

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, JUNE 10, 2013
7:00 PM

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

Commissioner Farrell led the Pledge of Allegiance.

ATTENDANCE

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

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planning Director Stuart Bass, Finance Officer Mandy Cartrette and Public Utilities Director John Poteat.

CONSENT AGENDA

Commissioner Fiocco stated he had submitted changes to the May 28, 2013 minutes to the Town Clerk earlier and they are as follows:

- Page 8, first paragraph, first sentence ends with the word “cube”; it should read “queue”
- Page 9, fourth paragraph reads “... on down to the drain...”; should read “...on the downstream side of the dam...”
- Page 9, fifth paragraph reads “peak flow”; should read “diffuse flow”

Motion made by Commissioner Farrell seconded by Commissioner Turner to approve the consent agenda as submitted with the corrections listed above to the May 28, 2013 minutes.

1. Approve minutes of the May 20, 2013 Budget Work Session.

Motion carried 5-0

2. Approve minutes of May 28, 2013 Regular Meeting. (with the corrections listed above)

Motion carried 5-0

3. Schedule Public Hearing for review of Chatham Park Planned Development District (PDD) Master Plan for June 24, 2013 at 7pm at the Central Carolina Community College Multi Purpose Room.

Motion carried 5-0

4. Approve contract for tennis programming with RDU Tennis, LLC.

Motion carried 5-0

5. Schedule public hearing for rezoning request (REZ-2013-01) from Randolph Development Group, LLC for proposed Bojangles and Spec Building for June 24, 2013 at 7 pm at the Central Carolina Community College Multi Purpose Room.

Motion carried 5-0

6. Approve Budget Amendment to accept grant award to Parks Department

Motion carried 5-0

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

CONTRACT FOR DESIGN
CONSULTING SERVICES

This Agreement, made and entered into by and between the Town of Pittsboro, herein "Town", and "RDU Tennis, LLC, 2202 Anderson Drive Raleigh, NC 27608", herein "Contractor" for services hereinafter described for the Town of Pittsboro. This Contract is between the Town of Pittsboro and "RDU Tennis, LLC" for providing Tennis Programming.

WITNESSETH

That for and in consideration of the mutual promises and conditions set forth below, the Town and Contractor agree:

1. Duties of the Contractor: The Contractor agrees to perform the following duties:
 - a. Contractor will provide a policy of liability insurance to cover any non-and neglected acts committed by Contractor or Contractor's or agents during the performance of any duties under this Agreement.
 - b. RDU Tennis, LLC will be responsible for registrations of all programs
 - c. RDU Tennis, LLC will supply equipment for the programs
 - d. RDU Tennis, LLC will provide data and breakdowns to The Town of Pittsboro at the end of registration for each program, along with the agreed percentage of revenue when each advertised program has been closed for registration.
 - e. Initial Summer Camps are slated for July 29- August 1 and August 12-15.
2. Duties of the Town: The Town shall provide the tennis courts at McClenahan St. Park for use by the contractor for tennis instruction, classes, clinics, and programming.
3. Fee Schedule: RDU Tennis, LLC will pay commissions of 20% of revenue for all programming to the Town.
4. Billing and Payment: RDU Tennis, LLC will pay commissions of 20% of revenue for all programming to the Town at the end of each program registration. Payments shall be made to the Town within 30 days.
5. Indemnification and Hold Harmless: The Contractor agrees to indemnify and hold harmless the Town of Pittsboro and its officers, agents and employees from all loss, liability, claims or expense (including reasonable attorneys' fees) arising from bodily injury, including death or property damage to any person or persons caused in whole or in part by the negligence or willful misconduct of the Contractor except to the extent same are caused by the negligence or misconduct of the Town. Neither party shall be responsible for workplace injuries.
6. Non-Discrimination: The Contractor shall administer all functions without discrimination because of race, creed, sex, national origin, age, economic status, sexual orientation, gender identity or gender expression.
7. Amendment: This Agreement may be amended in writing by mutual agreement of the Town and Contractor. No modification or amendment of this agreement shall be valid unless in writing and signed by both parties.

8. Term: This Agreement, unless amended as provided herein, shall be in effect until December 31, 2013. This agreement will be reviewed semi-annually if needed.
 - a. This agreement can be terminated by either party for "just cause" along with a letter given a 1 day notice and reasons for termination.
9. This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina.
10. This Agreement contains the entire understanding between and among the parties and supersedes any prior understandings and agreements among them respecting the subject matter of this Agreement.

This Contract is between the Town of Pittsboro and "RDU Tennis, LLC" for providing Tennis Programming.

IN WITNESS WHEREOF, the parties hereunto cause this agreement to be executed in their respective names.

RDU TENNIS, LLC


SIGNATURE

 [BRIAN ROSENTHAL]
TITLE #

ATTEST

TITLE

TOWN OF PITTSBORO

TOWN MANAGER

ATTEST BY TOWN CLERK:

TOWN CLERK

TOWN SEAL

Town Clerk attests date this the ____ day of _____, 2012.

Budget amendment is as follows:

A RESOLUTION ACCEPTING THE OFFER OF A CCAP GRANT IN THE AMOUNT OF \$1,000 FUNDING PLANTINGS ALONG THE PEDESTRIAN ENTRANCEWAY OF MARY HOLMES PARK.

WHEREAS, the Board of Commissioners of the Town of Pittsboro are committed to creating and maintaining high quality parks for their citizenry; and

WHEREAS, the Board of Commissioners of the Town of Pittsboro are supportive of efforts to increase operation and maintenance efficiencies; and

Whereas, the Town of Pittsboro has received an offer of a grant in an amount of \$1,000 to fund plantings along the pedestrian entranceway to Mary Holmes Park,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town of Pittsboro accepts the offer of a grant in the amount of \$1,000 to fund improvements to Mary Holmes Park.

CONTRACT FOR TENNIS PROGRAMMING WITH RDU TENNIS, LLC IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

BUDGET AMENDMENT TO ACCEPT GRANT AWARD TO THE PARKS DEPARTMENT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE

CEREMONIAL AGENDA

RESOLUTION IN MEMORY OF JANE PYLE

Commissioner Turner read the resolution in memory of Jane Pyle into the record of this meeting, it is as follows:

MEMORIAL RESOLUTION

WHEREAS, on the 1st day of June, 2013, death ended the life of Jane Pyle, a valued and dedicated citizen of our community; and

WHEREAS, Jane Pyle, through her zeal for this community earned the affection of the people in the Town of Pittsboro; and

WHEREAS, she served this community well for many years in numerous capacities, including ten years as the only printer in town; by becoming involved with the library, planning and zoning commissions, and the Chatham County Historical Association where she contributed many well-researched articles on local history, as well as to other

facets of the CCHA. Ms. Pyle also spend many hours working on the Pittsboro Historical District; and

WHEREAS, service to her community was given with such devotion that it won the respect, admiration and love of all with whom she was associated.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro, North Carolina, that we hereby express our deep sympathy at the passing of Jane Pyle.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the permanent minutes of the Town of Pittsboro, and that a copy be presented to the family of Jane Pyle.

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the memorial resolution for Ms. Jane Pyle as read.

Vote Aye-5 Nay-0

Mayor Voller said Ms. Pyle was an asset to the Town and she will be missed.

REGULAR MEETING AGENDA

Mayor Voller asked if there were any changes to the regular agenda and Manager Gruesbeck said he would like to add Change Order #2 for the Hillsboro Street project as Old Business #3 and maybe remove the closed session from the agenda.

Commissioner Fiocco said he would like to add it as old business #3 but to also keep the closed session.

Motion made by Commissioner Foley seconded by Commissioner Turner to add Change Order #2 for the Hillsboro Street as Old Business #3 and to keep the closed session on the agenda.

Vote Aye-5 Nay-0

CITIZENS MATTERS

Catherine Deininger – 124 Goldberry Lane, Pittsboro. Ms. Deininger stated she was glad to see the Board passed a resolution for Jane Pyle and she was here to speak about her also. She came before the board today to ask you to remember Jane Pyle who passed away on June 1st after a brief fight with cancer. Jane made Pittsboro her home just over 30 years ago. She was well known and influential in Pittsboro for her work with the Chatham Historical Association.

Ms. Deininger said Jane was also one of their biggest supporters of water quality in the Robeson Creek watershed. She set the example of what could be done with the Tannery Branch restoration which was one of the Robeson Creek Watershed Councils first restoration projects and continues to be an inspiring example of what can be accomplished through partnerships and

with the help and leadership of citizens like Ms. Pyle. We will miss Jane, but know that her legacy lives on through Tannery Branch and all of her efforts.

Ever since Tannery Branch was restored in 2006 to its original floodplain allowing it to naturally meander through the properties across from St. Bartholomew's Episcopal Church, Jane expressed a desire to have this small but important tributary of Robeson Creek and its riparian buffer placed in a conservation easement. In April, Jane reiterated this wish to Karen Hall, NCSU, and me through her sister, Nancy Simon who also lives in Pittsboro. Just 2 week before her death Jane made a trip to the office of the Town Engineer, Fred Royal to ask him to investigate whether the Town of Pittsboro could hold a conservation easement for Tannery Branch. I hope the town will honor this request and seriously consider holding this easement. The many partners of the RCWC would be happy to assist in establishing such an easement.

The Board said they would look into establishing the conservation easement.

NEW BUSINESS

REVIEW REQUEST FROM REBA TORBERT FOR RELIEF FROM WATER BILL

Manager Gruesbeck reported that Ms Torbert received an abnormally high water bill and has requested that the Town assume costs associated with her water bill, as read on 5/29/13. She is also requesting that the Town assume the cost of a plumber who checked for leaks in her private system. The plumber determined that at the time of his visit, he could not determine a cause for the lost water. She is not aware of the cause of the leak and assumes it is due to a faulty Town water meter.

On 5/31/13, Staff removed the water meter in use during the large reading and tested it to ensure that it was not the cause of an inaccurate reading. According to the subsequent test, the water meter was in working order. Nonetheless, a new working water meter was also installed at her residence.

Ms. Torbert does not have sewer service at this residence. Therefore, the Town cannot offer relief from her the sewer charges on her water bill as it does in similar situations with other residents. Moreover, if the Town cannot determine that its system or equipment was at fault for a water loss (e.g. a broken meter would be our fault), it does not typically offer any billing relief. Manager Gruesbeck said during past meetings, Board members have mentioned the need to develop a policy to allow for possible relief for Town water/sewer customers who experience extraordinarily high billings. In February (please see attached FYI item in agenda packet) Mandy Cartrette, Finance Officer, provided some samples of policies from nearby communities. In essence, the policies generally allow for some relief when customers provide evidence of the leak and that it was fixed. Settlements are then often established by averaging the previous twelve (12) months of billings. A policy of this type should be developed and brought to the Board of Commissioners for review.

Ms. Torbert submitted the following letter to the Mayor and Board of Commissioners:

Dear Councilmen:

I write this letter to express my concerns initiated by an erroneous meter reading at 687 NC 87 N, Pittsboro, NC 27312.

On May 29, I was informed by a representative from the Town Water Department that I had a very high water consumption and provided information indicating usage of 17,400 gallons for the period of 4/17/13 to 5/17/13.

Being deeply concerned about the notification of extremely high usage I immediately called a plumber. He performed a thorough check, inside and out of my residence and found no leak. Being unable to find a leak he read the meter around noon on May 29th and again on the morning of May 30th. This reading indicated a use of only 4 gallons. I was provided documentation supporting these readings as well as a bill for fifty dollars for his service.

In view of these circumstances I respectfully request the board give favorable consideration to correcting the bill dated 6/03/13 of \$222.00 and provide funding to cover the cost of the plumbers incurred by this erroneous reading.

I would like to express my sincere appreciation to the Board members and Mr. Bryan Gruesbeck and his staff for their patience and assistance in this matter.

Reba W. Torbert

Arnold Torbert stated as the letter indicated they have been unable to find a leak. They have even had the plumber out there. He said 17,000 gallons is a lot of water and they would like some relief – whether it's an average of a few months or the same as last month. He said they would also like to be refunded the \$50.00 they paid the plumber.

After discussion the board agreed that this needed to be addressed and that it needs to be studied and some type ordinance/policy put in place.

Commissioner Fiocco said we need to work on a policy and put it in place at the next meeting. He asked that this water bill be put on hold until the next meeting when they establish a policy that can be applied equally throughout town.

Commissioner Farrell asked about getting a weekly reading. Mr. Poteat said we can do that.

Commissioner Fiocco suggested that Mr. Torbert take the readings himself also.

REVIEW RESOLUTION AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY

Manager Gruesbeck said the surplus property identified below will be sold at public auction via the govdeals.com auction website or other similar government surplus property auction websites.

Manager Gruesbeck stated North Carolina General Statute 160A-226 through 274 allows the Town to dispose of surplus property by public auction, sealed bid, negotiation or transfer to another governmental unit. Any item worth less than \$30,000 not yet sold by one of these methods may be sold by private negotiation and sale with an interested firm or individual.

The items detailed in the resolution include police vehicles with high mileage and maintenance costs. Staff is also including for surplus the former printer/copier as well as the WWTP pumps that are not usable. The items are listed below:

1989 Ford Bronco – The Pittsboro Police Security Officer at Central Carolina Community College uses the vehicle. It is rarely driven and increasingly requires costly maintenance.

1990 Ford Bronco – The vehicle is in the fleet parking lot behind Town Hall. It is rarely used and requires costly maintenance.

1986 Chevy Blazer - The vehicle is the fleet parking lot behind Town Hall and is rarely used.

1999 Ford Crown Victoria – The vehicle was originally a police car that was later used by the Town Manager and Staff. It has mechanical issues, looks aged and is never used.

2000 Ford Crown Victoria – The vehicle is used as a spare patrol police car when other cars are being repaired. Reserve officers will occasionally use this car when needed.

2004 Polaris Sportsman – This ATV was purchased for special events and to drive into wooded areas. However, it is rarely used, experiencing electrical problems and a liability/safety concern for officers.

Commissioner Baldwin said the police department also has a bicycle that has never been used and she would like to see added to the list of surplus items for sale.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the Resolution Authorizing the Disposition of Surplus Property as presented adding the police department's bicycle to the list.

Vote Aye-5 Nay-0

A RESOLUTION DECLARING ITEMS OF PERSONAL PROPERTY TO BE SURPLUS PROPERTY, AND AUTHORIZING AND DIRECTING THE DISPOSAL OF SAID PROPERTY IN ACCORDANCE WITH STATUTORY REQUIREMENTS

WHEREAS, Article 23 of N. C. General Statutes and Chapter 2, Article III of the Town Code of Ordinances authorizes the Town Manager to dispose of surplus property; and

WHEREAS, the Town desires to dispose of certain items of personal property;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the following items of personal property are hereby declared surplus:

<u>YEAR</u>	<u>MAKE AND MODEL</u>	<u>ID</u>
1989	Ford Bronco,	VIN # 1FMEU15N4KLB13919
1990	Ford Bronco,	VIN # 1FMEU15H4LLA99127
1986	Chevy Blazer,	VIN # 1G8ED18J4GF188570
1999	Ford Crown Victoria	VIN # 2FAFP71WXXX187976
2000	Ford Crown Victoria	VIN # 2FAFP71W7YX181408
2004	Polaris Sportsman 400	VIN # 4XAMH42A85B689523

OTHER ITEMS

Printer/Copier	Kyocera KM 3050	Serial # H7103872
RAS Pumps	(3) Hayward Gordon Model XR4(8) Centrifugal Recessed Impeller	
Smith & Wesson	Police Bike	

BE IT FURTHER RESOLVED that the Town Manager shall be and is hereby authorized to dispose of this surplus personal property in accordance with statutory requirements.

BE IT FURTHER RESOLVED that prior to public auction, the Town Manager is authorized to dispose of any of personal property by sale, lease, exchange, sealed bid, or transfer to other government unit in conformity with N. C. General Statute 160A-274.

BE IT FURTHER RESOLVED that the terms of the sale shall be to the highest bidder for cash, or other forms of cash equivalents acceptable to the Town Manager. All sales shall be designated final on the day of the auction.

BE IT FURTHER RESOLVED that all items shall be sold on an “as is” and “where is” basis and the Town makes no guarantee or assumes no responsibility for any of the items.

OLD BUSINESS

REVIEW SITE PLAN FROM WAFFLE HOUSE (SP-2013-02)

Planner Bass went over the following information he had submitted to the board for review:

Re: Site Plan SP-2013-02
Waffle House

Background

Developer: Waffle House
Location: Outparcel off of Lowes Drive
Current Zoning: C2 (Highway Commercial)
Adjacent Zoning: C2 (Highway Commercial) and MUPD (Mixed Use
Planned Development)

Acreage: 0.54
Existing Use: Vacant Parcel
Proposed Use: Restaurant
Utilities: Water, available Sewer, available

This proposal is being presented to the Board as a Site Plan for review and approval. The plans have been reviewed in accordance with the Town's applicable development ordinances by the appropriate departments.

The property is zoned C2, Highway Commercial General. The proposed use is permitted by right in this zoning district. The property is vacant and undeveloped.

The applicant is proposing to construct a building for a restaurant. Water and sewer service are available to serve the proposed use. Also, please note the attached color renditions of the building. Waffle House can offer the building with either the two colors or the solid color.

Recommendation

Approval. The Town Planning Board reviewed the plans at their regularly scheduled meeting on June 3rd and is forwarding a positive recommendation to the Town Board of Commissioners for approval.

Denny Muyres and Chad Abbott were present to answer any questions.

Mayor Voller asked what made him choose Pittsboro. Mr. Muyres said they had been looking here for awhile they just hadn't found the appropriate spot.

Mayor Voller said he understood it was a split vote on the approval. Raeford Bland, Planning Board Member said it was a unanimous vote to approve but there was a split decision about the color or the brick. They chose to go with the red color.

Commissioner Farrell said he thinks the beige is better.

Commissioner Fiocco asked if he had permission from Mr. Spoon to be on the other lot doing construction. Mr. Muyres said yes they will use it as the staging area.

Commissioner Fiocco asked Planner Bass if there was adequate sewer allocation for the restaurant. Planner Bass said yes it was already secured with the shopping center.

Commissioner Fiocco asked if the building is sprinklered. Mr. Muyres said it was not. Commissioner Fiocco asked if the Fire Chief is okay with this plan. Planner Bass said yes he has reviewed it. Mr. Muyres said they have suppression sprinklers.

Commissioner Fiocco said it looks like the sewer line that is being extended to the parcel further north looks like it is going to be very shallow and calling for PVC. He would highly recommend ductile iron.

Mr. Abbott said they will use the appropriate materials.

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to approve the Site Plan from Waffle House with beige brick.

Vote Aye-5 Nay-0

REVIEW SUBMITTED FY 2013-2014 BUDGET

Manager Gruesbeck said the following items were updated back on previous discussion from the board.

- Staff increases at 2%, effective July 1, 2013. As you have discussed, Town employees last received a pay increase in January 2012. This proposed pay increase has the effect of adding \$28,549 in General Fund expenses and \$18,047 in Enterprise Fund expenses. The 2% pay increase is higher than the most recent Consumer Price Index for all Urban Consumers (CPI-U) 12-month change of 1.1%. Enterprise Fund salaries were increased to accommodate the end of probationary periods and attained certifications.

Commissioner Farrell said he understands there was a salary study done and the blue collar workers salaries are not up with other municipalities. He would like to look at the possibility of utility workers, water and sewer and water treatment employees getting their salary adjusted. He feels the street personnel are the probably some of the lowest paid workers.

Mayor Voller asked Manager Gruesbeck to work with Mandy and come back with something.

- Property Tax Increase of \$0.036. As we have also seen in previous discussions, Pittsboro's tax rate remains comparatively low to other communities. If approved this amount would raise sufficient revenue to prevent a General Fund Balance loss of \$152,189.
- Police – Records Retention. A part-time salary (\$15,000) was added to the Police Department to replace the departure of Anne Wilkie. It is anticipated that this person will also serve as a Reserve Police Officer. This amount would be offset by a change in reserve officer policy to require reserve officers to donate eight (8) of their first hours of duty each month, thereby reducing budget reserve officer spending by \$6,470. This policy is consistent with other police departments. Please note that we are not replacing a full-time Police Officer following the departure of the previous Lieutenant, as previously discussed, thereby generating sufficient savings to accommodate this change.

Commissioner Baldwin asked would this person be doing some of the collections like Ms. Wilkie was doing. Manager Gruesbeck said they would not. We are currently advertising Ms. Wilkie's position. Commissioner Baldwin said she doesn't like the idea of them having to donate their first 8 hours because they are working for the Town.

- Planning/Engineering Office Cleaning. \$1,500 was added to accommodate the need for cleaning services at the 41 Fayetteville St.

Please also note that I have not eliminated the Town of Pittsboro contract with Chapel Hill Transit/Chatham Transit/Pittsboro express (\$12,000) until the Board reaches consensus to not fund this contract in FY 2013-2014. Brian Litchfield, Director at Chapel Hill Transit, has provided me with the following numbers relating to Pittsboro Express:

- Ridership (FY 2012) – 20,042 (Avg.: 1,670)
- Ridership (FY 2013 to date) – 21,050 (Avg. to date: 2,105)
- Estimated Avg customers per trip - 11

Commissioner Farrell said funding the bus is a concern of his. He figures we are spending \$12,000 for a bus that's running back and forth to Chapel Hill with low ridership – it doesn't seem to him that it is being used adequately and he is a little surprised with the numbers.

Action Requested: Receive the FY 2013-2014 Budget and they are still able to make any changes, as appropriate. Manager Gruesbeck said it is his recommendation to bring the final copy of the Budget to the next meeting.

Commissioner Fiocco said we dug into the enterprise fund balance in last year's budget. We had a fund balance transfer for \$438,000 and at the time a huge portion of that money was going to the Hillsboro Street Water Main Project. But what we never show in those numbers are the revenue side of the numbers, which was \$145,000 from the County. Since we are where we are with that budget we now have a revenue stream of \$145,000 and we received another grant in the amount of \$100,000 to that project. He also has a note in last year's figures that we were going to have a surplus of \$58,000 for enterprise fund from the prior year, so when he added them together and subtract from \$438,000 (he is looking at the Balance Sheet Mandy has provided which told us prior to the \$438,000 budget expenditure we had \$1.7 million in the enterprise fund so when he does the math - when he includes these other revenue sources it becomes \$135,000 – convert that to a beginning balance of \$1.508 million when he looked at it in that prospective he is not really comfortable with \$500,000 balance transfer in this budget. It makes him feel better when he thinks there is over \$1 million in that fund as opposed to \$773,000 in that fund.

Mayor Voller said last year it was booked as a potential liability and it was never recognized in the budget but since we have received the funds it should be recognized.

Ms. Cartrette said she didn't count it as a liability she counted it as a contribution from the town until we received it. Commissioner Fiocco said so it was part of the transfer from water and sewer fund.

Ms. Cartrette said actually it came from the Capital Reserve Enterprise Fund because if she had taken it from water and sewer fund balance we would be broke in the enterprise fund.

Ms. Cartrette said the \$438,000 last year was just to balance the operating budget it has nothing to do with Capital Reserve Projects. She said once we get the money we can amend the budget.

Ms. Cartrette said the \$58,000 given last year was only an estimate and it could change. She wanted to caution the board that we are operating with savings and we can't do that for too many years.

Mayor Voller said that is why Chatham County should be buying water from us instead of Sanford, Durham, OWASA and Cary. That is an issue.

Mr. Poteat said he could shed some light on that. He said where the town can supply them water is not where they need the water. Mayor Voller said we need a connection on 15-501 South and he mentioned that last year. He would like the cost for making that connection. Mr. Poteat said they did look at that but he can't remember what it was.

Mayor Voller said we need to explore this and he is sure the County will work with us. Mayor Voller spoke about the steps the town has taken since 2007 to get good quality water.

Commissioner Fiocco said he would like to reallocate \$15,000 for Planning/Professional Service to fund the Pocket Park design because he feels it is extremely valuable asset to have a downtown park. He thinks since we have an Engineer on staff that we will not spend all those funds.

Commissioner Farrell said he doesn't think we have the money to move or spend on another park in town. He is not against the park he is just against it at this time.

Commissioner Fiocco said he disagrees it is a critical time for downtown and to make downtown more appealing. He feels it is an important investment to make.

It was discussed the reason for the increase in this budget line from last year is because it included \$50,000 for a Unification of Codes. Commissioner Fiocco said we need to make sure we collect all the fees we are supposed to according to the fee schedule established by the board and that has not been done in the past.

Commissioner Foley asked if removing the \$15,000 would cause a hardship for the planning board. Planner Bass said they will work with what they are given.

Commissioner Foley said she has spoken with people that the first place they go in a town is to the downtown and if the downtown is someplace people would want to work and visit they are more likely to make the investment.

Mayor Voller said he is for the park.

Commissioner Baldwin said she is not for the park. She said maybe we can use the money from selling the surplus property for the park but she would also like to see all the police cars have computers in them.

Commissioner Fiocco said the owner has agreed to donate the land. He estimates it will cost approximately \$40,000 for construction of the park.

Mayor Voller suggested contact County Parks to see if we can do a partnership with them.

Commissioner Turner said she thinks it is a good idea but she is concerned where the money is coming from. She said since we don't have a consensus on the bus and we are going to decide that tonight.

Manager Gruesbeck stated he kept it in the budget. Commissioner Farrell made good points for taking it out but he hasn't heard anyone else say they agree so he left it in.

Commissioner Turner said she is on the fence about it a little bit.

Mayor Voller said if we go back to previous budget cycles we stipulated that ABC Revenues would pay for it and we have more than topped out ABC Revenues.

Commissioner Baldwin said she thinks there are two buses that are coming. We need to know what time the bus comes and how many riders they have. Maybe we can look at just having one bus to cut costs.

Commissioner Farrell said the County pulled out. It looks like CHT can pick up the \$12,000 to provide the service. Mayor Voller said he don't know if they will. They can move on somewhere else.

Mayor Voller said there is no way the Town could provide a transit service anywhere for \$12,000/year.

There was a discussion about the fees for riding the bus and advertising.

Commissioner Baldwin said effective August everyone riding CHT from the park & ride lots will have to pay \$250.00 per year, except if you ride the PX or CX.

Commissioner Farrell said he has a good idea that a lot of the riders don't come from Pittsboro. He knows we have some that come from Siler City and Sanford. We are supposed to take care of Pittsboro.

Mayor Voller said we should use our water bills to advertise for the bus.

Commissioner Baldwin said she is for the park. Her concern is the money.

Manager Gruesbeck said the Unified Development Ordinance is a critical document.

Poll on whether to reallocate funds for pocket park:

Yes – Fiocco – Turner – Foley

Nay – Baldwin – Farrell

Commissioner Turner asked Manager Gruesbeck if he was going to get bus ridership information. He said he was.

Manager Gruesbeck said he is going to leave the bus in until the board tells him to take it out.

Commissioner Turner said she drives to Chapel Hill everyday and she doesn't ever see anyone on the bus. Mayor Voller said it is an infrastructure investment.

Motion made by Commissioner Foley seconded by Commissioner Turner to take a break.

Vote Aye-5 Nay-0

26. **Delete 1 EA** from Item 37: 4" Line Stop @ \$3,600.00/EA = - **\$3,600.00**
27. **Delete 1 EA** from Item 38: 2" Line Stop @ \$2,500.00/EA = - **\$2,500.00**
28. **Add 3 EA** to Item 39A: 8" "hymax-style" coupling @ \$500.00/EA = + **\$1500.00**
29. **Delete 1 EA** from Item 40: 6" "hymax-style" coupling @ \$470.00/EA = - **\$470.00**
30. **Add 1 EA** to Item 43: 5/8 & 3/4 Service Reconnection @ \$500.00/EA = + **\$500.00**
31. **Delete 110 LF** from Item 44: Extend 5/8 & 3/4 Type K Copper @ \$18.00/LF = - **\$1980.00**
32. **Add 21 EA** to Item 45: 1" Service Reconnection @ \$550.00/EA = + **\$11,550.00**
33. **Add 1,914 LF** to Item 46: Extend 1" Type K Copper @ \$20.00/EA = + **\$38,280.00**
34. **Delete 6 EA** from Item 47: Relocate 3/4 Meter Box @ \$550.00/EA = - **\$3,300.00**
35. **Add 15 EA** to Item 48: Service replacement 1" Type K Copper (short) @ \$700.00/EA = + **\$10,500.00**
36. **Add 6 EA** to Item 49: Service replacement 1" Type K Copper (long) @ \$1200.00/EA = + **\$7,200.00**
37. **Add 4 EA** to Item 51: Replace 5/8 - 3/4 Meter Setter @ \$450.00/EA = + **\$1,800.00**
38. **Add 1 EA** to Item 52: Replace 1" Meter Setter @ \$550.00/EA = + **\$550.00**
39. **Delete 1 EA** from Item 53: Remove/Replace Residential Meter Box @ \$350.00/EA = - **\$350.00**
40. **Delete 3 EA** from Item 54: Remove/Replace Commercial Meter Box @ \$1,800.00/EA = - **\$5,400.00**
41. **Delete 1 EA** from Item 55: Raise Existing Meter Box to Grade @ \$200.00/EA = - **\$200.00**
42. **Delete 1 EA** from Item 56: Remove Meter Box (in pavement) @ \$650.00/EA = - **\$650.00**
43. **Delete 2 EA** from Item 57: Remove Meter Box (in grassy area) @ \$250.00/EA = - **\$500.00**
44. **Delete 20 CY** from Item 58: Select Fill @ \$10.00/CY = - **\$200.00**
45. **Add 425 CY** to Item 59: Flowable Fill @ \$200.00/CY = + **\$85,000.00**
46. **Delete 83 SY** from Item 60: Brick Paver @ \$60.00/SY = - **\$5,007.60**
47. **Add 85 SY** to Item 61: Concrete Pavement and Driveway Repair @ \$75.00/SY = + **\$6,399.00**
48. **Delete 20 LF** from Item 62: Replace Concrete Curb & Gutter @ \$35.00/LF = - **\$700.00**
49. **Add 157 TN** to Item 63: Gravel Driveway Repair @ \$25.00/TN = + **\$3,916.00**
50. **Delete 5 EA** from Item 64: Exploratory Pothole @ \$125.00/EA = - **\$625.00**
51. **Add 179 HR** to Item 65: Exploratory Excavation @ \$85.00/HR = + **\$15,172.50**
52. **Delete 81 LF** from Item 67: Temporary Silt Fence @ \$2.50/LF = - **\$202.50**
53. **Delete 10 LF** from Item 69: Remove Storm Drainage @ \$35.00/LF = - **\$350.00**
54. **Add 10 EA** to Item 71: Rock Check Dam @ \$150.00/EA = + **\$1,500.00**
55. **Add 150 CY** to Item 72: Rock Excavation @ \$80.00/CY = + **\$12,020.00**
56. **Delete 1 EA** from Item 74: Locate & Raise Manhole to Grade @ \$1,000.00/EA = - **\$1,000.00**
57. **Delete 430LF** from Item 75: Investigative Video Inspection @ \$10.00/LF = - **\$4,300.00**
58. **Delete 47 SY** from Item 76: Asphalt Pavement Patch (6" Aggregate Base Course & 2" S9.5B Surface Course @ \$45.00/SY = - **\$2,094.75**
59. **Add 3 SY** to Item 77: Asphalt Pavement Cut (No Existing Concrete Underlayment) @ \$14.00/SY = + **\$39.90**
60. **Delete 30 SY** from Item 78: Asphalt Pavement Cut (0-6" Existing Concrete Underlayment) @ \$18.00/SY = - **\$540.00**
61. **Delete 800 SY** from Item 79: Asphalt Pavement Cut (6-12" Existing Concrete Underlayment) @ \$23.00/SY = - **\$18,400**
62. **Add 1408 SY** to Item 80: Asphalt Pavement Cut (Greater than 12" Existing Concrete Underlayment) @ \$45.00/SY = + **\$63,380.25**
63. **Add 608 SY** to Item 81: Permanent Asphalt Pavement Patch on NCDOT Roads (5" Base Course B25.0B, 3" Intermediate Course I19.0B, 2" S9.5B Surface Course) @ \$60.00/SY = + **\$36,480.00**
64. **Add 1273 SY** to Item 82: Temporary Asphalt Pavement Patch on NCDOT Roads (2" Intermediate Course I19.0B or S9.5B Surface Course) @ \$45.00/SY = + **\$57,303.00**

TOTAL CONTRACT ADJUSTMENT = + \$ 363,990.80

Justification:

Items 1 – 64 adjusted for actual quantities installed.

Change to CONTRACT PRICE: \$ 363,990.80

Original CONTRACT PRICE: \$ \$1,458,125.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDER \$ \$1,479,402.90

The CONTRACT PRICE due to this CHANGE ORDER will be increased by \$ 363,990.80

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 1,843,393.70,

Brandon Sykes, Engineer Manager with Hydrostructures said Becky Smith is passing out a handout to the board of the following:

Original Contract	\$1,458,125.00
Change Order #1	21,277.90
Change Order #2 (tonight)	363,990.80
Total Adjusted Contract	\$1,843,393.70
Additional CDBG funds Mr. Terry obtained	\$100,000.00
Contingency	145,000.00
Cost for Completion (out of Town funds)	118,178.30

Mr. Sykes said this change order is the cost to complete the project and they are before the board tonight to get approval to amend the contract so the project can be completed.

Commissioner Fiocco asked didn't we have to raise the level where the flowable fill had to come. Ms. Smith (Becky) said yes.

Mayor Voller said maybe we can go back to the county to ask for more money because the amount they promised was 10% of the cost and since the cost has increased maybe they will increase their contribution.

Commissioner Fiocco asked about liquidated damages with the contractor. Ms. Smith said she feels liquidated damages will slow the project down and Brandon has negotiated the deduction in cubic yards of flowable fill so this doesn't actually represent the total cubic yards. The contractor has absorbed 150 cubic yards of flowable fill to get this final adjusting change order.

Mr. Sykes said they are not trying to put the company out of business. They have put these quantities in the ground and that the contractor has agreed to this change order.

Manager Gruesbeck said he doesn't have a problem discussing liquidated damages, but he has a concern about getting it finished within the grant time frame. If we were to do that and he doesn't know if the granting agency will call the money back.

Mr. Sykes said there will be a \$36,000 retainage after this pay request.

Ms. Smith said the contractor did good work and did not try to cheat us. Mr. Sykes said you probably got more value from him than you would have from a larger contractor that would have gotten out by January 1. Mr. Sykes said the contractor did not request change orders for

everything he just worked it out. The contractor also fixed things for the Town.

Mr. Sykes said some of this is for repairs that flowable fill is not the only cause for the overage.

Commissioner Fiocco asked even with this change order are they the low bidder. Mr. Sykes said yes right at it.

Commissioner Baldwin said they would have liked to have known earlier about the overage. Ms. Smith agreed. Mr. Sykes said NCDOT is anxious to get this work done.

Commissioner Farrell asked where the money would come from. Ms. Cartrette said the Capital Reserve Fund/Enterprise.

Mayor Voller said we should notify the county about the change order and ask them to increase their contribution and he would like something to take to NCDOT to ask for some reimbursement for the increase in cost because of a field call.

Commissioner Fiocco asked did they have to fill the abandoned line with flowable fill. Mr. Sykes said yes.

Mr. Sykes said we need to finish the project and then go after additional funds. Ms. Smith said the work should be complete in two weeks.

Commissioner Farrell said we don't have any choice but to finish the project.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve change order #2 for the Hillsboro Street Project.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck said he had submitted the updates in the meeting packet. It was as follows:

PROJECT: Hillsboro St Water Main Transmission Line Replacement Project

UPDATE: The contractor and Hydrostructures are preparing a final pay request and change order in preparation to complete the project. NCDOT anticipates letting the final paving in mid-July and could begin paving any time after mid-August.

PROJECT: East Street Sidewalk (CMAQ Grant)

UPDATE: NCDOT approved the Categorical Exclusion (aka "environmental review") – in other words the project does not adversely impact its surroundings. NCDOT approved Scope of

Services - basically cost estimates and a statement of what we will do and the work that we expect a contractor to complete. Our next step to solicit bids for survey and AutoCAD work.

PROJECT: Chief of Police Selection

UPDATE: Percy Crutchfield had scheduled physical and psychological examinations for the week of June 3, but health issues (extreme back/neck pain) have kept Mr. Crutchfield from completing our due diligence. I am expecting his start date to be pushed back to early July.

PROJECT: Water Treatment Plant - Generator Replacement Project

UPDATE: The Rural Center authorized Staff to seek bids for the new generator. They have assured me that the money is relatively secure from political pressures because we have a contractual agreement for the remainder of the grant. However, it is in our best interest to expedite the project “just in case.”

OTHER NEWS:

- Staff has been meeting with Powell Place developers on completing loose ends from the built portion of that development. Fred Royal, Town Engineer, has assembled a punch list of items to complete in Phase 2 in advance of the Town accepting new right of way.

Mayor Updates

- EDC
- RPO
- Solid Waste
- Fairground Association
- PMA/Downtown

COMMISSIONER CONCERNS

Commissioner Farrell said he had one concern about a tree on Park Drive and he has spoken with John Poteat about it and he is going to look at it tomorrow.

Commissioner Fiocco asked since Springdale Drive is opened have we collected any of the monies from VRC & the Homeowners Association. Manager Bryan said we have collected some from the Homeowners Association.

Commissioner Baldwin said she receive a complaint about four wheelers on Springdale Drive on Sunday. Manager Gruesbeck said he understands the police department made them leave.

Commissioner Baldwin asked about the Children At Play signs for Springdale also. Commissioner Baldwin said someone told her they called the police department at 542-3200 and did not get an answer over the weekend. She said there needs to be a message that tells them to call 911.

Lt. Melissa Starr said there is a voice message that tell them this and the new one has been up and running for a week (although it has always told them if it was an emergency to hang up and call 911).

Commissioner Foley said they are going to have a website for Retire NC.

CLOSED SESSION

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to go into closed session pursuant to GS 143-318.11(a)(3) to consult with the Attorney regarding potential litigation.

Vote Aye-5 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to go out of closed session.

Vote Aye-5 Nay-0

ADJOURNMENT

Motion made by Commissioner Turner seconded by Commissioner Baldwin to adjourn at 10:35 p.m.

Vote Aye-5 Nay-0

FYI -

1. General and Enterprise Fund Balance History is as follows:

**Town of Pittsboro
Fund Balance History**

<u>Fiscal Year</u>	<u>Total * General Fund Balance</u>	<u>Enterprise Fund Balance</u>
2003	\$1,475,705.00	\$1,851,712.00
2004	\$1,711,592.00	\$1,592,133.00
2005	\$1,862,328.00	\$2,338,005.00
2006	\$2,114,108.00	\$2,620,262.00
2007	\$2,259,892.00	\$3,036,436.00
2008	\$2,687,928.00	\$2,694,855.00
2009	\$2,832,492.00	\$2,165,779.00
2010	\$2,797,128.00	\$1,962,644.00
2011	\$2,512,466.00	\$1,863,433.00
2012	\$2,510,703.00	\$1,719,337.00

*Includes Restricted
and Non-Restricted

General Fund Balance

- 2. Annual Water Quality Report – Reporting Year 2012
- 3. ABC Proposed FY 2013-2014 Budget is as follows:

PROPOSED BUDGET DOCUMENT

PITTSBORO ABC BOARD

2013 - 2014

The following budget establishing revenues and setting expense appropriations is hereby adopted and effective July 1, 2013, through June 30, 2014.

Section 1. Estimated Revenues. It is estimated that the revenues listed below will be available during the fiscal year beginning July 1, 2013 and ending June 30, 2014 to meet the operational and functional appropriations as set forth in Section 2, in accordance with the chart of accounts prescribed by the state ABC Commission.

Estimated Revenues:

Sales	\$ 1,014,496
Other Income	3,117
Total	<u>\$ 1,017,613</u>

Section 2. Appropriations. The following expenses are hereby appropriated for fiscal year 2011 - 2012 and are funded by the revenues made available through Section 1, herein.

Appropriations:

Taxes Based on Revenue \$ 232,121

Cost of Sales 533,508

Operating Expenses:	Store(s)	Admin.	Warehouse	Law Enf.	Total
Salaries and Benefits	\$	\$	\$	\$	\$ 104,594
Board Member Per Diem					
Unemployment Insurance					
Cash Over/Short					
Rent					
Repairs & Maintenance					11,544

Utilities					9,431
Insurance – General & Bonds					5,138
Store/Office Supplies					7,441
Travel					1,794
Professional Fees					20,500

Operating Expenses (cont.):		Store(s)	Admin.	Warehouse	Law Enf.
	Total				
Credit Card Fees	\$	\$	\$	\$	\$ 12,400
Waste Removal					1,050
Depreciation					13,646
Contingencies					9,000
Total	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$ 196,538</u>

Capital Outlay:					
Office, hall, bathroom renovations	\$	\$	\$	\$	\$ 20,000
Debt Proceeds					
Total					<u>\$ 20,000</u>

Debt Service/Lease
(define)

Total Estimated Expense	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
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Distributions:	
Mandatory 3.5% and Bottle Tax	\$ 34,500
Law Enforcement	4,000
Alcohol Education & Rehab	
Other County/Municipal	
Other Distributions	
Total distributions	<u>\$ 38,500</u>

Working Capital Retained (Appropriated Fund Balance)	\$ -3,054
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Total Expense, Distributions & Reserve	<u>\$1,017,613</u>
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Section 3. Copies of this Budget Document shall be furnished to the [appointing authority], the state ABC Commission, and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Proposed by the Pittsboro ABC Board on 5/30/13

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk