

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, MAY 10, 2010
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 present: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul S. Messick, Jr., and Assistant Planner Paul Horne.

AGENDA

Motion made by Commissioner Baldwin 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 April 26, 2010 regular meeting.
2. Resolution Opposing Legislation that Would Limit Local Governments' Ability to Provide Broadband Services.

Commissioner Harrington stated that on page 17, third paragraph from the top, it said "Commissioner Fiocco replied yes." and it should say "Commissioner Harrington replied yes." He said on page 18, last paragraph, it said "Commissioner Fiocco said he believed..." and it should read "Commissioner Harrington said he believed...".

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to adopt the Consent Agenda as amended.

Commissioner Harrington said in regards to item 2, was that resolution provided by the League of Municipalities.

Mayor Voller said there was a broadband resolution that was done by Raleigh and other municipalities, and Chatham County had adopted a similar one which was forwarded to the

Town for consideration. He said the League of Municipalities had provided language that had gone into the resolution. Mr. Terry said the League of Municipalities had provided a sample text for consideration by municipalities, and the particular version before the Board tonight was the version used by Chatham County.

Vote Aye-5 Nay-0

A RESOLUTION URGING THE STATE OF NORTH CAROLINA TO OPPOSE LEGISLATION WHICH WOULD LIMIT OR PLACE A MORATORIUM ON LOCAL GOVERNMENTS PROVIDING BROADBAND SERVICE AND TO RECOGNIZE THE ROLE OF LOCAL GOVERNMENTS IN THE DEPLOYMENT OF BROADBAND SERVICES FOR THE ECONOMIC DEVELOPMENT OF THIS STATE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 31-32

REGULAR MEETING AGENDA

Citizens Matters

GIA Miele, owner of 76 Hillsboro Street, said she was concerned about the signs that limited parking to 2 hours but was never enforced. She said she wondered why and what could be done about it. Ms. Miele said she had heard other merchants along that street say that some methods had been tried to be enforced in the past but they failed, noting that the biggest issue was people who worked along that street and parked all day long. She said she paid for parking in the rear of her building, and her salespeople parked on side streets. Ms. Miele said her clientele was frequently elderly, and she had been told many times by customers that they would have come to shop more frequently if they had been able to find a parking place.

Mr. Terry stated he would relay the information to Chief Collins and ask that enforcement be stepped up.

Mayor Voller suggested that Mr. Terry and the Chief might want to set up a meeting with the Merchants Association to discuss the issue, because that had been a continuing problem for some time. Mr. Terry agreed to do so.

Ms. Miele stated that on another matter, there was a desperate need for Porta-Potties for the First Sunday events, noting health codes were frequently being violated. She said the General Store was the only semi-public place that had facilities the public could use. Ms. Miele said she had a restroom that could be used, but it involved climbing steps which made it very difficult for some. She said it also opened her up for liability.

Mayor Voller said there would be a cost to the Town to follow that suggestion, and suggested that Mr. Terry work with the Pittsboro Merchants Association to try to find a solution.

Commissioner Harrington asked if she believed the Merchants Association would be willing to contribute to the cost of the Porta-Potties if the Town arranged for delivery and pick-up. Ms. Miele said she believed they might.

Dan Augustine, 507 East Street, said he believed they were missing an opportunity derived from the tragedy of the Courthouse fire. He said research showed that a healthy and vibrant downtown boosted the economic health and quality of life in the community by creating jobs, incubating small businesses, reducing sprawl, protecting property values, and increasing community options for goods and services. Mr. Augustine said the Town had a vibrant history, and suggested that they have a downtown that offered opportunity.

Mr. Augustine said when people came into Town and looked around, they wondered what was there for them, and the Town needed to think about what the downtown looked like and how to accomplish the vision of a vibrant downtown. He suggested that the Town take a leadership role in the creation of a Main Street Task Force and create a Main Street Revitalization Program in the midst of restoring the Courthouse. Mr. Augustine suggested a 5 point program that included design, organization, promotion, economic restructuring, and sustainability.

Mr. Augustine said the physical appearance of buildings could be accomplished by rehabilitating historic buildings, encouraging new construction, penalizing owners of buildings that sat empty for long periods, developing a sensitive design, and long term planning. He said that organization could be accomplished by building a consensus and cooperation among those that had a role in the process. Mr. Augustine said that promotion could be done through marketing traditional commercial district assets through customers, investors, new businesses, local citizens, and visitors. He said that economic restructuring would strengthen the existing economic base while finding ways to expand and meet new opportunities and challenges from outlying development.

Mr. Augustine said he believed an ambitious plan was needed, and asked that Pittsboro take a leadership role in restructuring the downtown for strong economic growth.

Commissioner Harrington asked if Mr. Augustine was a business owner or was his interest from a citizen's viewpoint. He also asked if he had any experience in the area of revitalization. Mr. Augustine stated he had lived in Pittsboro for about 6 months and had been involved in revitalizing buildings in other downtowns. He said he had been in the promotion and marketing business for 35 years, and was currently looking at purchasing an existing business in the downtown but at this point there were just too many reasons not to do so. Mr. Augustine said they had a tremendous opportunity to revitalize the downtown so that people would want to come there, noting that Pittsboro as a destination for one-day trips was a real possibility.

Commissioner Harrington said when participating in the revitalization of another downtown, how was that accomplished and how was it financed. Mr. Augustine replied it was through private sector investments by local large businesses as well as grant money. Commissioner Harrington asked would Mr. Augustine be willing to head up such a task force. Mr. Augustine responded yes.

PUBLIC HEARING

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

Vote Aye-5 Nay-0

1. Manager's Recommended Budget for Fiscal Year 2010-2011.

Mr. Terry stated that the recommended budget was presented on April 26 and had been posted on the Town's Website the next day to provide citizens the opportunity to comment.

Mayor Voller noted that no one had signed up to speak on the budget.

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

Vote Aye-5 Nay-0

OLD BUSINESS

1. Amendments to the Fiscal Year 2009-2010 Budget.

Mr. Terry stated that in the process of preparing the coming year's budget, they had identified a few areas in the current year's budget that had experienced cost overruns. He said those had been outlined in the memorandum to the Board, noting the categories were Professional Services in the Planning Department, and Equipment Maintenance, Contracted Services, and Lab Testing at the Water Plant.

Mr. Terry said he had analyzed the costs for Professional Services in the Planning Department, and the bulk of the funds had been spent on reviews and engineering support typically from Hydrostructures for site plan reviews and field inspections. He said that account was about \$27,500 over budget and they expected to incur some additional expenses before the end of the fiscal year. Mr. Terry said the budget amendment he was recommending for adoption would add \$30,000 to the Professional Services line item.

Mr. Terry said in regards to Equipment Maintenance in the Water Plant budget, the majority of the \$35,000 overrun was related to efforts to complete deferred maintenance tasks that were important to achieving the TTHM standards, but were outside the scope of work of the ongoing disinfection byproducts reduction project. He said the overrun in Contracted Services was also related to that project, in that it was associated to the trial runs of ferric sulfate as a primary coagulant. Mr. Terry said the weight and volume of sludge produced was significantly greater than the previous process, noting that the overrun was \$19,000. He said the last category was Laboratory Testing, and again the overrun of \$10,500 was related to efforts to achieve compliance with TTHM standards. Mr. Terry said in addition to more frequent testing, they had

also had to do lab testing to support the various trials of the new ferric sulfate process including the switch to chloramines and trial runs of ferric sulfate as a coagulant.

Mr. Terry said adoption of the budget amendment would correct the shortfalls in those areas.

Mayor Voller said much of those overruns were associated with trying to bring the Water Plant into compliance. Mr. Terry said that was correct, noting that 3 of the 4 were for the Enterprise Fund and were directly related to those efforts.

Commissioner Harrington said in regards to lab testing, last year they had budgeted for in-house testing as well as a TTHM in-house testing machine. He asked why they were experiencing that \$10,500 overrun. Mr. Terry said they did have an in-house lab technician that had been on the job for about 18 months and did have the ability to test for TTHMs, but the equipment the technician had to work with was not as sophisticated as that used by their contractor. He said they did a split process where the lab technician tested a sample in-house and the contractor lab tested the second. Mr. Terry said the in-house test gave them general indicators, but the level of accuracy was not as great as what they received from the contractor lab.

Commissioner Harrington said he wondered why they were even doing in-house TTHM testing if they had no confidence in it. Mr. Terry said typically they used compared results, noting they did the testing mandated by the State which was quarterly. He said while they were watching the progress of those efforts, they used the technician's in-house tests, sometimes weekly, to get an idea of the general trend of the results. Mr. Terry said they occasionally did an in-house test along with a contracted lab test to do a comparison. He said because they were now in compliance that in-house testing was not done as often, noting efforts were now concentrated on the transition to ferric sulfate and the work of Hobbs, Upchurch to finalize the changes to the plant.

Commissioner Harrington said in regards to the Contracted Services, he assumed the overrun was due to the trials and not necessarily because it was ferric sulfate, or would they always have a higher cost because of the ferric sulfate. Mr. Terry said that ferric sulfate would always produce more sludge than the old methodology, so that would be an ongoing expense. Commissioner Harrington asked what the estimated cost for a year would be, noting that the \$19,000 overrun was for a six-month period. Mr. Terry said he estimated the annual cost in the 2010-2011 budget would be \$60,000.

Commissioner Harrington asked was it usual that the Town ended up incurring the cost for the site plan review for the County's Justice Facility and the Community College project. He asked why the fees paid for those projects did not cover the Town's costs. Mr. Terry said they did pay a fee and there was offsetting revenue. He said the Town had to budget both revenues and expenses, so in a year that they underestimated the sort of work that had to be done, then overruns were a possibility. Commissioner Harrington asked if those figures were correct if they were ending up \$27,500 under budget. Mr. Terry said he would research that to make sure what they were proposing to budget in the coming year was adequate.

Commissioner Bryan said that \$27,500 was over and above the \$80,000 they had budgeted to pay Hydrostructures and Hobbs, Upchurch. Mr. Terry said it was for a different project. Commissioner Bryan said he understood that.

Commissioner Brooks stated when they had approved that \$80,000 it would seem to him that the items listed for the additional professional services should have come under that category. He said he could see if some unknown construction project came up and they had to hire an engineer. Mr. Terry said to clarify, the \$80,000 was design work for a Town project, and the overruns were experienced for site plan and development review where the Town sought engineering reviews of applicant plans and subsequently had inspections performed while the project was being built.

Commissioner Fiocco said it appeared that the fee structure needed adjustment. Mr. Terry stated that part of the fee was related to having Jay Johnston with Hydrostructures attend Jordan Lake Partnership meetings with him to help represent the Town's interests.

Mayor Voller asked if the Town had a negotiated rate for attending meetings versus performing engineering work. Mr. Terry stated they had a standing contract with Hydrostructures, and that included a rate schedule for various services.

Mayor Voller said if they had a contract for an engineer that was inspecting development in Town, who was liable if it turned out something was done incorrectly. He asked would the developer's liability policy have to cover that circumstance. Town Attorney Paul Messick said if an engineer stated something was done and it wasn't, then you would have to go by their representation. Mayor Voller wondered what the incentive would be to not continue to conduct re-inspections if they got paid every time they did one. Mr. Messick said the only reason to re-inspect would be if the work was not done correctly in the first place. Mayor Voller said that could happen, in that an engineer could say something was not done correctly and continue to inspect. Mr. Messick said he did not believe they had any cause for concern with that.

Commissioner Fiocco said there was a lot of reliance that would be had with a professional engineer's seal and their opinion stood with that seal. He said engineers had to be qualified to retain that seal including taking an oath, and there was a lot of risk in being fraudulent with that seal. Mr. Terry said as he had gone through the invoices to get a feel for how the money was being spent, and there were several invoices for general engineering consulting. He said that had prompted him to ask Hydrostructures that if services were not tied directly to a site plan or development review that they add a detail sheet that spelled out hour by hour what the charges were for.

Commissioner Baldwin said she agreed with Commissioner Fiocco that they needed to look at the fee structure again and at the budget in reference to engineering consulting fees.

Commissioner Harrington stated that in regard to the deferred maintenance, was some of that being done in-house. Mr. Terry said some was for subcontractors and some was insurance items in relation to the water plant, which he defined as items that were not readily off-the-shelf available and were purchased in case of a critical need.

Commissioner Harrington said when they had an in-house mechanic there would be costs incurred in ordering of parts, and believed that reflected something they were doing better. He said he suspected the cost would be much higher if they tried to contract all of that maintenance work out. Mr. Terry said the feedback from both the wastewater plant and the water plant was that the technician was serving them well.

Commissioner Fiocco said Mr. Terry had mentioned they were doing in-house testing to identify trends, and asked if those trends were matching up with the results from the lab. Mr. Terry said they were tracking the two in parallel and they were roughly similar, but the in-house testing was done much more often to allow them to see that trend before the quarterly mandated testing.

Commissioner Brooks said when they had hired the lab technician it was supposed to be a cost-saving measure so they would not have to send samples to a company for testing. He asked was that the case, or was the Town continuing to send samples out for testing. Mr. Terry said he would research that question and bring the answer back, noting he wanted to compare the cost of contract lab work with the cost of the in-house lab. He said he would have that data available for the upcoming budget work session.

Commissioner Harrington said he would also like to know what was being tested besides the TTHM testing. Mr. Terry said he would bring that information back to the budget work session as well, but generally one thing they may be experiencing with both plants was that the variety of tests a plant operator could use to gauge how their plant was working was to do testing more often, whether it be bacteriological counts or something else. He said the in-house lab technician was able to do testing to help monitor the conditions at the plant and how well it was operating. Mr. Terry said a lot of what the technician was doing was process control lab testing to see how well the plants were functioning and to make sure they were optimized.

Mayor Voller asked what the capabilities were of the in-house testing, for instance could they actually test bodies of water if they wanted to test water quality in creeks. Mr. Terry said they could take a sample from any body of water and test it if necessary. Mayor Voller said such information might be of use, noting there may be instances where they might want to test stormwater running off of a site that was feeding into Roberson Creek. He said if they did such monitoring it might help them to develop a program to clean up the runoff, and if they had the capability to perform such testing in-house why not at least look into that. Mayor Voller said all they had to do was get a baseline, and then they could get a professional more involved if necessary. He said runoff ultimately affected their drinking water, so why not test what was running into it. Mr. Terry said he would research how such monitoring might be done, noting the lab technician stayed busy now with the wastewater plant and the water plant, as well as some field testing around the water system to collect bacteriological data. He said he would need to sit down and talk with the technician about that possibility.

Mayor Voller said he would also like the technician to take samples at the schools, because he wanted to make sure that the water supplied to the schools was of good quality. He said since they had that technician he would like to make use of her capabilities to the fullest amount possible. Mayor Voller asked if there had been water samples taken from the Haw River at some

point before it was taken into the plant. Mr. Terry said he believed that was done on a regular basis as part of their protocol, but would check to see how often that was done.

Commissioner Brooks said he believed that was part of the protocol for the Haw River. He said when Wally Jenkins was with the Town that issue had been discussed and the end result was that instead of one monitoring point for Roberson Creek it was increased to 4 of 5 stations. Commissioner Brooks said if the lab technician had the time, testing of some of the streams in Town would be worthwhile.

Mayor Voller said the Town would likely do the Credle Street rehabilitation project, and he would like to know what the quality in the streams was before that project was done as well as what the quality was afterwards, because they should actually improve the quality because they would be repairing old sewer pipes. He said it would be worthwhile to have some before and after data since they were getting money from the Water Quality Trust Fund.

Commissioner Brooks said he believed the Board should have Mr. Terry talk with the technician and determine if there was time to do those types of testing.

Mayor Voller agreed, and asked Mr. Terry to talk with Mr. Poteat who was the lab technician's department head to determine if there was time available to perform such testing.

Commissioner Harrington asked if the budget amendment was for \$64,500 plus the additional \$30,000 for Professional Services. Mr. Terry said the budget amendment was for \$64,500 to the Enterprise Fund and \$30,000 to the General Fund.

Mayor Voller said to be clear, the budget amendment was amending the current year operating budget, and asked how that would affect the amount of surplus in the Fund Balance that was to have been brought forward to the coming year's budget. Mr. Terry said he was predicting that at the end of the current year that they would have a surplus in the General Fund of \$75,000 and a surplus of \$62,500 in the Enterprise Fund, and the budget amendment would reduce those amounts.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to adopt the budget amendment that would increase the current year General Fund budget by \$30,000 and increase the current year Enterprise Fund budget by \$64,500.

Commissioner Brooks said he readily supported items 2, 3, and 4, but could not support item 1. He said he believed that as a representative of the taxpayers that there had been too much spent on engineering firms. He said a case in point was the 3M project, noting he could not begin to estimate what had been spent by the Town on that project. Commissioner Brooks said he had confidence in the integrity of those engineers but believed the expenses were too high. He said it seemed that there were instances where the Town asked for something to be done but other things were done that drove up the costs, and he was bothered by that. Commissioner Brooks said he understood there were things that had to be done to make their plant comply with State regulations to provide good water, but the engineering costs appeared to him to be much too high.

Mayor Voller called for the vote.

Vote Aye-3 Nay-2 (Brooks, Bryan)

AN ORDINANCE AMENDING THE FY 2009-2010 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES, NUMBER ONE, PAGE 12

Mayor Voller said he wanted the record to show that Commissioner Brooks had expressed reservations regarding Professional Services expenses, but had been in favor of the other 3 items. He said it was also important that they were estimating a surplus of about \$75,000 in the General Fund and \$62,500 in the Enterprise Fund, so they would still have an estimated surplus of about \$45,000 at the end of the current budget year.

NEW BUSINESS

1. Acceptance of a \$1,000 Community Policing Donation from Wal-Mart Stores, Inc.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to accept the \$1,000 Community Policing Donation from Wal-Mart Stores, Inc.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE FY 2009-2010 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 13

A RESOLUTION ACCEPTING A \$1,000 DONATION FROM WAL-MART STORES, INC. TO SUPPORT THE TOWN'S COMMUNITY POLICING PROGRAM IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 33

Mr. Terry noted that the Community Policing donation was proposed to be used to purchase bicycle helmets for distribution as a public safety outreach effort under the Town's Community Policing Program.

Mayor Voller said he believed that would be a good use of the funds as long as there was no marketing that stated the helmets were provided courtesy of Wal-Mart. Mr. Terry agreed.

2. Manager's Update on Planning Department Staffing.

Mr. Terry stated that there was a need to fill the void created by the retirement of Planner David Monroe while staff completed the recruitment process. He said he was recommending adoption of the resolution that would authorize the Town Manager to enter into a Planning Services contract with Clarion Associates of Chapel Hill to provide basic planning services to the Town for a period of about 90 days during the recruitment and selection process for hiring a new Town Planner.

Mr. Terry stated that with Mr. Monroe's absence it had been difficult to keep up with routine business as well as things that were not so routine. He said they had received over 150 applications and it would take some time to sort through them and select a good top 10 list for further review. He stated that Mr. Messick had agreed to help with the process as had Dianne Reid, head of the County Economic Development Commission whose professional career had been in planning. Mr. Terry said once the budget was completed, he believed they would be able to interview the top 10 candidates by the end of June, with an offer being made sometime in July.

Mr. Terry said in trying to prepare for Mr. Monroe's absence, he had sought expertise to get them through the hiring process and to that end had received proposals from two firms specializing in planning services. He said that after reviewing those proposals with Mr. Horne and Mr. Messick it was his recommendation that the Town retain the services of Clarion Associates to help them with day-to-day planning issues as well as the not so routine issues that might come up. Mr. Terry said the Board had discussed at its planning retreat moving forward with their Comprehensive and Land Use Plans, and Clarion was prepared to assist in that effort for the next 90 to 120 days. He said it was his recommendation that the Board adopt the resolution contracting for Clarion's services at a cost in this fiscal year of about \$15,000, with further costs into the new fiscal year to be covered through funds budgeted from Professional Services.

Mayor Voller stated he assumed those costs would be offset through salary savings. Mr. Terry said that was correct, noting that Mr. Horne had also informed him that there were significant unspent funds remaining in the Recreation Professional Services account that they did not expect to spend. He said they had budgeted \$20,000 but only spent \$5,000, leaving \$15,000 remaining. Mr. Terry said those funds could be transferred from that line item to help cover those costs.

Commissioner Harrington said those funds were earmarked for Recreation. Assistant Planner Paul Horne said those funds would have been spent to support the Parks and Recreation Master Plan, but was not needed. Commissioner Harrington said his thought was the Board had discussed the need for restrooms at the park, and perhaps that surplus should be used for that or even for the Community House rehabilitation.

Commissioner Fiocco said from the math prospective, he had estimated 80 hours a month at \$90.00 an hour, and that cost for a 3-month period would be \$21,600. He said they were budgeting \$15,000, so were they reducing the number of hours or reducing their rate. Mr. Terry said the costs would be distributed through the 2 fiscal years, so the resolution would get them just through the end of the current fiscal year.

Mayor Voller asked if the consultant would be ready to start immediately, noting that the Planning Board was holding a special meeting Wednesday evening. Mr. Terry said they would be ready to begin work on Wednesday if the Board retained their services.

Commissioner Harrington said that seemed odd to him, in that it seemed to him that the consultant should really just serve as a bridge to work on emergency issues until someone was hired and did they really need to have 80 hours a month dedicated to that. Mr. Terry said the consultant would work on whatever tasks were assigned. He said they had arrived at the number

of hours by estimating what they could afford, and it had worked out to about 20 hours per week. He said the consultant might be at the Town one full day but not the next, so if someone came in for a site plan review they would make an appointment to make sure the consultant was available. Commissioner Harrington said that made more sense, noting this was not planned to be long term nor would the consultant act without specific direction. Mr. Terry said that was correct, noting that if the consultant was in the office and someone came in, then the consultant would provide whatever service was necessary. He said the concept was the consultant would be available to handle walk-in business or deal with any planning issues that emerged, and if none of that occurred then they would have a punch list of issues they could spend the time on. Mr. Terry said an example might be review of the Parks and Recreation Master Plan, review of the Land Use Plan, or even review the Zoning Ordinance, and to provide comments on what they believed might be possible amendments to improve the Town's ordinances.

Commissioner Bryan asked if that was creating "busy work." Mr. Terry responded no, noting they had a pending Land Use Plan that had been in the works for two years and not yet completed, and there was still much work to be done and the consultant was qualified to do that work.

Commissioner Harrington said he agreed with that, but did not want to be in a position that the consultant was assigned particular duties and when the new Planner was hired that person came in with nothing to do. He said he agreed that if someone came in with a site plan that site plan would need to be reviewed, but believed when those services were necessary an appointment could be made so that the consultant was not sitting in the office for 4 or more hours with no one asking for services. Commissioner Harrington said he believed the large or long term projects like the Land Use Plan should be assigned to the new Planner when one was hired. Mr. Terry said they were in a tough position at present with no Planner and needed to have that expertise available.

Commissioner Brooks said a lot of that had to do with how the public would perceive it, noting they were under a moratorium. He said he agreed that the long term issues could wait until a full time Planner was hired, noting that they had a Town Attorney who had written many of the ordinances including zoning and they had an assistant planner that had spent some time serving as an aide to the former Planner. Commissioner Brooks said he believed they should let the people already on staff handle most of the issues, noting that there were people on the Planning Board who had much experience and could provide some expertise as well. He said perhaps what they needed was a consultant to come in when they had a specific job for that person to perform, not just to handle the day-to-day issues.

Mayor Voller asked what they had done when they were without a Water Plant Superintendent. Mr. Terry said they had hired a recently retired individual who worked until they were able to hire a replacement. He said he had tried to do that in this instance when he had contacted Mr. Megginson, but had been unsuccessful.

Commissioner Brooks asked had he tried to get someone to come in as Interim Planner rather than as a consultant. He said Mr. Megginson may have been willing to come in a few hours a week as a consultant rather than working full time as an Interim Planner.

Commissioner Harrington said using the consultant for a specific task made more sense to him than having them come and sit in the office on the chance someone might come in and need a review. He said he also agreed that the long term projects should wait until a new Planner was hired, and would prefer not to have the consultant coming in for 20 hours a week to perform general duties. Commissioner Harrington said he would like to hear Commissioner Fiocco's opinion since his background was in planning.

Commissioner Fiocco said he believed it would handicap the new Planner they were preparing to hire by having the consultant work on long term projects. He said the last thing he thought they wanted to do was put that person in an difficult position where the Town had already taken what the previous Planning Director had done and turned it over to a consultant who would be forming more qualitative recommendations and policies that they were now asking the new Planner to handle. Commissioner Fiocco said they were advertising that Pittsboro was providing a great opportunity for someone to come in and be formative and believed they should offer that and preserve that. He said he was familiar with Clarion and they did very good work, and having them function as an on-call Planner would be a better way than having them actually keeping regular office hours when they may not be needed. Commissioner Fiocco said he could also see having them provide diagnoses of long term projects, noting that in order to provide advice Clarion would have to become familiar with the Town's ordinances and policies and do that rather quickly. He said if they could get a diagnosis from Clarion about what they believed was good, bad, or ugly about those ordinances that would be something he would be interested in having. Commissioner Fiocco reiterated he believed that Clarion should function on an on-call basis.

Commissioner Harrington asked if Mr. Terry believed Clarion would have an issue with functioning on an on-call basis, or would they need to have a minimum of 80 hours a month in order to feel it was worthwhile. Mr. Terry said he believed they would work on whatever task was assigned, noting they had talked with Clarion about the sign ordinance, reviewing the Land Use Plan, and other issues. He said his point was that there was plenty of work to be assigned and the Town could pick and choose what they wanted Clarion to do. Commission Harrington asked did Mr. Terry believe that Clarion would work on an on-call basis. Mr. Terry said the contract was fixed at \$15,000, so he believed they would do whatever they were asked to do. Commissioner Harrington said he would be more comfortable with that, noting the Town would be saying what they would pay and what work they wanted to have performed.

Commissioner Harrington said he agreed with Commissioner Fiocco that Clarion should not be asked to work on the long term projects that the new Planner would want to have ownership of. He said they would want the new Planner to become invested in the Town and that would be a great way to accomplish that.

Commissioner Brooks asked if Mr. Terry needed to talk with Clarion before the Board voted on the resolution.

Commissioner Harrington said he believed what the Board wanted from Clarion had been clarified.

Mayor Voller asked for Mr. Horne's opinion. Mr. Horne said there was so much backlog now that the consultant would be kept very busy, so that was not an issue.

Commissioner Brooks asked how there was such a backlog during a moratorium and Mr. Monroe had only been gone a week. Mr. Horne responded in the same way they experienced engineering backlogs or any other backlogs, noting there were functions within the processes that required professionals.

Patrick Bradshaw, a local attorney, stated that it had been mentioned that there was a special meeting of the Planning Board scheduled for Wednesday night. He said the purpose of that meeting was to review his client's site plan for a project pending with the Town. Mr. Bradshaw said that Roger Waldon with Clarion Associates was a person of excellent reputation and outstanding experience. He said if the Board believed this action was the right action to take then Mr. Waldon was the very best choice to do it.

Mr. Bradshaw said that much of Mr. Waldon's proposal discussed his potential involvement in Evergreen's project which had been pending in the public arena for 8 months now. He said Mr. Monroe had written a memo about it before he retired and Mr. Messick had written a detailed memo for the Planning Board for the special meeting. Mr. Bradshaw said that Mr. Messick knew more about the Town's ordinances than any consultant would in a couple days, and asked that if the Board did decide to go that route that they not allow Clarion or anyone else coming in be a cause for Evergreen's application to be delayed.

Planning Board Chair Kenneth Hoyle, responding to Mr. Bradshaw, stated that the Planning Board would be making its recommendation for the Town Board on Wednesday night, but did not yet know what that recommendation would be. He said in regards to employing someone, he believed that before Mr. Monroe had left there was 15 hours that consultant Paul Black owed the Town concerning the Land Use Plan, and he believed that time should be utilized. Mr. Hoyle said as had been pointed out Mr. Messick had been involved in writing many of the Town's ordinances and believed he could provide the necessary input without bringing in a new person for a short period of time.

Commissioner Fiocco said his thought when he had read the proposal was the referral to the short term needs having to do with the application, but it constantly referred to it as a rezoning proposal. So, he said, they may have been thinking that it was earlier in the process than it was since it was clearly a site plan, and wondered if they had been thinking that in the short term they would have a bigger role to play in that particular application.

Mr. Hoyle said he could not see a consultant with whatever qualifications having input through the end of June.

Mayor Voller asked Mr. Messick if he would be attending the Wednesday special meeting of the Planning Board. Mr. Messick replied that he would.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to approve the resolution authorizing the Town Manager to enter into a planning services contract with Clarion

Associates with the understanding that Clarion would be providing immediate need services of the Planning Department and not the long term planning documents currently ongoing.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE FY 2009-2010 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 14

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PLANNING SERVICES CONTRACT WITH CLARION ASSOCIATES OF CHAPEL HILL, NORTH CAROLINA IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 34

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to adopt the budget amendment to fund planning services with Clarion Associates on an hourly basis for the remainder of the current fiscal year not to exceed \$15,000, and for 30 days into the upcoming fiscal year on an hourly basis not to exceed \$6,600.

Vote Aye-5 Nay-0

3. Review of the Town's Advisory Boards (Mayor Voller)

Mayor Voller stated that currently they had a Parks and Recreation Board, a Planning Board, and a Citizens Grants Committee that had a sunset provision for six months. He said from his experience boards generally had bylaws and ethics statements, and asked if the Town's boards had bylaws or a set of guidelines stating clearly how those boards were to operate. Mr. Messick said he was not sure that an advisory board needed that. Mayor Voller said if they did not need them, why not and why did other organizations use them. Mr. Messick said they would need those only if they had rules of procedures that were very different from the commonly accepted rules of procedures. He said it was up to the Town Board to determine what the rules of procedures were.

Commissioner Brooks said when the Town Board created those advisory boards he believed they had given them specific guidelines and duties.

Mayor Voller asked was there a need to have advisory board members sign conflicts of interest statements, or were there any ethics laws that those board members would need to comply with. Mr. Messick said the Planning Board handled quasi-judicial matters and probably needed to know about conflicts of interest in terms of what they dealt with and they could certainly be advised about that. But, he said, because they had no decision-making power there really was no conflict because the Planning Board only formed recommendations and the Town Board made the decisions.

Commissioner Harrington asked if Mayor Voller had brought this up because the Grants Committee was trying to impose a conflict of interest statement on its members.

Mayor Voller said he had brought it up because a couple of boards that he sat on had bylaws and conflict of interest statements, and he had wondered if they needed to consider that for the Town's advisory boards.

Commissioner Harrington said if the Town Board gave an advisory board a charter to go off and perform a particular function, what types of duties would require that they have bylaws.

Commissioner Brooks said if you could not benefit financially from something that you were voting on then there was no conflict of interest.

Commissioner Harrington asked what a bylaw might look like for a Town advisory board.

Mayor Voller said a bylaw might state how you would appoint the chair or vice chair or the like, and list information that every member would get when appointed such as when the meetings were held, how votes would be taken, and the like. He asked how minutes were handled for each of those boards, and if they were posted on the Website. Mr. Horne said that the secretary of the Parks and Recreation Board was responsible for the minutes, so they staffed themselves. He said the Planning Board was very different, in that the Planner served as their staff and was responsible for preparing the minutes as well as to offer advice and guidance. Mayor Voller asked if the meetings were recorded. Mr. Horne responded yes.

Mayor Voller said he had not seen minutes from any of the boards for quite some time, and would like to begin receiving transcripts of those minutes. Mr. Messick stated that having a transcript prepared would prove to be expensive.

Town Clerk Alice Lloyd stated that the Planning Board minutes over the last year and a half were on the Website, but the Recreation Board minutes were not.

Mayor Voller asked if the Town Board believed all of those minutes should be available for public viewing on the Website.

Commissioner Brooks stated that he had read a review today of a book that proposed to have a glossary of terms that explained the meaning of such things as sustainability and stakeholders and the like. He said making things more complicated just separated people from government, and putting minutes on line would not help.

Mayor Voller said he only wanted to make Town government as transparent as possible for the citizens.

Commissioner Fiocco said they had minutes available for anyone who wanted to see them.

Commissioner Brooks noted that all the meetings were open and the public was invited.

Mayor Voller said this was not an urgent matter; he had only wanted to bring it forward so it would be on everyone's minds.

Commissioner Harrington said he agreed it made sense to have minutes of all meetings available so that people would know what was on the agenda, who was there, and what the discussion was.

Commissioner Fiocco said he had talked with Mr. Terry in the past that the Website needed some work, and that it should be the place people went to get public information. He said if the minutes were available then they should be posted for all to see.

Commissioner Brooks said he did not care one way or the other; he only wanted to keep things simple. Mr. Messick said it would likely be cheaper to post minutes one time than it would be make copies when requested.

Mayor Voller said his next question was if they had a policy for any of the boards in regards to replacing members who had to leave a board for whatever reason, in that should the boards offer up names or should the Town advertise for a replacement. He said in the event that a member was not attending and a board was having difficulty making a quorum, should they have a plan on how to deal with that.

Commissioner Brooks stated he believed the Planning Board had adopted a policy that if a member missed 3 consecutive meetings that the Planning Board would recommend to the Town Board that that member be replaced. He said if a vacancy on a board came up he believed they should advertise that vacancy.

Mayor Voller asked Mr. Hoyle what he believed might be done as far as making sure a quorum was achieved. Mr. Hoyle said in the 9 or 10 years he had been on the Planning Board there had been only 4 meetings where a quorum was not achieved, so he did not believe it was a problem. He said it had been a big issue the last time because the applicant on the agenda for that meeting was trying to move forward and had been unable to do so, but the Planning Board had accommodated that applicant by calling a special meeting.

Mayor Voller said then was it Mr. Hoyle's recommendation that at this point they did not need to address achieving a quorum. Mr. Hoyle said that Mr. Messick had informed him that as Chair he could call a meeting at any time.

Commissioner Baldwin stated she believed the issue of a quorum had already been addressed as it related to the Planning Board.

Commissioner Harrington said perhaps they could form some specific recommendations for the Board to consider that would apply to all the advisory boards.

Mayor Voller said he would be happy to put something together for the Town Board to review.

Commissioner Baldwin said if they had such a document then any time the Town Board formed a committee or task force they would have that document to pass along so that everyone would know what was expected.

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Mr. Terry provided the following update on Capital Projects:

- 3M Reclaimed Water System Project – An email had been sent out to announce that the system was now up and running with only a few small issues to be worked out. The dedication ceremony for the park land was now scheduled for May 22 at 10 a.m.

Mayor Voller asked if the Board had alerted Mr. Terry as to whether or not they were available to attend that ceremony. After a brief discussion, it was determined that the Board would attend with the exception of Commissioner Brooks who would have to let them know later.

Mayor Voller said he thought they should invite the two former Board members who had been involved in that project, naming Commissioner Walker and Commissioner Cotten.

Commissioner Brooks said that was an excellent idea, and believed that the past Mayors should be invited as well, naming Nancy May and Charles Devinney.

Mayor Voller said those and others would be sent an invitation, noting that invitations had already been sent to the Governor's Office, Senator Joe Hackney, Senator Bob Atwater, Congressman Etheridge, the EDC, and the County Commissioners. He said if there was anyone else that should be included to let him know so that an invitation could be sent.

The Board briefly discussed others that should be invited, with Mr. Terry noting that he would soon be finalizing the program for the ceremony including the speakers.

Mr. Terry continued with his update:

- Disinfection Byproducts Reduction Project – Plans and specifications for the ferric sulfate feed system have been approved by NCDENR. They are experiencing some project delay due to long lead times on critical system components, particularly the feed pumps. John Poteat is working with Adam Kiker and the contractor to find alternative sources of supply and to expedite the project.
- Wastewater Treatment Plant Wet Weather Flow Improvement Project – Work had begun on placing the steel for the final wall section of the equalization basin with the project continuing to be ahead of schedule. They expect 100% completion of the basin walls within a few days.
- Credle Street Basin Rehabilitation Project – An April 30 news release reported that the Town had been awarded \$496,126 to rehabilitate sections of the sewer system where infiltration by rain and groundwater was a problem. Official notification had now been received from the Rural Center, and an agenda item would be prepared to accept the grant

funds and to establish the project budget ordinance. Hydrostructures would be assisting Town staff with project administration.

Commissioner Fiocco said that tearing up Credle Street would require a lot of repaving, and asked if the grant would include that activity. Mr. Terry said he did not believe a lot of trenching would be involved so it would not be that invasive. He said the work would of course include some digging for access, but not to a great scale. Commissioner Fiocco said he remembered when the first phase of the project was ongoing that it remained graveled for an inordinate amount of time, and would hate to see that happen again.

Mr. Terry concluded his update:

- Rock Springs Park – The contractor is preparing for planting of turf grass for the general purpose athletic field. Organic soil amendments have been applied and they expected seeding of the turf areas to begin during the week of May 10.

Mayor Voller stated that the County Commissioner Kost had contacted him regarding the Western Wake Partnership, in that they wanted some letter from the Town indicating whether the Town wanted to eventually tie into that line at some point in the future. He said the County was pursuing with the Western Wake Partnership some agreement that would allow the County to tap on, and the County wanted to know if Pittsboro would ever be interested in doing that. Mayor Voller said they may at some point in the future, and if so they needed to send some communication to the County regarding that.

Commissioner Brooks said he thought the Board had already voted to participate in that, but had not made a commitment to do anything other than that.

Mayor Voller said a letter needed to be drafted that said the Town was interested long term. Mr. Terry asked was there some correspondence that he could respond to. Mayor Voller said no, that Commissioner Kost had only stated that they were getting a review from Mr. Hughes and wanted to get something in writing from Pittsboro. He said he knew they had passed a motion to have access to that sewer line, and that needed to be sent to them.

Commissioner Brooks said the Town Board had made no commitments, but had only said they wanted to be involved in the planning.

Mayor Voller said they wanted to eventually have access to it, so they needed to respond. Mr. Terry said he would review the minutes to determine exactly what the Board had decided, noting he had commented on the EIS on behalf of the Town for that project as had the County during the public comment period. Mayor Voller said at some point a deal would be made where Western Wake Partnership would be allowed to come into Chatham County with that line, and the County could require that they be allowed to have a point of access and the Town should be a part of that. Mr. Terry said he would check into what the Board needed to do.

Commissioner Concerns

Commissioner Brooks said that in January Robert “Bob” Wachs, pastor of Hanks Chapel Church, had come to the Board to request an off-premise sign, and the Town Board had requested that the issue be brought before the Planning Board for a recommendation of how to handle off-premise signs. He said it was understood that businesses might want to take advantage of it, but the idea was to assist churches, parks, and institutions. Commissioner Brooks said the Planning Board had not discussed it at its next meeting because Mr. Monroe had not included it on the agenda, then the second meeting was cancelled due to weather, then the third meeting there was no quorum achieved, and at the last meeting the Planning Board had indicated it did not have enough information so they took no action.

Commissioner Brooks stated that Rev. Wachs had put together some information and provided some photographs, and he believed that the Zoning Ordinance had language that said that if for whatever reason the Planning Board did not take action that the Town Board could move forward and take action. He said he was not suggesting that they do that tonight but did want the Board to be aware that they had the authority to do it. Commissioner Brooks said that the church had been waiting a long time and believed they needed to move forward and get something done.

Mayor Voller asked Mr. Messick for his opinion. Mr. Messick said the issue was on the agenda for the Planning Board’s next regular meeting, adding that off-premise signs was a complicated issue and was not something you could enter into very easily. He said as well, you certainly could not vary the regulations for a particular organization. Mr. Messick said the Town’s ordinance prohibited off premise signs which was easy to enforce, with the exception of temporary signs. He said once you started to allow off premise signs then you had to consider how many, where, what size, who for, and what the content might be which he did not believe the Town could regulate. Mr. Messick said you would first have to set a threshold of whether to allow them at all, noting you could have directional signs or informational signs but it was a sophisticated and complicated issue. He said just allowing churches to have off premises signs would not be a solution.

Commissioner Brooks said he believed Mr. Messick was right up to a point, but there was off premises signs all over Town and mentioned a few that came to mind. He said if such signs were limited as to where they could be placed he did not see it as being such a complicated issue.

Commissioner Harrington said what this discussion had originated from was a request for a direction sign for a business, such as what you might see at Fearington Village. He said the signs could be of a certain size with certain lettering and color and if they were not then the Town would remove it. Commissioner Harrington said to him that was not that complicated, and the conversation about allowing the directional sign for the business had been lost when the request by the church had been made. He said the Town Board had asked the Planning Board to offer some advice about allowing direction signs or off premise signs for businesses and churches, and suggested that the Board members might want to visit Fearington Village and look at their signs. Commissioner Harrington said they were not intrusive, they all looked alike, and they were very controlled. He said the Town could set some similar standards and if the

applicant could not comply, then they would have no off premise sign. Mr. Messick said he believed the Planning Board was now focused on the issue.

CLOSED SESSION

Motion made by Commissioner Harrington seconded by Commissioner Brooks to enter into a Closed Session at 9:00 p.m. pursuant to G.S. 143-318.11(a)(6) to receive information and hear discussion regarding personnel matters and pursuant to G.S. 143-318.11(a)(3) to receive information or discussions with the Town Attorney under the attorney-client privilege.

Vote Aye-5 Nay-0

The Board completed the Closed Session and returned to Open Session at 9:50 p.m.

FYI

1. Request for off premises sign waiver – Bear Creek Baptist Church.

None of the following was on the tape!

Commissioner Harrington said one of his neighbors had asked if a “no outlet” sign could be installed in Chatham Forest. He also asked about the progress of the seasonal permit for the City Tap. Manager Terry said they were working on it.

Commissioner Harrington asked if we had an emergency could we buy water from the county, Manager Terry said he would check on this.

Mayor Updates

The Mayor offered no updates.

ADJOURN

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to return to open session and to adjourn the meeting at 10:00 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk