

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, MARCH 14, 2011
7:00 PM

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

ATTENDANCE

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

Staff: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul S. Messick, Jr., Planning Director Stuart Bass, Police Lieutenant Lesia McCollough, and Police Chief David Collins.

AGENDA

Town Manager Bill Terry stated that there was a resolution opposing the proposed Bill H129 and S87 in regards to broadband proposed to be added to the Agenda.

Mayor Voller said that Pittsboro had consistently been on the side of municipalities on that issue, and the resolution had been sent to him this morning for consideration by the Board. Mr. Terry said since some of the Board had not yet seen the resolution, he suggested placing it on the Agenda as Item #3 under New Business so that it could be discussed.

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

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the February 28, 2011 regular meeting.
2. Approve a Resolution Opposing the Forced Transfer of Additional Transportation Responsibilities to Local Governments.

Mayor Voller commented that a couple of corrections to the minutes had been provided to the Town Clerk so those would be made a part of the amended minutes.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to approve the Consent Agenda as amended.

Vote Aye-5 Nay-0

A RESOLUTION OPPOSING THE FORCED TRANSFER OF ADDITIONAL TRANSPORTATION RESPONSIBILITIES TO LOCAL GOVERNMENTS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 27

REGULAR MEETING AGENDA

Citizens Matters

Mary deMare, General Manager of Chatham Marketplace, said that the water main construction project would soon take place, noting that she was concerned and interested that the Pittsboro businesses had a seat at the table and be represented during that construction. She said that fall months are business months and the summer are their slowest, and they would be interested in having a timeline of that planned construction and how that would impact the various merchants.

Kitty Mechem, owner of Davenport & Winkleperry, said that she, too, would like to have someone at the table to represent the interests of Pittsboro merchants during the construction project.

Cindy Edwards said she was a long time merchant in Pittsboro and remembered when the bypass on US 64 had been accomplished how much business the merchants had lost. She said she wanted the merchants to be a part of the process and that the work be accomplished with a better timeline than had been discussed.

Mayor Voller said the main issue of the three speakers was that they wanted to be a part of the scheduling so it did not impact their businesses. He said he had also received some phone calls on that issue and agreed it was important to the business owners. Mr. Terry said a good step may be to have Becky Smith attend the next Pittsboro Merchants Association meeting and provide a project briefing. He said they understood that that would be an impactful project not only for traffic but for businesses as well, and they would be doing some public outreach when the time came for project execution.

Commissioner Fiocco stated he had talked with Jay Johnston with Hydrostructures today on that topic and the surveying would be starting tomorrow. He said that would take about a week or so to accomplish, and it was not unreasonable to expect that within two to three months they would have permits for the 2,000 feet on the street for downtown. Commissioner Fiocco said they had discussed the point that the Town had some control over sequence and that with the merchants in mind they would begin in the downtown and head north. And, he said, it was their hope that the construction would take place during the summer months, and believed they should try to accomplish that.

Commissioner Harrington suggested that Ms. Mechem be the point of contact for the downtown merchants for any meetings that were planned. Commissioner Fiocco said he believed that was a good idea.

Mayor Voller said then Ms. Mechem could work with Mr. Terry so that the project construction would work in the best way for all. Ms. DeMare remarked that she did like the idea of nighttime construction.

OLD BUSINESS

1. Ongoing Violations of State and Federal Water Quality Regulations in the Bellemont Point Subdivision.

Mr. Terry stated that the Board had requested that a resolution be prepared acknowledging the efforts of the Division of Water Quality to resolve the problem. He noted one correction to the materials, in that Exhibit A and B were reversed.

Commissioner Harrington said he believed there may be one thing that was not factually correct in the report, referring to the last “Whereas” paragraph of the resolution which said “...the continued runoff of silt laden stormwater from the Bellemont Point Subdivision will tend to return silt to the Pittsboro Town Lake, thereby reversing the positive effects of the scheduled lake restoration project.” He said that technically that would not actually be a problem because it was sedimentation and he did not believe any of that silt would affect the lake. Commissioner Harrington said he was not saying that it was not a problem.

Commissioner Brooks agreed that was correct, in that the effect would be below the lake.

Mayor Voller said then perhaps it should say the Robeson Creek Watershed rather than Pittsboro Town Lake. Mr. Terry said they could remove that “Whereas” paragraph. Mayor Voller said the cleanup of Robeson Creek and the work in the watershed had reduced some of those problems, and anything coming into Robeson Creek after the fact was a problem but it was not necessarily getting into the Pittsboro Town Lake. Mr. Terry suggested the Board could strike the two “Whereas” clauses as it had to do with the lake.

Mayor Voller said they could also just change it to read Robeson Creek Watershed.

Commissioner Brooks suggested just striking the two paragraphs.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the resolution as amended to change the language in the last to “Whereas” paragraphs to refer to Robeson Creek Watershed rather than the Pittsboro Town Lake.

Vote Aye-5 Nay-0

A RESOLUTION OF APPRECIATION AND SUPPORT FOR THE CONTINUING EFFORTS OF THE DIVISION OF WATER QUALITY, NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COMPEL

RICKY SPOON BUILDERS, INC. TO COMPLY WITH STATE AND FEDERAL WATER QUALITY REGULATIONS IN AND AROUND THE BELLEMONT POINT SUBDIVISION IN PITTSBORO, NORTH CAROLINA IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 28

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

Maqui Ortiz stated she had provided an information packet about NC SAVE\$ ENERGY and what they were working to accomplish.

Commissioner Harrington said he appreciated the supporting information, adding he was interested in trying to see what the bill actually said and he was concerned as always about creating another agency and the overlapping of responsibilities. He said there were other agencies that did similar things, and wondered if those should be improved rather than creating some new entity. Commissioner Harrington said it was his understanding it would be funded through a tax on power bills. Ms. Ortiz replied that was correct, but emphasized that the funds would be controlled by an entity independent of the utility companies. She said that the resolution before the Board had been revised from the previous resolution. Ms. Ortiz said the resolution if adopted would indicate that the Board was in favor of an independent energy efficiency program for the State that would be overseen by an entity independent of the utility companies, such as the State Energy Office, or it could be a contracted non-profit agency.

Commissioner Harrington said looking at the bill right now, it indicated there would be an eleven-member oversight board, and asked how that would be distinguished from not creating another agency. Ms. Ortiz said that oversight board was to ensure that there was no conflict of interest. Commissioner Harrington asked was it correct that the oversight board would determine who got funded. Ms. Ortiz said what they were trying to do was to keep the funding coming that would run out in 2012, so they were trying to keep things somewhat the same and moving in the right direction.

Commissioner Harrington said his point was that this was stating support for a specific bill, and the question was whether or not the Town Board could support that bill. Ms. Ortiz responded that the intent was to support an independent energy efficiency program for the State and to keep the funding flowing that would soon expire.

Commissioner Brooks said he believed that Senate Bill 3 already covered much of what they were talking about now. Ms. Ortiz said that Senate Bill 3 was somewhat different. Commissioner Brooks said that bill provided refunds for such things as weatherization. Ms. Ortiz said that was a part of that, and they were only trying to make sure that the funding continued so that people in need did not lose that benefit.

Mayor Voller said he believed what it all came down to was the utility companies wanted to control it versus letting the citizens control it. Ms. Ortiz agreed, noting that unfortunately power companies were not about saving energy and when they did save energy they expected to be paid

for that, which was inherently unfair. She said that once the federal money started coming they wanted to make sure that programs continued.

Mayor Voller said then they wanted to continue the existing system to do weatherization for existing stock. Ms. Ortiz said that was correct. Mayor Voller asked Ms. Ortiz why, in her opinion, the Town of Pittsboro should support the resolution supporting the bill. Ms. Ortiz said that energy efficiency would save a lot of money and would allow citizens to benefit from weatherizing their homes, noting that money not spent on energy bills could be spent in the community.

Sammy Slade stated that this bill would allow them to maximize the amount that could be spent to make homes more energy efficient and would provide the means for the conservation of energy. He said it made sense to make the program independent from those involved in generating energy because that would be a conflict of interest.

Ms. Ortiz remarked that Duke Energy and Progress Energy's current programs were too small to make a significant impact, citing a recently approved program to allow Duke Energy to begin a weatherization pilot program. She said the maximum funding per home was \$500, which was insufficient to make a significant impact on power consumption.

Mayor Voller commented you could not do any effective insulation for \$500. Ms. Ortiz agreed, noting the power companies were clearly planning for the funding to run out and would try to supplement their profits.

Elizabeth Cullington, 390 Rocky Hills, Pittsboro, said she had listened to Commissioner Harrington's concerns and suggested that if the Board was in favor of the concept of a non-utility independent entity that they amend the resolution to endorse the concept of an independent board and a program rather than the bill itself.

Commissioner Harrington said he expected that even if the Board supported the concept only that whatever they did would be stapled to the back of the final bill, and that would be his concern. Ms. Ortiz said she understood the concern.

Mayor Voller asked what the Board's concern was about not supporting the resolution. He said the last time they had discussed it there was an issue about the legal requirements.

Commissioner Brooks said it had always bothered him that he could not determine who the State Utilities Commission was looking after, the consumers or the power companies. He said if the Commission turned down a request for a rate hike the utility company could take them to court and the court would decide. Commissioner Brooks said as well, the utility companies also decided how much property tax they would pay, not the counties, and there was a State assessment board that backed that up. He said with that being said, Progress Energy was the largest taxpayer in the County at almost \$1 million. Commissioner Brooks said as well, Progress Energy and Duke Energy would be merging. He said there had been some activity at the Moncure plant, in that apparently they would no longer be using coal at that plant.

Commissioner Brooks said that the County could not withstand a large hit tax-wise, and he was concerned that the economy continued to be shaky at best. He said that he did not want to do anything that would harm any industry in the State or to send a negative signal that the utilities industry was not trustworthy and needed someone to look over their shoulders to make sure they did not mistreat the consumers. Commissioner Brooks said perhaps they should wait until the economy became more stabilized before trying to make any changes.

Mayor Voller said he understood the concerns, but regardless of what the Town did Progress Energy would do whatever had been started at the Moncure plant.

Commissioner Brooks agreed, but was not sure how all the variables fit together and that was a concern for him.

Mayor Voller said his understanding after having attended several meetings in former Speaker Hackney's office and with other groups was that it basically came down to whether or not the Town wanted the power companies to administer a weatherization program after the stimulus funding ran out, or did they want to encourage them to collect the money and have it be done in a way that the citizens administered the program through a board. He said the only reason the power companies would resist was that it was a form of control and they did not have an incentive to want that control.

Mayor Voller said this program was all about encouraging people to not spend money on energy. He said they could eliminate all the Whereas paragraphs down to one that said the Town favored a methodology for people to save energy and for money to be collected. He said that money was already being collected by the power companies; it was just a question of where that money would go. Mayor Voller said the power companies were collecting it for their own benefit, and this bill was asking that the program be taken out of the control of the power companies so that citizens had a say.

Commissioner Brooks asked how the money would go to the citizens rather than the power company, asking what was to keep the power company from passing that loss of funds on to the consumer.

Mayor Voller said they were already collecting it on the power bill, and basically the power company did not want to lose that money. He said since the Legislature and Congress had more people fighting on behalf of the power companies, the only way that citizens could ever get any traction was to come to a local board and ask that they support taking control from the power companies. Mayor Voller said the attitude of the Utilities Commission was not for the citizens, it was for the power companies. Ms. Ortiz said it was really common sense to have an entity that was independent of the power companies, and the types of programs that the power companies instigated really did not have enough of an impact to make a difference. She said that many people lived in homes that were insufficiently insulated and could not afford to correct that to a point that it reduced their energy bills.

Commissioner Brooks asked how they would weatherize houses that were not sufficiently weatherized. Ms. Ortiz said that would be identified through the help of various community action agencies.

Commissioner Baldwin said her issue with the resolution was that it was basically setting up another bureaucracy, and she knew that many of the community action groups did provide benefits to lower income people and did a very good job. Ms. Ortiz said that such groups had helped in drafting the resolution, and it was basically in support of them. Commissioner Baldwin said not to have anyone present tonight to represent the power companies was somewhat biased, noting that someone should have been invited to address the concerns being stated by Ms. Ortiz. But, she said, since there was no one present she did not see the need for more bureaucracy to get such programs completed. Commissioner Baldwin said the agencies already in existence should be able to go forward and oversee such programs. Ms. Ortiz said she did not believe it would be creating a new agency. Commissioner Baldwin said the resolution said it favored an independent energy efficiency program, and someone had to oversee that which would likely be a new agency. Ms. Ortiz said no, that it could be the State Energy Office or some other agency already in existence.

Motion made by Commissioner Harrington seconded by Commissioner Brooks that the Town of Pittsboro Board of Commissioners believed that the goals of NC SAVE\$ ENERGY were wonderful and commendable and thanked them for their efforts on behalf of low income people, and rejected the resolution favoring an independent energy efficiency program for the State.

Commissioner Harrington remarked that he would very much like to see the final bill when it was available.

Vote Aye-5 Nay-0

3. Conditional Use Rezoning of 65 Pittsboro Moncure Road from RA (Residential – Agricultural) to C2-CU (Highway Commercial – Conditional Use) (REZ-2011-01).

Planning Director Stuart Bass stated that a public hearing was held on January 24, 2011 after which this rezoning was referred back to the Planning Board. He said that the Planning Board reviewed the request on March 7th and was recommending approval of the Conditional Use rezoning with the associated conditions attached to the Special Use Permit application. Mr. Bass stated that an ordinance was included in the packet that if adopted would approve the rezoning with the associated conditions. He said also attached was a resolution that if adopted would approve the Special Use Permit with stipulations specific to the development.

Mr. Bass explained that the proposed use would convert a 900 square foot residence into office space with an approximately 3,100 square foot pole barn constructed on the site for the storage of supplies and equipment. He said that the existing vegetation and tree buffer between this site and Potterstone Village would be supplemented with five to six evergreens once the pole barn was constructed. Mr. Bass said as well, Progress Energy had been consulted and the security lighting would meet light ordinances of both the Town and the County. He said the driveway permit had been approved by NCDOT, and the noise levels associated with activity on the site would not cause a nuisance to neighboring properties.

Commissioner Fiocco asked how many parking spaces were required. Mr. Bass replied four.

Charles Quaile, the applicant, stated that this had been a difficult process which he had not anticipated, and said he would be happy to provide any clarification the Board might need. He said he wanted to use that property that had been idle for some time, noting it provided him the opportunity to grow his business. Mr. Quaile said it was important to him to respond to what was important to the Town as well as to his neighbors, and believed that had been accomplished.

Commissioner Harrington asked when he had started this process. Mr. Quaile said in December.

Commissioner Harrington said he believed there had been an email that had gone out that addressed this issue but he had not seen it. He asked what that email contain. Mr. Messick said it basically suggested that Mr. Quaile seek voluntary annexation of the property.

Commissioner Harrington asked was Mr. Quaile asking for voluntary annexation. Mr. Quaile said he had not determined that as yet, noting he would need to look at the cost benefit. He said one of his concerns was that he did not have Town sewer, and at some point he would like to connect to that.

Mayor Voller asked how far his property was from the sewer at Potterstone Village, or would he have to come around Pittsboro-Moncure Road. Mr. Quaile said what he had looked at before was a manhole right behind his property in Potterstone, and had thought that was the logical place to connect.

Mayor Voller said typically when they did a rezoning they would ask for voluntary annexation. Mr. Messick said he would not say that was typical but it could be a part of the process.

Mayor Voller asked if Mr. Quaile had city water on that property. Mr. Quaile responded yes, and he would be paying out-of-Town rates. He also said he was not against being annexed.

Mr. Terry said it may be possible to tie the sewer connection to the annexation process. He said they would have to look into how that might be done.

Mr. Messick suggested adding a #11 to the conditions on the Special Use Permit that said that upon availability of wastewater to the property, the owner will request annexation.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to adopt the Conditional Use Rezoning of 65 Pittsboro Moncure Road from RA to C2-CU.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 38-41

Motion made by Commissioner Harrington seconded by Commissioner Bryan to approve the resolution approving the Special Use Permit for Charlie Quaile with the addition of a new condition #11 that said "Upon availability of wastewater to the property, the owner will request voluntary annexation" and including the site plan prepared by Van Finch dated March 2, 2011 provided at this meeting.

Vote Aye-5 Nay-0

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR CHARLES QUAILE, 65 PITTSBORO MONCURE ROAD, PITTSBORO, NC IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 29-31

NEW BUSINESS

1. Bid Award: Credle Street Basin Rehabilitation Project (Phase III and IV) (Becky Smith, Project Engineer).

Becky Smith stated that the bids had been opened on March 1, 2011, but investigation had shown that the lowest bidder, Underground Pipeline Rehabilitation, Inc., had not acted in good faith to meet the Minority Business Enterprise goals set for this project. She said the second lowest responsive bidder, KRG Utility, Inc., submitted a bid amount of \$395,552.

Mr. Terry explained that Underground Pipeline Rehabilitation had submitted Affidavit B, which was the Intent to Perform Contract with Own Workforce. He said that required that all elements of the work be performed by the contractor's current workforce. Mr. Terry said they had not submitted the required documentation in support of Affidavit B but instead had asked to withdraw Affidavit B and substitute Affidavit A, which furthers the unresponsiveness of the bid. He stated that the Town had formally adopted the goal of 10% minority business participation.

Mayor Voller asked if they had any water testing data on the quality of the water coming through that line. He said he would be curious to know before the rehabilitation took place what the water quality was so that they could determine the improvements over time. Ms. Smith stated that they currently had monitors installed. Mayor Voller said at times the water looked cloudy which obviously meant something was affecting the water, and he wanted to be able to definitively show scientifically that once the project was completed that they no longer had pollution in the water.

Commissioner Fiocco said the project description said they were going to pipe burst the existing 6-inch line and replace it with 8 inch HDPE, and asked was that correct. Ms. Smith said that was correct.

Mr. Terry said they were going to use available grant funding to expand this project to identify additional manholes and additional distances of sewer laterals for repairs. He said if they got three-quarters of the way through the project and did not encounter any major problems, then the contingency funds associated with the project could be used.

Mayor Voller said he could not speak for the Board but this was some of the oldest infrastructure in Town and the more that could be addressed the better. Mr. Terry said as a footnote he was doing some house cleaning and found a document that reported their average daily flow at the sewer plant in 2001, was something like 400,000 gallons. He said that was 10 years ago and prior to this project, and now they were doing about 370,000 gallons. Mayor Voller said the Town's population had almost doubled since that time. Mr. Terry said it was an interesting factoid that their numbers were decreasing rather than increasing.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to adopt the resolution accepting the lowest responsive bidder for the Credle Street Basin Rehabilitation Project, Phases 3 and 4, KRG Utility, Inc., in the amount of \$395,552.00.

Vote Aye-5 Nay-0

A RESOLUTION ACCEPTING BID AND AWARDING THE CONTRACT FOR THE CREDLE STREET SEWER REHABILITATION, PHASE 3 & 4 PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 32

2. Acquisition of One 1993 Diesel Chevy Step Van from Federal Surplus Property.

Police Lieutenant Lesia McCollough stated that if the authorization to purchase the van was given, the vehicle would be used by the Pittsboro Police Department to enhance operational capabilities and it would also offset the insufficiency of storage.

Commissioner Harrington asked if the golf cart would fit in that van. Lt. McCollough replied yes. Commissioner Harrington asked where it was kept now. Lt. McCollough said under a shelter. Commissioner Harrington asked would they have to have it painted or add any logos. Lt. McCollough stated they were not going to spend any money on it but would use it as is.

Commissioner Bryan asked if the van was in decent shape. Lt. McCollough said it was in very good shape, noting she had driven it and was pleased with how it handled. She said the van also had low mileage.

Commissioner Baldwin asked what the specialized response team was that was referred to in the agenda materials. Lt. McCollough responded that team responded to particular types of emergencies. Commissioner Baldwin said the van would basically be used to transport equipment and supplies and short trips for training and the like. Lt. McCollough said that was correct.

Commissioner Harrington asked if the van would be made available to other departments if needed. Lt. McCollough responded yes.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to authorize the Town Manager to acquire one 1993 Diesel Chevy Step Van from Federal Surplus Property.

Vote Aye-5 Nay-0

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ACCEPT THE OFFER OF FEDERAL SURPLUS PROPERTY TO SELL ONE 1993 CHEV STEP VAN TO THE TOWN OF PITTSBORO FOR \$1,500 IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 33

3. Resolution Opposing Any Legislation Which Would Prohibit or Limit the Ability of Local Governments to Provide Broadband or Any Other Communication Services or Systems

Mayor Voller stated that this resolution was basically what had come up last year and the year before in a bill at the Legislature. He said that there were some towns that had actually put in broadband, such as Wilson, but the Legislature was moving to cap that so that no one else could get into that business. Mayor Voller said the resolution was opposing legislation that would prohibit or limit the ability of local governments to provide broadband or any other communication services or systems. He commented that the Town of Wilson had spent about \$28 million to put in broadband and considered it a strategic utility. Mayor Voller said it was very fast and quite capable, but telecommunications companies such as AT&T and Time Warner did not like it so they had been lobbying to prevent other local governments from doing what Wilson and others had done.

Commissioner Baldwin remarked that Triangle J endorsed this resolution, noting that one of the problems was that the telecommunications companies could pick and choose where they provided high speed broadband.

Mayor Voller said it would preserve their flexibility, in that this was an attempt to shut off the ability for municipalities and counties to be a player at the table. He said last year it had taken a huge fight to stop the bill from going forward, but the bill had now been reintroduced and they now had two proposed bills that would do the same thing. Mayor Voller said last year the Board had passed a resolution opposing the bill, and believed they should again oppose the attempt to take their flexibility away.

Mr. Terry said that Triangle J had a consultant working on this issue on behalf of the local governments, and they had crafted the resolution now before the Board for consideration.

Commissioner Brooks said everything he had heard made him believe that the Board should endorse the resolution. He said they had not received the resolution until 3 p.m. today and the bill was not attached, and he would be voting against a bill that he had not yet read which he did not particularly like to do.

Mayor Voller said the essence of the issue was that the bills that were now before the House and the Senate did not provide a level playing field to cities, towns, and counties and it would greatly hinder local governments from providing broadband to its citizens.

Commissioner Harrington said he agreed with Mayor Voller's assessment, and also agreed that he did not like getting things such as this as the eleventh hour when there was no time for research or to read the bill.

Mayor Voller said he empathized with those sentiments but this was basically opposing the same bills that had been introduced in the past and which the Board had opposed. He said the bottom line was it did not matter if you had money or not; you would not have broadband service if you lived in the wrong part of Chatham County. Mayor Voller said opposing the bills sent the message that the Town wanted to preserve the right to run the broadband.

Commissioner Harrington quoted some of the language from the bills to support his reasons as to why the Board should oppose them.

Commissioner Baldwin stated that there were a lot of people in certain areas that were not being served, noting that service would not be extended unless the telecommunications companies believed they could make a profit.

Mayor Voller agreed, noting that the maps created by such companies made it appear that areas were being served when they were not, which he had pointed out to them. Commissioner Baldwin agreed. Mayor Voller said he had no problem with a company providing the broadband, but he did not want the Town or the County to be shut out of having the flexibility to provide it themselves removed.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the resolution in regards to broadband.

Vote Aye-5 Nay-0

A RESOLUTION OF THE TOWN OF PITTSBORO BOARD OF COMMISSIONERS URGING MEMBERS OF THE GENERAL ASSEMBLY AND GOVERNOR PERDUE TO OPPOSE H129 AND S 87 (LEVAL PLAYING FIELD/LOCAL GOVERNMENT COMPETITION ACT) AND ANY LEGISLATION WHICH WOULD PROHIBIT OR LIMIT THE ABILITY OF LOCAL GOVERNMENTS TO PROVIDE BROADBAND OR ANY OTHER COMMUNICATION SERVICES OR SYSTEMS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 34-35

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Mr. Terry provided an update on Southern Community Park, stating that they were in the last stages of finalizing the contract document with Scotia Construction. He said on the Hillsboro Street Transmission Line Replacement Project which was a CDBG grant, they had solicited for grant administration services but had received only one submission. Mr. Terry said the Department of Commerce had asked that they readvertise the request for proposals which they had done, and would be opening those proposals on March 31, 2011. He said in conjunction with that, the Department of Commerce had placed a deadline on the Town of April 10, 2011 to finish a checklist of conditions for the grant, and because they did not yet have a contract administrator on board he had requested an extension to June 10, 2011.

Mayor Updates

Mayor Voller said he had received a response from NCDOT regarding the corner of Farrell and US 64. He said the response had been sent to Jennifer Nelson at the EDC and copied to Mr. Terry and him, noting NCDOT had denied the request for a stoplight and citing only one accident involving deer. Mayor Voller said unless the Town or the County were to get involved in putting in a signal, they were stuck in the same situation as before.

Mayor Voller said he believed everyone had received Mr. Terry's update regarding the railing downtown as well as a few other items, and thanked Mr. Terry for getting those issues resolved.

Commissioner Concerns

Commissioner Brooks said that all around Pittsboro he observed drivers using turning lanes as acceleration lanes or as a stacking lane while waiting to get into traffic, which prevented people who were trying to turn from using the turning lane. He asked what could be done about that.

Mayor Voller said they should make the Police Department aware of it and ask that they prevent that when possible. Mr. Terry said he would make the Police Department aware of the concern, but unless an officer observed that behavior there was not much that could be done.

Commissioner Bryan said he appreciated the sidewalk repair over by the EDC. He said he had talked with Mr. Poteat today about another matter, and was advised that the Town had someone coming in a week or so to repair about 57 areas. Mr. Terry said it was the same company used about a year ago who grinded down the differences in height to make for safer pedestrian travel.

Commissioner Bryan said that a business owner had approached him today about a problem in front of Wade Barber's office in regards to drainage. He said Mr. Barber had said he had brought that to Mayor Voller's attention about a year ago.

Commissioner Brooks said he was not sure that area was under the Town's control.

Mayor Voller said that Mr. Barber had brought that up a year ago, and he had talked with Mr. Terry and Mr. Poteat about it. He said basically there was an issue between the Town and the County as to who owned the property, and the Town had done some work and the County was suppose to do some as well. But, he said, the old courthouse had burned shortly thereafter so priorities had shifted and work on smaller issues had stopped. Mr. Terry said he would talk with Mr. Poteat tomorrow.

Commissioner Bryan said in conversation with Mr. Poteat today he said that NCDOT had decided they would not provide lighting for the new roundabout. He said he thought the Board had been told that they would be providing that lighting. Mr. Terry said they had been trying to get that done for months now, and Mr. Poteat had finally received a definitive answer that lighting was not a part of the project. He said if the Town wanted that area lighted they would have to work with Progress Energy to get some Town streetlights installed. Mr. Terry said he

would get an estimate of what it would cost to do that. He said even though there were funds left over from the project, it was NCDOT money and they had determined they would not spend it on lighting.

Commissioner Brooks said he believed they should contact Mr. Clayton and make the request again. Commissioner Bryan agreed, as did Mayor Voller.

Mayor Voller said they had saved NCDOT money on the CMAQ to the tune of about \$70,000 and NCDOT would not give any of it back.

Commissioner Brooks said it was a safety issue due to its close proximity to an educational institution.

Commissioner Fiocco said he was interested in scheduling their next work session, noting he believed it would be good to do that soon as there were several projects ongoing with Hydrostructures that they should talk about.

Commissioner Harrington thanked Mr. Terry for his work on getting a resolution to the crosswalk in front of Chatham Marketplace.

Mayor Voller said he wanted to add two items to the next agenda. He said the first was a resolution honoring the Northwood basketball team who had come in second place in the State for the second time in three years. He said he would also like to invite the team to come to the meeting to be introduced and recognized. Mayor Voller said his other item was that he knew that unfortunately Commissioner Fiocco would not be at the next meeting, but the only time that Congressman Price and former Congressman Etheridge could attend and present a resolution to them was at the next meeting. He said that resolution had to do with the courthouse which passed the House of Representatives in 2010 and that they wanted to present it to the Town.

Commissioner Baldwin said that she would be meeting with some members of the Legislature on March 21, 2011 to discuss budget issues and what they needed to do to try to resolve the State's deficit. She said if any of the Board had any suggestions she would be happy to carry them to the meeting.

Mayor Voller asked that Mr. Terry add an item to the next meeting agenda regarding the Fairgrounds. He said the Board had authorized about two years ago a sewer tap there, and he wanted to bring that back for a discussion. He said he believed representatives of the Fairgrounds had some suggestions they wanted to make.

ADJOURN

Motion made by Commissioner Brooks seconded by Commissioner Harrington to adjourn the meeting at 9:00 p.m.

Vote Aye-5 Nay-0

FYI -

1. Financial Statements for the Month Ending February 28, 2011.
2. Water and Sewer Revenues – Budget vs. Actual for FY 2010/2011.

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk