

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, NOVEMBER 8, 2010  
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, 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, Assistant Planner Paul Horne, and Finance Officer Mandy Cartrette.

**AGENDA**

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the Agenda, amended to remove Items #2 and #3 regarding revisions to the Pay and Classification Plan from the Agenda to be added to the Agenda for the November 22, 2010 Town Board meeting.

Commissioner Brooks suggested the Board send a letter of congratulations to the new incoming County Commissioners as well as a letter to all outgoing County Commissioners to thank them for their service and for their work with the Town on the various projects and issues during their tenure on the County Board.

Mayor Voller said they would take that up during Commissioner Concerns at the end of the meeting.

Vote Aye-5 Nay-0

**CEREMONIAL AGENDA**

Motion made by Commissioner Brooks seconded by Commissioner Bryan to add to the Ceremonial Agenda a resolution in recognition of Veteran's Day.

Vote Aye-5 Nay-0

- 1. Recognition of the 2010 Robeson Creek Stewards Award Recipients (to be presented by Karen Hall, NCSU Water Quality Group, NC Cooperative Extension).**

Karen Hall provided some brief information about the Robeson Creek Watershed Council, noting it was a stakeholders group made up of government agencies as well local agencies and non-profits, businesses, and residents in the watershed. She said the Council was formed to provide a forum to discuss issues that were of concern to the watershed and to improve the water quality of Robeson Creek. Ms. Hall said they annually recognized members of the Robeson Creek Watershed for the work they had done to improve the water quality, and this year three awards were be given for Stream Stewardship.

Ms. Hall said the first award was being presented to Piedmont Biofuels for installation of stormwater wetlands and for promoting the use of rainwater delivery systems. A representative from Piedmont Biofuels accepted the award. Ms. Hall said the next award was being presented to the Chatham County Habitat for Humanity for installation of rain gardens to capture stormwater runoff from their parking lot. A representative of Habitat accepted the award. Ms. Hall stated the last award was being presented to Planner Paul Horne who was the Town's parks planner for his efforts in improving water quality in the Town and in the ETJ. Mr. Horne accepted the award and offered his thanks to Ms. Hall and the Watershed Council.

Mayor Voller thanked Ms. Hall and her organization for their hard work on all the projects that benefited the Town and the ETJ that helped to clean up the watershed. He also thanked the recipients of the awards for what they had done in the Town that contributed to the improvement of the watershed.

## **2. Veteran's Day**

Mayor Voller read into the record the Resolution honoring Veterans and men and women currently serving in the Armed Forces:

WHEREAS, The United States of America was founded on the principles of liberty, opportunity and justice for all; and

WHEREAS, America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and freedoms; and

WHEREAS, on Veterans Day we recognize the men and women of our Armed Forces past and present, who have valiantly defended these values throughout our Nation's history; and

WHEREAS, on Veterans Day we recognized the men and women of our Armed Forces past and present who have valiantly defended these values throughout our nation's history; and

WHEREAS, on Veteran's Day we also remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom, beginning with those who suffered through the harsh winter at Valley Forge and up to those who are keeping the peace and defending our values around the globe today; and

WHEREAS, we honor all men and women currently serving in the military for their sacrifices;

NOW, THEREFORE, BE IT RESOLVED that the Town of Pittsboro Board of Commissioners does hereby recognize all veterans and the men and women that are currently serving in our Armed Forces around the world.

Adopted this the 8<sup>th</sup> day of November, 2010.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the Ceremonial Agenda as amended.

Vote Aye-5 Nay-0

**A RESOLUTION HONORING VETERANS AND MEN AND WOMEN CURRENTLY SERVING IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 121**

### **CONSENT AGENDA**

The Consent Agenda contains the following items:

1. Schedule a public hearing on a Special Use Permit - Child Day Care/Home Residence, 631 Old Graham Road for November 22, 2010 at 7 p.m..
2. Approve A Resolution Authorizing Withdrawals from Depositories of the Town of Pittsboro.
3. Approve the 2011 Town of Pittsboro Board of Commissioners Meeting Schedule.

Commissioner Fiocco said in regards to item #3, he had not seen anything on the schedule in regards to the annual retreat and asked should that be added. He said he believed the Board had discussed holding that retreat sometime in January. Commissioner Fiocco suggested that they pull Item #3 from the Consent Agenda so that the date of the annual retreat could be determined.

Mayor Voller said they could approve the schedule as submitted since the meetings listed were the Board's regular meetings, and then they could add the date of the retreat when it had been determined. Mr. Terry said he would recommend that since January was a month with five Mondays, the Board could choose to hold their retreat on Saturday, February 5, 2011. He said another alternative would be to cancel the Board's February 14, 2011 meeting and schedule the retreat on Saturday, February 11, 2011. Mayor Voller said those dates and other options could be discussed at the Board's next meeting. Mr. Terry said he would put that on the Agenda for the November 22, 2010 meeting.

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

Vote Aye-5 Nay-0

**A RESOLUTION AUTHORIZING WITHDRAWALS FROM DEPOSITORIES OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 145**

**2011 TOWN OF PITTSBORO BOARD OF COMMISSIONERS SCHEDULE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 146**

# REGULAR MEETING AGENDA

## Citizens Matters

Mayor Voller said that no citizens had signed up to speak at this time, but he wanted to mention that today was his wife's birthday and without her support he would not be serving as Mayor. He said he wanted to put into the record that he loved his wife and appreciated her support, and wanted to honor her by recognizing this very important birthday on her behalf.

## PUBLIC HEARING

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

Vote Aye-5 Nay-0

### 1. North Carolina Department of Commerce Small Cities Community Development Block Grant (CDBG).

Mr. Terry stated they had been advised that along with the grant application to support the Downtown Water System Improvement Project the Town was required to hold two public hearings, and tonight's hearing was the second public hearing and would fulfill that requirement.

Mayor Voller stated that no one had signed up to speak on the grant, and there was no one present who had indicated a desire to speak.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to close the Public Hearing.

Vote Aye-5 Nay-0

Mayor Voller requested that Mr. Terry inform the grant authority that the two required public hearings had now been held with no public comments offered, and the Town was now going forward with the application.

## OLD BUSINESS

### 1. Update on the Pittsboro Police Department Community Policing Program (Officer Troy Roberson).

Officer Troy Roberson stated that it had been one year since the Board had approved the Community Policing position which was funded through a program with the federal government. He provided the Board with the following update of that program:

- Over the past year 1,005 activities had been logged, most of which were interactions with officers regarding people who had been referred to him who might benefit from the Community Policing Program.
- He had spent the last year getting out into the community and developing relationships with citizens and business owners to determine how to better serve the public from the

Police Department's standpoint, as well as soliciting help from the community on issues where help would be useful to the Police Department.

- Over the last year he had spent 32 days in specialized training including community orientated police training, crime prevention, and environmental design. In that time he had earned the National Crisis Intervention Team Certification, a National Child Safety Seat Technician certification, and through additional training as well as training he had gained over the last 13 years he also now held an Advanced Law Enforcement certification.
- He had served and continued to serve on various committees in Town, including the Chatham Committee for Alcohol and Drug Free Youth and the Safe Communities – Chatham, both of which he co-chaired.
- Four Community Watch groups had been formed and were now operating in four neighborhoods – Potterstone Village, Chatham Forest, Willow Springs, and Powell Place.
- Any issues having to do with Town Ordinances came to him, particularly relating to the Noise Ordinance and solicitation in residential neighborhoods as well as issues related to parking.
- He had attended, worked on, or been a part of 168 various events over the last year, including meetings and actual events in the Town. His role in those events was basically as the event coordinator. Highlights of some of those events including participation in coordinating the Pittsboro Street Fair for the Police Department, Halloween, the Christmas Parade, the State Employees Credit Union member appreciation day, the Relay for Life, the Lion's Club day, Healthy Kids Day, the Hunger Walk, the Reindeer Run, the Shamrock Run, the Pittsboro Elementary School PTA Run, the Law Enforcement Torch Run, the Kiwanis Club Anniversary event, several bicycle rodeos, numerous presentations at schools, day care centers, after school programs, churches, civic groups, retirement homes, and others.
- He had used the Fatal Vision Golf Cart several times to help provide a realistic simulation to teenagers who may consider drinking and driving.
- There were also times when it was necessary for him to fill in on regular patrols in order to provide at least two officers on duty at all times.

Commissioner Baldwin commented that she believed Officer Roberson was doing a very good job and believed Community Policing program was very important. Officer Roberson said if any of the Board members had any issue they wanted addressed he would be happy to work with them on it.

Commissioner Bryan said he had heard several positive comments from the public on the Community Policing Program and things Officer Roberson had done throughout the community. He said the Board certainly appreciated his efforts.

Mayor Voller said he would like to echo that on behalf of the Board, noting that it was an important program for the community and having a Community Policing Officer was an important position that provided a person in the field who was involved with citizens in a more substantial way. He thanked Officer Roberson for his efforts.

## **2. Report on Pittsboro Better Site Design Ordinance Review (Karen Hall, NCSU Water Quality Group - NC Cooperative Extension).**

Karen Hall stated that they had obtained a grant for around \$500,000 three years ago and the Town had been a partner on that grant. She said as a part of that partnership they had formed a review committee that worked with the stakeholders to incorporate low impact design techniques into ordinances as a part of that grant.

Christy Perrin with NC State University provided an update on the report:

- LID, or low impact development, was used synonymously with better sight design with the purpose of allowing economic development while reducing the impacts to receiving waters in the environment.
- LID was defined as conserving natural areas that provided all the functions of flood control and pollution removal, minimizing the development impacts by reducing clearing, grading and erosion, optimizing the time water stayed on a site for infiltration, following up with storage and best management practices such as the use of rain gardens, and maintenance and education.
- Tools for discussion included the handbook “Better Site Design: A Handbook for Changing Development Rules” from the Center for Watershed Protection. The handbook provides a post-development worksheet that any community could use to compare their ordinances to the set of principles contained in the Handbook. If the 22 principles in the Handbook were followed then the development would have less of an impact on the water quality.
- The review committee assisted Pittsboro in filling out the worksheet and then compared it to the 22 principles as a benchmark for reviewing the Town’s ordinances and developing appropriate recommendations that were intended to help the Town meet the new water resource regulations, including the Jordan Lake Nutrient Strategy and the EPA Phase II Stormwater Rules.
- The 22 principles have three broad categories: habitat for cars which was streets, parking and driveways, habitat for people which was lots and areas where people were living, and habitat for wildlife and plants which was the conservation of natural areas and recreation.
- The principles addressed how they developed and not where they developed.
- The report listed the 22 principles as stated in the Handbook, the discussion that took place and the rationale for any recommendations, and that was followed by the recommendations of the review committee. There may be cases where there was no recommendation offered, noting the benefit was finding what would work best for Pittsboro based on each principle.

Ms. Perrin then provided highlights of the various recommendations contained in the report, including those related to street width and length, vegetated open channels, parking ratios and codes, parking lots, structured parking, parking lot runoff, open space development and management, land conservation incentives, setbacks and frontages, sidewalks, driveways, rooftop runoff, stream corridor management and maintenance, clearing and grading and tree conservation, and new stormwater outfalls.

Ms. Perrin stated that Pittsboro had already submitted to the State its first phase of the nutrient stormwater program for existing development as well as local buffer rules, and would be required to submit the stormwater program later this year.

Ms. Perrin stated that there were four tracks that the Town could take. She said the first was if they wanted to endorse the street, parking and lot design recommendations then they could be incorporated into the Zoning and Subdivision Ordinances. Ms. Perrin said second, specifically with the buffer recommendations, if they wanted to get into more detail then it could be referred to the Planning Board or perhaps discussed during a combined work session with the Town Board and the Planning Board. She said the next step after that would be to send the amendments to the Division of Water Quality. Ms. Perrin said the third step would be to support stormwater water program development and to prepare for what would need to be submitted to the Division of Water Quality. She said the fourth would be to support local erosion control and sedimentation rules.

Ms. Hall said that as a part of the partnership they would be forming a stormwater ordinance review committee to go through a process similar to what was used for this review.

Commissioner Harrington asked what they needed to have done by the end of the year. Ms. Perrin said she had misspoke, noting the Town as a part of the Jordan Lake Nutrient Management Strategy had already submitted to the State its first phase of the nutrient stormwater program for existing development as well as local buffer rules, and would be required to submit the stormwater program for new development by the end of 2011, not 2010.

Commissioner Harrington stated there were local erosion control programs already in existence, and asked would that be a County function or was it up to the local municipalities. Ms. Perrin said there were many different ways it had been done, noting that typically it was a function of an engineering department and usually supported through fees. She said County and municipalities had sometimes partnered together and that would certainly an option.

Commissioner Fiocco said that he had actually spoken to Jim Willis and Fred Royal, about working with the Town on that program, noting it was unfortunate that Jim had suffered an early passing. He said one of the things they had discussed was whether to use the County's ordinance or to use an ordinance that Pittsboro designed that the County would enforce, or whether to use the State's existing ordinance. Commissioner Fiocco said at the time both men had been receptive to those options, but obviously the conversation had gone no further.

Mr. Terry said that the Town of Chapel Hill had agreed to a stormwater utility about three years ago, and at that time Fred Royal was the Stormwater Utility Engineer for Chapel Hill and had been the engineer who had been responsible for setting up the utility and the fee schedule. He said the revenue from the program was used to do such things as clean out ditches and conducting maintenance on stormwater best management practices. Mr. Terry said that Chapel Hill had two engineering inspector positions that among other things inspected erosion control measures.

Mayor Voller asked what they saw as the Town's next steps.

Commissioner Fiocco said he thought it was a very good document and liked that it focused on finding incentives to encourage developers. He said the report contained a lot of good information and recommendations and believed they should ask the Planning Board and Planning staff to review it and work through the recommendations to see if there was material in the report that the Town would want to implement via the Town's ordinances.

Ms. Perrin said that they had presented the information to the Planning Board so they were aware of the report. She said the Planning Board had tabled it and requested that it be presented to the Town Board once a new Planning Director was hired.

Mayor Voller said because the report also referred to recreation input on greenways and open space, perhaps the report should be referred to that board as well.

Commissioner Fiocco said he would rather leave it up to staff as to what resources need to be put to bear on the report.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to refer the report to the Planning Board and the Planning staff for review and recommendations and possible implementation through modification of the Town's Zoning and Subdivision Ordinances.

Vote Aye-5 Nay-0

**TOWN OF PITTSBORO BETTER SITE DESIGN ORDINANCE REVIEW IS  
RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 122-144**

**3. Update on Solid Waste Services Contract (Chip Jean Dodd, Waste Management of Carolinas, Inc.).**

Chip Jean Dodd with Waste Management of Carolinas, Inc. stated that one of the comments from the previous meeting involved how to screen the new recycling carts. She said thinking creatively they could possibly work with a beautification committee in Town with Waste Management supplying the plantings and the committee doing the actual planting. Ms. Dodd said they would be happy to consider something of that sort.

Ms. Dodd said there had also been questions and comments regarding what kind of decrease might be seen in the solid waste stream if a cart system were implemented for recycling. She said one thing asked was where the waste went when it was picked up by Waste Management, and it went to the Chatham County Transfer Station which had a gate rate of \$59.75 per ton. Ms. Dodd said she had gathered information from towns in the region that had implemented cart recycling using either a 65 gallon or a 96 gallon cart, and they had seen between a 10% to 15% decrease in their solid waste stream. She said looking at Pittsboro's current stream, if you had a 10% decrease that would represent \$6,500 in disposal costs. Ms. Dodd said if Pittsboro were to see a 15% decrease that would represent \$9,800. She said they had factored in some solid waste increase into their proposal, and in doing so had been able to hold the rate stable. Ms. Dodd said

they had also included in the proposal the purchase of the 96 gallon carts for the recycling program, and that represented for them a \$100,000 investment.

Ms. Dodd said a question had been asked previously about where the recyclables were taken for processing and if there was any tipping fee. She said currently the recyclables were taken to Sanford and loaded onto a tractor trailer and transported to Raleigh to the processing facility. Ms. Dodd said Waste Management paid the transport fee to Raleigh but received a rebate which was essentially the amount of the transport fee, so they experienced no profit for that. She added that not too long ago when the recycling markets were down they had not received that rebate, so it was costing them about \$50 a ton to transport the recyclables from Sanford to Raleigh and have it processed.

Ms. Dodd said they had a committed route team in Pittsboro and they were providing excellent service. She said they had very few complaints and when they had issues they were resolved quickly. Ms. Dodd said they were eager to continue their work with Pittsboro while at the same time enhancing the recycling program without any increase in rates. She said since the last bid in 1998 they had worked closely with the Town to provide the highest level of service at a fair and reasonable rate, and in fact had held the residential rate at a flat rate for four years and last year had decreased that rate by passing on the CPI rate decrease. Ms. Dodd said they had not yet received the CPI rate for this year.

Ms. Dodd said if they looked at surrounding communities they would find that Pittsboro's rate was among the lowest. She said their proposal stood strong and requested that the Board approve their proposal.

Commissioner Fiocco thanked Ms. Dodd for sharing that information and for being so thorough. He recommended that the Board seek input from the Finance Office to provide some guidance as far as where they stood relative to other communities and what those costs were, and to analyze the numbers that Ms. Dodd had provided in order to make a better informed decision.

Commissioner Brooks asked did they need to look at the bid process. Commissioner Fiocco said he believed it was their choice to either accept the proposal by Waste Management or put it out for bid.

Commissioner Harrington asked when the contract had last been bid out. Mr. Terry responded he had determined that the original contract had gone through a series of extensions that went back as far as 1988, but in talking with Ms. Dodd there was perhaps a bid in 1998 and the same company had won it back although that was not well reflected in the Town's records. He said it appeared that when the same company had won the contract back in 1998 the Town simply extended the existing contract.

Commissioner Harrington said Ms. Dodd has provided some percent information for recycling, and asked was that based on the use of roll-out containers. Ms. Dodd responded yes. Commissioner Harrington asked what communities had she contacted to calculate those percentages. Ms. Dodd said she had talked to the Town of Clayton and the City of Fayetteville. Commissioner Harrington said to clarify they have not used the roll cart containers with other

providers. Ms. Dodd said they did use the roll cart containers for recycling. Commissioner Harrington said for clarification the need for screening would potentially require the Town to access private properties and it would not be on Town properties as far as neighborhoods and the like. He said the offer she had made regarding plantings he did not think would be practical.

Mayor Voller said it had been a good offer and Waste Management had tried to think creatively to deal with the issue that had been raised at the last meeting. He said the Chatham County Solid Waste Advisory Board had dealt with the issue of roll out carts and was in fact in favor of their use for precisely the reasons Ms. Dodd had stated, primarily because it would reduce the waste stream going to the landfill and would increase the amount of recycling.

Commissioner Fiocco said anecdotally he had heard better numbers than 10% or 15% decreases, noting he had heard upwards of 20% to 25% change in stream from solid waste to recycling. Mr. Terry said he had looked into what Raleigh was doing, in that they were getting ready to change from the smaller bins to the larger carts. He said when he had inquired about that they had shared some of their budget analysis work which did not deal as much with waste stream reduction as it had with staffing and equipment. Mr. Terry said Raleigh's analysis had shown they would basically be cutting their recycling costs in half over the next ten years, due to fewer trucks and fewer staff. He said he would assume if that was the case in Raleigh that it would be the case for any company the Town might hire in that the 96 gallon carts were more efficient for a contractor to use.

Mayor Voller said that Commissioner Fiocco had recommended that the Finance Office obtain some analysis of the costs, and asked where he believed they should go with that. Mr. Terry replied that he could work with the Finance Office to do some budget analysis and contact other communities to do a comparison that provided some analysis based on cost per ton. He said he believed that could be done in a relatively short period of time and would help the Board better understand what the cost per ton would be. Mr. Terry said that might help them determine whether it was in the Town's best interests to extend the current contract or to put the contract out for bid.

Commissioner Harrington stated then it would appear that when that information came back and the Town was competitive, then they would likely not go through the bid process. He said the question for the Board was since they had not gone through a bid process since 1998, were they doing the citizens a favor by not allowing for a competitive bid. Commissioner Harrington said once they got the information back, what would their decision be based on. He said he would also like to understand exactly what citizens wanted, noting he understood why Raleigh was moving to roll carts but had their decision included input from its citizens. Commissioner Harrington said he would want to have a really good feel for what the citizens of Pittsboro actually preferred, and if it was found that most citizens did not want roll carts then that was relevant information that should play a part in the Board's decision. He said he wondered if they could request that staff ask people as they came in to pay their water bills what they would prefer in terms of the smaller bins or the larger roll out cart, as well as the pickup every two weeks rather than the weekly service they had now. Commissioner Harrington said as well, he wanted to know if the cost of those two would be equivalent, noting he believed the current offer had been based on moving to the roll out carts. Mr. Terry said that was correct, that the current offer

was priced with the assumption that they would move to the every other week pickup using the 96 gallon carts. He said if that was not the service that the Town wanted then they would need to provide Waste Management the opportunity to re-price the service.

Commissioner Harrington said he believed it was important to know what people wanted, adding that the elderly may have difficulty with the roll out carts. He said that may be a huge factor, but the point was they needed to know what people preferred. Mr. Terry asked if that was important enough to the Board to conduct a mail-out survey. Commissioner Harrington said that was not a good way to get information and would not be in favor of that because it was very unscientific. He said they would hear only from people who were against it, and would prefer that staff do an informal survey of citizens as they came in to conduct business with the Town.

Mayor Voller said it may help people if they posted a picture of the roll out cart and the current bin so that they understood exactly what was being considered. Mr. Terry said they could get a clean cart and a recycling bin and place it in the lobby so that people had a clear understanding of the options.

Commissioner Harrington said that would be very good information no matter what path the Board decided to take. Mr. Terry said as a part of the survey, should they ask would their opinion change if there was a reduced cost for one or the other, or simply ask them what service they preferred. The Board agreed they should ask only which they preferred.

Mayor Voller said he wanted to go on record to say he preferred the roll out carts.

Commissioner Brooks said they had discovered several years ago that the County had been charging the Town to pick up the County's waste, and they had eventually worked that out. He said he wanted to be sure that practice had not slipped back in. Commissioner Brooks said those government buildings represented a quarter of a million dollars worth of real estate that the Town could not tax because one government could not tax another. But, he said, it had been learned that the citizens of Pittsboro were paying for the services provided to those buildings rather than the County, the State, or the Federal government.

Mayor Voller said what Commissioner Brooks was getting at was that had been addressed in previous contracts and did not want that to be an issue again. Ms. Dodd said she understood.

Bryan Kirchoff with Waste Industries said they were a 40-year-old North Carolina company and had many relationships with municipalities and government. He said over the past two and one half years Apex, Holly Springs, Mayfield, Wendell, Zebulon, Goldsboro, and Morrisville had all switched to roll out carts. Mr. Kirchoff said that two of them, Apex and Morrisville, actually had chosen to use both and they were servicing those bins and carts with the same vehicles. He said the citizens had been pleased that they were given the choice, and even though it was somewhat more difficult to provide both services they had done so in order to provide the service that particular households preferred. Mr. Kirchoff said they understood that feeling, but did recommend that the Town research the costs and determine if some of the surrounding communities had a better rate.

Motion made by Commissioner Fiocco seconded by Commissioner Bryan to direct the Finance Office to research communities of a similar size to Pittsboro to determine what rates were being charged for recycling and solid waste services so that the Board could use that information to make a determination as to whether to bid the services or to extend the current contract with Waste Management.

Commissioner Harrington said to clarify, they were requesting a financial report from the Finance Office in regards to the rates and the competitiveness of those rates. Commissioner Fiocco said that was correct. Commissioner Harrington said he would assume that the Board would need to make a decision at the next meeting. Mayor Voller said that was correct.

Vote Aye-5 Nay-0

#### **4. Southern Park Draft Master Plan Review (Brian Starkey, OBS Landscape Architects).**

Brian Starkey with OBS Landscape Architects provided information on the Southern Park draft Master Plan, stating that the park would be located on a 52-acre property adjacent to 15-501 South near the intersection of Old Sanford Road and Charlie Brooks Road. He said the 3M reuse water tank was located at the center of the project site at the high point of the property, and there was a gravel drive that ran down the western side of the property off of Old Sanford Road. Mr. Starkey said the site was very well suited for a park with moderate topography, mature woodland vegetation, and periodic rock outcroppings.

Mr. Starkey said the park program as planned included both active and passive recreation, with the first phase of park construction on the northern half of the property and Phase 2 on the southern portion of the property. He said that access to the park would utilize the existing gravel road and would be available for use from dawn to dusk and gated at night. Mr. Starkey then listed those elements or features that would be included in each phase of park construction:

##### **Phase One**

- Parking/30 spaces
- Trails/paved
- Trails/natural
- Playground
- Woodland amphitheater/outdoor classroom (60 seats)
- Picnic Shelter/Picnic Area
- Access road improvements to the 10-foot wide gravel road with pull offs

##### **Possible Phase Two (as funds permit)**

- Trails/paved
- Open space/multi-use field
- Off road bike trails/1 mile
- Dog park/1 acre in size
- Futsal court (small soccer field on a hard surface)
- Disc golf course

##### **Subsequent Phases**

Subsequent phases of park construction were envisioned to include the following elements as funding became available:

- Parking 30 spaces south of the initial parking area
- Parking/60 spaces
- Restrooms (2)
- A more formalized soccer field
- Additional playground
- Picnic shelter/area
- Trails/paved
- Continuation of the off road bike trail system

### **Master Plan - Organization and Layout of Park Elements - Phase One**

- Parking area is located just prior to the water tower where there is a partially cleared area and topography is relatively level and at a high point on the site. This location minimizes construction costs associated with parking.
- Future restroom will be located adjacent to parking area and can access the septic field area by gravity.
- From the parking area it is a 250 foot walk to the playground and picnic area which are adjacent to each other.
- Just north of the picnic area is a grove of large trees that will be left natural.
- Beyond this grove is the woodland amphitheater in an area where the natural topography is gently sloped.
- The trail also continues from the playground area around the water tank and back to the parking area, about one quarter mile, and is positioned to be compatible with existing topography to maximize accessibility.
- Pull off areas will be located along the existing drive to enable the ability for cars to pass.

### **Possible Phase Two**

- An additional parking area of 30 spaces is included in Phase Two adjacent to the existing drive.
- Close to and accessed from the parking area is a Futsal Court and Dog Park. These are located in an area where the topography is very gentle.
- Also adjacent to the parking is an area of pines that will be cleared to create an open and grassed space for general purpose play.
- Trails connect the parking to other facilities.
- Phase Two also includes a one mile network of off road bike trails.

Commissioner Fiocco said he had the two maps, one for Phase One and the other for Phase Two, with highlighted areas. He said when looking at those maps they did not include everything shown in the Master Plan. Mr. Starkey said that was correct, in that there were more park programming beyond those two phases. He said those had not yet been broken out into subsequent phases, but had simply labeled them as subsequent phases after Phase Two. Mr. Starkey said the Town had received funding from PARTF for Phase One and they would be submitting an application for funding for Phase Two, noting the cost of Phase One was estimated at \$400,000 and for Phase Two about \$300,000. He said they were working on estimates for subsequent phases but that work had not yet been completed.

Mr. Starkey continued his presentation:

### **Subsequent Phases**

Beyond Phase Two construction there were other facilities and elements envisioned by the Master Plan, including the following:

- The area identified as open space could become a more formal athletic field for soccer.
- Additional parking.
- A second playground.
- A continuation of pedestrian trails and off road bike trails.
- Restroom facilities.
- Picnic Shelter and picnic area.
- Improvements to the existing gravel drive.
- Park amenities, benches, trash receptacles etc.

### **Project Schedule**

In terms of the project schedule, Mr. Starkey stated that with approval of the Master Plan this evening, they would move forward with the development of construction documents for Phase One construction on the following schedule:

Construction Documents	Complete December 2010
Permitting	December 2010 – January 2011
Bidding	January 2011
Construction	February – May 2011

Mr. Starkey said that was an aggressive schedule, but they would hope to have the park open to visitors by late May or early June, 2011.

Commissioner Harrington asked had he said that the asphalt trail was a requirement of PARTF. Mr. Starkey said that PARTF required a hard surface trail, which would be asphalt or concrete, of at least quarter mile to be accessible to the handicapped. He said that trail essentially went around the water tower.

Commissioner Fiocco said then that trail was required to be at least one quarter mile, so it could in fact be longer. Mr. Starkey replied yes.

Commissioner Harrington asked what type of playground equipment they would be getting for \$80,000. Mr. Starkey replied they had not yet determined that, noting it would be determined once they got into the detailed design. He said they were looking to provide some traditional playground elements such as swings and slides, but there was also a notion that they would look at developing part of the playground as a more natural learning experience which was not necessarily traditional playground elements but was meant to engage children in a more natural environment and provide a more alternative play experience to a traditional playground.

Commissioner Harrington asked could he be more specific about what that \$80,000 would bring them. Mr. Starkey said if you had spent time in a playground you would understand that some traditional elements were fairly expensive. Commissioner Harrington agreed, noting the playground structure the Town had recently purchased was about \$60,000. He said he believed Mr. Starkey was talking about something that was natural, so he really did not know what he was suggesting as far as a natural playground. Mr. Starkey said in addition to the traditional playground structure, it was an effort to use the land and land form such as boulders, rocks, plant material and other natural elements to create play spaces for children that were out of the ordinary and were more natural in character. Commissioner Harrington said then children would be able to climb on the rocks and that sort of thing. Mr. Starkey said that was exactly right.

Commissioner Brooks asked had 3M built that gravel road. Mr. Terry stated the Town had built that gravel road as part of the reuse program at 3M.

Commissioner Fiocco said he had looked at the \$80,000 in playground equipment and had thought that to be substantial, and had thought it was not necessarily in character the way he had personally thought about that property. He said it was some distance from Town, and reading through the Town of Pittsboro's Better Site Design Ordinance review that according to the Parks and Recreation Department the number one requested activity or facility was hiking trails. Commissioner Fiocco said it appeared that the one quarter asphalt trail at 8 feet wide would cost \$40,000. He said his thought was to take \$40,000 from the \$80,000, leaving \$40,000 for playground equipment, and put that \$40,000 towards building another 1,600 linear feet of paved trails.

Commissioner Fiocco said he personally preferred paved surfaces, and it would have less maintenance issues from an erosion perspective. He said he also believed it would be more accessible by more people because of its paved surface. Commissioner Fiocco said when he thought of that park setting he thought of more exploration through the wilderness, with a more formalized park setting being located closer to Town. Assistant Planner Paul Horne commented that the \$80,000 for playground equipment was in the original grant. Commissioner Fiocco said but it was not something they had to do as part of the grant. Mr. Horne replied he believed they could revise that.

Commissioner Fiocco said they were also showing bridges in the plan which would take a fair amount of money. Mr. Starkey said they could leave those out. Commissioner Fiocco said then they could stay on one side of that draw, and perhaps running along the draw and looping around so there were no dead ends. Mr. Starkey said those were intended to be boardwalks and not bridges, and perhaps they could change the drainage patterns there and provide a way to cross it without disturbing it. Commissioner Fiocco said that would be a nice feature.

Karen Hall stated they needed to remember that this area was in the Robeson Creek Watershed.

Commissioner Brooks asked what perennial stream was on the property that caused it to be in the watershed. Mr. Terry said there was a small stream at end of the property that barely crossed the corner, but that small crossing caused the property to be considered as being in the Robeson

Creek Watershed. Commissioner Brooks said he had understood there was no stream on the entire 3M property.

Ms. Hall said it was in the watershed, so whether it went into an intermittent stream or a ditch or whatever it all eventually drained into Robeson Creek.

Mayor Voller said that was actually good news for the Town in terms of partnering, and asked if Ms. Hall had any ideas.

Commissioner Brooks asked wouldn't some of the water drain into Camp Creek. Ms. Hall said that much of it would go into the Camp Creek sub-watershed, but it would then drain into Robeson Creek.

Mr. Horne said he had briefed the Board previously that Ms. Hall had provided \$10,000 for stormwater management and erosion control methods.

Commissioner Fiocco said he had seen a line item for \$10,000 for stormwater management and because the park was 2% impervious he had wondered why they were doing stormwater management. Mr. Horne said it was primarily for erosion control. Commissioner Fiocco said he thought of stormwater management as being a permanent device and erosion control as being a temporary measure during construction. He asked if the erosion control was included in that \$10,000 line item. Mr. Horne replied yes.

Mr. Starkey said he saw no issue with reducing the budget for playground equipment and using the cost savings to build additional trails. He said any trails that were constructed would have to be accessible.

Mayor Voller asked was there any reason why they had to provide the playground before the dog park. He said they did not now have a dog park anywhere around and many people were interested in having one. Mr. Horne said that during the street fair most people had really liked the dog park, noting they were excited about having a dog park and were also excited about having the trails. He said a dog park was such a relatively inexpensive feature that it could possibly be included in Phase One.

Mr. Starkey said that the dog park was not a part of the original Phase One grant and did not believe it would be possible to provide the dog park until Phase Two.

Mr. Terry said if he understood the Board clearly they wanted to remove \$40,000 from the playground equipment budget and move the \$40,000 into trails, with the understanding that staff and the designer would have the latitude that if it was 5% one way or the other that they would meet the Board's intent. The Board agreed by consensus.

Motion made Commissioner Fiocco seconded by Commissioner Harrington to approve Phase One as described, amended to reduce the budgeted cost of playground equipment from \$80,000 to \$40,000 and to apply that \$40,000 to providing additional linear feet of trails.

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

Commissioner Brooks said that given their needs, he was hard pressed to believe what they were doing.

Commissioner Harrington said it was money they could not spend any other way except on a park.

Mr. Terry said he was asking for some guidance from the Board in regards to a process to name the park. He wondered if the Board wanted to solicit suggestions from the community or did the Board want to just give it some thought.

Mayor Voller said he believed that was something they could take up when they got closer to actual development. The Board agreed by consensus.

**5. Draft Land Use Plan for the Town of Pittsboro (Philip Culpepper, Preston Development).**

Philip Culpepper with Preston Development stated that he had submitted the draft plan to the Board and it contained an introduction and the draft plan itself, including the goals for the Town.

Mayor Voller said it was recommended that the draft plan be referred to the Planning Board and the Manager for review. Mr. Culpepper said on June 28<sup>th</sup> he had made the offer to the Board to produce a Land Use Plan for two reasons. He said the first was because NCDOT was working toward the development of a Transportation Plan for the Town, which required an up-to-date land development plan be in place in order for a transportation plan to be updated and adopted. Secondly, Mr. Culpepper said, the Town was presented with a “Comprehensive Plan” produced under a contract with TJCOG, which had been presented to the Planning Board. He said even after numerous revisions were made, the Planning Board still found the document to be complicated and in need of further revision. Mr. Culpepper said because the land development plan had to be in place and because the TJCOG draft plan had stalled, he had offered his assistance with the development of a land use plan in order to keep that critical effort on track,

Mr. Culpepper said however the Board decided to use the document it was his intention to work with the Town in any way possible. He said he had steered the Planning Board through the process and believed he had provided the Town with what was necessary to comply with the NCDOT requirements for a Transportation Plan.

Mayor Voller said essentially in order to move forward with a Transportation Plan the Town needed to have in place a Land Use Plan. Mr. Culpepper said that was correct. Mayor Voller said it had never been clear to him what was so horrifically wrong with the TJCOG plan that Paul Black had worked on that had made it to draft form but had never been brought back to the Town Board for an up or down vote. He asked Mr. Culpepper to comment on why they should not use that. Mr. Culpepper stated the first thing he had put in front of the Planning Board was sixteen items he had extracted from that TJCOG plan that he thought was good quality and

useful information. He said there were good things in that plan but they were lost in the volume of the document, and he had taken the information and tried to bring it forward in a more concise form.

Mayor Voller said then one of the problems with the TJCOG plan was the concept of form based zoning which was something not everyone was in favor of. Mr. Culpepper said it was hard for him to be a judge of someone else's work, but he had spoken against the idea of form based zoning because he believed it was more than what the Town needed at this point. He said that was why it had been his intention to focus very narrowly on what the Town needed, and not everything that it might do at some far off future time. Mr. Culpepper said a series of area plans was what he had come back to, noting there needed to be additional work done but they did not need to try to do the entire Town at one time or try to apply one thing on one side of Town that might not work well on the other side of Town.

Mayor Voller said that form based zoning was presented at the Main Street Conference a couple of times and it had a lot of freeing factors to it because it allowed you to do a lot with property as far as architecture. He said it allowed you to get away from restricted uses as along the architecture was specific. Mayor Voller said he understood Mr. Culpepper's point, and asked at this point what he believed the Town Board should do with the work he had produced. Mr. Culpepper said all he had ever asked was that the Board receive the document and forward it to the Planning Board for review if they thought that was the proper thing to do. He said his only purpose had been to give the Town something to work with.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to refer the Draft Land Use Plan to the Planning Board and the Manager for review.

Commissioner Fiocco said in the spirit in which it was agreed that the Town would receive it was that it would be clay that the Town could work with. He thanked Mr. Culpepper for his work on the document.

Vote Aye-5 Nay-0

**DRAFT LAND USE PLAN FOR THE TOWN OF PITTSBORO PREPARED BY PHILIP E. CULPEPPER, AICP IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 147-163**

Mayor Voller said in the spirit of transparency he would like to offer that the document would be made available to anyone requesting it, and the Board, the Manager, and the staff would work with the Planning Board as they moved forward. He said the document was now a public document and invited anyone wanting to comment on it to please do so.

**6. Offer of a Grant in the Amount of \$496,126 from the North Carolina Rural Center for the Purpose of Completing the Credle Street Sewer Rehabilitation Project Phases III & IV.**

Mr. Terry stated this had first come before the Board on August 9, but shortly after they were notified that they had been approved for a grant from the Rural Center for undertaking Phases III

and IV of the Credle Street project. He said they had tabled the issue at that time because the Board wanted to explore the possibility of borrowing funds rather than removing it from Fund Balance, and had consulted with the LGC to make sure they were on solid ground with a proposal to borrow the amount they needed. Mr. Terry said the amount needed did in fact fall under the thresholds of the LGC guideline of \$300,000 or less with a loan term not to exceed five years.

Mr. Terry said based on the intent of the Board and staff's discussions with the LGC and reviewed by the Town Attorney, he had asked the Finance Director to solicit proposals from banks. He said that had been done and they were expecting a response this Friday, and once those were analyzed it was their intent to bring back to the Board a recommendation for selection of a lender. Mr. Terry said in the meantime, he believed it was safe to accept the offer of a grant from the Rural Center and he was recommending tonight that the Board do that. He said he was also recommending creating the project budget for the project.

Commissioner Fiocco stated that the resolution said that the terms of the offer of the grant required the Town to participate in the funding of the project in an amount equal to 50% of the grant amount. He asked did that mean that if the grant amount spent on the project was less than the \$496,126 did the Town still have to put the \$248,000, or did the Town have to spend 50% of the amount of the grant spent. Mr. Terry replied it as 50% of the amount of the grant. He said if the bids came in lower than anticipated then the Rural Center would only reimburse them up to a level where what the Town put in was 50% of what they put in. Mr. Terry said that mean that the Town would be putting in 33% of the cost of the project.

Commissioner Fiocco asked if the engineering inspection number of \$79,000 was for an outside consultant. Mr. Terry replied yes, for engineering and inspections. Commissioner Fiocco asked could they use in-house labor for engineering and inspections. Mr. Terry said he was not sure who they would use. Commissioner Fiocco said they should keep that in mind as they moved forward. Mr. Terry said they were talking about engineering and inspections during construction and there was no one on staff qualified to do that at present although they may in the future.

Commissioner Harrington said if they had someone on staff then they could pay that person. Mr. Terry said that was correct.

Town Attorney Paul Messick said he did not believe their in-kind contribution of Town labor would suffice, in that they would still have to spend the \$248,000 whether they had someone or not.

Commissioner Bryan stated they could not charge for Town staff. Mr. Messick said that was correct.

Commissioner Fiocco said but the \$79,000 was a part of the budget that made them spend a third of the cost, and they would reduce that cost by \$79,000 if they did the work in-house.

Mayor Voller suggested that the Robeson Creek Watershed Council might want to become involved since it would directly impact the Robeson Creek Watershed. Ms. Hall agreed. Mayor Voller said he believed they knew they could obtain the loan.

Commissioner Bryan asked was there any reason to believe they could not. Ms. Cartrette said she had spoken to several banks and she did not anticipate any problems.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to approve the resolution accepting the offer of the grant in the amount of \$496,126 from the NC Rural Center for the purpose of completing the Credle Street Sewer Rehabilitation Project Phases III and IV.

Vote Aye-5 Nay-0

**A RESOLUTION ACCEPTING THE OFFER OF A GRANT IN THE AMOUNT OF \$496,126 FROM THE NORTH CAROLINA RURAL CENTER FOR THE PURPOSE OF COMPLETING THE CREDLE STREET SEWER REHABILITATION PROJECT PHASE III & IV IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 164**

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to approve the operating budget for the Credle Street Sewer Rehabilitation Project Phases III and IV.

Vote Aye-5 Nay-0

**AN ORDINANCE CREATING A CAPITAL PROJECT BUDGET ORDINANCE FOR THE CREDLE STREET SEWER REHABILITATION PHASE III AND IV PROJECT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 38**

## **NEW BUSINESS**

### **1. Request for Extension of Wastewater Capacity Reservation Agreements (Ricky Spoon, Ricky Spoon Builders and Patrick Steele, Moore's Grove, LLC).**

Patrick Bradshaw, the attorney representing Ricky Spoon Builders and Moore's Grove, LLC, stated that about a year ago the Town Board had approved contracts with both companies that would allow them to reserve 40,000 gallons of sewer treatment capacity on the condition that by December 14, 2010 they would pay the Town \$200,000 in advanced payments related to their projects. He said as they all knew the economic outlook was not much better now than it was a year ago and banks were generally not lending money for real estate development. Mr. Bradshaw said although both companies had tried as their contracts required, they had been unable to obtain financing in order to make the \$200,000 payment to the Town.

Mr. Bradshaw said the request they were making tonight was that the Board consider a one-year extension to the contract that would give them an additional year to attempt to obtain those funds in order to pre-pay the fees for their projects. He said if they did not obtain that extension and no longer had that sewer capacity allocation available to them, it would have a drastic negative

impact on their property values which would make it difficult for them to maintain the existing financing they had on their property and certainly much more difficult to obtain additional financing so that when the economy improved they would be able to proceed with actual development and construction of the projects.

Mr. Bradshaw said in this environment he believed it was extremely unlikely that anyone else would be coming forward with a significant development project, and believed that granting the extension request would not do harm to anyone else. He said but, not granting the extension would certainly do great harm to these two property owners. Mr. Bradshaw said both companies had made large investments in their properties and had been paying taxes to the Town, and both still carried valid permits.

Mr. Bradshaw said the zoning for these projects had been approved in 2005, several years prior to the economic downturn occurred, and they were not able to proceed when times were good because at that time the Town did not have the wastewater capacity. He said what they were asking now was to provide them the chance to keep the projects alive, and did not see that it would do harm to anyone else by approving the extension. Mr. Bradshaw said it would provide them the opportunity to keep the projects alive and proceed when the economic improved.

Mr. Spoon said he had no comments, in that the issue spoke for itself. Mr. Steele commented that he would very much appreciate the Board's consideration.

Commissioner Brooks said to Mr. Messick that he believed the Legislator had passed a bill that said during the current tough economy that developers did not have to keep applying for extensions, and asked what exactly that meant. Mr. Messick replied that was referring to extending deadlines on permits. He said what was being asked of the Town here was to decide whether to extend the contracts for another year or to opt out.

Commissioner Fiocco said they had until December 14, 2010 to decide whether to opt out. Mr. Terry said technically they had until the end of December, but for all practical purposes December 14, 2010 was the Board's last meeting for the year.

Commissioner Fiocco said he had asked for a list of the projects that could be affected by the additional extension. Mr. Terry said he had worked with Mr. Bass late last week on that and believed the list was nearly complete. He said the last thing he would like to do would be to talk with former Planner David Monroe regarding his corporate memory of what projects had been approved to make sure they had a complete list. Mr. Terry said the list looked complete to him but he wanted to make sure everything was included.

Mayor Voller asked would there be anything that was staff approved and not reflected in the Town Board minutes. Mr. Terry replied they had conducted that research of the minutes and they did believe they had a complete list, but they just wanted to be certain before it was brought to the Board.

Mr. Bradshaw said he did not see how the permit extension for an additional year would have any effect because what Mr. Terry and the Board was talking about was projects that had already

been approved and the time limit running on those approvals. He said those projects already approved had wastewater capacity assigned to them, so extending Mr. Steele's and Mr. Spoon's contracts would have no effect.

Mayor Voller asked if the Board did consider granting the extension, would there be any flexibility in terms of letting the Town allocate towards any other businesses downtown or others that could actually do something that would not harm these two companies, considering they were asking the Town to reserve something for the future that they may not need for some years. He said there may be small projects downtown that needed only a very small allocation, and he did not believe it would harm these two projects to allow that allocation. Mr. Bradshaw said he felt comfortable saying his clients would be open to being flexible should such a case arise. He said one point he wanted to make was that about this time last year they had received a report from the Town's engineers that projected what the flow through the plant would be, and at that time it was projected that by the end of 2009 the flow, including everything existing and everything the Town had committed to on paper, plus the Steele and Spoon projects, that the actual flow would be at 561,000 gallons per day. He said they had a 750,000 gallon per day plant, so there was additional capacity available beyond the 80,000 gallons that would be reserved for these two projects.

Commissioner Harrington asked how much they would be able to pay by the December deadline. Mr. Bradshaw replied he did not know if they would be able to pay anything.

Mr. Spoon remarked at this point he did not know and could not answer. Mr. Steele commented the Town had rehabbed the old plant and they were now actually able to provide 100% of the capacity, and even with all the approved projects including those only on paper there was no way all of that capacity would be used. He said there was currently plenty of sewer capacity for anyone who wanted to come to Town and build something.

Mr. Bradshaw said based on the engineer's report at this time last year the Town would actually have about 350,000 gallons of that 750,000 gallons available.

Mayor Voller said he agreed with the representations they had made, and would add that if the project just approved on Credle Street went forward then even more flow would be available because they still had infiltration from stormwater they were trying to address. He said all he wanted was to be able to cover all citizens and new businesses that might need capacity, and agreed that they did indeed have the capacity to spare. Mr. Bradshaw said it was important to understand that the 80,000 gallons at question here was not all of the Town's sewer capacity and granting the extension would not deny sewer capacity to any other projects.

Motion made by Commissioner Bryan to approve the request for extension of wastewater capacity reservation agreements with Ricky Spoon of Ricky Spoon Builders and Patrick Steele of Moore's Grove, LLC for a period of one year, to expire on December 31, 2011.

Mayor Voller asked would Commissioner Bryan be willing to include in his motion that some flexibility be identified and the attorneys determine how that would work. Mr. Messick said he and Mr. Bradshaw would have to talk about how that might be done.

Commissioner Harrington said at this point he was not sure exactly what they would be agreeing to, because they had a contract in place where the Town was suppose to have received a payment of \$200,000, and asked if extending the contract would mean the payment would also not be due for another year. He said he believed the Board should at least delay a decision until they received some information on when an offer of money might be made, either in part or in full, from the two companies. Mr. Terry said one option would be to table it tonight and ask the Attorneys to bring to the next meeting some information regarding any flexibility that might be identified and exactly what the terms of the contract extension were. He said by the next meeting he believed they would be ready to bring forward the list of approved contracts as well as a recommendation as to whether the Town should opt out of the additional year provided by the Legislature.

Commissioner Fiocco asked Mr. Terry to clarify if the projects on Mr. Bass's list of approvals had in fact been allocated sewer capacity, or had they been approved subject to sewer capacity being available. Mr. Terry said they would go through the list project by project and answer that question.

Mayor Voller stated that Commissioner Bryan's motion had died for lack of a second.

Mr. Bradshaw said Commissioner Fiocco's comment about what projects had been approved with sewer capacity had made him think he had said something that was not exactly right. He said the Legislature's Permit Extension Act applied to almost all land use approvals that had been approved within the timeframe as covered by the Act, so he did not believe it was necessarily true that all of those projects would have had sewer capacity attached or allocated to them. Mr. Bradshaw said but he also did not believe the Permit Extension Act would have any significant impact on the calculation of the sewer capacity.

Mr. Terry said he was curious as to the current MUPD modification that was before the Planning Board, and asked was it dependent upon that allocation or was it separate. Mr. Spoon said it was dependent, noting he had a 74-unit moderate income apartment complex that they would not close on until the end of 2011, and that was the reason he has requested the extension. Mr. Terry said he had not understood whether or not he had a previous allocation for that project. Mr. Spoon replied he had not, noting it would take up 19,000 gallons of the 40,000 gallons he had been allocated.

Mr. Culpepper said if they were about ready to come on line when the moratorium ended then they did not need this discussion. He asked when the moratorium would be lifted if they had all of that capacity available.

Mayor Voller said that was a fair question, and asked Mr. Messick when the moratorium expired. Mr. Terry said it was his recollection it was October 2011. Mayor Voller said but that could be repealed.

Mr. Culpepper said they had done the Eubanks Road project and they had no allocation for sewer, and if they began construction they would have to pay an impact fee and then they would

be allocated what they had paid for. He said they were in the same situation that Mr. Spoon and Mr. Steele were in, but they had decided to go a different route in order not to complicate the process.

Mayor Voller asked Mr. Hoyle if he had any comments. Kenneth Hoyle, Chair of the Planning Board, said he would like to meet with the Planning Director on the projects already approved, noting that some of those had been approved contingent on sewer being available.

Mr. Culpepper said that the Eubanks Road project had been approved with the potential for on-site sewer.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to table the request until the Board's November 22, 2010 meeting at which time information should come back with specific recommendations that had been worked out between the two Attorneys, a recommendation on whether or not to exercise the Town's option on the sunseting of the permits, a list of all approved projects including approved capacities, and information on how to proceed with the moratorium.

Mr. Terry said he and Mr. Bass had talked about the moratorium, and the suggestion he was leaning towards was perhaps lifting the moratorium after they had had the chance to observe the sewer plant operate with its new features for a couple of months to make sure the impact that the engineers had said they would have would actually be realized. He said if in January they were comfortable with what they were seeing, then they could determine whether it was prudent to lift the moratorium. Mr. Terry said the amount of capacity that would be freed up was not a dramatic amount, so one tactic might be to lift the moratorium and accept development review applications for perhaps 120 days but not take any action on them. He said the Board may find they were in the position of having more applications than they would approve or would have to prioritize which applications brought the best benefits in terms of economic development to the community. Mr. Terry said his concern was that if they lifted the moratorium that they might have to reinstate it in three or four months.

Commissioner Harrington said they may see people trying to get projects approved and then sit on them for a number of years. Mr. Terry said he did not feel comfortable making a recommendation now on lifting the moratorium, but would prefer to let the plant operate for a couple of months to see how they were doing.

Commissioner Fiocco asked if they were currently on line. Mr. Terry responded every new element of the plant had been tested, the plant staff had been trained, and it was actually in operation. He said they had achieved substantial completion with a final inspection scheduled for November 18.

Commissioner Brooks said there were two components to the sewer, one of which was the revitalization of the old plant and the other was the infiltration. He asked exactly where they were on the infiltration, which would impact how much capacity they would have. Mayor Voller said that was correct. He said where they were now was that tonight the Board had finally

approved Phase IV of that initial plan that had started years ago, and if that was completed in the next six to eight months it would have a significant impact on the available capacity.

Commissioner Brooks said so they really did not know tonight what those numbers would be. Mayor Voller said that was correct, although they knew the numbers would be better. Commissioner Brooks said but they did not know if they would reach the maximum capacity of 750,000 gallons per day. Mayor Voller said that was a good question, and was something Mr. Terry had brought up about the actual efficiency the plant could achieve. Mr. Terry said initial indications were good and the operators were very pleased with the outcome, and they believed they had achieved their goal. But, he said, until they had a few months to go on they would not be able to confirm that.

Mayor Voller said what they clearly knew was that empirically if you added newer wastewater lines and peoples' habitat changed over time, you did not get much more capacity at the sewer plant. He said that had been proven through reviewing water bills and through studies. Mayor Voller stated what they did not have a comfort level for was how much they could allocate, and that was where they were trying to get to. He said they had to be able to allocate sewer to businesses and others in Town.

Mayor Voller called for the vote.

Vote Aye-5 Nay-0

## **2. Revisions to the Pay Classification Table.**

This item was removed from tonight's agenda and would be placed on the agenda for the November 22, 2010 meeting.

## **3. Position Reclassification.**

This item was removed from tonight's agenda and would be placed on the agenda for the November 22, 2010 meeting.

## **4. Vacancies on the Parks and Recreation Advisory Board (PARB).**

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to appoint Brett Moraes to the Parks and Recreation Board.

Vote Aye-5 Nay-0

# **CAPITAL PROJECTS REPORT**

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

Mr. Terry provided the following update on Capital Projects:

- Wastewater Treatment Plant Wet Weather Flow Improvement Project – Substantial completion reached on all of the mechanical systems that were a part of the contract.

New features are functional and in use. The remaining work includes some punch list items, restoration of grass areas, and paving of the entry road to the plant. The final inspection is scheduled for November 18, 2010.

- Credle Street Basin Rehabilitation Project, Phases III & IV – This project appeared on tonight’s agenda which included a copy of a Request for Proposals submitted to several local banks for an installment loan in the amount of \$248,000 to cover the required matching funds. Proposals from the banks are due on November 12, 2010.
- Southern Community Park – Tonight’s agenda included a presentation from the project architect, Brian Starkey, on the proposed Master Plan for the park. After the presentation, the Board approved Phase I design development.
- Downtown Area Water System Improvement Project – The application for a \$750,000 CDBG was completed and submitted on October 29, 2010. The USDA letter of October 27, 2010 listed five remaining submittals required to complete the application. Of those five, only one item remained uncompleted as of November 4, 2010, but that item was expected to be completed by November 12, 2010.
- Pedestrian Conveyance System Project – John Poteat reported that the work was progressing but slowly. Commissioner Bryan reported that they had begun pouring the curbing today.

Commissioner Fiocco asked was there a pavement overlay involved in that project. He said he believed there had better be because the curb was about an inch and a half above the existing asphalt. Mr. Horne said that was included in the bid earlier.

Mayor Voller said that the lighting on that roundabout was mentioned at the last meeting, and asked had they had time to follow up with anyone on that. Mr. Terry said that Mr. Poteat had been working with Progress Energy on that and other issues, and he would check to see where they now stood on that. Mayor Voller said it was only a matter of time before that poor lighting resulted in an accident, and he wanted to make sure that Progress Energy was aware of the Town’s concern.

Commissioner Bryan said the lighting would be even more of an issue when the sidewalk was completed and was in use.

Mr. Terry continued his update:

- Haw River Water Intake Desilting Project – Multiple price quotes from different firms to accomplish the work was being solicited, with the expectation that the work would be able to be completed for less than the \$30,000 that the Town had historically paid.

Commissioner Brooks asked did he understand Mr. Terry to say that Mr. Poteat was in touch with Progress Energy regarding possible replacement of those 120 lights that were 20 years old or older. Mr. Terry said they were working on that and trying to determine a schedule and which ones to address first. Commissioner Brooks asked what about the two or three poles that were leaning at the Courthouse circle. Mr. Terry said he did not have an update but Progress Energy had been out there to look at the poles so they were aware of it.

Commissioner Fiocco said he believed Progress Energy had been working on those poles today. Commissioner Bryan said he had observed them there as well, but was not sure what they were doing.

### **Mayor Updates**

Mayor Voller said the EDC would be meeting tomorrow at 8 a.m. at the CCCC. He said the next RPO meeting was scheduled for December, and a new member would be appointed since Commissioner Vanderbeck was no longer a County Commissioner. Mayor Voller said that brought up another point in that former Commissioner Vanderbeck had been the member on the Transportation Committee. Mr. Terry said he had already forwarded a letter to the County Manager to remind him to ask the County Board to make a new appointment.

Mayor Voller said the Solid Waste Advisory Board was continuing to discuss the potential for a new landfill. He said the Fairground Association may want to come and address the Town Board, noting there had been several meetings where he had tentatively described ideas that had come up in the past and the Association may want to discuss some of those. Mayor Voller said there was one issue that Commissioner Brooks had brought up, and the Association was willing to move its right-of-way in order to accommodate the Town.

Mayor Voller said he had brought up at the last meeting the issue of the drainage on Credle Street by Stauton Memorial and Small Street, noting the water basically flowed onto the road and into peoples' yards, so the ditches were either closed with debris or silt and were not working. He said the same issue was on Small Street, noting there was some obstruction in the ditch and water flowed onto the street and into yards. Mayor Voller said it was incumbent on the Town that those issues be addressed.

Commissioner Harrington said to clarify the Town was responsible for at least one ditch on the side of the road. Mr. Terry said they had drainage ditches in the right-of-way that they were responsible for maintaining.

Mayor Voller remarked they could use Powell Bill funds to cover that cost, so they should get it done.

### **Commissioner Concerns**

Commissioner Brooks asked had they talked with NCDOT about doing something about the drainage problems on Hillsboro Extension before you got to Lowe's on 15-501 North. Mr. Terry stated they had made contact with NCDOT about that problem.

Commissioner Bryan asked about the progress on the audit. Mr. Terry stated they were very close to completion with very little work left to do.

Commissioner Fiocco said his only concern was the list Mr. Bass was working on. Mr. Terry noted as soon as it as complete they would email it out and not wait until the Board's meeting.

Commissioner Harrington asked about the bus ridership data. Mr. Terry said he had communicated with Chapel Hill today about that, noting the bill for October had arrived today and it was higher than what he had thought it should be. He said it was high enough that he did not believe they would have enough in the budget to last under the end of the fiscal year, so he had asked them to respond as to why the bill was higher than anticipated. Mr. Terry said he had also requested the ridership data, so they should receive that soon. Commissioner Harrington said if the figures they were giving the Town for budgeting purposes was not accurately reflecting the cost, then they needed to be aware that the Town's funding may need to change. He said the Board really needed to see the ridership data so they could determine if there were routes that should be removed. Mr. Terry said he had reminded Chapel Hill Transit that the Town's contract contained a monthly fee and the annual total was not to exceed \$18,000, and at the current rate they were paying that would not make it to the end of the year and remain under \$18,000. So, he said, they were awaiting an answer from Chapel Hill Transit. Commissioner Harrington asked were they charging more than last year, or had they just not budgeted correctly. Mr. Terry said when they had first started the service they were at a 20/80 split with the County, and the County had objected and that had been amended to a 30/70 split. So, he said, the Town was paying a somewhat higher cost.

Mayor Voller said it was important to get the data Commissioner Harrington had asked for, and they also needed to know all pertinent information so that the Board could make an informed decision. He said the last issue was the suggestion made by Commissioner Brooks that the Board send a letter of congratulations to the new incoming County Commissioners as well as a letter to all outgoing County Commissioners to thank them for their service and for their work with the Town on the various projects and issues during their tenure on the County Board. He said once that letter was done he would ask that the Board members come by the office and everyone sign them before mailing.

**A LETTER TO CHATHAM COUNTY'S NEWLY ELECTED COMMISSIONERS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 165**

**ADJOURN**

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

Vote Aye-5 Nay-0

FYI:

1. Financial Statements for the Month Ending October 31, 2010.
2. USDA letter of October 27, 2010; RE: Remaining Requirements for Completing the USDA Loan/Grant Application for the Downtown Water System Improvement Project.
3. Pittsboro Town Clerk's letter of October 26, 2010; RE: Letter of Thanks to the Pittsboro ABC Board.

4. Pittsboro Town Clerk's letter of October 26, 2010; RE: Letter of Thanks to Mr. John Justice for support given during the 2010 Pittsboro Street Fair.
5. Town Manager's letter of October 29, 2010; RE: Letter of Thanks to Ms. Vicky Oldham for her work on the 2010 Pittsboro Street Fair.
6. Town Manager's memo of October 29, 2010; RE: Memorandum of Thanks to Town Employees for a Job Well Done on the 2010 Pittsboro Street Fair.

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk