complete? The Resolution does not have to be ruled on. That was one of the three resolutions that were submitted to the Board for review. That's because the ordinance says that if it is not complete obviously you don't have to get to the merits of whether to approve it or disapproved it.

Mayor Voller continued and since Commissioner Farrell made a motion before we got to that point I felt it a necessity to establish that. Planner Bass said if his motion were to pass, then it would presume the application was complete. Mayor Voller said right, and we haven't really gotten into it so I think everyone has heard evidence from staff and from the applicant and from the Planning Chair, etc. But our charge is to rule on the merits of the findings, that's the basic charge. So we don't necessarily have to vote on Resolution C. It is essentially going to be A or B.

Attorney Messick said, not necessarily, you have to decide on Resolution A because that is what the motion is on. If you were to approve that then, of course, you wouldn't go to B or C. But if you were to deny A then presumably you would have to do something else. Mayor Voller said correct. Attorney Messick said it could include C or some modification to A or something else. Mayor Voller asked why the Board would go back to C when we were just told that it was complete. Are you now saying it is not complete? Attorney Messick added I'm not saying it is for the Board to determine whether it is complete or not. You've hear staff say that it is. Mayor

Voller asked so you are not representing one way or another. Attorney Messick replied far be it from me to do that.

Mayor Voller said so everyone's heard input on the application. The motion was made on Resolution A and the vote is essentially on the findings of fact, that's it, which I read out at the beginning and I think everyone has had a chance to review that. So, I'm going to call for the vote.

Vote Aye-1 Farrell Nay-3 Baldwin, Foley, Turner

Mayor Voller said so that's 3 no's and one yes. So Resolution A fails. Now we are back to square one. We have another resolution to put on the floor. Attorney Messick said let me just interject that if you are inclined to deny the application for the special use permit, you obviously have to say why you are denying it. Resolution C proposes a suggested failure to comply with the provisions of the site plan section of the zoning ordinance and it also has room for you to have any other reason why you might think it is incomplete.

Resolution B denies the proposed application and it suggests a number of different reasons why but you obviously can't make any decisions on that score that you like and provide any other reasons to do that. It seems like there was some question about what the Planning Board has reviewed and it might also be a possibility that's not included in your agenda package that if you would like to table this matter that perhaps you might want to do that and allow the Planning Board and the applicant and everybody else that wants to say grace over this to have another crack at it. I'm not sure that's particular helpful but that might be a possibility as well.

Mayor Voller said that Attorney Messick is suggesting that you can either make a motion to deny and list why and/or table it and send it somewhere else with directions which I thought were pretty specific last time what you wanted. Attorney Messick said that if what you are saying is it is not complete then it is over with and they can reapply with whatever site plan they feel is appropriate. Mayor Voller said there has been a lot of discussion as to what people feel should complete this application, so we now have our Town Planner and Town Manager weighing in that they feel it is complete and we have other members of the advisory boards and on this Board that feel that it wasn't complete for a variety of reasons so it is an interesting catch 22 here.

Commissioner Farrell said he would like to make a motion that we table this and let the Planning Board have two weeks to get back with us and I'd also like to hear from their traffic engineer. Traffic seems to be a problem if he's here I'd like to let him speak. I'd like to withdraw my motion and let him speak first.

Mayor Voller asked the Traffic Engineer to please state your name and company for the record. Rynal Stephenson, P.E. – Ramey Kemp & Associates, 5808 Fearington Place, Raleigh NC. I did prepare the traffic study submitted in the packets. The things that we were looking for there was

the ability to move traffic in and around the site, safely accessing the public streets, and the traffic was essentially under consideration to try to accommodate the circulation that is happening on site. With a school site, one of the biggest issues is being able to accommodate the cars on site in the afternoons when the parents are there to pick up kids. So we worked a way to do that on site. The traffic would not actually exit on Hanks Street it would exit on Salisbury Street. There is an entrance only, one way driveway off Hanks Street. And the reason it is done that way is to maximize the ability of cars to stack on site if it is needed as the school continues to increase their enrollment. A couple of points I would like to make about the traffic...

Commissioner Baldwin said before you go ahead you said they would exit off of Salisbury, and where would you accommodate all that traffic?

Mr. Stephenson said one of point of factors of the school was when the parents come in the afternoons to pick up their kids they get there a little bit early a lot of times and they wait for their kids to get out of school and one of the primary things we looked at in the study was how are we going to handle those cars, where are they going to park, how are we going to stack them and how are they going to be able to get around in the site to circulate in the site and access the public street. One thing we did not do, like you said earlier and that was correct, the study did not go and look at some of the other intersections off site.

Commissioner Baldwin asked did you look at the NCDOT data that says that Hillsboro and Salisbury is one of the busiest intersections in North Carolina. Mr. Stephenson said there is no doubt there is a lot of traffic there and I can do agree that the study did not look at other intersections off site, however, one thing I would like to point out is that if the site were to develop with retail then there would be more traffic coming out of that site than would be if it were a school. Schools typically have relatively high traffic volume during certain periods of the day. Retail sites of a similar size as this would generate more traffic than a school and it would be during more hours of the day so you may end up with a worse traffic situation with a retail site than you would if it were something like a school. School traffic typically doesn't occur at the same time that you have rush hour traffic around 5:00 – 6:00 pm.

Commissioner Baldwin asked to stop him right there. Traffic from schools that are within Pittsboro is extensive at that time of day. We are not talking about peak hours 5 to 6 o'clock. I was talking about the time for schools in Chatham County within Pittsboro specifically, the times that they are released the traffic is very heavy. Mr. Stephenson agreed that that was typically right and that typically is the case.

But the traffic, like I said, if it were retail instead of school then you probably would end up, and I can't say this for sure as I haven't analyzed it, but typically you would end up with more traffic and probably a larger traffic impact on these roads that are already busy than you would if it were used like a school. But the school would generate traffic, like you said, during the 30-45

minute periods, but the one thing we would try to do is bring them in off of Hanks, out onto Salisbury, entering comes in on one street out on the other street, and the fact that we do have some sort of grid network where you could go multiple ways to access the surrounding streets which is also a good thing from a traffic engineering prospective. If I need to I could try to explain it.

Mayor Voller asked if he could just summarize exactly what intersections were you charged to look at in this study. Mr. Robinson replied that what we were looking at in the study is how the site basically is going to function if traffic is going to generate and how are we going to be able to accommodate the parents and circulation on the site based on the site plan. So when you get off site there was not an analysis done, there were not updated traffic counts done, there was not an analysis done to say if this intersection is going to operate at low service DD, what not, but in looking at conditions on the site we worked with the whole team to come up with a good way to manage traffic on site, stack it on site, and come up with the best access plan possible to this particular site.

Mayor Voller asked so, sir, would you consider these speculative traffic projections? Mr. Robinson replied do you mean as far as the number of cars the site is going to generate? Mayor Voller clarified to answer the question that Commissioner Baldwin and Commissioner Turner proposed to you. Mr. Robinson replied there is very well established information as far as to predict how much traffic is going to be generated by a site such as this school. That information was followed and provided in the traffic study so there is what is used all the entire state. The

NCDOT has put together this information for school sites across the entire state, they constantly look at it review it, but this data is available to project the number of vehicles that would be generated by a school site. That is in the study.

Mayor Voller asked if these were schools sites in downtown areas. Mr. Robinson replied these were schools sites all over the state. Mayor Voller asked if in downtown areas? Mr. Robinson replied that some of them would be in the downtown area, that's correct. There's a site we just finished in Durham that was very similar. It was a city grid network, very tight compact site.

Commissioner Baldwin, I'm still concerned that you are dealing with onsite, which is what you were charged to do, and yet you're talking about half a block of intersection that accommodates 9,500 cars a day according to the NCDOT. And if you try to cross Hanks Street anytime between 2:30 and 5:45 you are not going to get across there any given day. Mr. Robinson said it is certainly busy from a traffic standpoint. Afternoons are the worst time. If you look at a school that they let out before afternoon rush hour you would consider that a relatively low impact use as far as traffic impact goes for that reason. Anything else you would consider for that site would probably have a larger traffic impact because of the times that the traffic would be generated from the site.

Commissioner Turner said, again just from an economic standpoint that concerns me that people may avoid the downtown because there is so much traffic at a time we are trying to renovate and bring life back to downtown. I am just concerned about the impact this is going to have. I know when we agreed to do this Main Street Program it seems there have been some concerns that they have expressed, if I understand correctly, about the impact of the school in that location. Regarding traffic, traffic that is incoming into the town is better than what they call “kiss and ride” traffic that is just taking space on the road and not contributing anything to the town and that is my concern about some of the traffic. Again, I support the school I love having the school in Pittsboro.

Mr. Robinson said what I’m hearing is different ideas: one is saying we want traffic there and the other is saying they are worried about the impact.

Commissioner Baldwin, we’re not saying we don’t want traffic because traffic will bring people in we’re talking about how this traffic is handled in a way that is safe for the children and Pittsboro. Now, also, we have a Pittsboro Police Department that handles traffic so basically the Planning Board could certainly consult with them in reference to this impact on traffic and I know they know what type situation it is during school, after school, other hours. So basically all we have to do is consult our own Pittsboro Police Department. We aren’t saying we don’t want traffic because it will bring people and economic growth; we want it to be managed in a way that will not endanger our citizens.

Mayor Voller asked if there were any other questions for the traffic engineer. The adequacy of the evidence has to either show that it does not endanger the public health and safety, injure the value of any adjoining properties that it is in harmony with the area, conformity with the comprehensive plan, public needed traffic impacts. That is what you are charged to look at. He withdrew motion and I’ve told him to come back if he wanted to so we could hear that input first, which is what Commissioner Farrell wanted to get on the floor.

Mayor Voller asked Commissioner Farrell if you still want to table it and send it to ....  
Commissioner Farrell said that basically all I’ve got left isn’t it? Is to table it right?

Mayor Voller asked Attorney Messick if he would you like to reiterate what the options are again so everyone is clear. Attorney Messick said it is up to the board but Commissioner Farrell wants to make a motion to table that is in order at any time and it wants to table it for a time certain that is appropriate as well. And if the Board would like to instruct staff to send it where ever you would like to send it to or have the Planning Board review it again for some purpose you can be clear about that, then they can come back and you can decide.

Mayor Voller added that if the Board does table it and require additional information or actions to be taken by either the applicant or staff we could make a very quick check list of what those

requirements and actions are so we could make sure they get done. So you would like to send it to the Planning Board for a special meeting or for their next meeting? Commissioner Farrell replied for a special meeting. Mayor Voller said they don't meet in two weeks so this would be a requirement laid out by the Board. Commissioner Farrell asked what would be the best for Mr. Hoyle. Mr. Hoyle replied we already have a work session scheduled for Wednesday night, January 11, 2012 so it would be next week. Mayor Voller so you are saying that it has to be noticed, Ms. Lloyd? Ms. Lloyd replied it is already noticed as a work session. Mayor Voller said 48-hours notice is required so if they wanted to do it the following week they could do it then too. Commissioner Farrell asked if that would be the week before our work session on the January 21, 2012. Mayor Voller replied yes, it would be before our work session.

Mayor Voller stated the question here before the board is do you want to send this on to get one last time from the Planning Board and come back or do you want to rule on it now?

Commissioner Farrell said I'd like to make a motion to table it until the Planning Board has a chance to look over the site plan and get back to the Board. Mayor Voller said then, specifically, you want them to review this final site plan that they didn't review last time, correct, and come back with a full set of recommendations? Commissioner Farrell agreed.

Mr. Hoyle asked to be sure and completely clear, you are just saying the site plan, Commissioner? Commissioner Farrell replied well all the stipulations that and all that is in this agenda. Mayor Voller asked are you wanting them give their recommendation on whether this meets the burden of the evidence is that what you're looking for ... for their findings and their recommendations? That's been a motion to send it to the Planning Board for a special meeting to specifically address for findings with the completed site plan that was submitted to us and bring it back.

Mr. Bland said the discussion here tonight here centered around the external traffic from off site. I don't see how we are going to have anything more about that. That seems to be what everyone is concerned about. I'd like to see some direction about this external traffic how are we going to know to do anything about, what are we going to know about, we've got some more time to come with some other studies. Commissioner Baldwin replied that I don't know necessarily if you need to do another study, but we have Pittsboro Police Department and you could certainly consult with them because they handle traffic at peak times all the time so you can consult with them in reference to it and get their expertise based on how they monitor the town. Mr. Bland asked if she thinks some of them could come to the meeting. Manager Terry replied absolutely. Mayor Voller added we have an actual specified traffic officer who is on a grant to do that so he ought to be fully capable of providing input, specifically on safety issues. We also have a community policing officer who would be out there with the school zone, etc. Mr. Hoyle and Mr. Bland and Mr. Clifford on that issue and on the issue on does it conform with the Main Street Program and the economic issues that Commissioner Foley brought up ... those are the

two things that seem to and to make sure you feel this is an adequate site plan and that it is complete. We have had representation from both ways tonight so you should be able to come up with a recommendation. Are there any other suggestions?

Mr. Robinson said could I ask a question, since this is going back to the Planning Board and then come back, hopefully to you for your approval, will we have the opportunity to provide them with additional information between now and the time of that meeting. There has been a lot of talk about Main Street and Main Street concerns and we have 70 businesses owners on Hillsboro Street that are in favor of this proposal and I think their opinions should be considered also when we talk about retail and how this doesn't conform with Main Street. If there are 70 business owners that say this is a good idea I think their opinions should be considered as well when we talk about retail and how this doesn't conform to Main Street. If there are 70 business owners who say this is a good idea then I think maybe we need to go back and take a look at that as well.

Mayor Voller said that is a speculative point, what happens if nobody shops at any of those places. We have a list of people who signed on that they are in favor of it which was submitted but the businesses you are talking about. Mr. Carr, since he asked the question and you are the joint property. Mr. Carr responded it wasn't only about the business owners but the property owners and the value. Commissioner Foley said that included in the petition were businesses that weren't in the downtown area, there's Belmont Station and other places too, so I'm sure there would be more generated traffic but I'm not sure how their income or actual structures would be affected when it is from outside of town.

Mayor Voller said I guess the question is it is a quasi-judicial process and Attorney Messick, we are outside the public hearing here. Attorney Messick said that anything that you heard from the Main Street staff is also outside the public hearing. Mayor Voller said but the reference to Main Street was actually in the public hearing and we actually approved it on the 25<sup>th</sup> or 26<sup>th</sup> of July. If you go back and read what you provided for us, it is in the 09/26 minutes there is a letter from Mr. Carr referencing the Main Street program and another adjoiner too. Can we consider this, Attorney Messick? Attorney Messick said you have to close the door some day, sometime, somehow. The applicant may decide to revise the site plan as a result of the Planning Board's recommendations that is always the applicant's right. If you are going to allow other people to attend the Planning Board I'm not sure that's what Commissioner Farrell's motion is suggesting that other folks be able to approach the Planning Board and give input into the Planning Board process, but if you were to allow that then you certainly ought to allow Mr. Carr or anybody who is opposed to this to do the same thing but I don't know how you are going to get a handle on what it is that's been told to everybody, you need to be able to draw a line somewhere.

Mayor Voller asked is the Planning Board the correct venue for continuing the Public Hearing? Attorney Messick replied the information is not for the Planning Board's benefit. The information is for your benefit and what is told to the Planning Board, unless you are going to be

there, is not really going accomplish anything for your sake unless you value their opinion. But the input from the public is for you, not the Planning Board. Under our structure in doing these, we had two public hearings and it is for the Board's benefit, not the Planning Board. All that you are asking the Planning Board to do in this process is to make a recommendation and you are making the decision.

Mayor Voller said, Mr. Robinson, I don't have any problem getting information but both sides have to have equal access. We already know that you have a series of people that signed on supporting it and we have seen that and it is already submitted, so unless there was something new that will come out of it. It is not that we are not aware of that, it is in the packet and has been submitted as evidence so I am going to rule.

Vote Aye-4 Nay-0

Mayor Voller said so it is going to a special meeting to come back is what's happened. Manager Terry said Commissioner Farrell's motion last time around did not have a date and Alice informs me that there was no one who seconded the motion to table so would you all like to clean that up a little bit. Mayor Voller said Commissioner Baldwin thinks she seconded but we will do a revote now. Commissioner Farrell makes a motion that in the next two weeks at the discretion of Mr. Hoyle that the planning board have a special meeting to discuss these concerns and to come back to the board at their January 23, 2012 meeting if they can, seconded by Commissioner Baldwin.

Vote Aye-4 Nay-0

We need a motion to bring Commissioner Fiocco back into the meeting. Commissioner Turner made a motion to bring Commissioner Fiocco back into the meeting, seconded by Commissioner Baldwin.

Vote Aye-4 Nay-0.

### **3. NC Building Restoration and Reuse Grants Program**

Mayor Voller said the property owner is here who owns the Veologica LLC and also is the owner of Alpha Install. Mr. McRae, if you would like to come up here and say anything about your business and answer any questions.

Keith McRae, CEO for Alpha Install, PO Box 9334, Chapel Hill, NC Mayor Voller said they weren't all here to support your application. I talked to a lot of folks about this and it would be most appropriate to answer any questions you might have come up with in regard to reading the application and conversations we have had.

Mayor Voller said that one of the things that were raised last time when it came fairly quickly was page 55 or 56 who would be contacted. Commissioner Baldwin raised that question. That was corrected on the 16<sup>th</sup> of December. Those are some of the minor questions that you wisely brought out and corrected. Has everyone seen the letter that came from the EDC which was emailed and put before you this evening? They have submitted a letter of support on behalf of Alpha Install and currently working with Siler City on several potential business reuse opportunities and expect to work with Chatham County and given the nature of the program they are making the offer as EDC to willingly monitor the grant on behalf of the town which has been one of the issues that has been raised and that would ensure funds expended on the grant application and to verify the job creation and retention. Since this is part of EDC's mandate there would be no charge to the town or the client for these activities. Additionally, if the town is interested they would do due diligence on the front end so I assume that if we go forward with this there will probably be other applications for building reuse to make sure their clients are financially viable and likely to succeed and they would help with preparing applications for the Rural Center.

I understand that this does not necessarily help this applicant because they did prepare this application on their own, but in the future EDC is willing to work with this applicant as well as the town and to pick up some of the areas that we might need.

Commissioner Foley said I was very impressed with the site there and meeting you and seems to me that this is an established business and is of very little risk to the town with a lot of economic potential and a lot of potential jobs gained. I make a motion to approve. Mayor Voller, there is a motion to approve the resolution I assume that was put forward by the staff.

Commissioner Fiocco seconds with a friendly amendment that we make this resolution to submit the application with the understanding that if we are awarded the grant that we would establish a surety with the applicant and would be recipient of the loan to satisfy the town that should unforeseen circumstances befall that we have a way to recoup the funds. Unknown, I believe that there is a portion of the application that requires certain documentation and promissory notes that would tie that back. Commissioner Fiocco said he wants to make sure that we are satisfied with that surety. Mayor Voller added that he thinks this was brought up to me by Commissioner Fiocco to me that not every applicant will be building owner and the business will be connected to the same person and, in this case, the property owner is willing to provide the connection since a lien comes from the property which is not always the case. The applicant and the property owner can be different people. At this point, we are sending a resolution on the Rural Center, we don't know if they have gotten the grant, and we will be exploring subsequent disapproval.

Manager Terry said that would be a follow-up resolution if the grant is in fact awarded of acceptance. Mayor Voller agreed a resolution of acceptance and between now and then you can further discuss because it wasn't clear to everybody that the promissory note would attach. I

think it was clear to the applicant because the applicant is in fact the property owner and also has the business but that wasn't necessarily clear so I think that is why there were more questions. Any other questions?

Commissioner Baldwin, Manager Terry you talked about in the email referencing a letter of credit. Manager Terry responded that is one way to provide the surety that I think Commissioner Fiocco is talking about. Commissioner Fiocco said just some form of surety that we feel comfortable and I don't know that it has to be a letter of credit or what it needs to be but while the application goes in let's talk with the applicant and figure out what's going to work for us. We appreciate you coming to town and investing and buying that incredible piece of property.

Mr. McRae said I look forward to it and we put four positions in place already so we are 25% of the way through the requirements so I am happy to put the promissory note and back it up because we are looking forward and wish to accelerate our renovation/modernization of the building so I think it is keeping with the spirit of what the grant is looking for and it is good for the town and good for us and good for what the grant was actually designed to do. So with good confidence I can represent that we are keeping with that spirit and I think is good for all parties involved.

Commissioner Baldwin said it seems like the corrections that I had indicated at the last meeting were made and with what you've added to the motion seems like that should be sufficient. Mayor Voller said that you are more than welcome to tour the building and the facility at any time. Mr. McRae said please just contact me and I would love to show you the building and what we are up to. Commissioner Baldwin asked Manager Terry if he had any concerns. Manager Terry responded just note to the Board that there also a budget amendment that is tied to this action that will provide the \$6,400 matching funds. Set that aside and we will put that in the appropriated accounts so that we have that in our operating budget. Commissioner Farrell asked the questions so the \$6,400 the town is paying are we getting that back in return or is that just tax payer's money that is going out for this grant? Mr. McRae answered that the grant was written that we have to contribute at least the amount that the grant is written for and the town contribute 5% towards the amount of the grant's money. We have demonstrated that we are contributing significantly more than the grant amount; however, I really don't see this 5% commitment from the town being a need to cause this to stumble so I am more than willing to finance that portion myself so that we don't have this stumble over the 5% portion. Commissioner Farrell asked what is the grant total? Mr. McRae responded the grant total is \$128,000. Mayor Voller, added so Commissioner Farrell what they would be doing is it is one-to-one for every dollar that the Rural Center would put into the building reuse the applicant would put in a dollar and then the applicant also has to guarantee jobs so when they reach the 16 jobs your rough estimate of payroll considered is in the application. Mr. McRae said the grant money comes over, we contribute at least that amount, we have demonstrated we are actually contributing more than

that towards the building reuse and it a forgivable note to the grant head consider we actually create jobs through this process and we are actually creating 16 jobs and it is over \$1 million in payroll that we are contributing as well, so we are contributing both to the job growth and economic base. Our plan is to reduce the operating costs of the building so in doing that we are also increasing the value of the asset in the town so both from the economic development side and the job growth side it is positive. If we finance the 5% then there is no cost to the town. It is from state grant money and we are using a building that has been vacant for three years and more jobs growth.

Commissioner Farrell asked what kind of jobs? Mr. McRae replied there are installers that we train and certify and we have had classes that we have taught at CCCC in years past. We also have sales, project managers, and administrators. We do 100% employer-sponsored health care, we have 401K plans, we have strong retention benefits in place that we have developed over a number of years so not only are they good jobs but they are backed up with good solid livable benefits. We have maternity leave. We have really looked at it in a number of ways to make a very good living position for somebody and that is for retention. When we find somebody good we want to make sure they stay with us.

Mayor Voller said the question on the 5% was the applicant would work with the town if we got the grant to provide it back to the town for monitoring, which he'll do, but the town has the opportunity to work EDC, which Manager Terry could explore, as you see by that letter, EDC is willing to work with the town to do it and not charge the town and there could be some kind of arrangement made but I think if we are lucky to get this could be the first of a few of these reuse grants we could get for buildings in town.

Manager Terry said to answer to Commissioner Farrell's question directly that the budget amendment in front of you assumes that the town will bear the expense and shows no offsetting revenue of the contribution from the applicant. I suppose what we could do is if the grant is awarded if the applicant wants to write the town a check for \$6,400 for miscellaneous revenue we could bring back another budget amendment with the grant acceptance resolution and acknowledge receipt of the cash from the applicant as an offsetting revenue for this expense. But this budget ordinance in front of you assumes that the town will pay this. Mayor Voller asked Mr. McRae, does that seem reasonable of what he laid out if the grant were awarded, would you come back? Mr. McRae responded it seems like a reasonable debt.

Commissioner Fiocco asked about a question about EDC's intent, it says that part of what they will perform is to ensure that funds are expended as indicated. Is that to mean that they will do construction administration, that they will certify the contracted payment application because Mr. McRae said there will be no cost to the town but I think there will be a cost to the town in doing some construction administration of this grant and I can foresee us either having to hire the expertise to do that or I don't know that we have the expertise on staff to review the type of work

that you are doing, structural work and high tech construction that will be ongoing there and one of the roles that we have to do as lender of the funds is to certify to the Rural Center that payment applications are legitimate. So, is the EDC representing that they can perform that for us? Mayor Voller responded I think that would be something that we would have to ask them because otherwise the \$6,400 would just be utilized to hire our own engineer but we don't know that at this point. They are offering to do something here but I think the intent of those funds would be to reimburse the town for whatever cost they had, which essentially is why the Rural Center would want us to have skin in the game to begin with. Commissioner Fiocco said and I don't have a problem with the town making a 5% percent and partnering with someone who is going to take a chance and buy a critical piece of property in Pittsboro and bring economic development to the town. So I'm perfectly willing to spend \$6,400 in this effort and if we get reimbursed and use that money to hire a consultant is fine with me. It is a great opportunity for us.

Vote Aye-5 Nay-0

The resolution is as follows:

**A RESOLUTION AUTHORIZING MAYOR RANDOLPH VOLLER TO EXECUTE AND FILE AN APPLICATION ON BEHALF OF THE TOWN OF PITTSBORO WITH THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER (RURAL CENTER) FOR A BUILDING RESTORATION AND REUSE GRANT**

**WHEREAS**, in June 2004, the North Carolina General Assembly passed House Bill 1352, authorizing funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings and implementing research and demonstration projects; and,

**WHEREAS**, in July 2007, the North Carolina General Assembly passed House Bill 1473 to expand the Economic Infrastructure Fund and to provide funding to facilitate economic transitions in rural communities; and,

**WHEREAS**, The Rural Center Building Restoration and Reuse Grants Program was created to spur economic activity and job creation by assisting in the productive reuse of vacant buildings in small towns; and,

**WHEREAS**, the Town of Pittsboro was designated on July 12<sup>th</sup>, 2011 as a North Carolina Small Town Main Street Community by the North Carolina Department of Commerce and the Town of Pittsboro intends to engage in activities that will specifically address the appearance and potential economic vitality of buildings in the downtown district as well as participate in programs specifically designed to assist in the productive reuse of vacant buildings in the Town such as the former Chevrolet dealership located at 697 Hillsboro Street. The aforesaid

participation will be done in order to spur the expansion of the tax base, economic activity and job creation through the location and expansion of a new business: Alpha Install, LLC.; and,

**WHEREAS**, the Town of Pittsboro intends to request grant assistance from the Building Restoration and Reuse Grants Program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Town of Pittsboro that:

1. Town of Pittsboro will provide five percent (5%) of the total project costs of the project, if approved for a grant.
2. The Town of Pittsboro will provide for efficient administration, implementation and operation/maintenance of the project.
3. Randolph S. Voller, Mayor, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Pittsboro with NCREDC (Rural Center) for a Building Restoration and Reuse Grant.
4. Randolph S. Voller, Mayor, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
5. Town of Pittsboro has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

**A RESOLUTION AUTHORIZING MAYOR RANDOLPH VOLLER TO EXECUTE AND FILE AN APPLICATION ON BEHALF OF THE TOWN OF PITTSBORO WITH THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER (RURAL CENTER) FOR A BUILDING RESTORATION AND REUSE GRANT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 4-5**

Manager Terry asked the Board if they wanted to act on the budget ordinance as well. Mayor Voller asked for a motion. Commissioner Fiocco made a motion for adoption of a budget ordinance for \$6,400 in matching funds to support the application of NC Rural Center for building restoration and Reuse Plan, seconded by Commissioner Turner.

Vote Aye-5 Nay-0

The ordinance is as follows:

**ORDINANCE AMENDING THE**

TOWN OF PITTSBORO

2011-2012 OPERATING BUDGET

Be it ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 9th day of January, 2012.

**To add funds to the Administration Budget for Economic Development Grant Matching Funds**

Section 1. That the following **GENERAL FUND REVENUES** be increased by the amount indicated:

|              |                           |                   |
|--------------|---------------------------|-------------------|
| 103990000    | Fund Balance Appropriated | \$6,400.00        |
| <b>TOTAL</b> |                           | <b>\$6,400.00</b> |

Section 2. That the following **ADMINISTRATION EXPENDITURES** be increased by the amounts indicated:

|              |                     |                   |
|--------------|---------------------|-------------------|
| 104200450    | Contracted Services | \$6,400.00        |
| <b>TOTAL</b> |                     | <b>\$6,400.00</b> |

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to take a five minute recess.

Vote Aye-5 Nay-0

**NEW BUSINESS**

**1. NC Certified Retirement Community Program Presentation from the NC Department of Commerce (Charles Thompson, NC Department of Commerce; Andre Nabors, NC Department of Commerce; Ms. Connie Russ, City of Lumberton; Pat Richardson, Galloway Ridge Retirement Community.**

Mayor Voller asked Pat Richardson, Galloway Ridge, who she had here to present? Ms. Richardson introduced Mr. Andre Nabors with NC Department of Commerce, along with Charles Thompson, NC Department of Commerce.

Andre Nabors thanked the Mayor and Commissioners for the opportunity to speak with you all about the Department of Commerce’s Certified Retirement Community Program. I’m Andre Nabors, I’m with the Department of Commerce, Division of Tourism and Film and Sports Development. I also have Charlie Thompson here who is also with the Department of Commerce and he is also with the Division of Community Assistance. We also have here Mickey Gregory who is the Development Authority Director for the City of Lumberton as well as Ms. Russ, who

is the Downtown Coordinator and Retirement Recruitment for the City of Lumberton. What we want to do first is have Charlie come up and he is going to tell you a little about the program. We will try to go through this as efficient and expeditiously as possible. He will talk more about what the certified retirement program is, what are the guidelines, what are the criteria and eligibility, and then I will return and come back and talk about the Division of Tourism's task to market and promote the program and then the folks from Lumberton will discuss what they have done and the first and only certified retirement community in the state of North Carolina.

Charles Thompson, I thank Mayor and Board for letting him come and present to you tonight. I will be as brief as possible and go through this in about 10 minutes. If you have any questions please stop me. The CRC program, the Certified Retirement Community Program, was formed in legislation July, 2008; Senate Bill passed 1627, which created the Certified Retirement Community Program, and pilot program which is city of Lumberton, which we will speak to you about in a few minutes. Mr. Nabors offered copies of the legislation to the Board if desired.

At the Department of Commerce, our responsibility is we teamed with the Office of Redevelopment Programs and the Office of Tourism to take on this responsibility for this certified retirement program. We have teams set up to do this but the last legislation dissolved that due to layoffs and we took this up and the Department is trying to promote North Carolina as a retirement destination. We will assist North Carolina communities in their efforts to market themselves as desirable relocation communities; system development in retirement communities for the purpose of economic development; work with creation and enriching North Carolina communities; and encourage tourism to North Carolina for potential retirees and current retirees, their families and their friends.

Certification criteria and eligibility guidelines: first, the communities have to be located within 30 miles of a hospital or emergency medical facility; they have to gain support of the local community including churches, clubs, businesses, and so forth; and they will establish a retiree attraction committee and sub-committees. That is really important with this because this committee has to be in place at least six months prior to applying to become a certified retirement community. When you review the bill, you will see that there are different things under the retirement committee that needs to be done such as an assessment plan which is included in the application which will tell us about your community; the number of doctors and lawyers and medical facilities; and the medium housing prices, etc. The committee must be able to raise funds to support the program in order for it to run on its own. A representative from the committee will have to attend any state training meetings in Raleigh. The committee must establish target marketing and development plans, and have someone designated to track any retirees who come into the community who want to settle in the community.

You would have to remit an application fee designation that is \$10,000 or \$.50 multiplied by the population of your community, whichever is greater, based on the last census. You have to

submit a completed marketing and public relations plan and also a long-term community plan. You must be in an incorporated town or municipality or city and you have to have this plan up and running for six months prior to submission to us. You must submit a marketing strategy plan. You have to have local government engaged in this process, community as well as other partners we are talking about clubs, the churches, etc. Submission of the application fee and supporting rationale, which is support from the community. We take applications twice a year. The first round is ending January 31, 2012, and the second round would be July 31, 2012. Once the applications come into to us, they will be reviewed within 90 to 120 days by the Certified Retirement Program Committee and we will let you know whether or not you are certified to be a retirement certified community. The rating scale is attached to your application so you can see how we base the criteria on and what points count for what. Three copies of the application need to be submitted to us with the application page signed by the chief elected official for each application. Technical assistance will be provided during the application phase. Right now our community development staff which are planners for the organization they will be able to help you with the process of completing the application. If they have to travel to you there will be a cost associated with it. If you go to them they will be able to work you in and help you possible.

Mr. Nabors continued. After you submit your application and all that, and you become a certified retirement community and I'm not going to go over this as he just went over that as far as the goals for the program as well as the division. Basically, what we have done is we have secured the URL retireinncc.com so that will be the actual site for retirees and it will be on the website of NC Division of Tourism page, which is on visitnc page.

Ms. Russ asked that he make sure they understand, Andre is covering the benefits ... this is what you are going to get for your \$10,000. Andre said this is a rendering of what that site would look like – a micro site that would be within our visitnc site. We will use this site to and from visitnc and the site plays an important role in respect to retirees who hope to explore the option of retiring in North Carolina.

Here are some additional renderings that could be on retireinncc site. Keep in mind our advertising agency is in the process of finalizing this site. It should have information on the finalization within the next couple of months. Some additional renderings in the site will be to enhance listings of each certified community partner, there will be a map that will give a better sense of place of where the retirement community would be within the state, contents on the pages provide an overall of North Carolina's quality of life, attributes which would also include the climate, diverse locations. Our residency site breaks it down as to the coast, piedmont and mountains as well as housing, health care, taxes, culture and arts, etc. You can also have a display advertising opportunities much like on our visitnc site. The goal is to simply inform, inspire and hand off leads to our partners with quick links to certified retirement partners. We would focus on getting retirees to our site and our marketing efforts.

E-marketing is another way for us to promote your retirement community and we like to verify official ways to target audiences of people who have expressed a desire to receive information from us through our visitnc site. Again, this is a very successful marketing tool on the tourism side. Currently we reach more than 300,000 subscribers monthly in our tourism program from individuals that request information on upcoming events, special offers, packages, etc. We consider paid listings from qualified media partners also as an option we could use on this site.

We are also looking at social media. When we look at our Facebook fans, 70% are female, 40% are age 45+, 17% are 55+. Of those who are engaged in our Facebook page, 52% are 45+ and over 26% are 55+ so social media is definitely a good way to market the program.

More outreach would be through our Business Services and Fulfillment. We have nine welcome centers throughout the state of North Carolina where we have our travel guide for editorial support through information on retirement in North Carolina. We print 600,000 of those a year and they go out to those who request them and all welcome centers. Our call centers would also direct retirees to the site. This is a good opportunity for us to work with our certified retirement community partners to develop different fulfillment and relocation packages.

Another value would be consumer shows such as AARP, held in those areas very high in retirement age. We already do an amount of consumer shows throughout the country whether it is multi-cultural, international, cultural heritage, just an added package to what we already provide through visitnc. There are also coop advertising opportunities (real estate magazines, Southern Living, etc.) which are very cost effective to participate in that program.

In Public relations, in print media alone in 2010, the Division of Tourism offered more than 500 articles which reached an audience of more than 340,000,000. Through our PR getting that word out about what NC has to offer in retirement and relocation is another marketing piece. We are also very interested in research and what are the most effective ways of marketing. We will now hear from our partners from Lumberton.

Ms. Connie Russ from the city of Lumberton, is the downtown development coordinator/certified retirement community retiree recruiter. I am glad to hear that you are a Main Street Community. With the prospect of 76 million baby boomers nearing retirement, the city of Lumberton recognized the enormous economic benefits available for expanding the market of retirees. Private citizens in the city of Lumberton worked to establish the certified retirement community program. We actually wrote the legislation for this program and thereby became the pilot community for the program. We have been working very hard since July, 2010, since the legislation was passed to establish ourselves as the first certified retirement community in the State of North Carolina. When we became a certified retirement community program we were able to work on our assets to see exactly what the city of Lumberton had that we could promote to others and realized that we are actually a great community. In doing that, we saw an

opportunity to sell ourselves to other individuals that were interested in relocating or retiring to our area.

Every new retired household creates 1.9 jobs for your community. One affluent retirement household in a rural setting in the Carolinas creates the equivalent of 3.7 time-clock jobs. Retirees bring with them a minimum of \$450,000 in total assets when relocating. This segment owns 80% of all monies in banks, and US savings and loan institutions about \$30 trillion total. The over 50 purchase over 43% of all new domestic cars and 48% of all luxury cars sold in the United States. They spend approximately 90% of their income locally for goods and services. They volunteer their time and talents and contribute more to charitable and civic needs than the balance of the population combined. When adults age 64 were asked which state they might retire to in later life, the top choice was North Carolina. These statistics come from 2010 Dale-Webb Baby Boomer Survey.

We are here to sale this program to you to promote your community so retirees can move to your community and bring their money with them. It is as simple as that. That is what the city of Lumberton is doing. We have what we call a gated certified retirement community in our area and I know that you have one of those with the retirement home that Pat works with. We are not speaking of the gated community we are talking about certifying your entire city to sell it as a certified retirement community. These retirees will see the benefits of moving to your area and bringing their money with them to put in your coffer.

I know you saw the \$10,000 application fee but I will tell you where you can get that money from. Mickey Gregory is here. She works with the Visitors Bureau. When we started talking about this program, Mickey realized that before a person relocates or moves to an area they are going to visit that community 2-3 times before they actually move. When they visit here they eat in your restaurants, they stay in your hotels, and they buy your gas. That is an immediate income to your tax base. And when they move here it is even bigger. So Mickey saw the benefit of promoting to those potential retirees to visit our area so she contributed money from the Lumberton Visitors' Bureau to help us promote Lumberton.

We have a fabulous hospital in our community. We, as you know, part of the requirement of the program is to have a hospital within 30 miles within the radius of your city. This is so retirees can get medical care. When we started promoting the hospital and doing brochures that promote the hospital and the great care that they give not only our residents but retirees the hospital gave us money - because we were doing the promotions for them. \$10,000 is not a lot of money to rise. People will give you money and help you raise that money when they see that you are promoting their product. It is very easy to do, you reap the benefits from it, and partnerships are so important that's how we have and continue to do it.

We are a coop with Electra City; they provide our utilities for our city. They gave us a grant of \$4,000 because every resident that moves to Lumberton is getting their utility through Electra City.

I've just given you \$8,000 of the \$10,000. So this is a tool in your tool box to promote your city. We really want this program to take off because there is money out there, people are looking to get out of the snow-driven north, they are willing to move out of Florida, we are mid-way between New York and Florida so this is where they are coming and we see the great potential to market to these retirees and get them to move to our state.

We want Pittsboro to be a part of that. You are in a great location...you have Chapel Hill next door...I've driven around your city and seen a lot of the wonderful aspects that you have. If you currently don't have a marketing plan in place this is it. And you can team up with NC Commerce and they are going to promote you on a state-wide scale. Just something for you to consider and we would love to have you. Do you have any questions?

Commissioner Fiocco, well not a question but a statement, this Thursday the Main Street folks return to town and the main topic of conversation will be promotion of the town. So we can raise this question to them of the program. Commissioner Foley said it may be something that the county as a whole may be interested in because the county already has retirement communities. Ms. Russ said you can not apply as a county. You are marketing yourselves; you are not marketing the county.

Mickey Gregory said she would like to add one thing for you all to look at, if you will go to the website retireintexas, Texas is a retirement community state, there are only about seven states in the whole US. They have 40-some communities that are members of that. There is an entire website dedicated to that. There are a tremendous number of calls coming into our call center from people who are thinking about retiring here. I immediately saw the value of this program and partnered with Ms. Russ because when you looked at the fact that there are over 76 million baby boomers looking for places to retire, the economic development and the jobs that's where it's at.

Ms. Russ added we recently just won the Governor's Innovative Small Business Community Award for this program for job creation and job-sustaining activity, so the Governor has recognized it as being a money maker for the state and we were one of the recipients of that award for this program. And we have some success stories so it's paying off for us. Our retirement community is expanding because of these promotions to the northern states that we've done.

Commissioner Foley asked Ms. Russ, how many people were at the meeting in December (Commerce)? There were about 65 or 70 (Mayor Voller said it may have been closer to 80).

Mayor Voller stated so far, the only certified community is Lumberton. It is a brand new program so if the town wanted to do this the first deadline is in a couple of weeks. Ms. Russ replied you wouldn't be able to submit until July but it is going to take you that long to do an asset assessment and you need to see what you've got so you can sell it. We didn't know until we sat down and started making a list of every positive thing we had in our city, right down to the smallest walking trails. You all are right here at Lake Jordan, my favorite camping spot. You all have got it...you would be a very good city to come on board with this. And just an FYI, Asheboro is filling out their application. We have several that are in the process. These big cities like Chapel Hill, Raleigh, Durham, Greensboro, Charlotte, and Concord...these people get recognition on their own because they are large. It is our time. This legislation was written for small towns, rural communities. It is to put us on the map. No one will be listed on that website to promote that community unless they have paid that \$10,000 and that designation is good for five years so you get that publicity for five years. This is very cheap advertising. I dare you to buy one ad in a magazine for one time published for less than \$10,000. You just won't do it.

Commissioner Baldwin asked Mr. Nabors if the recertification fee has been designed yet. He responded that it has not yet. Ms. Russ said they had discussed \$10,000 but that has not been decided yet.

Mayor Voller asked so essentially, you go through this check list and you can certify this community that anyone in America or I presume around the world could go on the website and say this is a certified retirement community, the "Good Housekeeping Seal of Approval." Ms. Russ said we are actually doing the betting process for retirees, when they see that certification the betting process has been done for them, they know that there is certain criteria that that community meets and that's it...they have that Good Housekeeping Seal of Approval.

Mayor Voller said that he can guarantee that the locales close by that you recognize that if the would certify that someone drove there and drove here I know where they would want to retire. Commissioner Fiocco said so there is a defined list of criteria that this program. .. Ms. Russ said yes, there is an application that is on the website (she has a copy of it if the Board wants her to leave it) and for every question that you answer there is a point system and you get points for it and you have to do certain things to get the certification. Commissioner Baldwin asked if the committee work has to be done. Commissioner Fiocco asked if that was six months prior to application? Right. The website has all the criteria. Mr. Nabors said that they would also forward the Senate bill. The website is [ncommerce.com/community development](http://ncommerce.com/community%20development) and then there is a link there that says certified retirement community and it will take you directly to the page with application, criteria, rate sheet, etc.

Mayor Voller said this sounds very exciting. Mr. Thompson said he would leave his card as well if the Board had any other questions feel free to give him a call. Ms. Russ also offered to assist in any way they can. Commissioner Fiocco asked the group to send them an email with all the

assets they drove around and saw today. An unknown member with the Galloway Ridge group said they would support this.

Mayor Voller asked Mr. Culpepper if he got any information, did you hear the presentation, and asked the group if they would give information to Mr. Culpepper.

## **2. Reconstitution of the Grants Committee**

Mayor Voller put this on the agenda for those Board members who are new. We have a Grants Committee and I think it's been in abeyance or perhaps it is disbanded. Alice, do you have any word on that. Alice stated that nobody contacted her when she sent out the email before to try to see if anybody was willing to serve. Mayor Voller said Commissioner Turner was on that committee when it was active and has actually submitted a couple of grants and some of the information got reused in some of these other applications that the town did, including the Main Street grant. So the idea was that we would reconstitute the committee and put people on there that could help advise the town for things like we just dealt with, for instance this proposal that that committee could read through it and bring back a recommendation to the town. That committee could look at the issue with the building reuse and would help applicants and provide a forum for discussion and pretense application. Commissioner Harrington and Commissioner Fiocco were the liaisons to this past committee and I used to attend as the Mayor, but the question is whether the Board would like to re-advertise to find out who is still standing and if we want to re-advertise and reconstitute this committee and get it going again and what other support we want to give it.

Commissioner Foley said as someone who once served on that grants committee and wound up completing two grants probably what you are finding with the lack of communication and interest is that we started out with a group of really enthusiastic people and because it is a volunteer committee, and I think it should remain a volunteer committee, only two or three people wound up submitting after the grants that we did. There were a couple of other people on the committee that were glad to do it but definitely it was sweat equity in the town and it has to be people who really want to do it because they want to help and volunteer.

Mayor Voller said, in fact, Commissioner Fiocco and myself and Christine Hicks submitted a couple of others from that that went to Congressional Office but then when they chose to not get earmarks the town lost. We were in line for earmarks for well over \$800,000 that went out the door when the earmarks were no longer being done. So that was another thing that committee did. Commissioner Foley asked how much in grant money did the group initiate. Mayor Voller said he thought the Main Street program as it is now part of it rested on some of that initial work although Paul Horne and Mike Fiocco and Beth Turner and others were pretty involved with that recent application involves a lot of credit for what it did. But it developed a lot of data. The NC Step Program that we and Siler City applied for, Siler City got the NC Step program, we didn't.

We were less likely to get it because we were not in as bad a shape as Siler City but we were told to reapply. However, everything we did on that committee in terms of developing data sets and narratives were used and have been reused and updated and reused so none of the work was lost and since it was all volunteer there was some staff time, Mandy Cartrette predecessor came to the meetings and Misty Bonnau, neither of them are with the town anymore, but it would obligate some staff time to interface by holding the meeting here but, other than that, most of the work was done by volunteers.

Commissioner Turner apologized to Ms. Lloyd because Ms. Hicks and I were trying to figure out a way to either dissolve it or keep it going and I'm sorry that we didn't communicate with you. We just weren't sure what to do.

Mayor Voller stated the basic question is if the Board wants to bring life into it again we would have to re-advertise for the five positions and take applications for appointment and do it in the Board and then stipulate which Commissioner would be the liaison to the committee but it seems to me that we are going to get lots of proposals for grants and we should have such a committee that could interface with others. The skate park group came to that committee almost two years ago and we told them that a lot of what they have done since then was tied to that committee, like to raise money, so forth and so on.

Commissioner Fiocco said he thinks it is a worthwhile committee to have and he values their work, intelligence, and perseverance and so he really thinks it would help and they need additional staff and the work that he saw everybody do was high quality. So he really would like to see them reconvene.

Commissioner Turner agreed and said she would too and she would be willing to be the Commissioner facilitator for that. She asked if it had to be a committee of five. Commissioner Fiocco asked her what she felt would be appropriate. Commissioner Foley said she had a couple of people who had identified that was grant writers in the community, a couple of people are retired, and who would be interested in trying this again. Mayor Voller said Manager Terry; I think the willingness is to re-advertise to fill the slots and to the Board had initially breathed life into that for a period of time...six months it was extended. We kinda stipulated what the charge was which could be revisited.

Manager Terry said one thing you might think about doing is making this a topic for the retreat and your Commissioners priorities and you could see if this is one of your strategic priorities. We wrote a charge with some guidance to the committee, we could review and see if the Board wants to adjust the language in that or is happy with that as it was or if the Board wants tonight to just direct us to just advertise for applicants we can do it immediately and report back how many applications we get. I'm not sure you want to limit yourself to five; you could get seven really fantastic people who want to do this. Maybe you should make it a range or something.

Commissioner Baldwin said we could just go on and publish and put it in the paper and just get someone. Commissioner Foley said we could start, the grant that we just saw, perhaps they could generate the \$10,000. Commissioner Farrell said we may not want to put a number on it just see how many applications we get from volunteers. Manager Terry said he agreed that if the Board wants to make that the first step - to just do the advertising.

Commissioner Baldwin made a motion to advertise for the grants committee, seconded by Commissioner Foley. Vote Aye-5 Nay-0

Mayor Voller said he thought Manager Terry's recommendation to dust off what we had before and see what we can get and any Commissioner, if they have a friend or someone you know or community member you feel would do well encourage, them to apply.

### **3. Tentative Future Agenda Tracking Document.**

Mayor Voller said this next item, Tentative Future Agenda Tracking Document that came forward through Manager Terry and Commissioner Fiocco.

Manager Terry said this doesn't need to take much time. Commissioner Fiocco asked me in passing one time did I have experience with meetings by which to track what's coming down the railroad track in terms of future agendas and I told him that I was experienced with what the court in Chapel Hill does and pulled this out of my computer from 2004 but it does exactly what Commissioner Fiocco asked. It lays out about six months worth of what is coming down the pike in terms of knowing things on the agenda. Some things you can plot out pretty good if you know when you are going to do your project deliberations, when contract renewals are due, or what not. So this is a document that the town court in Chapel Hill uses to accomplish that.

If the Board is interested in doing a pilot on this I can work with Alice to generate the document and then as people have things, either myself, department heads, etc. plot things out into the future calendar and communicate with Alice and then you can figure out if we share this with the Board. I think Chapel Hill used it primarily as an internal staff tool, but if the Board wants to see this on the agenda as an FYI every other meeting you could do that. He said whatever the consensus of the Board is to do that.

Commissioner Fiocco said that his thinking on it was that often times we have issues that it takes more than a weekend to digest and if we have a heads up that something is coming down the pike a month from now, two months from now that we want to bone up on and do some research I think it will make us more effective and more efficient. So that was the primary basis for suggesting this or thinking about it – it was a look forward. I can see how this can also be a tool that we manage as a to-do list. At this meeting we saw that this was going to be on the agenda and we decided to do this, let's track it and see how we are doing on it. So, I'd like for us to use

something like this and develop it as we go. I think we can start with this format and see how it works.

Mayor Voller said he does think we need to track things. As you go back in the minutes over the many years you will find things that have fallen through or as staff changes or ... it is amazing what you will find if you go back ten years through the minutes. It would be nice to know what we agreed upon or what why we made a decision.

I think one of them I can think of is Commissioner Turner brought up to me the idea that many years ago the town had made a decision, I think Paul could speak to this, that we weren't going to approve tax-exempt properties within a certain location of each other and I had Ms. Lloyd pull that stuff up from 1992 or 1993. How does that apply today? We really don't know what previous Boards bound this Board to. This document for the future would help us to not have that problem and I think that your capital updates has really been a great document, Bill, because it does allow us to go back and see what we were doing at any one time and even these new Board members could read that and say, oh, in 2009 this was what they were doing and it is a good narrative and you started that 4 years ago. It was because we had so many things up in the air and nobody could keep track of these capital projects and actually turned out to really be effective. Does the Board like the idea of getting some kind of update like this?

Commissioner Turner said I think in the spirit of effectiveness and efficiency for us to operate it is very helpful. Mayor Voller asked if we needed a motion. Manager Terry we could do a pilot test. He said he would try and take the Chapel Hill format and adapt it for use at the first meeting in February.

### **Capital Updates**

Mayor Voller said we added a couple of items that we were going to get an update on.

Manager Terry said Commissioner Fiocco had asked about the issue of the RAS pumps which were return activated sludge pumps in the wastewater treatment plant had been there for about a year now. There was some issue around their sizing and the sizing of the pipes that come off those pumps and they were actually returning more sludge than was good for our system and we did some back and forth with the designer and they decided based on information we gave them that it should work and the operating schedule should be fine.

Position of the staff who actually have to operate the thing on a daily basis felt it was just returning too much sludge the pump's too big, the pipe's too big and like a slight cramp in a fire hose it was just not going to work. So ultimately what we did is we have an ongoing relationship with the company called Underwood Incorporated, and Mr. Russell Underwood is a utility engineer, professional engineer, who did the water work for the town already for the water and sewer plant and having motors and pumps and what not replaced. Mr. Underwood has helped the

town for a couple of decades. So John Poteat and Randy sought his opinion of what would you do to possibly remedy this and he pondered it for a few weeks and came back and suggested that if you put a simple feedback loop within the pipe instead of sending all that sludge back returning it to the digesters you put a line or valve in there so that some of it just goes in a continuous loop and back to the other side of the pump and you could cut that dramatically on how much gets actually returned in the process. And that sounded like a reasonable idea to us and we had someone price it out and he did the whole design and installation for \$10,000.

When they brought that proposal to me my first thought was why didn't we make Stearns and Wheler do that? And we could have gone down that road but it may have well required a law suit and Attorney Messick's fee would have been more than \$10,000 to sue them over that. It seemed like an elegant simple solution and a fair price for the company to do it and it's done and it seems to be working pretty well. This is all controlled by computers and the time of day, amount of flow going through and now much sludge is returned, we still have a little bit of work to do regarding the computer controls. They feel they finally have a system that is working better than before. Commissioner Fiocco said the pumps are working. Manager Terry said they are doing the job. Commissioner Fiocco asked if we have an extended warranty of the pump. Manager Terry said yes, we paid for an extended warranty.

Commissioner Fiocco stated he wondered if any of these modifications might make the pump manufacture suggest we are not using their pumps properly. Manager Terry said he doesn't think there are any issues there.

Mayor Voller said it is very important that we document this for future boards because if they have to fix this they need to know how and why we got here.

Manager Terry stated that Commissioner Fiocco had asked about the Hillsboro Street Project. He stated Becky believes we are still on schedule to put it out for bids in late January or early February, providing the number come back good. Mayor Voller stated this impacts the fire flow at the judicial center under construction. This directly impacts the county so shouldn't they contribute some money since they are asking us to correct it. Manager Terry said it does not affect the judicial center but it will impact the old courthouse and they are concerned about that. He has received several calls for David Hughes wanted to know if we were going to stay on schedule, if we don't he is afraid they will finish the renovation and they will not be able to get a CO because of inadequate fire pressure.

Commissioner Fiocco asked about the Sanford line update. Manager Terry said we are still waiting on the Sanford Board of Commissioners to consider it, because they have seated new members as well. The City Manager said the two new members were uncomfortable asking on this matter because they didn't have enough information on what was being proposed and they asked to have some time to think about it. That discussion was right before the Christmas break

and he has not spoken with the Manager since then. Manager Terry stated he would check with him in the morning. Mayor Voller said he spoke with Mayor Olive about it and she is in favor of it. Commissioner Farrell asked what about the route through Goldston that Mr. Brooks had mentioned. Manager Terry said that was a part of the study.

Mayor Voller said he thinks the board should know that one of our employees (Junior Goldston) did an exemplary job in finding an old valve that affected the Laurels and Blast as well. He said he talked with John Poteat today and he thinks it would affect Piedmont Biofuels as well. He said as long as EMJ has been there and the valve put in he said the contractor put it in years ago it has been half closed. Mr. Goldston found the valve under 2 ½ feet of cover within the landscaping which was not on our plan. Now Laurels will not have to build a fire tank.

Voller commented that we are making the best water we have ever made which proves that the people working for us at all points in town make a difference. He said if you look at the report our water is better than any in the Triangle.

#### Mayor Updates

- EDC – meeting tomorrow
- RPO
- Solid Waste – meeting was last week Commissioner Turner is the board liaison.
- Affordable Housing – Commissioner Foley has been attending those meetings.
- Fairground Association
- PMA/Downtown

#### Commissioners Concerns:

Commissioner Farrell said someone had asked him about the parking on the corner (Beggars & Choosers) because of construction trucks sitting there all day. He said it was his understanding that the property might actually belong to the County and not the Town. Mayor Voller said there are rules on parking there. Commissioner Farrell said it has two hour signs posted.

Commissioner Fiocco said he thought the County said they may use that area as a lay down area periodically for the courthouse project.

Commissioner Farrell said he had several people to ask him if we can redo the Christmas decorations next year. Manager Terry asked if they had a preference. Commissioner Farrell said he remembers growing up here and lights would be draped across the street downtown.

Commissioner Foley said he thinks those types of lights have been done away with because they impeded the stop lights. Manager Terry said we can discuss that during budget discussions.

Commissioner Fiocco said he had three, but in the interest of time he would email them to everyone tomorrow but they are: what is going on with Tobacco Circle signage; have we learned

anything about our lease rights with regards to the skate park; and does Marty Clayton have anything to say about our leaning poles. Park Planner Horne said he has a meeting with Schools Superintendent Logan on Thursday. Planner Bass said the Tobacco Circle sign is permitted he said they have a dry erase board out there and he told him it was okay – what is the difference between that and a restaurant posting stuff. Commissioner Turner said Joyful Jewel on Main Street has a dry erase board too. Commissioner Fiocco said so you don't consider them to be in violation. Planner Bass said he does not, but he thinks he is moving anyway.

Commissioner Baldwin thanked Manager Terry for including the draft audit and there was a discussion about the audit and why it is so late. Manager Terry said they are a small auditing firm and they gave some of the same reasons they did two years ago.

Commissioner Baldwin said that maybe we need to look at another one because we did tell them last time that we didn't want to get it late any more. Mayor Voller said it might be time to put it to bid. Manager Terry said we did that last time when we were told to put out a request for proposals and we ended up selecting Koonce, which is right here in the town but the board decided to give the firm another chance. Commissioner Baldwin said we could talk about it at the retreat.

Commissioner Turner said I think it may have been resolved, but St. Bartholomew's Episcopal Church was concerned about getting an additional recycling bin? Mayor Voller said they received it. He spoke to John Poteat today and he said they delivered it.

Commissioner Turner said I will add that I have received the same citizen's concern, I don't know if it's premature or post mature, about the Christmas decorations so I concur we can continue to talk about that later.

Manager Terry asked if he could have about 15 seconds from the Board. He said he had some information about the retreat planning, the library has been reserved, and the agenda has been prepared for review and if there are things you want to change please let me know. Historically, typically we planned for the retreat to include the Board members, the attorney, and department heads, Alice, Police Chief, Public Works, Planner, etc. If there are other staff members who you would like to see attend I would need to know. If you want to go down a level and pick up plant superintendents, anybody else other than department heads I need to know. You can get that to me tonight or by email.

Mayor Voller said the benefit would definitely accrue to the three new Board members because it is a good opportunity to ask questions of these folks in an environment that is meant for that. Manager Terry said one thing you need to keep in mind is to try to keep it as small as possible, because it is really about the vision of the six people that sit on the Board and not the staff vision. If the staff is there to respond to technical questions that is a good thing but really it is about the

vision of the six elected officials. Overcrowding with staff is really a drawback but whomever the Board wants there will be there. The Board agreed that the superintendents, etc. be in attendance.

Motion made by Commissioner Farrell seconded by Commissioner Fiocco to adjourn at 10:44 p.m.

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk