

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, OCTOBER 10, 2011
7:00 PM

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

ATTENDANCE

Members Present: Mayor Randy Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Michael Fiocco, and Hugh Harrington. Commissioner Clinton E. Bryan, III was absent, excused.

Staff: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul Messick, Jr., Planner Stuart Bass, Assistant Planner Paul Horne, and Town Police Lieutenant Lesia McCollough.

Commissioner Brooks noted a former town manager, Kenneth Cornatzer, had passed away on Friday at the age of 53. He asked the Board to remember Mr. Cornatzer and to pay respects to his widow by sending a letter of condolence. Commissioner Brooks said that Mr. Cornatzer had loved the Town and had been a kind and wonderful man to work with. He had been shocked and saddened to hear of the death, Commissioner Brooks said. He described Mr. Cornatzer as "just a gentle man -- a very nice man."

Mayor Voller said that he too had been shocked to hear of the death, noting that Mr. Cornatzer was still relatively young. He described Mr. Cornatzer as a "great guy," and said he had lived at Creekside and had served as Town Manager for a number of years, until about 1997. Mayor Voller asked Manager Terry to prepare a sympathy card or letter that the Board could sign.

Mayor Voller verified that Manager Terry had no changes to the regular meeting agenda. Commissioner Fiocco asked that the Board consider, during the New Business section of tonight's meeting, the list of highway projects that the TARPO would address at its October 20, 2011 meeting. Doing so would give the Board an opportunity to rank and prioritize various projects in Pittsboro, he said.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to amend the agenda to add the list of highway projects and TARPO to New Business.

Vote Aye-4 Nay-0

CEREMONIAL AGENDA

Presentation of a Check in the Amount of \$240,000 as a loan from the Central Electric Membership Corporation in support of the Hillsboro Street Transmission Line Project. (Jody Albright, Key Account Director Central Electric Membership Corporation.)

Manager Terry reminded the Board that these funds had initially been set aside for the 3M pipeline

project but had not been needed. He expressed appreciation to the Central Electric Membership Corporation for extending that offer for a different project. Manager Terry also thanked Attorney Messick and the attorney for Central Electric for helping with the loan documents and moving those to a point where everyone was comfortable and able to finalize the work this week. Tonight's ceremony was to actually present those funds, he explained.

Jody Albright, Key Account Director at Central Electric Membership Corporation, said that some Commissioners might not know that Central Electric awarded a \$240,000 zero interest loan funds to the Town of Pittsboro. Central Electric was a not-for-profit company, so it was their privilege to give the check to the Town tonight, he said. Mr. Albright said that Central Electric appreciated the Town working with them and that it was a privilege to be able to do this for the water project.

Mayor Voller noted that the Town had been able to take those funds from another project that went all the way back to 2001 because it had been able to do that other project for a lesser amount. He expressed appreciation to Mr. Albright and to Central Electric for its willingness to work with the Town and offering those funds to benefit Pittsboro's water system rather than sending them somewhere else.

Mayor Voller pointed out that Commissioner Brooks had been on the Board since the water project started. It was nice to see it come to fruition, the Mayor said.

CONSENT AGENDA

1. Approve minutes of the September 26, 2011 regular meeting.

Commissioner Harrington requested that the Board postpone approval of the September 26, 2011 minutes until the next meeting. He stated that a new person was transcribing the minutes and said that they were somewhat briefer than usual.

Commissioner Harrington noted that, on page 8, there was no record of Mr. Robinson's reply to a request to contractualized parking arrangements. Commissioner Harrington asked staff to review the audio record and include Mr. Robinson's reply. Mayor Voller agreed that the minutes were a little sparse on that conversation, and he described that as a somewhat significant omission.

Commissioner Harrington also questioned the use of the word "verified" throughout. As it was used on page 17 and elsewhere, he said, it sounded as though the person speaking was verifying rather than the person they had questioned. Commissioner Harrington recommended saying "received verification" instead.

Commissioner Fiocco noted that paragraph 5 on page 24 quoted him as saying the Town was wrestling with "shock." That should read, "sticker shock," he said.

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to bring the September 26, 2011 minutes back at the next meeting for approval.

Vote Aye-4 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

Patrick Crutchfield, 2664 Old Graham Road, told the Board that the Welcome to Pittsboro signs had been completed. He thanked the board for the opportunity to work with the Town.

Commissioners thanked Mr. Crutchfield for doing a great job and said that the signs looked beautiful. Mayor Voller said that the Town appreciated his work and hoped that he had received the badge he needed. The Town looked forward to more great work from him in the future, Mayor Voller said, and Mr. Crutchfield was given a round of applause.

Suzi Snyder, of 27 Breezewood Court, addressed the Board regarding the Townsend chicken plant closing. She said she represented some of the residents of Potterstone Village, which was located next to the plant. Dr. Snyder read a letter from the Potterstone Village Homeowners Association (HOA), which expressed concern about disposal and cleanup of the plant's waste. In the letter, the HOA asked the Board for information about what types of businesses it was considering to take over the facility. In addition, the HOA wanted the Town to fully consider the benefits and detriments of each business that inquires about purchasing the property while keeping the health and well-being of the residents of Potterstone Village in mind, Dr. Snyder read.

Commissioner Harrington said that Dr. Snyder had raised some good points and he asked who was regulating that. The Board had visited the plant for another reason, he said, and he had been under the impression that there was some kind of ongoing oversight but he did not know what that was. Commissioner Harrington said he thought it would be a good thing for the Board to know, adding that he had been thinking it was a state maintained issue.

Commissioner Fiocco replied that it was state governed. However, he thought the Town could contact the management that was remaining at the plant and inquire about the status of the lagoon and the plans for that.

Commissioner Harrington said it would also be nice to know the state agency that oversees it, or who the contact was down there, and make them aware that the Town would like to know if there were any issues.

Commissioner Fiocco said that the Chatham County Economic Development Corporation was actively marketing the property. However, they were also experiencing some difficulty with communication with the ownership there, he said.

Dr. Snyder asked what the process was for a new business coming in. Commissioner Fiocco replied that it would be a private transaction. He said that zoning regulations would require it to be a permitted use within the area and would require that it adhere to all Town regulations. Commissioner Fiocco said he did not think the Town had any control over what the business was other than that it had to be a permitted use.

Commissioner Brooks agreed that it would fall under Town zoning regulations, but said that since it was not in Town the County might be a little more involved in it. Dr. Snyder replied that she would go to the County as well.

Commissioner Baldwin asked Manager Terry if the individuals at Omtron had contacted him. Manager Terry replied that the extent of their contact had been for them to come and initiate a water bill account with the Town. They had been paying their account on time, he said, but there had been no contact other than that.

Manager Terry said that he had known the former management well. Jeff Wilson had been on the Chatham Chamber board, so he had seen Mr. Wilson frequently, he said. However, Mr. Wilson had been laid off and, since the plant was going out of business, and his office had been dramatically reduced, Manager Terry explained. He said he did not know who had been left behind but that he could take steps to find out.

Manager Terry said that Omtron had its own wastewater permit from NC Department of Environment and Natural Resources (DENR) and that he could find out the status of that. He said he did not think that the fact that the company that purchased it did not plan to operate the plant relieved them of the responsibility to continue operations within the parameters of the permit. Manager Terry said that he could make a phone call and bring back information regarding the status of that permit.

Commissioner Harrington said that it would be great to know the degree of the Town's oversight. Commissioner Fiocco said that Ms. Reid, of the Economic Development Corporation, might provide the Town with some contact information.

Ed Fowler, a Potterstone HOA board member, said he had spoken to the Mayor and others about the HOA's concerns regarding the chicken plant. However, some who had called to complain had been told that the chicken plant was not really within Town limits, he said. Sometimes, Potterstone residents had become tied up between Town and County police when complaining about noise and emissions, he said. Mr. Fowler said he understood that a lot of income had come to the Town for water usage, and he did not know if that had been shared with the County. He thought the Town would be interested in what was there and what might be there in the future, Mr. Fowler said.

Mr. Fowler told the Board that he had reached out to David McLanary, the number two person in operations, who had come over with CEO David Hurdle. They had been distraught about the way this thing turned over the last seven months, he said. Mr. Fowler said that he had a lot of empathy for those who had lost their jobs. He offered to give Mr. McLanary's cell phone number to Mr. Terry.

Mr. Fowler said that this might call for the Town to work cohesively with the County and that he hated to get caught in the revolving door of who was responsible for addressing concerns. The other thing, Mr. Fowler said, was that just by definition within the current zoning ordinance, M-2 Manufacturing District Heavy Industrial usually is along railroad sites or major thoroughfares and certain operations would not be allowed where they could adversely affect nearby property. The ordinance specifically addresses fumes and noise, he pointed out. When other businesses are looking at the property, Mr. Fowler said, that certainly would be an opportunity for the County or Town, whichever it is, to take a look at how the current zoning of M-2 really applies.

Mr. Fowler said that if he had known about the smell and noise he never would have moved into the Potterstone development. He acknowledged that the plant had been there first and that it was therefore his own fault, but he pointed out that building a residential community there seemed to be diametrically opposed to all the definitions in the zoning ordinance. How Potterstone ever got that permission was kind of puzzling, Mr. Fowler said.

Commissioner Brooks asked if Mr. Fowler was talking about the poultry plant. Mr. Fowler clarified that he was talking about how Potterstone got approved, since it was adjacent to an M-2 facility. It seemed clear by definition that the approval really should not have happened, he said, because the two should not be side by side.

Commissioner Brooks said that he had asked the question because Mr. Webster had bought that plant after World War II, in the early 1950s, or before. Mr. Fowler asked when Potterstone Village had been built, but Commissioner Brooks could not recall. Mr. Fowler said he thought it was around 2005.

Mr. Fowler said that he did hope for a viable alternative at that location, one that would bring employment to people in the community. It was just that the HOA wanted to make sure that the Town and County were aware of these issues, he said. Mr. Fowler acknowledged that some improvements, such as HVAC noise abatement, had been made, but the HOA was still concerned about the lagoon becoming stagnant. He said he had not received a clear answer about who owned the property and who needed to clean it up.

Commissioner Harrington said that he thought the Town would ultimately deem whether a use was appropriate there, not the County. Mayor Voller agreed that it was the Town's authority, and Commissioner Harrington said that the Board looked forward to the point when it could consider it.

Manager Terry said that at a recent meeting regarding economic conditions, which Governor Perdue and the Secretary of Commerce Keith Crisco had attended, the issue of the Townsend's chicken plant had been raised. The Secretary of Commerce was working with the U.S. State Department to try and break the logjam of dealing with the Ukrainian owner, he said. Manager Terry explained that the owner had apparently received several reasonable offers to buy that property, but seemed to have been intransigent and had declined the offers. So, this issue had been bumped up to the federal State Department, which was trying to communicate with the Ukrainian government in order to have the owner be more cooperative regarding sale of that property, Manager Terry said. He added that he had sensed frustration from Secretary Crisco over the inability to break the logjam, but they were continuing to work on it.

Mr. Fowler asked if this had affected other communities. Mayor Voller replied that it had affected Mocksville and Siler City as well.

Mayor Voller agreed with Manager Terry about what Secretary Crisco had said to elected officials at the Triangle J meeting in Raleigh two months ago. The owners had shut down the plant and it had become very difficult to deal with Omtron, he said. There had been a number of offers, and a lot of farmers had been affected in Chatham, Randolph and Moore Counties, perhaps even Alamance County. The farmers were a big concern, as well as the workers, and it had affected people all the way down to the homeowners who live next to the park, Mayor Voller said.

Mayor Voller said that the state would be sending a mission to try and deal with Omtron and find a buyer who may or may not keep the Pittsboro plant open. He said that Commissioner Harrington was correct—the Town had gone out and visited with them when it became aware that the plant was closing. Town representatives had toured the plant and communications had been open, he said. Mayor Voller explained that he'd had a subsequent meeting with Jeff Wilson, the general manager, who had been very open to discussing ideas. Mr. Wilson had not known at the time that he was going to

lose his job, said Mayor Voller.

Mayor Voller said that, at that time, those at the plant had been open to ideas about what operations could go in there that would be more compatible with the neighborhood and Town. However, the Town was currently in a very tricky spot, he said, pointing out that representatives from the Town could not just fly to Kiev and that there were not good conduits of communication. Mayor Voller noted that Linda Harris, a Pittsboro resident who had worked for the plant and was still working there, had only limited information. Everyone was trying — from the EDC to Chatham County to Pittsboro to the state of North Carolina — to try and do something positive, said Mayor Voller. He said that Mr. Fowler's concerns were well-placed.

Mayor Voller pointed out that economic conditions and budgetary cuts had led to confusion among agencies, such as the EPA and DENR, who do not know who is supposed to be in charge. But the buck stops with Pittsboro, he pointed out. Since the plant was located in Pittsboro's extraterritorial jurisdiction, it was incumbent upon the Town to advocate for its citizens' needs. It would help if the Potterstone HA did contact Chatham County and the EDC and let them know these concerns, Mayor Voller said.

Mayor Voller said he did not want an industry to go in there that would not be in accordance with the community now that the chicken plant had been closed. He said that he thought they (Townsend) were liable for the pond. Mayor Voller and Commissioner Fiocco said they thought the DENR permit was in the Townsend's name and that Townsend was financially responsible for it. This was a good opportunity for everyone to come together and try to create something positive out of what really is negative, Mayor Voller said.

Mayor Voller stated that a lot of people had lost jobs at the plant and were really hurting, whether they live in Siler City or Pittsboro or Sanford. Those people were in bad shape, he said, noting that workers had relied on that income whether it was a primary or a secondary job. He said that the Board believed it could bring something positive in there. Mayor Voller encouraged Mr. Fowler to share any information he unearthed with the Board and said the Board would do the same with him. The Town was dealing with an absentee owner, he pointed out.

Mayor Voller agreed with what Commissioner Brooks had said about when the plant was built. The Potterstone Village project (formerly known as Mays Farm) got built because George Phelps had thought it was a great place to build it, he said. Mayor Voller said that he did not know if Mr. Phelps thought the plant would be in business forever, but it did stay in business for a long time and its history goes back many years to long before he himself had come to Town. But now it is 2011, Mayor Voller pointed out, and everyone needed to work together to solve the problem. He asked the Potterstone HA to send a letter to Charlie Horne, Brian Bock and Dianne Reid at Chatham County, stating that they want to be involved. However, Pittsboro was the primary contact and the Commissioners were the people who should be working with citizens on this, Mayor Voller said.

Commissioner Harrington noted that Mr. Towson had raised an issue at the last meeting and the Board had also had some correspondence regarding that. It was not on the agenda tonight, he said, but he noted that Mr. Towson was present and probably wanted some discussion. Commissioner Harrington asked Attorney Messick for a quick overview of his findings on that issue.

Attorney Messick explained that the essence was that unless there was some defect in the street this is

not a public problem. The subdivision lot that Ms. Towson's owns has two drainage easements going over his lot, and that is the way the water was intended to go to get to the creek, he did not see where it was the Town's responsibility.

Commissioner Harrington received verification that there were two drainage easements on the lot and that drainage was what that lot was supposed to be used for. He told Mr. Towson that it sounded as though his developer might not have advised him that he had easements on his lot for the purpose of water going across it.

Mr. Towson replied that the easements themselves were not working properly and that water was draining onto his property. Mayor Voller asked Attorney Messick what the law says about the flow of water when someone develops a piece of property.

Attorney Messick replied that one cannot augment flow or divert it to downstream neighbors. However, a developer knows that he/she has to plan for the water to go in a particular place by creating easements for it, he said. If an individual has a lot that has an easement across it, then that individual is supposed to accept that flow across his/her property, Attorney Messick explained.

Commissioner Harrington pointed out that Mr. Towson had said the water was going across his driveway, not into the easement. So the problem was not with the easement, he said.

Commissioner Fiocco verified with Mr. Towson that there was a pipe running under his driveway and the water was flowing off the roadway into a ditch that ultimately goes under the driveway. However, some of the surface water on the cul-de-sac was not making it into either ditch and was running straight down Mr. Towson's driveway. Mr. Towson confirmed that the entire cul-de-sac was tilted toward his driveway.

Mayor Voller noted that such easements are in the deed of record, the chain of title referenced by plat. In this case, though, Mr. Towson was saying that he did not think it was working as intended and that it was a public street, not a private one owned by Potterstone Village, he said. Mayor Voller asked how the Town would check to make sure it was doing its job and that the easement had been built according to the plan. He noted that this was the question Mr. Towson had raised at the last meeting. The plan had been inspected by the Town of Pittsboro, presumably, and Mr. Towson was asking if the project had been built as it was supposed to be built, said Mayor Voller.

Attorney Messick replied that the Town had accepted the street as a public street, but it was a private easement. Unless there was some obstruction or defect in the street that was causing the water to go somewhere else, the Town did not have any responsibility, he said, noting that there was not yet a stormwater program in Pittsboro.

Mayor Voller asked if the property in question would be a potential candidate if the Town did have a stormwater program. Attorney Messick replied that the Town might have some responsibility for the future but the whole issue of retrofitting subdivisions was yet to be discussed. He pointed out that this was not a public issue, though, since it was a private problem for a private property owner who was unfortunately getting the burden of stormwater flow coming from the street. However, that flow was intended to go onto Mr. Towson's property, Attorney Messick said.

Commissioner Harrington commented that Attorney Messick was saying that the problem was with the

way the neighborhood and roads were engineered. Attorney Messick replied that it was either that or the way the driveway was constructed.

Manager Terry said that he had visited the property twice, once when it was not raining and once when it was. The roadside ditches were doing what they were supposed to do, he said, but there was a problem at the bottom of the hill where the driveway comes off the cul-de-sac. Manager Terry explained that as soon as the water hits the road in front of that driveway it goes down the driveway toward the house. The designer of those homes should have tilted the driveway to the left and pushed the water off that way and there could have been a small swale put there, so the water would go off to the left and around the house, he said.

Manager Terry added that the landscaping was not helping matters, since mulch and grass had built up and created a dam. He agreed with Mr. Messick that if the people who had constructed the driveway had paid more attention to the slope and the landscaping to the left of the driveway there would not be a problem.

Mayor Voller asked if there was anything the Town could do in the public right-of-way to slow down the energy of the water or at least assist so that Mr. Towson did not end up with concentrated storm flows. Manager Terry replied that he did not think there was. Even if they put an interceptor in at the top of his driveway there still would be water falling on his driveway and into his yard, he said.

Mr. Towson said the problem was that 100 percent of the water was coming off the street onto his property.

Commissioner Fiocco stated that it sounded like a design issue because that driveway pipe was not there until the driveway was constructed. The builder should have recognized where the water was flowing and made provisions to manage it better, he said. Commissioner Fiocco said that a relatively simple solution would be to put a small speed bump, so to speak, at the top of the driveway, which would direct the flow into one of the ditches and on into the easements. And, whether that were done in the public right-of-way at the intersection with Mr. Towson's driveway or further down the driveway, it would be much easier to do with asphalt than any other material, Commissioner Fiocco said.

Mr. Towson said he had been thinking about doing that and also about adding a trench. Commissioner Fiocco replied that he thought a trench would get clogged and ultimately fail or become a maintenance issue. A little diversion at the top of the driveway probably would last a lot longer, he said.

Mayor Voller asked Attorney Messick, if driveways were in the public right-of-way until they get out of the right-of-way, and then is it not private property if the Town gets involved in it? Commissioner Harrington said that Mayor Voller was saying that the person who built that driveway should have built it to accommodate the flow. So, based on the Attorney's assessment, it would not fall under the responsibility of the Town.

Mayor Voller said he had raised the issue because people probably don't know that part of their yard and their driveway is in the public right-of-way. He said it would be a good issue to pick up Town wide, noting there were cases, such as on Park Drive, where the right size pipe had not been put in. Mayor Voller noted that this was not the first time this issue had come up. He thanked Mr. Towson for coming in and said that the Town may end up getting involved in a stormwater program in the future.

PUBLIC HEARING

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

Motion made by Commissioner Brooks seconded by Commissioner Harrington to continue the public hearing until the October 24, 2011 meeting.

Vote Aye-4 Nay-0

OLD BUSINESS

1. Chatham County Bicycle Plan.

Chatham County Transportation Planner Melissa Guilbeau gave a brief presentation. She said she was here a few months ago. Chatham County adopted this as their official Bicycle Plan in July 2011; the Town of Siler City adopted it at the beginning of August 2011. This is the first official bike plan for the County and they made it so that it included the entire County including the Towns.

Ms. Guilbeau stated as you may be aware the County is starting their Comprehensive Transportation Plan with NCDOT and as they go through that this plan will become the bicycle element of the plan.

Commissioner Harrington asked about bike facilities in the major corridor district. What would that look like, and what kind of facilities would be required, he asked. Manager Terry explained that there were no recommendations in the report.

Commissioner Harrington asked how the survey data had been collected. Ms. Guilbeau explained that it had been an electronic survey. It had also been advertised as a public notice in the paper and through email networks, she said. Ms. Guilbeau said they had reached out to those who might be interested in completing the survey.

Commissioner Harrington said that the survey probably did target people who were interested in biking. Ms. Guilbeau replied that it was fair to say that they were bike enthusiasts. Commissioner Harrington said that was one of the things that made him wonder if they were trying to get a cross-section of people or some people who do not care. He said that the fact that bicyclists had been targeted was not clear in the data.

Commissioner Harrington said that the idea of “share the road” signs made him wonder. It seemed to him as though they were put down there when we cannot think of anything else to do to with the road, he said. He wondered if there was any evidence that those signs actually made things safer for bikers, Commissioner Harrington said.

Ms. Guilbeau replied that she could not say. She pointed out that there was also a recommendation for those signs whenever NCDOT resurfaces a road. In Orange County, the staff was working with NCDOT to widen roads as well, she said. Ms. Guilbeau stated that the extra cost of adding a couple of feet of pavement was not much and that NCDOT was especially willing to do that if the Town had a “share the road” sign and was part of the bike network.

Commissioner Harrington agreed that that could be a huge plus. Commissioner Brooks commented that he did not have a problem with sharing a good, wide road, but it would be really nice if there was a bike lane on some of the others so that cyclists could be off the road, he said. He stated a lot of the roads in the County have not changed in the last century. He pointed out that the road to Carthage was a major bicycle route that had not changed in a long time. Commissioner Brooks expressed concern that someone would get hurt on that road.

Ms. Guilbeau replied that this was part of what she had been talking about with regard to trying to add at least two meters.

Commissioner Brooks asked what had happened to the much talked about American Tobacco Trail that was supposed to go through Pittsboro and have bicycle routes and so forth. Ms. Guilbeau replied that the Tobacco Trail had been built, but she did not know anything about a plan for it to connect with Pittsboro.

Commissioner Brooks said that when May's Farm had first been built the developer had turned the railroad trail over to the Town. It was supposed to become a hiking, walking and biking trail, and a big part of the American Tobacco Trail, he said. That had been his understanding at the time, said Commissioner Brooks, and he asked Ms. Guilbeau if she knew anything about what happened to all that.

Attorney Messick said that that was the "Rails to Trails" idea. Commissioner Brooks said he thought the railroad had been deeded over to the Town for that purpose. He asked if that plan was still in the works. Planner Horne replied that what Commissioner Brooks had said was absolutely correct and that it was still there. He said he thought that Robert Taylor a Potterstone resident was interested in seeing that that project be done.

Jim Nass, Potterstone HOA President, added that it was part of the greenway and was supposed to tie back in. That's still in the works, he said.

Mayor Voller noted that one of the difficulties was that 3M had bought the right of way from CSX across their property. Members of the Recreation Board had raised the idea of exploring it and going down to Moncure, but it was no longer all available to use, he said. Mayor Voller added that the Pittsboro part could be used and that something could be developed there, however.

Attorney Messick said that it had been abandon by the railroad before the Rails to Trails project started, but had reverted to the property owner.

Mayor Voller asked Ms. Guilbeau if she wanted the Board to adopt the plan tonight. Commissioner Fiocco asked her what the benefit was to being designated a "bicycling friendly community." Ms. Guilbeau said that the value related mostly to marketing, and Commissioner Fiocco commented, "okay, so tourism." He said that tourism was a huge part of bicycling in Chatham County, so anything the Board could do to help develop that network, by adding pavements or signs as a first step, would be a positive thing.

Commissioner Fiocco said that it was a good plan and that he was happy to see that many of the projects were listed for the TARPO consideration for the Spot Program. He said he was glad that there

was an asterisk at one project related to parallel parking, adding that a study needed to be done. As much as the Town needed parking downtown, he said, he would endorse the plan with the asterisk and the understanding that that aspect would need to be studied thoroughly before entertaining the idea of implementing such a plan. Other than that, he thought all of the recommendations were fantastic, Commissioner Fiocco said.

Commissioner Fiocco moved to approve the Chatham County Bicycle Plan and Commissioner Harrington seconded. Commissioner Baldwin said that she concurred with what Commissioner Brooks had said about bicycle lanes. The roads in Chatham County were very narrow and there were many trucks on those roads, so adding extra pavement to those streets would make it safer for the bicyclists, she said. Commissioner Baldwin pointed out that wind created by trucks can pull cyclists right into the truck. Therefore, it is very important to have an extra lane, she said.

Vote Aye-4 Nay-0

A COPY OF THE CHATHAM COUNTY BICYCLE PLAN CAN BE FOUND AT <http://www.chathamnc.org/Index.aspx?page=1294>

2. Restrictions on Employee Training.

Manager Terry reminded Commissioners that they had discussed this issue at the last Board meeting. At that time, he had thought the discussion and motion were about out-of-state training, he said, but when he reviewed the minutes and played back the tape, he realized that Commissioner Brooks' motion was for out-of-town training. Since he had been confused, he thought that others might be too, and he wanted to clarify the Board's guidelines to the Manager on training, Manager Terry said.

Commissioner Harrington said he thought the Board had meant training that required expenses for housing, overnight accommodations, and so forth.

Commissioner Brooks said he had not meant that if a person needed to go the Institute of Government for a meeting or some training, for example, that the individual could not go. He had been trying to institute an approach that would allow the Board to know where the money was going, he explained, adding that the majority of citizens would appreciate that.

Commissioner Brooks said that in his statement he had said that the Town would pay the bills if the state or Town required someone to go somewhere else to do his/her job and that he stood by that. Commissioner Brooks explained that his intent was to prevent people from using the citizens' money to improve their resumes. When he said out-of-town he meant out-of-town, not just out of state, Commissioner Brooks explained. When expenses are incurred, such as overnight stays and food, then the Board ought to know about it during these difficult times, said Commissioner Brooks.

Commissioner Harrington clarified that this would mean exempting anything that required the Town to pay for overnight accommodations. Commissioner Brooks replied that that was what he was trying to get away from. The Town might pay for it, but the Board would know about it and would approve that expense, he said.

Commissioner Harrington said that this meant that if someone went to Chapel Hill or Raleigh for training and spent the night, the motel room and meals and all of that would not be included. He asked Manager Terry if that was a minor part of training and if the directions were clear.

Manager Terry replied that if that was the Board's intent, then it was clear. However, it would change his response to Commissioner Harrington's question at the last meeting about whether or not it would be a problem for him, he said. Manager Terry explained that he had replied that it would not be a problem because he had thought it applied to out-of-state training. Out-of-state training was infrequent and he had plenty of advanced notice on those trips, so it would be easy to make the Board aware of them, he said. However, out-of-town training happens with more regularity, Manager Terry pointed out. In fact, that would require him to ask permission tonight for two employees to go to Atlantic Beach for continuing education training on wastewater collection systems, he said.

Commissioner Harrington commented that the Atlantic Beach trip would be required state training related to certification. Commissioner Baldwin said that such required, out-of-state training was totally different. The Board was concerned about expensive trips where it needed to find out beforehand if they were out-of-state or even out-of-town, she said.

Commissioner Fiocco suggested that the Board define what expensive was, if it really was concerned about expensive trips. Then they could leave anything under that threshold to the Manager's judgment, he said. Commissioner Harrington agreed that that would be fine.

Commissioner Baldwin suggested adding a qualification that the trip be one that will benefit the Town, as opposed to one that would merely improve someone's resume. The Town does not want to pay for a lot of expensive trips, she said, noting that expensive could be \$500, \$1000 or \$2000. The Board did not want to use the people's money in a way that it should not be used, Commissioner Baldwin said.

Commissioner Brooks said that the Board did not have a lot of power. One of the few powers that it did have was the power of the purse, and it needed to exercise that, he said. .

Commissioner Harrington remarked that the Town provided the best water and sewer that people could have, so he certainly would support a trip for state certification. He said that there had been a \$2,500 expense for an out-of-state trip for the park planner. The cost of that trip had been a surprise, he said, and he thought that everyone present tonight wondered if that money might have been spent on something better. Maybe not, but he thought that everyone wondered, Commissioner Harrington said.

Mayor Voller asked Manager Terry if there were funds set aside in the budget for administration and training for water and sewer. Manager Terry replied that there was a training budget that the Board decides upon during its budget deliberations. His guide, until two weeks ago, had been not to exceed that budget, he said, but now he had to reconsider what the Board's guidance was.

Mayor Voller said that he understood that Commissioner Brooks was trying to be a good steward of the public dollars and not allow junkets and trips to Hawaii and/or training programs that may not bring benefit to the Town. In the past, working in Pittsboro and Chatham County had been seen as stepping stones for careers and people had left the Town for other places, he pointed out. However, said Mayor Voller, he did not want to begin micromanaging what the Manager was doing.

Mayor Voller pointed out that if the Board gave the Manager a binding resolution that meant he had to send someone for training, then that could be held against him as a result of this action. That would not be fair, said Mayor Voller, adding that he really did not want to be fielding phone calls regarding what was a Mickey Mouse matter to him. However, he did understand Commissioner Brooks' concerns

about the big ticket items, he said.

Mayor Voller said that he thought Commissioner Fiocco felt the same way. The Town had a budget for the trainings that are important for the normal operations of the Town, and he did not want to learn that a water operator did not go because the Manager was concerned about spending \$60 to send him somewhere, he said. Mayor Voller said that the Town needed to make sure that it had the most educated and up-to-snuff employees. He understands, though, that the one big trip had surprised everyone, he said. Mayor Voller characterized the issue as a real balancing, especially considering that the Board only meets every two weeks.

Commissioner Harrington pointed out that the Town had been reimbursed for some trips as well. He said he understood the intent, but it was difficult to put some things into policy. Maybe the Board should just rescind the whole thing, Commissioner Harrington said.

Mayor Voller said that he agreed with Commissioner Fiocco. It was better to include a maximum amount, or some kind of override, and not get involved with the details, he said.

Commissioner Fiocco stated that the Town had to provide training and ongoing education for its staff. He said that the Board would never know if an employee's intent is to get the training and pad his/her resume and then leave the next day. That's a possibility, he said, but added that he did not think the Board needed to worry about that kind of thing. Commissioner Fiocco argued that the Town did have to provide training for people to obtain skills and a knowledge base to serve the Town of Pittsboro.

Commissioner Fiocco said he thought that improving their knowledge and skills was 99 percent of Town employees' motivation for training. He said he did not know how one would tell the difference, although it would be obvious if someone from the water department wanted to study something from the Police Department. However, he trusted that Manager Terry would not authorize that kind of training, he said.

Commissioner Fiocco said that the Town had adopted a budget, and as long as they did not exceed that budget, he saw no reason for the Board to micromanage training. He said that if the Board wanted to be notified, and then he thought it should base it on a dollar amount and not on whether the trip was out of town, or overnight, or who was paying for what. Many of these things are reimbursed, he pointed out.

Commissioner Brooks replied, "This is not your money. It belongs to the people of this Town. And they want somebody to represent them down here." He said he did not want to be accused of micromanaging, but wanted responsible government. "In November, when we have spent it all, you can explain to the citizens why we don't have any money," said Commissioner Brooks. He asked if Commissioner Fiocco had forgotten what the Town wasted on Route 87. Citizens do not like to see money wasted and they want the Board to know where it is going, Commissioner Brooks said.

Commissioner Fiocco replied that he knew exactly whose money the Town was spending and that he was trying to represent those people. The Board had passed a budget and had authorized its Town Manager to spend the money based on that budget, he said. Commissioner Fiocco said that he was very comfortable with that and that he did know about what had happened on Route 87. He characterized that as regrettable and acknowledged that circumstances do arise where cost overruns occur. However, he did not see the need to discuss an \$800 training expense in the same way as a

\$30,000 engineering expense, Commissioner Fiocco said.

Commissioner Brooks requested that Commissioners just make up their mind and decide what they were going to do.

Mayor Voller pointed out that Commissioner Brooks was trying to be a good steward of the public purse and get value for the citizens of Pittsboro. He suggested that it might be good if employees wrote a one-page summary of what they had learned in training and how they planned to apply it to their jobs in Pittsboro. Those could be put together and brought to the Board every quarter, he said. Mayor Voller stated that the same issue had come up on other boards that he was on. One conclusion had been that you have to hope that one good idea comes out of those meetings, he said, adding that that one idea could be quite valuable. Mayor Voller said he agreed, though, that, on the face of it, a \$2,500 to trip is expensive.

Commissioner Brooks said that one of his memories is that staff went to a League of Municipalities meeting, which he never attended because he never thought it was his job to stay in a hotel and eat fancy food. They learned a lot about OSHA, and had said a lot of good things about it, and the next week the Town received a bill for several thousand dollars for some of the things we were, he said.

Mayor Voller described that as a whole other bowl of wax. If somebody goes to one of those places, and makes contacts, and learns something, then that can help the citizens and help the Town, he said. Mayor Voller added that Commissioner Fiocco was correct – you will never know if someone is going to leave the next day, but the Town must support investment in its people, to a limit.

Mayor Voller noted that Commissioner Brooks would soon be leaving the Board after a long and illustrious career. He verified with Commissioner Brooks that the Board had not raised the amount of money it budgeted for itself in that entire time. Mayor Voller said that a benchmark study had revealed that the Pittsboro Board paid itself less than other municipalities. He noted that that decision had been made in the budget that Commissioner Fiocco was referring to.

Mayor Voller said that the Board had deferred compensation for itself specifically because it wanted to put the money to other uses. People might be surprised to know that the Mayor of Siler City receives almost \$9,000 a year, which is almost 4-1/2 times what Pittsboro's Mayor receives, he said. Mayor Voller pointed out that those savings alone paid for some of these trainings and said that the Board had made the right investment. He agreed with Commissioner Brooks that the Board should be good stewards of the public purse and said that no one would argue that.

Commissioner Baldwin stated that the Board did not want to micromanage, and that doing so had not been the reason for Commissioner Brooks' proposal. It was a matter of making sure that the Town did not have another situation like the one where it spent \$3,000 for one week, she said. Commissioner Baldwin said that she had been quite disturbed about that expenditure and did not want to see that type of thing again. She said that the Town needed to be more discreet about what the budgeted money was used for. She definitely did not want to micromanage the funds, she said, but she expressed frustration over not knowing anything about an expensive out-of-state trip.

Manager Terry said that he would make the same decision again if the same situation presented itself. Moreover, he was not sure what the Board meant by "resume padding," he said, noting that any time anyone goes to a training and learns something about his/her profession it improves his/her resume.

Manager Terry said that he had been asked about his personnel management style when he was interviewed for the job as Town Manager. "I think you all remember me saying that you take care of the people and the people take care of the things," he said. Manager Terry argued that providing development training was part of taking care of the people.

Manager Terry said that he had not intended to create controversy tonight, but had merely been confused. Whatever the will of the Board was, that was exactly what he would do, he said.

Commissioner Brooks asked Manager Terry if he had determined whether or not it was correct that the Town of Chapel Hill, as a budget maneuver, had curtailed out-of-town trips for employees. Manager Terry replied that he had sent an email and that Clerk Lloyd had spoken with someone at the Chapel Hill Town Clerks Office who had been unaware of any such restrictions. Manager Terry added that he could neither confirm nor deny what Chapel Hill's training policy was.

Manager Terry said that the Board had already spent much more time on this issue than he had thought it would. He was happy to go forward with keeping the Board informed when a budget and training request came across his desk, he said. Manager Terry said he would be happy to wait if the Board wanted to clarify the policy at another time. However, before leaving the issue, he did have a request on his desk for the utility director to go to a two or three-day annual NC Waterworks Association training in Charlotte, he said. Manager Terry noted that the registration deadline probably would be before the next Board meeting.

Commissioner Baldwin commented that such a meeting was like a requirement. She said the Board was not talking about things like that. Mayor Voller began to express concern about having to address such expenditures at every meeting. Commissioner Fiocco made a motion to have the Manager seek approval from the Board for any training that would require an expense greater than \$2000. Commissioner Harrington proposed amending that to lower the threshold to \$1,000, and Commissioner Fiocco agreed. Commissioner Harrington seconded the motion.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to change the policy to have the Manager seek approval from the Board for training that would require an expense greater than \$1,000.

Vote Aye-3 Fiocco/Baldwin/Harrington Nay-1 Brooks

NEW BUSINESS

1. Domestic Violence Awareness Month.

Lieutenant Lesia McCollough gave a brief report on domestic violence, noting that documents in Commissioners' packets included facts and reading material regarding domestic violence statewide and nationally. She pointed out that there had been 54 murders involving domestic violence in North Carolina in 2011 and that two of those happened in Chatham County. Lt. McCollough said that police had investigated 31 domestic violence incidents in Pittsboro this year, compared to 24 by the same time last year. Of those 31, only seven people had been arrested and that low number was most likely due to the bad economy, she said, noting that victims remain in abusive homes when there is no other place to go.

Lt. McCollough said that domestic violence was an epidemic that was affecting individuals in every

community, regardless of age, economic status, race, religion, nationality or educational background. By adopting the attached resolution, the Town would be joining many across the nation who desire to increase public awareness about domestic violence, she said. Lt. McCollough then read the resolution.

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

Vote Aye-4 Nay-0

A RESOLUTION PROCLAIMING OCTOBER, 2011 AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE TOWN OF PITTSBORO

Whereas, domestic violence affects each person in Pittsboro, as a victim/survivor or as a family member, friend, neighbor or co-worker of a victim/survivor; and

Whereas, many community members in Pittsboro are working to provide quality services and assistance to domestic violence survivors and dedicated volunteers help staff the 24-hour hotline, respond to emergency calls and offer support, comfort, and advocacy throughout the healing process; and

Whereas, staff and volunteers of Family Violence and Rape Crisis Service and many community partner agencies are promoting prevention education by offering training to schools, churches, civic organizations and the community; and

Whereas, law enforcement, medical providers, mental health, prosecutors, probation and parole, victim advocates and human services agencies are collaborating to improve the community response to domestic violence and provide safety, support and services to survivors while holding perpetrators accountable; and

Whereas, it is vitally important that continued educational efforts about prevention and services for domestic violence be supported and enhanced; and

Whereas, it is critical to increase public awareness of domestic violence, to educate people about the need for community involvement in efforts to reduce domestic violence, to increase support for agencies providing domestic violence services and to increase awareness of the healing power of creative expression; and

Whereas, the Coalition for Family Peace requests public support and assistance as it continues to work toward a society where all children, women and men can live in peace, free from violence and exploitation.

NOW THEREFORE BE IT RESOLVED, that the Town of Pittsboro Board of Commissioners, does hereby proclaim October, 2011 as Domestic Violence Awareness Month in the Town of Pittsboro and commends this observance to all community members.

Adopted this the 10th day of October, 2011.

Commissioner Brooks verified with Ms. Mc McCollough that it was true that more law enforcement officers were injured during domestic violence situations than during any other situation. He thanked

her for her courage.

Mayor Voller pointed out that most abuse and murders were against women but there were a number of men on the list as well. Men don't report it much, he said. Mayor Voller stated that it was a situation that required good training and involvement, and he thanked Lt. McCollough for her work.

A RESOLUTION PROCLAIMING OCTOBER, 2011 AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 149

2. Extension of the 2009 Development Moratorium.

Commissioner Brooks moved to extend the moratorium for 60 days. Mayor Voller ascertained from Attorney Messick that the moratorium would potentially expire on October 14, 2011. Attorney Messick said that a longer moratorium would require public notice, a public hearing, and a Planning Board review.

Commissioner Fiocco offered a friendly amendment, asking that staff prepare a recommended strategy for if and when the moratorium was lifted during that 60-day extension. Commissioner Brooks accepted that and Commissioner Fiocco seconded the motion.

Mayor Voller said that he thought the moratorium needed to just go away. He asked for clarification from Attorney Messick or Planner Bass that the Board had made a change in May that would allow people who have properties to develop if they did not require more than 3600 gallons per day.

Commissioner Harrington inquired about the reason for extending the moratorium, and Mayor Voller said that was a good question. "Let's just cut to the chase," he said. "What's the reason?"

Manager Terry replied that circumstances had not dramatically changed since the Board imposed the first moratorium in 2007. The Town had made progress toward its goal of building a wastewater treatment plant, but that had been slower than had been hoped, he said. Manager Terry said that the Town had an environmental impact statement and a NPDES permit in place that allowed it to go to construction. However, it had also enhanced the ability of its current plant to perform to its designed capacity, he said.

Commissioner Harrington asked to be reminded of what staff had been directed to do at the Board's work meeting six months ago. Had they not had a long, in-depth discussion and come to the conclusion that the Town did have sewer to allocate, he asked. Mayor Voller confirmed that this was correct.

Commissioner Harrington said that what they had decided after they finally fleshed it out was, first he had been told wrong and second, how this whole thing works as far as allocation, in his opinion had been explained in a horrible way and he had misunderstood the entire allocation process. However, after they got through that, the Board had come to the conclusion that the Town did have sewer that it should give out, Commissioner Harrington said. He verified that everyone's recollection was the same, and that they had decided that at that meeting.

Commissioner Fiocco said that he recalled that they knew they had some sewer to allocate and knew it

was limited. What they had wanted to do was devise a program where they could allocate it based on a priority rationale, he said. Commissioner Harrington agrees, but said that the bottom line was that the Board had decided that they did have sewer to give out. So, where the Town is's legal standing to have a moratorium, he asked.

Commissioner Brooks said he believed the moratorium dealt with major subdivisions. It did not necessarily prevent a business from being built and getting a sewer allotment, or somebody from building a home on the lot, he said. Commissioner Brooks asked if that was correct.

Commissioner Harrington replied that he thought that was true, but that the Board had directed staff at that meeting to come up with an accounting of what the Town had -- what it had on the books and what it had to allocate. And, staff had been directed to come back to the Board before the moratorium was up with information on what there was to give out and some policy, he said.

Commissioner Harrington said that Attorney Messick had been asked to provide an outline of what a policy might look like so that the Board would have that ready by now. He said that this very specific direction had been given at that meeting, and that staff had been reminded of that on at least one occasion a month or so ago. "Here we are now, and it's like, well, we don't have that so let's just extend it 60 days," said Commissioner Harrington. He said he found that to be entirely unsatisfactory. The Board had decided at the work session on that Saturday morning that they did have sewer to give out and that they should make sure they did it, but be careful about it, he said. "And here we are now with the thing about to run out and we're not prepared," Commissioner Harrington said.

Commissioner Harrington asked Manager Terry if he recalled it differently, and Manager Terry replied that he generally remembered it exactly as Commissioner Harrington had stated. Commissioner Harrington asked why, then, did the Board not have what they had requested. Manager Terry replied that the work had just not been done. There had been pressing priorities that had kept staff from making progress on that, he said, adding that the responsibility for it falls on his shoulders.

Commissioner Harrington said that he could not imagine a priority higher than this one. He knew that urgent issues pop up and can be distracting, but this was the most important thing the Town could do, especially in such bad economic times, he said. Commissioner Harrington recalled that the Board had also asked that Mr. Bass or someone put together an accounting of what was in the books.

Commissioner Harrington said that, looking at the staff memorandum, it appeared to him that there was a parallel effort to investigate what might happen with Sanford and with the MGD wastewater treatment plant. If the Town waited until it had a plan on the MGD plant, he said, noting that this would include development of a funding plan, getting a design firm, designing the project, and project construction -- so this puts us out to 2014 before we can rescind the moratorium, if he is reading this correctly.

Manager Terry replied that 2014 was a reasonable time-line. If the Town was to move through the milestones and make reasonable progress, then he thought the Board could lift the moratorium as soon as they break ground on a plant, he said. Manager Terry pointed out that any construction that the Board authorized in a site plan review would take time to come to fruition as construction of the plant.

Commissioner Harrington asked for a rough estimate of what a major subdivision might need in sewer. Would it be 30,000 gpd or so, he asked. Mayor Voller replied that it would be a bit less than that.

Commissioner Harrington said that he was having to rely on his memory, but he thought the Town could do a lot of the small projects that Commissioner Brooks had mentioned.

Manager Terry replied that he did not have personal experience because the Town had been under the moratorium the entire time that he had been here. However, as sort of a metric to measure, he said, developers Randy Spoon and Patrick Steele had asked for 40,000 gallons each for their projects and had characterized that as just being able to get their projects started.

Commissioner Harrington said he understood why the Town could not tell people they could come in and have \$300,000 worth of sewer. However, he remembered everyone having a collective “Aha! moment” when they sat down and looked at the figures and realized that there was sewer to give out. It is finite, he said, and the Town would have to be careful and make sure that people use it and not just sit on it. But those at that meeting realized that the Town did have sewer to give out, Commissioner Harrington said.

Commissioner Fiocco said that was an important point. It was one of the prioritization points to say that you need to use it or lose it, he pointed out. Commissioner Harrington agreed, adding that this was the plan and the policy that the Board should have before them tonight, to get out of the moratorium until there was a need to go into another one. Instead, the staff recommendation was to wait 60 days, he said.

Mayor Voller said that he did not want to wait 60 days and did not think the Town should. He told Manager Terry that as far as he was concerned the Town had invested much into the hydraulic capacity of the plant. When you apply for permits with the state, it is 120 gallons per bedroom, but when you actually look at real usage, as had been done in Chatham Forest, it is less than 24,000 gallons per day, when the Town's permit is for 72,000, he said. Mayor Voller pointed out that there could be an owner who wants to build 20 or 30 units and would not use more than 2,500 or 5,000 gallons. But that owner would be stuck because they would be qualifying as a major subdivision, he said, adding that he did not think that was fair.

Commissioner Harrington said that a developer had told him that 60 days meant \$4,000 to him. These decisions create real impacts on real people who could be building houses and creating jobs and buying whatever they buy, he said. Commissioner Harrington said he thought the Town needed to do better than just wait. He said he wanted the information that the Board had asked for at the work session.

Mayor Voller agreed that that needed to be done. He said that the prioritization that Commissioner Fiocco had mentioned also needed to be done, but he did not think the moratorium needed to be extended in order to develop those priorities.

Commissioner Fiocco verified with the Manager that the moratorium would officially end on October 17, 2011. What if they did amend the moratorium to increase the gallons-per-day limit from 1,800 to 3,600, he said. A major subdivision was five lots or more, so if you have five lots and three bedroom houses that would be 1,800 gallons and, technically, under the present moratorium, one can develop a 10-lot subdivision with 10 three-bedroom homes, Commissioner Fiocco said.

Commissioner Fiocco pointed out that that would increase the flexibility quite a bit. He said that he had been the Commissioner who was most interested in resolving the moratorium issue and had been nagging and reminding everyone of what the Town was trying to accomplish. However, one of the

most important things was that there was a very limited supply, he said. Commissioner Fiocco said that the Board wanted to establish known policies that the general public and developers could rely on when they lift the moratorium. Commissioner Fiocco stressed the importance of having that in place before lifting it.

Mayor Voller pointed out there had been moratoriums, off and on, since he was doing business in Pittsboro back in 1999. Right now, the economy was terrible, he pointed out, and people were not lining up to build huge developments and there would not be several thousand units coming out of the ground in six months. However, the Town could encourage some businesses and some who might want to build affordable housing for teachers and firefighters, students, police officers, sheriff's deputies -- a good chunk of Pittsboro and Chatham County, said Mayor Voller. He noted that that demand for affordable housing that was under \$200,000 was there.

Mayor Voller said that a lot of people who live in Town had been holding property and would like to do something with it. He would like to see the moratorium rescinded, he said, and then the Board could come up with the guidelines for allocating in the future. Even if the Town was treating 377,000 gallons a day, that would be lower than it was a couple of years ago before all of the rehabilitation projects, Mayor Voller said.

Manager Terry noted that there was not yet enough data to know what positive impacts the Credle Street improvement would have. Mayor Voller replied that it would have a positive impact. Even if everyone came through and the market suddenly increased, there would not be tributary flow to that plant for many, many years, he said. Mayor Voller stated that there were not more than 105 gallons a day, perhaps, per household. He said that those numbers pertain to a lot of units that would not be built in six months, or a year, or two years, or maybe even 10 years. Mayor Voller said that he did not want to see the moratorium continue because it was holding back the people who would build product that the Town needs. Those who have the big projects would still come in and the Town would work with them, he said.

Commissioner Baldwin asked Manager Terry how long it would take to produce the list of policy recommendations. She asked if it could be done by the next meeting so that the Board could extend the moratorium to the next meeting and then rescind it.

Manager Terry replied that creating some sort of a scheme, characterizing what kind of projects would have a higher priority probably would not be a great amount of work. However, to write that into an ordinance or policy would be another matter, he said. Manager Terry stated that he certainly could come up with a bullet list and description of projects and take a shot at prioritizing them. The Board could review that and then tell staff if they were getting close to the target, Manager Terry said.

Commissioner Baldwin replied that it would be a guideline then, and Commissioner Harrington said that the Board needed something like that. He stressed that the Town need to look at moving out of the moratorium and opening the doors, or at least cracking the door open more than it was. He told Commissioner Fiocco that he understood what he had been saying about the development phases. However, someone might come in and say that he/she was doing a project in phases and that this would carry the first phase but he/she would like to have some sense of being able to follow up with another phase, he said.

Commissioner Harrington said that he had not thought about it like that before Commissioner Fiocco

mentioned it. Commissioner Fiocco replied that the Town had cracked the door open much more six months ago. Mayor Voller commented that the problem was that a lot of people did not know that.

Rick Murray, of 21 Bellmont Road, asked if a project could be approved in its entirety and not by phases. Mayor Voller asked Planner Bass if it could be approved in phases, Planner Bass said yes. Mayor Voller replied that Attorney Messick would need to define a major subdivision. Attorney Messick said that a major subdivision was like Commissioner Fiocco had said. It is 4 or 5 lots or involves a public street. Commissioner Harrington ascertained from Mayor Voller that the Town was not allowing an extension of water or sewer if a project was greater than five lots. Commissioner Fiocco pointed out that it also had the parameter of the amount, because it is a major subdivision that uses more than X amount of gallons, and Mayor Voller remarked, "So this is the rub."

Commissioner Harrington said he had been looking over the numbers and thinking that the Town had quite a bit to give out. It had a finite, but large, chunk of sewer and it might accommodate larger projects, he said. Commissioner Harrington said it was unfortunate that the Board did not have the numbers in front of them that would help them determine how much sewer they could give out today.

Manager Terry replied that he had a sense of what they could get, based on past analysis, and he did not think it was as much as Commissioner Harrington was assuming. He said that from Commissioner Harrington's comments it seemed as though he thought the Town would get a lot. Manager Terry explained that there would be about 120,000 gallons, with 80,000 of those reserved for two developers, leaving a remaining balance of about 40,000 gallons.

Commissioner Harrington replied that this was not the right way to think about it, and Mayor Voller pointed out the difference between tributary flows and paper flow. The state was only looking at tributary flows and seeing what it permits, but when they come off that list, it changes, he said.

Commissioner Harrington said that was exactly what he had been thinking before. However, they'd had the meeting and decided to wait. He said that was what he had wanted to discuss tonight, but instead he felt as though they were back at that Saturday morning work session. Commissioner Harrington said that he was not going to vote to extend it 60 days. He said that he did think the Town had sewer to give out, and, if that is the case, there should not be a moratorium.

Commissioner Harrington asked Attorney Messick if what he had just said was a true statement. Attorney Messick replied that it was true unless there was some other reason for the moratorium. Commissioner Harrington replied that he thought the Town was in a moratorium because it did not know how to handle what it had. That was not a valid reason at this point, he said, and he moved that the Board table this item and revisit it at the next meeting.

Mayor Voller pointed out that Commissioner Brooks' motion was on the floor and that he would need to amend it. Commissioner Brooks said that he would rather just call for the vote on his motion. If it was voted down then the Board could make a new motion, he said. Mayor Voller called for a vote on the original motion.

Vote Aye-2 Brooks/Fiocco Nay-2 Baldwin/Harrington Nay-Voller

Commissioner Harrington moved to extend the moratorium until 5 pm on October 25, 2011 and to direct staff to draft a proposal to lift the moratorium, with recommended guidelines on allocating available sewer resources upon lifting the moratorium. He asked that it be available at the next Board

meeting on October 24, 2011.

Commissioner Harrington said that Attorney Messick should be very involved in drafting the proposal. He said that there must be dozens of North Carolina towns that had been in a similar situation and might be models for Pittsboro in the near term.

Commissioner Baldwin proposed a friendly amendment to state that if the allocation were not utilized by a certain period of time it would revert back to the Town. Commissioner Harrington accepted that and encouraged the staff to include that as a must. Commissioner Baldwin seconded the motion.

Mayor Voller clarified that Commissioners could provide input. He noted that Commissioner Fiocco had many ideas and probably could help with the proposal.

Commissioner Brooks stated that he had a nagging doubt and said he wondered if the Board might allay his fears. "How we can do something when the state says we cannot," he asked. Commissioner Harrington replied that he had learned at that work session that the state had not told the Town that it could not allocate. Prior to that meeting, that had been his assumption too, he said.

Commissioner Brooks asked what would happen if the Town did not do its math correctly and could not deliver. He was very concerned about that, he said. Commissioner Harrington replied that DENR would use its formula and decide if it could approve the extension to the sewer system.

Commissioner Brooks asked what would happen if the Town made a mistake and allotted more sewer than the state would accept and then could not deliver the sewer that it promised or delivered more than the state allowed. Commissioner Harrington replied that the Town would be in a lot of trouble in that case. If the Town had been working on this for six months it could have been very careful, he said, adding that that was why he was so concerned tonight. Commissioner Harrington acknowledged that they would be attempting to do in two weeks what could have done over the past six months. However, he wanted to at least to take a stab at it, he said.

Commissioner Brooks said that he was not trying to stand in the way, but was concerned. The state could be pretty hard on you if you do not do what they want you to do, he said. Commissioner Harrington agreed that the Town needed to be careful, for the exact reasons that Commissioner Brooks had given. That was why he thought they probably could not do what they should do, he said. Commissioner Harrington said that he thought the Town should do things differently, but carefully.

Commissioner Fiocco asked Attorney Messick if, with its NPDES permit, was it a true statement that the Town was now able to allocate up to 90 percent of its capacity? Attorney Messick replied that, without going into a special order by consent, yes, he understood that to be true. Commissioner Fiocco asked if it was also true that the Town could not exceed that 90 percent until it had contracted for a construction with a new permit. Attorney Messick replied that that was his understanding as well.

Commissioner Fiocco stressed the importance of having a policy in place that everyone could understand and rely on, and where developers could clearly read the rules and know that their expectations would be fulfilled. He thought that would take some very serious work, he said, and that he did not know that the Town could accomplish it in two weeks.

Commissioner Harrington agreed, adding that there should be something telling people why they

cannot have it, since the Town cannot give it to everybody. Commissioner Fiocco agreed. He did not want the Town to find itself in an awkward position of lifting the moratorium and then having to set aside a request for a project, he said. At the same time, however, he did not want to give developers a false pretense that the Town was wide open for business, Commissioner Fiocco said.

Commissioner Fiocco said that he did not like the 60-day wait, but it seemed like a rational path to him at this stage. He said that he was unhappy that staff had not worked on this, since the Board had requested it on numerous occasions. However, that was not reason enough for him to rush into something at this time and do something that might be unwise, Commissioner Fiocco said.

Commissioner Harrington clarified that he was not asking to rush into anything. But, maybe they could do better in two weeks, he said. Commissioner Harrington told Attorney Messick that there was not enough time to make this perfect. However, he was hoping that staff could find other municipalities who had done something similar, that had drawn boundaries and said the door was open but not wide open, he said.

Commissioner Harrington said that the Town needed to be able to refuse some people. However, he knew there were more people that they could approve than they currently were, he said. If staff could get a little closer to that in the next two weeks, then the Town would be well served, Commissioner Harrington said. He said that the Board had to feel comfortable with whatever came out of this and needed to at least give it shot and make it the most important project over the next two weeks.

Commissioner Brooks said that he understood the motion to be that the Board wanted more information. It was not making a decision on the moratorium tonight, but would do it on October 24, he said. Commissioner Harrington replied that they would have to extend the deadline at least a little bit.

Commissioner Brooks asked for clarification that the deadline was extended to the October 24, 2011 but the moratorium was not ended. And then, on the October 24, 2011 the Board hoped to have information so that it could make a good decision for the Town. "Is that the sense of what you're saying?" he asked Commissioner Harrington. Commissioner Harrington agreed, adding that somebody could come back on the 24th and recommend extending it for 60 days.

Mayor Voller said he wanted to clarify something that Commissioner Brooks had brought up. The state of NC had a very conservative model of 120 gallons per bedroom that goes back to the days of five-gallon toilets and people not conserving water, he said. However, in the regulations, it does allow using data to show what your flows are. So, even if you have three people come in and say I want to do 100 units, you only have 10,000 ultimately coming to the plant and we have the capacity, he said.

Mayor Voller stated that he felt as though the Town should be very cautious, but, on the other hand, there was a lot more resource available than they thought, due to all of the improvements the Town had made and the fact that growth had slowed down. Mayor Voller acknowledged that if the Town never build the sewer plant or made a deal with Sanford, then it could end up with a problem. However, the current Board, or the next, would not put the people of Pittsboro in that position, he said. Mayor Voller pointed out that, there were hundreds of thousands of gallons available in the meantime.

Commissioner Harrington clarified that even if the arrangement with Sanford did not work out, and the Town did not get a new plant, it would still have more than 40,000 gallons of sewer that it should give

out. Mayor Voller agreed.

Manager Terry said he disagrees with that. Mayor Voller replied that the Manager was paid to be very conservative and had his assessment. But, if the Town continued to make improvements in the distribution network, and cut down on infiltration, how could it have that many units in the system and be treating less than 1997?

Manager Terry replied that the system was improved, but DENR had been accepting applications from the Town because DENR did not have a record of the fact that the Town had sold a very large chunk of capacity to East West Partners. That does not show up on DENR's records until somebody actually makes an application to build a house, he said.

Manager Terry said that they have a check in their pocket, so to speak, and if they ever cash it we have to make sure that we have the capacity. Commissioner Harrington replied, "Exactly. So we guaranteed them a loan of something and we know they'll come back and borrow something less than that."

Commissioner Brooks asked, if there was a loophole such as the Mayor had just outlined, then why doesn't the Town have the DENR engineer come up to do that. Attorney Messick replied that it was easier, cheaper and more practical to use the figure of 120 gallons per day and then keep track and convert it to tributary as soon as the house is built.

Commissioner Brooks replied that that was exactly the position he had taken and that the others had said he was wrong. Mayor Voller replied that Commissioner Brooks was not wrong. It was just a conservative figure they use, but a private individual can hire an engineer to do a flow analysis and come back and say what it is, he explained.

Commissioner Fiocco said that the state uses conservative numbers because they do not know whose system Pittsboro is running and there could be a lot of infiltration inflow and because it is also designed to accommodate the peak situation, such as Super bowl at halftime. There were times when a plant operates at optimum load, and those numbers were designed to capture that, he said. Typically, the transition from paper flow to tributary flow is about 63 percent, Commissioner Fiocco explained.

Commissioner Brooks said he assumed the Town was turning the Chatham County Jail down on its request for sewer. Mayor Voller replied that their request was interesting because other people had been waiting in line and theirs just showed up. There had been a lot of moving parts to it that needed to be really looked at, he said.

Vote Aye-4 Nay-0

**AN ORDINANCE EXTENDING THE MORATORIUM
ON THE APPROVAL OF MAJOR SUBDIVISIONS, PLANNED UNIT
DEVELOPMENTS, AND NON-RESIDENTIAL DEVELOPMENT OF LAND IN THE
TOWN OF PITTSBORO AND ITS EXTRATERRITORIAL JURISDICTION AREA**

WHEREAS, an ordinance was adopted by the Town of Pittsboro on Oct 12, 2009 pursuant to the authority conferred in Section 160A-4 and 160A-381 of the North Carolina General Statutes establishing a moratorium on the approval of major subdivisions, planned unit developments, and non-residential development of land in the Town of Pittsboro and its extraterritorial jurisdiction area; and

WHEREAS, certain work contemplated by the 2009 moratorium ordinance has been completed and certain conditions have changed so that this extension is deemed appropriate and necessary, including, but not limited to, the following:

1. The Town has prepared and submitted an Environmental Impact Statement (“EIS”) and an application for a National Pollutant Discharge Elimination System (“NPDES”) permit for a new 3.2 million gallon per day (mgd) wastewater treatment plant. The NPDES permitting process was completed on June 2, 2011. The Town has also completed improvements to the existing wastewater treatment facility in order to improve its hydraulic treatment capacity.
2. The Town is currently exploring the possibility of a connection to the City of Sanford’s wastewater treatment facility as an alternative to the construction of a new treatment facility for the Town. An evaluation of this option is anticipated by December, 2011.
3. In order to accomplish either option, the Town is proceeding to develop a funding plan which will be ongoing until at least June 2012. The Town is also preparing to solicit qualifications for the design of an appropriate new facility. Completion of design is not anticipated until June, 2013. Construction of a new facility will not be completed until at least December 2014.
4. In addition, the Town is currently revising its Land Use Plan and anticipates the subsequent development of a Comprehensive Plan which will have a utility component. Completion of the draft Land Use Plan is contemplated to be completed in December 2011 with adoption of the approved Land Use Plan in early 2012.
5. The Town has also completed improvements to the existing wastewater treatment facility in order to improve its hydraulic treatment capacity. Despite those improvements, the current tributary flow and the permitted, but not yet tributary, flow and obligated capacity, is a significant portion of the improved hydraulic treatment capacity of the plant.

WHEREAS, at least some of the conditions above may be resolved within the next 60 days and the conclusions to be made by the Town as to future wastewater capacity issues will be more refined within that period of time; and

WHEREAS, during the pendency of this extension the Town will be able to consider the allocation of excess capacity, if any, and recapture of unused paper flow as well as a longer term extension of this moratorium with proper notice and the opportunity for the public to be heard prior to implementation; and

WHEREAS, without the existence of this ordinance, an unlimited number of subdivisions, PUD's, and non-residential developments could be approved and constructed without taking into account the ability of the Town to provide wastewater treatment for the new residential and non-residential developments. The subdivisions, PUD's and non-residential developments constructed during the time the Town is taking the necessary steps to provide for additional capacity for the collection and treatment of wastewater could pose a detrimental effect on the ability of the Town and the safety of the public, thus threatening the long term economic health of the Town's population.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO that the provisions of the Ordinance adopted October 12, 2009 be confirmed and ratified and extended until and through October 25, 2011.

Adopted this 10th day of October, 2011.

AN ORDINANCE EXTENDING THE MORATORIUM ON THE APPROVAL OF MAJOR SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND NON-RESIDENTIAL DEVELOPMENT OF LAND IN THE TOWN OF PITTSBORO AND ITS EXTRATERRITORIAL JURISDICTION AREA IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 68-69

Item 3. Transportation

Mayor Voller said that Commissioner Fiocco wanted everyone to see what was going to be coming to the RPO on October 20, 2011. There were a couple of Pittsboro projects that the Board might want to put an asterisk next to and give qualitative weight, he said.

Mayor Voller said that the Board did not have to make a decision tonight, but could give input to him as the chair when he meets with that Board. He said that he would take recommendations by email or that Commissioners could authorize Commissioner Fiocco, who was on the Transportation Board at the County, to sit down with him and take input.

Mayor Voller explained how the formula worked. The RPO could have a 10 percent effect on statewide projects, such as a major highway, he said, and it could have a 30-40 percent effect on regional and sub-regional projects, such as widening a street and putting in curb and gutter. Mayor Voller said that the RPO was getting so many points to spend and could allocate all of its points on one project if it so chose. He said that Commissioners could tell him, as the chair and Mayor, which projects they like. Mayor Voller pointed out that it did not make sense to spread it all out and end up with no projects being built. He recommended choosing a few that the Board really liked and putting all of their weight behind those, rather than spreading it out on 20 projects and having nothing built in Pittsboro.

Commissioner Brooks suggested that the first priority be old roads, such as old 87 and perhaps 902. He recommended choosing roads that were in the worst or most antiquated condition and then maybe get some of the others done later.

Mayor Voller replied that he heard what Commissioner Brooks was saying, but there was a question as to whether they could actually move the line on any of those roads. Commissioner Harrington asked if choosing a road which was right in Pittsboro and close to Town, was the right strategy.

Mayor Voller replied that that is exactly what he meant. He explained more about the ranking system and recommended choosing projects such as #1884, to construct crosswalks and sidewalks in conjunction with the waterline project, which ranked #20 in the state. Another good choice would be the courthouse roundabout, which ranked #80th in the state, Mayor Voller said. He pointed out that there were a few others where the Town might actually have an effect.

Commissioner Fiocco asked how cost was reflected in the ranking. He noted that #20 seemed

relatively inexpensive when compared with some other projects that were lower in ranking. Mayor Voller replied that if it was a very important project and expensive, NCDOT probably would figure out a budget for it. However, if the value was not there, they would not.

Mayor Voller said that NCDOT board members would get behind projects that they see as strategic, so he did not think the Town should spend any effort on statewide projects. However, on projects inside the region, NCDOT would listen to the Town, he said. Mayor Voller pointed out that some of those projects were in line with what Commissioner Brooks had been talking about. One that the Board could potentially move immediately on would add two-foot shoulders to Highway 87, from Chicken Bridge Road back to Pittsboro, he said. He pointed out that the Pittsboro Bypass was ranked #335 in the state out of 1249 projects. So that's almost in the top quartile, Mayor Voller said.

Commissioner Fiocco noted that many of the projects related to sidewalk construction, even though there already were sidewalks on one side of the road.

Mayor Voller pointed out that the Town ranked in the top 10-15 percent on some because it had a pedestrian plan, which had been adopted and submitted. So, kudos to Town staff and everyone else who worked on it for years and to the Board for getting behind it, he said. Mayor Voller noted that sidewalks and crosswalks between the Courthouse Circle and Launis Street were ranked #20 and likely to get picked. In addition, the roundabout was likely to be chosen as well, he said. Mayor Voller pointed out that each list of projects was a separate topic. No one would harm Commissioner Brooks' idea of supporting roads if they were to support pedestrian improvements because those projects were not competing for the same dollar, he said.

Commissioner Baldwin asked Mayor Voller if he wanted the Commissioners' lists tonight. Mayor Voller replied that they could look it over and send him their choices, which he would then take under advisement to the Board. He suggested that Commissioners list their top choices and email it to Manager Terry, who would forward it to him. Mayor Voller explained how the lists were organized and suggested that each Commissioner look at the three groups and send in his/her top five by next Monday at the latest.

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Manager Terry said he had moved Southern Park to the completed list. He said he had walked through the park during the weekend and that it looked good. Staff was still working toward a grand opening on November 5, 2011, he said.

Manager Terry said, with regard to the 3.22 MGD plant, that he had met with Sanford's city manager and others and that the county had agreed to manage a feasibility study. Chatham County Utilities Director David Hughes was working on defining that scope of work, he said.

Mr. Terry pointed out the nice check that the Town had received tonight from Central Electric Membership Corporation. Mayor Voller commented that the Town had received a check the prior meeting from the ABC Board but had never had the official ceremony. Manager Terry concurred, noting that he had invited Mr. Kelly to come back to tonight's meeting and make a presentation. Commissioner Fiocco said that Mr. Kelly was of the opinion that he was coming to the next meeting.

Manager Terry said that was correct and it was because he had not been able to come tonight.

Mayor Updates

- EDC -
- RPO – October 20, 2011
- Solid Waste
- Fairground Association – was not well attended – but it ran smoothly
- PMA/Downtown - Gaslight – October 15, 2011

Mayor Voller reminded everyone of the Street Fair on October 22, 2011 and the Main Street Meeting here on October 13, 2011 from 6 to 8 p.m. he stated he would not be able to attend and asked that Mayor Pro Tem Baldwin bring the welcome at the meeting if she was available.

Commissioner Concerns

Commissioner Harrington noted that campaign signs were not permitted in the right-of-way of streets and said that it looked as though the Town was not enforcing that rule. Manager Terry replied that he did not know of any signs that were in violation. He typically contacted candidates in such instances, he said, adding that he preferred that to going out and pulling up signs.

Commissioner Brooks proposed that maybe the Board should be quiet about signs so it would not be accused of hypocrisy. He had seen a sign for the Pittsboro Street Fair on the fence around the burned out courthouse, he said. Commissioner Brooks stated that it appeared to him that the Town was violating our own sign ordinance.

Mayor Voller commented that Commissioner Harrington had brought up a legitimate concern. He was correct, the ordinance does say that you cannot put a sign in the right-of-way, he said, adding that many signs would be in violation because no one knows exactly where the public right-of way begins.

Chris Grulke stated that it is indicated on GIS.

Mayor Voller pointed out that some people violate the ordinance by having more than one of a candidates signs in a yard, but it was not Town policy to get involved with that. He said that Planner Bass could contact the candidates he wanted to, but, technically speaking, there probably are many who are in violation and the question was whether the Town wants to rip them all up.

Manager Terry commented that if signs were in the traffic circle or at the library, staff would contact the candidate. Attorney Messick said that the public rights-of-way were festooned with signs.

Mayor Voller replied that this was a good point and he suggested that perhaps the Town should get involved with business signs. Commissioner Harrington agreed that the Town needed to figure this out, since it was enforcing one and not the other. However, staff had more important things to do over the next couple of weeks, he said.

Commissioner Fiocco said he wanted to bring to the Board's attention a Town policy that he thought was harsh. He had been threatened with disconnection of his water and had to pay a reconnection fee because he had been busy and had not paid his bill on time, he said. Mayor Voller said that this had

been discussed during the budget process and the Board had agreed to remove or change that fee. He had thought they had moved to change disconnection from immediate to 10 days, he said.

Commissioner Fiocco argued that a small town such as Pittsboro should not be that harsh. Manager Terry said that there was a bill that lets people know they are tardy, and then a period of time after that when they may come in and resolve the issue. It was after that that the Town goes out and puts a blue hanger on the door, he explained. Manager Terry pointed out that these were stated policies of the Board and that the Board could change them.

Mayor Voller asked if the Town had put a blue door hanger on the Townsend, chicken plant when it had not been paying. Manager Terry replied that Townsend had filed for bankruptcy.

Mayor Voller said that he believed in treating everyone equally. It was unfair to just cut people off, he said, and he pointed out that the Town did not allow people to pay their water bills online. It seemed like an issue that needed to be revisited, he said.

Commissioner Brooks asked if they might postpone the Manager's evaluation, since one Commissioner was absent tonight. The Board agreed to table its closed session.

FYI -

1. Town Financial Expenditure Statements for the Month Ending September 30, 2011.
2. Water and Sewer Revenues – Budget vs. Actual for FY 2011/2012.
3. Agenda for Pittsboro Small Town Main Street Meeting on October 13, 2011.
4. NC Department of Commerce letter of September 23, 2011; RE: Release of Funds and Monitoring Plan CDBNG Number **05-D-2087**.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to postpone the evaluation of the Town Manager until October 24, 2011 and to adjourn the meeting at 9:55 p.m.

Vote Aye-4 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk