

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, FEBRUARY 28, 2011
7:00 PM

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

ATTENDANCE

Members present: Mayor Randy Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Clinton E. Bryan, III, Michael Fiocco, and Hugh Harrington.

Staff: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul S. Messick, Jr., Planning Director Stuart Bass, Finance Officer Mandy Cartrette, and Assistant Planner Paul Horne.

AGENDA

Mr. Terry said they had had an eleventh hour reconsideration by the low bidder for the Pittsboro Town Park and would need to substitute the information provided tonight for that item. He stated the item was already on the agenda as the first item under New Business so no change to the Agenda was necessary.

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

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the February 14, 2011 Regular meeting.
2. Reappoint Harry Sugg to serve a three (3) year term on the ABC Board. The vacancy was advertised in the Chatham Record on February 3 and 10, 2011. It was also advertised on the Town's website. We received one letter of interest from Mr. Sugg.
3. Approve Chatham County Literacy Council Resolution.

Commissioner Harrington noted a change to the minutes on page 19, the last paragraph of the section before the vote reads "could not even add something as small as a gazebo" and it should be "could not even add anything more than a small gazebo".

Commissioner Fiocco said on page 12 in the second paragraph, second sentence, the word “buckle” should be “ductile.”

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the Consent Agenda as amended.

Vote Aye-5 Nay-0

**A RESOLUTION FOR CHATHAM COUNTY LITERACY COUNCIL IS RECORDED
IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 24**

REGULAR MEETING AGENDA

Citizens Matters

Gia Miele, 105 Burnice Place, said she was representing the Pittsboro Merchants Association, soon to become the Pittsboro Business Association which would be a 501(c)(3) organization. She said the enforcement of the two-hour parking had worked fairly well but she had received feedback from some of the merchants that they had had complaints from the public that two hours was not enough time to eat and shop. Ms. Miele asked that the Board consider changing the time limit to three hours.

Ms. Miele said at the last meeting David Quick, a musician, had spoken to the Board about events in the downtown, and she wanted to clarify that he was not affiliated with the Pittsboro Merchants Association but had helped them to acquire bands for past events. She said she was here today to talk to the Board about the Town’s financial allocation for events.

Ms. Miele said for some years the PBA had been organizing monthly “First Sunday” events, and for 2011 they were planning to organize ten “First Sundays” and four quarterly “themed” events. She said those events included space for local crafters to showcase their wares, live music, food vendors and street artists. Ms. Miele said the quarterly “themed” events had entertainment throughout the day and into the evening, with the sole purpose of those activities to promote the Town of Pittsboro and its businesses. She outlined some of the events planned for 2011, including a Victorian themed street fair and circus, a nighttime swing dance street party, and a Candlelight Christmas event as had been done last year.

Ms. Miele said to date, all of the expenses involved in those events, except for the stage and Port-O-Potty which were provided by the Town, had been paid out of Pittsboro Business Association funds. She said they were now positioned to make those events even more dynamic with the help of additional funding. Ms. Miele said as those events benefited the Town, they were proposing that the Town allocate, in its annual budget, funds to help them expand the scope of each event. She then distributed to the Board an annual event expenditure sheet that included the proposed additional funding they were requesting, listed in priority order.

PITTSBORO BUSINESS ASSOCIATION

Current Annual Event Expenditures

First Sunday Bands	\$ 2,500.00	bands
	\$ 3,000.00	coordinator
	\$ 500.00	flyers
Quarterly Events	\$ 4,000.00	advertising
	\$ 6,500.00	advertising
	\$ 400.00	flyers
	\$ 250.00	signage
TOTAL		\$17,145.00

Proposed Additional Town Budgeted Expenditures In order of Priority

Radio Advertising	\$ 8,000.00 to \$15,000.00
Improved signage, flags	\$12,000.00 to \$25,000.00
Magazine Ads, listing all PBO events, full page	
Chapel Hill	\$5,000
Pinestraw	\$3,200
Cary	\$4,500
	\$12,700.00 to \$16,000.00
Additional Newspaper ads	\$ 4,000.00 to \$ 6,000.00
Paid performers, rides, etc.	\$12,000.00 to \$20,000.00
TOTAL	\$48,700.00 to \$82,000.00

Voluntary event functions performed by PBA members

- Plan Events
- Plan, prepare all artwork and place advertising
- Market for and negotiate with vendors, actors and bands for pro-bono participation in events
- Distribute flyers
- Meet with and research other small towns for event and marketing ideas
- Meet monthly just to address marketing
- And much, much more

Ms. Miele said they had found that despite all of their efforts, they still did not get enough foot traffic. She said if the Town did nothing else, what they desperately needed was to have some kind of bi-local movement to support the events.

Mayor Voller said they also had a handout regarding the Main Street Program. He asked Ms. Miele if she supported that program and would like the Town to participate in it. Ms. Miele responded she had said before that it was a “no brainer,” in that they should and must be a participant in that program because otherwise they could not apply for funding. Mayor Voller asked if her organization would like to work with the Town on the Main Street Program. Ms. Miele responded absolutely.

Commissioner Brooks said that some time ago they had discussed erosion issues on 15-501 North on the Hackney property as well as the property of Linda Cooper. He said that Mr. Terry had been instructed to get in touch with DWQ to determine what was happening, but that a copy of that letter had not been included in the Agenda packet and asked that it be included. Mr. Terry said he had some materials that he could provide to the Board tomorrow. He said he had received a lengthy history of sanctions and fines, although he was not sure they were getting the result from that that had been hoped for.

Commissioner Brooks said he had thought that when those agencies fined someone and nothing happened, it was turned over to the Administrative Office of the Courts where a State administrative judge would hear the case and make a ruling. He wondered if that had been done. Mr. Terry said he was unsure about that. Commissioner Brooks said he believed that turning the matter over to the Court would get some results.

Commissioner Brooks said that in regards to the letter from Cynthia Perry, that it concerned him greatly and he would like that letter included in the minutes. That letter is as follows:

From The Law Office of CYNTHIA SAX PERRY, PLLC
259 Hillsboro Street
Post Office Box 147 Pittsboro, North Carolina 27312
Facsimile: (919) 542-6928
Telephone: (919) 542-6262

February 15, 2011

Mr. Reuben Blakely, District Engineer
Department of Transportation, PO Box 1164
Asheboro, NC 27204

RE: Crosswalk in Pittsboro, NC

Dear Reuben Blakely:

A 79 year old woman has just left my office after a conference. She is terribly upset because she was nearly hit by an accelerating car while she was in the crosswalk on Hillsboro Street, near the Chatham Mill and Launis Street intersections.

I understand from Lucille Gilley that she has spoken with the Town Manager and that you all have investigated this crosswalk. I understand further that DOT has determined that nothing needs to be done, in part because nobody has been hurt or killed at this crosswalk. I can hardly imagine that the DOT makes policy based on such criteria.

Ms. Gilley and I are writing to request additional review, and ask that the crosswalk be noted with flashing lights on top of the Pedestrian Crossing signs on either side of this walkway, or some other kind of safety device to protect pedestrians.

We use that crosswalk multiple times per day. Ms. Gilley walks to and from her job located in the Chatham Mill, and I walk my dog each morning in that area. Both of us can attest that this crosswalk is a disaster waiting to happen. Since it is located at the top of the hill, often the approaching traffic does not see a person entering the crosswalk. Ms. Gilley has had a number of close calls and so have I. When Ms. Gilley called to the Town Hall to discuss this matter, the receptionist was heard to say "Here's another one" while she transferred Ms. Gilley to the Town Manager.

It is clear that many people rely on this crosswalk: people going to the businesses in the Mill, school children coming home from the local schools, etc.

I am asking that the Town's Chief of Police, David Collins, request that his patrols include in their rounds parking at the Old Village Motel so that they can discourage speeders and protect pedestrians at that location. Especially difficult is the afternoon when school children and workers are coming and going from the Mill area and traffic is beginning to build from the commuters' home.

Clearly, we need to be able to tell senior citizens such as Ms. Gilley and me that we protect our pedestrian rights and safety. We intend to put a letter to the Editor into the local paper, and hope that you will join in this community's effort to be a safe and caring community.

Please call me to discuss additional review of this crosswalk. I greatly appreciated our work together on the Jackson property at the new round-about, and I hope we can conclude this one as satisfactorily.

Cynthia Sax Perry

cc: Town Manager, Town Planner, Chief David Collins

Commissioner Brooks said he would like the Board to follow up with some kind of action, perhaps a letter from the Board to the Chairman of the NCDOT and the Governor's Office. He said the first order of business a town should have was the protection of its citizens, and if the problem outlined in that letter existed he would like to see it addressed. Commissioner Brooks said it would also be appropriate to forward a copy of that letter to Representative Hackney and Senator Atwater. He said he did not believe a solution would carry too high a cost, but they would likely need permission from the State. Mr. Terry said that was correct.

Commissioner Brooks asked had DOT actually told someone with the Town that they were not interested in a solution because there had been no injuries or deaths associated with that area. Mr. Terry said not to his knowledge. Commissioner Brooks described several incidents where people had been injured or killed at particular intersections in or near Pittsboro, noting that it appeared that in the past that NCDOT may have had an unspoken policy that until some incident occurred they were not responsive to requests for safety features.

Mayor Voller commented that they were trying to make Pittsboro pedestrian friendly and encourage people to walk.

Commissioner Brooks agreed, adding they needed to do something to protect their citizens.

Mayor Voller said what Commissioner Brooks had said was true; noting he crossed at the crosswalk on Hillsboro Street every morning while walking his dogs and people did not stop for him. He said they needed to do something to get drivers' attention so that pedestrians could safely cross.

Mayor Voller said the Board had approved a resolution that was to be sent out to the State regarding the erosion issue at Bellemont Station, which was noted in the minutes of the February 14, 2011 meeting. He asked that that be done as quickly as possible.

Commissioner Harrington said that it would be safer if that crosswalk was closer to the top of the hill so that it was more easily identified. He said he believed the Town should specifically request that DOT relocate the crosswalk closer to the top of the hill so that drivers coming from either direction would have a better view.

Commissioner Fiocco said he had spent many hours with DOT on site looking at that location, and moving it closer to the top of the hill made it worse because you could no longer see the cars coming from the south. He said he believed it was located in the best possible spot, although it was not ideal. Commissioner Fiocco said he thought that perhaps the signage was inadequate and that vehicles were traveling at too high a rate of speed through that area. He said there were other things that could be done to improve that crosswalk and make it safer. Commissioner Fiocco said based on what he had heard tonight, he believed that the DOT should be willing to look into that and perhaps install another sign. He said specifically he would suggest that they erect a sign in the middle of the road on the striping that cars would more readily recognize.

Commissioner Brooks said that was a very good idea, and Mayor Voller and Commissioner Bryan agreed.

Mayor Voller asked that Mr. Terry communicate to the DOT that the Board would like to see this issue addressed with all due speed.

Commissioner Brooks asked that the letter Jay Johnston wrote regarding the Hillsboro Street Transmission Line be included in the minutes as follows:

From: Jay Johnston
Sent: Wednesday, February 16, 2011 11:37 AM
Subject: Concerns over Water Main Ordinance

Mr. Terry,

Becky Smith relayed to me that there were a number of concerns expressed by Board members Monday night. If it helps allay some of those concerns, please share these thoughts with your Board.

1. Only the northern half of the project corridor has been surveyed and some of the finer points sorted out for budget estimating. The design process has not begun wherein we can “sharpen our pencil” and refine the budget estimate. As such, this early budget estimate is deliberately very liberal in hopes that we do not inadvertently guide the Town into under-budgeting the project.
2. We DO KNOW that this will be an expensive project. North of downtown, the existing main that we are replacing is precariously positioned near the edge of the road or under the road, so there are traffic control costs. The existing main is asbestos-cement and must be handled delicately with a lot of hand excavation required.
3. The available space within the right-of-way is minimal. NCDOT will require the new pipeline to be at the very back edge of the right-of-way, placing the new pipeline deep into people’s yards with their walkways, steps, landscaping, etc. This adds significant expense.
4. NCDOT is already giving stiff push-back against the construction work required in the first 2 to 4 blocks north of the traffic circle. Initially they have said they would not allow construction in this area at all. This is not an option. So they have said the water main will have to be in the sidewalk through the commercial district. This is very distasteful from a PR standpoint. But the budgetary point is – the solution will be expensive and we have tried to provide an initial budget to reflect this.
5. The engineering fee is very low, taking advantage of work already completed. At \$115,080 (including \$88,330 for fulltime inspection), this is 11.85% of the construction estimate.

If I’ve missed the mark trying to answer these questions, I’ll be glad to field questions or address the Board at the next scheduled meeting.

Jay Johnston, PE
Hydrostructures, P.A.
Ph. (919)542-5002

OLD BUSINESS

1. Authorization to Proceed with the Recruitment and Hiring of a Town Engineer.

Mr. Terry said that during budget negotiations last year the Board had included funding for a Town Engineer for a period of four months, and the Board had also instructed him to come back with a mid-year budget report on revenues and expenditures to date and comment on the fiscal health of the Town which he had done on February 14, 2011. He said at that time the Board had tabled the question of whether or not to proceed with the recruitment and hiring of a Town Engineer and had requested additional information regarding the duties of that position and to what extent that position would reduce engineering consulting fees currently being paid by the Town.

Mr. Terry said in response to that request, several Exhibits were prepared that responded to those questions. He said that Exhibit D was a collective form that showed the funding for this year and the proposed funding for next year, that Exhibit E was a position description, that Exhibit F was an example of what the position might save the Town by not hiring a consultant, and Exhibit G was a price quote as an example of available office space in Town.

Mr. Terry noted that if the Board elected to proceed tonight, there was four months of funding in the current budget but it was unlikely they would be able to recruit and hire a Town Engineer within the next 90 days.

Commissioner Harrington said he believed the Town Engineer would have to be a Professional Engineer, or P.E.; otherwise, the Town would have to pay someone for their engineering stamp. He said on the other hand, he wondered if the salary offered would attract someone with a P.E. Mr. Terry said he had contacted Fred Royal with the County who was a P.E., and he had shared that his annual salary was \$92,000. He said that Mr. Royal believed that a starting range of \$85,000 would attract an experienced engineer.

Commissioner Harrington said his concern was that they would need to hire a younger engineer with not much experience, but they really needed someone who could take over a lot of the work that the experienced engineers at Hydrostructures now performed. He said he was concerned that they would hire someone but they would still have to call on Hydrostructures for help. Commissioner Harrington said ideally, they would hire an experienced professional engineer that could sign off on projects, water works, sewer works, surveys, and the like. He said he did not believe they could afford an engineer who could do it all. Mr. Terry said the expectation that you could hire one person that would perform every engineering task the Town needed was unrealistic. He said that complex projects required multiple disciplines including electrical, mechanical, civil engineering and more, so there would be disciplines that any engineer recruited would not have experience in.

Mayor Voller agreed that the person should be a P.E. Mr. Terry said absolutely, that they would be wasting their time if they hired someone without that designation.

Commissioner Harrington said so if they were to pick a specialty, had he thought about what specialty would be most important to the Town. Mr. Terry said that Civil Engineers were more generalists; that is, they matched up better with Planning Department issues such as highway and street construction. He said that an engineer could specialize in utilities, but primarily Civil Engineers had those skills. Commissioner Harrington said he knew that a P.E. had the ability to stamp a project, and asked if that was also specialized.

Commissioner Fiocco said that P.E.s was directed to stay within their area of expertise. He said that there appeared to him to be one large body of work that was not listed in the materials that they would expect an engineer to perform, and that was assistance with grant applications. Commissioner Fiocco said they had spent a lot of money chasing grants that had they had an engineer on staff they would have been eligible to get reimbursed for those expenses. He said he believed that was a big item that needed to be considered. Mr. Terry said he had thought that

was included in the position description, but if it was not he would make sure it was added. Commissioner Fiocco said that went towards figuring out whether it was cost effective to hire an engineer or continue to contract for those services.

Commissioner Fiocco said he believed it was important for the Town to try to get an engineer on staff. He said he agreed with Commissioner Harrington's comment that they needed someone with experience and whether or not the salary structure they were considering would get such a person he would like to see them advertise for the position and see if they could attract someone. He said the Board always had the option not to hire them, but he believed it could be more cost effective to have an in-house engineer. Commissioner Fiocco said the other idea of expertise was if they were going to subcontract for other services which they would with only one person, they wanted that person to be experienced enough to manage the project and the other engineers.

Mayor Voller said that a good civil engineer should be able to help with water, sewer, erosion control, and other issues. He said that person could then bring in the experts they would need when other expertise was necessary.

Commissioner Harrington said he believed that person would also have to have the expertise to manage projects which was the trickier thing.

Mayor Voller asked how Mr. Terry would anticipate going about reviewing candidates to find the one that best suited the Town. Mr. Terry said he would use the same technique used in other hires, such as when they had recruited the Finance Officer. He said he had sought assistance from Sanford and their Finance Officer to help conduct interviews and ask questions of the candidates. Mr. Terry said in this case he would likely call on the County Public Works Director, David Hughes, to help conduct interviews and review candidates, although he had not yet asked him for his assistance. Mayor Voller said he believed that would be wise.

Commissioner Harrington reiterated that having a P.E. would be the best way to go.

Commissioner Fiocco said that Mr. Hughes had expressed a willingness to assist the Town in hiring an engineer.

Commissioner Baldwin said she believed they definitely needed an in-house engineer because she thought they would save money by having someone that could do the job rather than having a consulting firm do everything that the Town needed. But, she said, they did need someone with experience so that the Town did not have to provide on-the-job training and the person then moved on to some other place. Commissioner Baldwin said she would be in favor of increasing the salary to be more competitive so that they could attract a more experienced candidate. Mr. Terry said they would still have to hire out engineering services. Commissioner Baldwin agreed, but said not to the degree they were doing now. Mr. Terry said for example, large projects such as the wastewater treatment plant project would still require outside services, but the benefit of having an in-house engineer would be that they would supervise those kinds of projects rather than a generalist like himself. So, he said, they would be shopping for an engineer that could manage those types of projects. Commissioner Baldwin agreed.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to authorize the Town Manager to advertise for the position of Town Engineer and proceed with recruitment.

Mayor Voller said he believed the motion included adding that the position would be a P.E. and would have grant administration duties. Mr. Terry said those would be included in the position description. He said he would also welcome additional comments regarding the position description, noting it was a living document and would change over time as improvements were made.

Commissioner Brooks said they had had a lot of problems with engineers in the past, and it seemed to him that the only business he had seen growing in Chatham County the last few years was government. He said Pittsboro had only 3,200 citizens, and it seemed to him that to hire an engineer in the present economy may not be the wisest thing to do. Commissioner Brooks said he believed they were likely looking at expenses of up to \$300,000 by the time office space and equipment, a vehicle, and whatever else was needed was included. He said he believed the Town could lay quite a bit of pipe with that money, and he believed the sources for grants to do that kind of thing might dry up. Commissioner Brooks said he saw the wisdom in hiring a Town Engineer, but he was more concerned about providing basic services.

Commissioner Harrington stated that Commissioner Brooks had made a valid point and one that was very important, in that the Town did need new water pipes which depended on receiving grants from somewhere. He said if the opportunity for grants lessened, they really would not have much work for a Town Engineer to do.

Commissioner Bryan said that was a valid concern. He asked Mr. Terry if the cost statement from Hydrostructures was fairly accurate if you took it on an annual basis. Mr. Terry said it was so variable that it was hard to say, noting it depended on what the Town had going on at any given time. He said there was one expensive month noted where there was a lot of activity associated with the Jordan Lake Partnership and the allocation requests for all the cities. Commissioner Bryan said for what they were paying Hydrostructures now, they may come out better than with an in-house engineer.

Commissioner Bryan said his other concern was that 50% of the cost of a Town Engineer would be paid out of the Enterprise Fund, and he was not convinced that the Enterprise Fund was in as good a shape as they may think it was, particularly in light of the Townsend situation.

Commissioner Harrington said he was guessing that there was a good chance that the Town Engineer would need some fairly expensive software, and asked had that been included in the estimated expense. Mr. Terry said that there was a professional services line item in professional services that would cover that kind of cost, as well as such things as going out and doing inspections. Commissioner Harrington said he would be interested in knowing what that cost would be.

Commissioner Fiocco said that engineering software could run in the \$10,000 to \$12,000 range. Mr. Terry said he had not included an allocation for that, but had included an allocation for a computer and basic office software.

Commissioner Harrington said it would appear that another \$15,000 needed to be added to that amount.

Mayor Voller said having dealt with large engineering departments across the Triangle during his career, you did get an issue that Commissioner Brooks had eluded to where you got a growth of people head count and you grew to a size that some of the people did not have enough to do. He said those people were called RIP's, or retired in place. Mayor Voller said in this case they would be going from zero to one, but if that person would not be providing value then they should not be paying for the position. Mayor Voller said the Board had discussed hiring an in-house engineer over several budget years, so the person they hired, how hard they worked, and the duties they performed would make or break the position. He said the person should provide value to the Town, but if they were coming here because they were tired of working in private enterprise and wanted an easy job, then no one would be getting any value. Mayor Voller said they needed someone who wanted to help a town that was growing and needed good help; otherwise, they should continue to use outside engineering services.

Mr. Terry said that this was a complex question, and the conundrum was that they all knew that at some point the Town would reach a size that would demand a Town Engineer. Mr. Terry said where that tipping point lay was the difficult part.

Mayor Voller called for the vote.

Vote Aye-2 (Commissioners Fiocco and Harrington)
Nay-3 (Commissioners Baldwin, Brooks, and Bryan)

The motion failed.

Commissioner Baldwin said her concern was where the funding would come from.

Mayor Voller asked that the Manager come back with more financial data and justification for the position. Mr. Terry asked if the Board would like to discuss that at the next meeting or would the Board rather see it as a working paper for the budget process.

Commissioner Fiocco said a more robust analysis of the expenditures incurred by contracting out engineering work would be very helpful in determining how much might be saved by having an in-house engineer.

Commissioner Harrington suggested going back a longer period of time in the analysis.

After a brief discussion, the Board requested that Mr. Terry come back the first meeting in April with information on the financials.

Mayor Voller said to address one issue that Commissioner Brooks had brought up, the more you studied the wealth and income and the inequality going on in the country the more you could see

why they were in the position they were in. He said many people were struggling and money was going one way, and that was not to the citizens.

2. Update on the Restoration Project at Pittsboro Upper Town Lake (Ms. Hall, NCSU Water Quality Group – NC Cooperative Extension).

Karen Hall provided an update on the restoration project at Pittsboro Upper Town Lake. She said that between 2000 and 2007 NC State and the Jordan Lake Watershed Council had brought in over \$800,000 in grants to restore the watershed. Ms. Hall said since 2007 they had received grants totaling \$600,000 for the restoration of the Town Lake.

Ms. Hall said they would provide an overview, and afterwards they would like the Board's approval to move forward with an education campaign and with the restoration project. She said as well, the Clean Water Management Trust Fund required either a conservation easement or a deed restriction saying that they would not build on a specific project, and they would like the Board's approval to move forward with that.

Ms. Hall introduced Chris Bass, a project engineer with NCSU, who would provide more detailed information after her presentation. She then provided a PowerPoint presentation, summarized as follows:

Background:

- Town Lake is located in the southwest quadrant of Pittsboro
- It is an impoundment of Roberson Creek
- It is impaired for aquatic weeds (parrot feather, which was on DWQ's impaired list)
- Former water supply reservoir for Pittsboro, built in 1959-1960
- Public concern for declined state of upper lake (water quality, aesthetics)

Study included:

- Historical data
- Water analysis, substrate analysis, and hydrogeomorphic survey of the lake
- Restoration alternatives for upper lake

Results included:

- Approximately 40,000 cubic yards of sediment accumulated in upper lake
- Phosphorus levels high (phosphorus was a nutrient of concern for the Robeson Creek Watershed as well as Jordan Lake)
- Aquatic weeds infest entire upper lake
- Spillway in need of repair
- Six restoration alternatives suggested

Alternatives:

- No restoration
- Aquatic weed management
- Dam and spillway repair only
- Upper lake dredging with dam and spillway repair
- Active restoration

- Passive restoration

Recommended Alternative – Passive Restoration

- Conversion of upper lake to a more natural ecosystem with a channel, associated wetland floodplain, and diverse native vegetative community
- Continued recreational use (i.e. fishing)
- Improved water quality and habitat
- Minimal dam repair and/or retrofit
- Likely funding sources (CWMTF)
- Estimated cost: \$345,000 (NCSU had received \$476,000 to do this project including construction and planting and monitoring for three years)

Chris Bass, a project engineer at NC State, said what the Board had seen so far was a product of the feasibility study, and what they would see now was more a product of their detailed design phase and what they were proposing for the lake. He displayed a design of the lake and pointed out detailed features that would be a part of the new lake plan, and displayed photos of areas that were similar so that the Board would have an idea of what it would look like.

Mr. Bass said their intent was to maintain the lake as a lake, and planned to have lots of deep pools that could be accessed by boat for fishing. He said they would also add some aquatic habitat with vegetation around the border of the lake by establishing stands of wetland vegetation which would help to stabilize the sediments in the lake, filter the water quality, and also provide better habitat for fish and birds and others that like to live around the lake. Mr. Bass said in addition there would be several boulder structures and boulder clusters that were planned for the lake that would serve various functions such as focusing the energy of the flow coming in into the center of the channel and prevent the massive sediment deposition that they were having in that front part of the lake. He said in addition, the boulders would provide areas where people could walk out and fish, as well as clusters where turtles could climb up or that birds could land on. Mr. Bass then displayed photos of other wetlands his department had built in the last ten to fifteen years, and pointed out some of the features such as the vegetation and access areas.

Ms. Hall said that the next steps were to receive input on design from the Town of Pittsboro, the recording of the conservation easement or the deed restriction, finalization of 404 and 401 permits, water quality certificates and the sediment and erosion control permits, an educational campaign, construction in late spring or early summer, and then monitoring and maintenance for three years.

Commissioner Brooks said in looking at the boulders why not just put them on both sides of the dam. Mr. Bass responded that was a part of their planning, and although he had not shown photos of that they planned to use a part of the grant funding to shore up the spillway by using boulders on the back side as well as some in the front to keep it from eroding any further. Commissioner Brooks said it would be an aesthetic issue as well, in that the boulders would be very attractive. Mr. Bass agreed.

Commissioner Brooks said as an observation it may improve the flow. He said when looking from the bridge back up towards Alston Chapel Road the lake was full of logs that got caught

around the bottom of the bridge. He said if they could get some of those large logs removed they would get a better flow of water, and asked had the planning included doing that. Ms. Hall replied that they had investigated that by setting up a monitoring station on Old Goldston Road. She said when looking at why the water was not flowing they had found that there was a huge beaver dam right on the spillway which had backed water up all the way back to Old Goldston Road. Ms. Hall said it was their intention to remove the beaver dam, and believed that once that beaver dam was gone the flow issues would be mostly resolved.

Commissioner Fiocco asked what the estimated length of time to maturity was. Mr. Bass responded about one growing season, but it would take two or three growing seasons to really fill in good. He said he planned to spread out the planting so that they could fill in spots where it was needed.

Commissioner Fiocco asked what the process was that they would go through to define the restrictions for the conservation easement. Ms. Hall said that would be done through the Clean Water Management Trust Fund and the Town. She said that she, Mr. Messick and Mr. Terry had met several weeks ago to discuss the conservation easement, but the Clean Water people had informed her that more and more municipalities were going with deed restrictions because the municipalities wanted to hold those easements and the towns should have control over their own property. She said it would be up to the Town, and the Clean Water people were flexible. Ms. Hall said they knew that this was a park, that there had to be public access points, that there would be a trail around the lake, that boardwalks would be needed in certain areas, and the like. She said that all of that would be spelled out and made clear in the deed restrictions.

Commissioner Fiocco said then the Town would have the opportunity to provide input to the design. Ms. Hall responded absolutely.

Commissioner Harrington said that the Parks and Recreation Board's thinking was that it would be wonderful if rocks could be placed in such a way that people could walk across and have a loop around the lake.

Commissioner Fiocco said in regards to the southwest area where it was mentioned that a walking trail got right up against the fence, was there an opportunity to put it somewhere else. Mr. Bass said he believed that might be possible.

Commissioner Harrington said it had been discussed at the Parks and Recreation meeting that the loop where it crossed the lake was right at the very top of a field and it was right against a fence. He said it would be much better to bring the trail in somewhere else. Mr. Bass said the problem was that there was a bluff in that area and that was not something you would want on your trail. He said he did not believe they would want the trail there unless there was some kind of boardwalk on it. Mr. Bass said but, the trail would then be going up and down the hill, so that should be taken into consideration.

Mayor Voller said it was mentioned that 40,000 cubic yards of sediment was determined in the study, and given that they were about to embark on this project what advice could they give so that they did not end up with another 40,000 cubic yards of sediment. Ms. Hall said they had no

control of developments upstream, so she would say that if they had a development that just laid the earth open and runoff was allowed like it was in some areas then that would add a lot of sediment to this system. She said they would hope that that would not be the case. Mayor Voller said that would be their hope as well.

Motion made by Commissioner Brooks seconded by Commissioner Bryan that they go forward with the recommendation for a passive restoration of Pittsboro Town Lake as described.

Vote Aye-5 Nay-0

NEW BUSINESS

1. Bid Award: Pittsboro Town Park (Project Manager Paul Horne).

Assistant Planner Paul Horne stated they had received an email today from Scotia Construction, the low bidder that they intended to move forward with the Pittsboro Town Park project. He said it was staff's recommendation that the Board accept the low bid from Scotia Construction and that they move forward with the project.

Commissioner Harrington asked what the amount was of the grant. Mr. Horne replied \$441,541.

Commissioner Fiocco asked what had convinced Scotia to change their minds. Mr. Horne said he believed that Mr. Messick had helped to persuade them, and that they also wanted to protect their reputation and protect their ability to compete with good prices.

Commissioner Fiocco said he was very concerned, in that if they were that difficult to deal with before the project ever started he was concerned that they would be looking for change orders during the course of the project and was afraid that they would be difficult to deal with. He said he did not know the company or their reputation, but did know that when someone was given the freedom to name their price that they should not have backed away from it. Mr. Horne said he had shared those concerns, but assured the Board that he would be on site every day and any change order request would come directly to Mr. Terry. Commissioner Fiocco asked had Scotia agreed to meet the schedule. Mr. Horne replied they had.

Mayor Voller asked Mr. Messick to respond to Commissioner Fiocco's concerns. Mr. Messick said that there would be a Performance Bond, and if a change order came in the Board had the opportunity to say no.

Mr. Terry added that he was fearful of change orders on projects like renovation of old buildings where you were taking down walls and you did not know what was behind them, you were pulling up floors and did not know what was underneath them, and where you could run into asbestos and other things. He said this was a project that would begin with a clean slate in that it was an undeveloped wooded area and that they had put together a good set of specifications which clearly articulated what they wanted. Mr. Terry said if they stuck with what they had specified and said they wanted nothing more, then the risk of change orders was slim. He said that Commissioner Fiocco's concerns were valid, in that any time you had a contractor that was

reluctant to take on a project for the price they had quoted, that was not a good start. He said it would take some scrutiny on the part of staff to make sure that the Town got what had been written in the specifications, and they would do that because they shared the same concern. Mr. Terry said they would prefer to have an enthusiastic contractor from the outset, and he regretted that they did not have that. He said Scotia had agreed to honor the bid once Mr. Messick had spoken to them and assured them that the Town would retain their bid bond as allowed by law, which had given them pause about not honoring their bid.

Commissioner Fiocco asked who would be representing the Town in the field when it came to determinations as far as rock or unsuitable soil. Mr. Horne said he would be doing the day-to-day inspections and the design architects would come in if needed if there were technical questions. Mr. Terry asked Mr. Horne if Sepi Engineering was a part of the engineering team. Mr. Horne said they are. Commissioner Fiocco asked if they provide geotechnical services. Mr. Horne said he believe so.

Motion made by Commissioner Harrington to approve the resolution awarding the bid for the Southern Park project to Scotia Construction. The motion died for lack of a second.

Mr. Horne remarked that there were allowances included in the specifications for rock and unsuitable soil, so even if they were to encounter either of those it would not necessarily result in a change order. He said he believed the Town would be well served with this contract.

Commissioner Fiocco said as everyone knew he was interested in the project but he was also interested in getting the additional parking. He said while Scotia's bid was significantly lower that particular line item was high at \$18,500. Mr. Horne agreed, but said as they did not use allowances and did not use contingency, he believed they could certainly prioritize parking. He added that the Parks and Recreation Board had listed the additional parking as their top priority as well. Commissioner Fiocco said then he would like to get that back into the project.

Mr. Messick suggested to the Board that they could reject all bids and readvertise if they determined that the low bid was not a responsible bid. But, he said, they would have to have a good reason to do so. Mr. Messick said they should also consider that the next low bidder was over \$55,000 more than the Scotia bid.

Mayor Voller commented that \$55,000 was a lot of change orders.

Commissioner Baldwin said the way Scotia had gone back and forth by offering a bid, then withdrawing their bid, and now saying they wanted their bid to stand concerned her. She said if they awarded the bid to Scotia they would need to be vigilant and make sure Scotia was doing exactly what they were suppose to do.

Mayor Voller asked Mr. Messick if after his conversation he believed that Scotia would perform adequately. Mr. Messick said he had no idea; he had only told them the consequences if they did not honor their bid.

Mr. Terry said the indication that Scotia had changed their minds and would honor the bid had come in via email around 3 p.m. this afternoon.

Commissioner Fiocco asked what the start date would be if the bid was awarded tonight. Mr. Horne said March 14, 2011. Commissioner Fiocco asked were they prepared to begin sooner.

Mr. Terry said it would be hard to get everything done for an earlier start, noting that a preconstruction meeting had to be scheduled.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to award the bid for the Southern Park project to Scotia Construction.

Vote Aye-3 (Commissioners Fiocco, Baldwin, and Harrington)
Nay-2 (Commissioners Bryan and Brooks)

A RESOLUTION AWARDED THE BID FOR THE CONSTRUCTION OF THE SOUTHERN PARK PROJECT AT 1397 OLD SANFORD ROAD TO SCOTIA CONSTRUCTION IN THE AMOUNT OF \$368,700 FOR THE BASE BID LESS DEDUCTIVE ALTERNATES 2, 3, 5 AND 6 IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 25-26

2. Presentation from NC SAVE\$ ENERGY Alliance, requesting that the Town support a bill to be presented to the NC Legislature for the creation of a sustainable energy efficiency program in North Carolina (Ms. Maqui Ortiz).

Ms. Maqui Ortiz, representing the NC SAVE\$ ENERGY Alliance, stated that she was present to request that the Board support the resolution which would support a bill which would be presented to the NC General Assembly that formed a sustained program of energy efficiency. She said the sustained program would not cost the State or the local governments any money whatsoever, but would be funded by an assistance benefit charge which would equal about 90 cents per month on individual electricity bills.

Commissioner Harrington said that Section 3 of the resolution stated that customers would pay in proportion to their energy use, so that did not sound like a flat rate. Ms. Ortiz said the average would be about 90 cents, noting they had made an effort to keep the fee under a dollar. Commissioner Harrington said then this agency would then award the money to existing non-profit agencies providing services to low-income residents. Ms. Ortiz said that was correct, noting that the current program expired in 2012 and they wanted to make sure they could continue it as a sustained program.

Commissioner Harrington said the material said that thousands of jobs had been created. Ms. Ortiz said the program was fairly new so they did not have any firm data as yet. She added that North Carolina had never had State funding for energy efficiency programs but many states did, and the average was for every dollar invested there was \$3 saved in energy savings. Ms. Ortiz said without energy savings the likelihood was that more nuclear power plants would be built at

a cost of about \$40 billion which would raise energy bills for taxpayers by 50% and would increase pollution.

Commissioner Harrington said for the record he wanted to disclose that his wife worked for Progress Energy at Shearon Harris. He said he was concerned about some of the very bold statements in the resolution, for instance where it said that the people of Pittsboro were exposed to high levels of hazardous air pollution. Commissioner Harrington said he did not agree with that statement in that it was too subjective. Ms. Ortiz said the statement was based on air pollution ratings. Commissioner Harrington said he understood that, but in his opinion it was a very bold statement. He said another statement that concerned him was that additional nuclear power in Chatham County would produce far fewer long-term jobs than a sustained energy efficiency program would. Commissioner Harrington said that was one of those things he would have to take on faith. Ms. Ortiz said this was a new program in North Carolina, but there were a number of states that had many years of data to support the job creation and energy savings statements.

Commissioner Brooks said they all wanted their citizens to have clean air and save on their electric bill, but there were many things in the resolution that he knew nothing about. He said he did not know of a nuclear power plant that had been built in the US in the last 30 years, and asked was he wrong. Ms. Ortiz responded they were coming back into fashion. She said there had been a lot of what she considered major problems at Shearon Harris, although she did not know if they had been rated as major, such as tritium leaks. Commissioner Brooks asked how the merger of Duke Energy and Progress Energy would affect this. Ms. Ortiz said that was not known, but they would be asking ratepayers to begin paying a fee before they even began construction of a nuclear power plant. She said if they began to produce a lot of electricity then ratepayers were on the hook for it.

Commissioner Brooks asked had any other municipalities signed on to this. Ms. Ortiz said the resolution had been presented to the NC Utilities Commission who had sent it back and said it had to be presented to the General Assembly. She said that Chatham County had signed on before, as had Durham, Chapel Hill, Carrboro, and Asheville. Ms. Ortiz said at present, Asheville had signed on and it was pending in Durham. Ms. Ortiz said they would soon be asking Chatham County to sign on, and then would be moving to the east to recruit additional municipalities.

Sammy Slade with NC Warn said that he had been invited to speak at a low-income church in Chatham County, and informally he had asked what people were paying on their electric bill. He said he had asked how many were paying \$100 and a few hands had gone up, and he had then asked how many were paying \$200 a month and a few more hands had gone up. Mr. Slade said when he had reached \$300 and \$400 the majority of hands was raised, and he was appalled. He said one person had said they had paid \$500 the month before.

Mr. Slade said this was a huge opportunity to better winterize homes and make efficiency improvements to cut those energy costs. He said improvements to those homes would translate into more jobs, plus those residents would save hundreds of dollars each month that could be spent at local businesses. Mr. Slade said that was called the multiplier effect, in that the money

saved was invested into the community and regenerated the local economy. He said that was what NC SAVE\$ ENERGY was all about, in that it was a means in which to conserve energy, save people money, make them feel more comfortable, and help the local economy. Mr. Slade said that was the focus rather than new nuclear power plants, although that was a significant expense at \$40 billion. He said when the alternative was less than 10% of the projected rate increase that would be needed to be added to all those other cost benefits, that was a great thing to support.

Commissioner Baldwin said she did not think it was a matter of not supporting energy efficiency; it was a matter of how the resolution was worded as Commissioner Harrington had pointed out. She said she did not like the language that said Pittsboro citizens were exposed to higher levels of hazardous air pollution, nor did she like the language about an additional nuclear reactor at Shearon Harris. Commissioner Baldwin said those things did not need to be in the resolution. She said that she would not support something that said that additional nuclear power in Chatham County would produce fewer long-term jobs, noting that to her that was not what the point of the resolution should be stating. Commissioner Baldwin said if they were talking about energy efficiency, then that's what the resolution should focus on, not the points that had been pointed out. Mr. Slade said he understood the sentiment, but the meat of the resolution was the "Now, Therefore" section. Commissioner Baldwin said if the Board adopted the resolution they would be adopting the entire resolution, not just that section. Mr. Slade said they would be okay with revising the resolution to remove that language, noting he understood the concern about not having data for Pittsboro and how it was directly impacted. He said there was information about jobs and how they were created, but there was no time to share that information now. Mr. Slade said the bullets under the "Now, Therefore" section was the most important.

Commissioner Brooks asked how low-income houses would be identified. Mr. Slade said that a lot of it had to do with raising awareness, in that there had been studies that indicated that when people compared their energy bills to what their neighbors were paying, they realized that if they had a similar size house and were paying much more that something was wrong. He said his point was that this was an opportunity to facilitate that information through marketing or by sharing information.

Ms. Ortiz said there was an existing mechanism for identifying low-income households through existing agencies that participated in weatherization programs. She said this energy efficiency program would not just be weatherization but because it had been proven to be very effective in the State that was where the emphasis was. Ms. Ortiz reiterated that approving the resolution would not cost the local governments or the State anything, but would be supported by the ratepayers.

Mayor Voller said it would also cost the ratepayers a lot of money if they had to fund a nuclear power plant. So, he said, there would be a cost one way or the other.

Commissioner Harrington said to clarify; there would be an independent energy efficiency administrator. He asked was that a government entity. Ms. Ortiz said by independent they meant that it would not be run by the utility companies. Commissioner Harrington asked then would it be government run. Ms. Ortiz said she believed it would be let as a contract, which was

how it worked in other states. She said her organization was not in the business of running such a program.

Commissioner Harrington said he was a proponent of nuclear energy so much of this resolution fell flat with him. He said there were homes in Pittsboro that were very low income and many had a very hard time paying their electric bill. Commissioner Harrington said the focus of this resolution concerned him and he was not really sure how this program would work.

Mr. Terry asked why they would need a special office when the State Energy Office already had similar programs. Ms. Ortiz said the independent entity could be the State Energy Office as long as the utility companies had no say in how the funds were distributed. Mr. Terry said he was familiar with the programs of the State Energy Office such as the Clean Cities Program where they increase the tightness of homes and that sort of thing, so he was somewhat confused as to why they needed another office to do that when they already had the State Energy Office. Ms. Ortiz said the two did not have to be separate.

Mr. Terry asked if this resolution was time sensitive. He said it appeared that the Board had a lot of issues with the wording of the resolution and he would want to work to address those issues and perhaps bring a revised resolution back to the next Board meeting. Ms. Ortiz said there was no legislation pending at present so a delay would not be an issue.

Commissioner Fiocco said the 90 cents per month was an estimate and asked how they had arrived at that number. Ms. Ortiz said it was basically what they had determined they would be able to get. Commissioner Fiocco said in states where there were established programs he would assume they were effective. Ms. Ortiz said yes, but they were structured based on that particular state's needs, for example California was structured differently and had a very effective energy efficiency program. She said the program had been implemented in the early 1970's and since that time they had actually been able to prevent the building of 24 large power plants. Commissioner Fiocco asked what the actual surcharge was in the California model. He said he was curious if it had started at 90 cents but escalated to \$15 at some point in the future. Ms. Ortiz said if the bill was passed the surcharge would be under review each year, so if the rate was increased the Town could choose not to participate. Commissioner Fiocco said then the utility company would bill the surcharge and then pay the money into a fund. Ms. Ortiz replied yes, that it would go into a fund independent of the utility company.

Mayor Voller said one of the issues they were going to have to separate out was the driving issue about nuclear power versus energy efficiency. He said he believed the Board would be more receptive to dealing with energy efficiency and stipulating that this would be in support of the State Energy Office or other entities to oversee this.

Commissioner Baldwin said that was a true statement, in that she could not consider approving the resolution with that language in it. She said there were agencies in Chatham County that did winterizing of homes, adding that she knew JOCCA was one of those agencies. Ms. Ortiz said that was one of the community action agencies that did great work. Commissioner Baldwin said she also shared the concern that Mr. Terry had pointed out, and that everyone would certainly support providing energy efficient homes for lower income citizens. But, she said, she could not

support the resolution as written because it was written as if it was someone's opinion rather than fact.

Commissioner Harrington said even if you said you believed something was true but you were not sure, that was problematic. He said if you were going to sign your name to something you wanted it to be true, and the resolution was not written in a way that stated facts. Ms. Ortiz assured the Board that the information in the resolution was not made up but was based on the information available.

Mayor Voller asked if the Board would be open to revising the resolution and considering it at the next meeting. Mr. Terry said if the Board was willing he would work with Ms. Ortiz and Mr. Slade to revise the resolution, taking into account the concerns raised by the Board, and bringing a revised resolution back at the next meeting.

Commissioner Harrington said he would also like to know exactly what they were asking for. He said they had said they wanted an independent administrator or were they asking for funding for the State Energy Office who already performed that task. Commissioner Harrington said having the State Energy Office as the administrator would mean not reinventing the wheel and would assure them of funding to be distributed. Mr. Terry said they would bring the revised resolution back with a cover memorandum to provide more detail about the State Energy Office and its energy efficiency programs. Commissioner Harrington said that would be helpful.

Mayor Voller said it would be important to enlist some of the community action agencies so that people understood who was involved. Ms. Ortiz said that the agency they worked with did not want to get involved in any local policy because of the bureaucracy involved, so she did not believe they would be allowed to do that. She said that was why the language regarding the distribution of funds was so neutral and no particular agencies were named.

Commissioner Baldwin said she would trust Mr. Terry to respond to the Board's concerns.

Mayor Voller said that the Affordable Housing Task Force's report had stated that energy efficiency was an issue with many houses in the County, and regardless of who was addressing it, it remained an issue. He said he believed that Mr. Slade was working with NC Step in Siler City and other areas. Mr. Slade said that was correct, noting they were talking about ways to jump start their economy and energy was one of the considerations.

3. Chatham Park Investors Offer of a Conservation Easement at Stinking Creek and the Adjacent Wetlands.

Mr. Terry said that last month Phillip Culpepper of Chatham Park Investors had offered the Town a conservation easement that would protect Stinking Creek and the adjacent wetlands from encroachment by future development of any kind. He said that Mr. Messick had provided a memorandum dated February 15, 2011 where he pointed out that the proposed conservation easement was well outside the jurisdiction of the Town. Mr. Terry said he had looked up the Stinking Creek Mitigation Plan prepared by Chatham Park Investors and read the Executive Summary, and the goals of the conservation easement were laudable. He said that based on his

review of the Mitigation Plan and the Town Attorney's memorandum, he could find little benefit to the Town in accepting and holding the proposed conservation easement. Mr. Terry said it was his recommendation that the Town decline the offer.

Commissioner Brooks said if there was any pristine water in the County that was where it could be found, so don't let the name fool you. Commissioner Brooks said he believed a conservation easement would be a great thing and he thought the Board ought to do it. He said that Stinking Creek was above Robeson Creek, and they were being given a chance to allow clean water right above Robeson Creek and he would encourage the Board to do it.

Mayor Voller said then if the Town had the conservation easement they could control the water quality.

Phillip Culpepper said it had been their intention to offer the conservation to the Board first. He said they were going to do this regardless of what this Board decided. Mr. Culpepper said he understood Mr. Messick's position as well as the Manager's, but at this point they simply needed a decision from the Board. He said they made the offer to the Town, and if they said no everything would still take place. Mr. Culpepper said their only thought was that eventually the Town would likely build that far out, and although everything would be held in the conservation easement if the Town said no it would likely be held by the Triangle Land Conservancy.

Commissioner Harrington said if he understood Mr. Messick's point the Board really did not have the option, because it was not in their ETJ so they did not have the authority to accept it. Mr. Culpepper said they were alright with that, but had wanted to make the offer. He said that TLC was a great organization and there was no harm for the Board to say no.

Commissioner Fiocco said he believed Mr. Culpepper had said he would be willing to have the Town annex the property. Mr. Culpepper said he did not think you could do a satellite annexation that far out of the Town.

Mayor Voller asked why not. Mr. Culpepper said there was a limit to the percentage of land that could be taken as a satellite, and they were not offering all of it for annexation. Mayor Voller said he believed they could satellite annex up to 10%. Mr. Culpepper said they had not wanted to cause any stress or cause special legislation to be created. He said if the Board was not comfortable doing it then he wanted to assure them that everything that had been stated would take place, and it was only a question of who would hold the conservation easement.

Mayor Voller said he agreed with Commissioner Brooks that it would be a good thing to do. He said he did not understand why the Board would not want to take the offer. Mr. Messick emphasized that this would be an easement and was not anything that the Town would own. He said they would not have the right to do anything except to enforce the conservation easement. Mr. Messick said you could not spend public money outside of the Town, and that was what they would have to do to enforce the easement.

Mayor Voller said they could always ask the County Board to extend the Town's ETJ. Mr. Messick said this was outside the ETJ and public money could not be spent in the ETJ either.

Mayor Voller asked then why were they allowed to patrol in the ETJ which was allowed by State law. Mr. Messick said they were not patrolling in the ETJ; they were patrolling in the Town's Police jurisdiction which was not necessarily the ETJ. He said the ETJ was just for planning purposes.

Commissioner Brooks said whatever the Board decided he would like to thank Mr. Culpepper for making the offer to the Board. Mr. Culpepper said he appreciated their time in taking this under consideration. He said he understood the Board's opinion and assured them that they would be moving forward to protect the property.

Mayor Voller asked that Mr. Culpepper keep the Board posted. He asked what the timeframe was to get the conservation easement accomplished. Mr. Culpepper said he believed they would be able to move quickly.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to encourage Chatham Park Investors to go forward with the conservation easement.

Vote Aye-5 Nay-0

Motion made by Commissioner Harrington seconded by Commissioner Bryan to respectfully decline the offer from Chatham Park Investors for a Conservation Easement at Stinking Creek and the adjacent wetlands.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Mr. Terry said the only update he wanted to offer was on the Credle Street Basin Rehabilitation Project. He said that the bid opening was scheduled for tomorrow, noting it had been moved back to accommodate a late addendum to the bid.

Mayor Updates

The Mayor offered no updates.

Commissioner Concerns

Commissioner Brooks said he still did not see much happening with the road repairs in Town, noting that there were a lot of intersections that were in bad shape. Mr. Terry said he had been in contact with NCDOT and they had agreed to do a considerable amount of work that was collateral to the completion of the sidewalk and traffic circle. He said they were reaching the time of year that asphalt work was now possible, so he believed they would begin to see some progress.

Commissioner Brooks said he had noticed a lot of trash on some of the Town streets.

Mayor Voller said he had noticed that as well, particularly on Masonic Street. He asked the Manager to direct staff to deal with the property owners in that area, noting the area was turning into a bigger and bigger mess and the trash just kept appearing. Mayor Voller said that area was right in the watershed.

Commissioner Brooks said a former employee had said that they needed to get the owner of the mobile home park to put a dumpster there and encourage the residents to use it, and that in itself would reduce a considerable amount of trash on the street. He said that US 64, Thompson Street and several other areas had trash problems as well. Commissioner Brooks said that in the past the Bureau of Prisons would send some people out every now and then to pick up trash, and wondered if they would be good enough to come again. Mr. Terry said he believed that was one of the State agencies that had suffered from budget cuts, in that the guards that used to accompany those people were fewer so it was hard to get such crews. But, he said, he would certainly ask.

Mayor Voller said there were also a couple of churches and companies that had sent people out in the past to remove trash, and they could reach out to them and ask if they were willing to help clean up the rights-of-way.

Commissioner Brooks said that a lot of citizens just do it individually but it was getting to be too much. He said if they could stop the people that brought in telephone books that were not supplied by the phone company from bringing those kinds of things into the Town that would help.

Mayor Voller agreed, noting it was a waste of paper. He asked Mr. Messick if there was a legal way to stop people from delivering those kinds of phone books. Mr. Messick said yes, if they were caught by the Police and it was determined that they were littering in the rights-of-way. He said if it was something that came in the mail they would have no recourse. Mayor Voller said they did not come by mail; that they were actually thrown out like a newspaper at every residence. Mr. Messick said if they were littering in the right-of-way they could be stopped. Mayor Voller said then perhaps they needed to set a policy that the Board could back.

Commissioner Brooks said they did have anti-littering laws.

Mr. Terry said when he was in Chapel Hill there was a publication called The Talking Phonebook that used to be delivered to municipal offices by the pallet load, and he had been unable to stop them from being delivered so he was not sure how they could stop this.

Mayor Voller said that it appeared that if someone was seen delivering such books, they should be brought in and charged with littering in the right-of-way. He said he believed they got more complaints about litter than any other issue.

Commissioner Bryan said at the last meeting he had mentioned a problem with the sidewalk between Straight Up Realty and the EDC offices. He said he had had another citizen complain about that area being a trip hazard. Commissioner Bryan said he had looked at the sidewalk and

there were actually two areas that were a problem. Mr. Terry said that Mr. Poteat had been up to look at the problem and they would be addressing it.

Commissioner Fiocco thanked Mr. Terry for the information on the warranty on the pumps. He said the warranty could be extended by two years for \$1,000 for each of the two pumps, so they had a three-year warranty for only \$2,000. Mr. Terry said he believed that had been a bargain. Commissioner Fiocco agreed it was and they should accept it.

Commissioner Brooks agreed, saying they needed to do it.

Mayor Voller asked if the Board needed to take action on that. Mr. Terry said he had already directed Mr. Heard to purchase the warranty.

Commissioner Baldwin said she would be attending the TJCOG meeting on Wednesday and distributed a resolution TJCOG would pass regarding the additional responsibility that the Legislature was considering placing on municipal governments in terms of secondary maintenance of roads. She said they were anticipating that the State would pass those costs on to municipal governments, so they would be presenting the resolution to the Legislature. Commissioner Baldwin said she would be visiting some of the legislators to present the resolution and discuss it. She said that would be very costly for the Town, noting they certainly could not afford to maintain secondary roads and neither could the County.

Commissioner Baldwin said she had a set of agenda items that would be discussed with the legislators in terms of the different points they wanted them to concentrate on related to local and county governments. She said they were things that TJCOG was interested in doing for their local governments, and she would provide copies to Mr. Terry and Mr. Messick.

Mayor Voller asked if they could discuss those at the next meeting. Commissioner Baldwin replied yes. Mayor Voller stated that the RPO had sent last year a resolution opposing passing those costs on to the municipalities. Commissioner Baldwin said they were continuing to propose that so they needed to act on it as soon as possible.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to have the Manager instruct Public Works to increase downtown parking limits to three hours with appropriate signage erected, or that he advise the Board if the cost was prohibitive.

Mr. Messick stated that they would have to have an ordinance to do that because it would amend the Town Code. Commissioner Harrington withdrew his motion.

Mayor Voller asked if they should move forward with the second part of the motion regarding whether the cost would be prohibitive. Mr. Terry said it would not be costly because it would only be for the signage. He said the signs were so old they would have to be replaced soon in any case.

Commissioner Harrington asked Mr. Terry to come back with information on what would be required to change the time limit and the signage as well as a recommendation.

Mayor Voller asked if it would be appropriate to send this to the Planning Board for a recommendation.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to request that the Town Attorney pull the ordinance, change the parking time limit from two hours to three hours, and submit it at the next meeting for the Board to vote on.

Vote Aye-5 Nay-0

ADJOURN

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to adjourn the meeting at 9:45 p.m.

Vote Aye-5 Nay-0

FYI -

1. Update on RAS Pump Extended Warranty Issue.
2. Ms. Cynthia Sax Perry letter of February 15, 2011; RE: Crosswalk Near Chatham Mills.

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk