

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

Mayor Randy Voller called the meeting to order at 7:07 p.m. and called for a brief moment of silence.

ATTENDANCE

Members present: Mayor Randy Voller, Commissioners Pamela Baldwin, Clinton E. Bryan, III, and Hugh Harrington.

Absent: Commissioners Gene T. Brooks and Michael Fiocco, absence excused.

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

AGENDA

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to remove the Northwood resolution from the Consent Agenda to be included on the Agenda for the April 11, 2011 meeting, and to approve the Agenda as amended.

Vote Aye-3 Nay-0

Mayor Voller stated they were all very proud of Northwood Men's Basketball Team who finished second in the State.

CEREMONIAL AGENDA

1. North Carolina House Resolution on the Pittsboro Courthouse Fire (Congressman David Price and former Congressman Bob Etheridge).

Former Congressman Etheridge presented House Resolution 1364 to the Town Board, noting that it had been hard to believe that one of the most historic courthouses in the nation that was a symbol to all in the State had been so damaged. He stated that the resolution was dated May 19, 2010 which had passed the House by a vote of 406-1. Congressman Etheridge stated they were very proud of the Town of Pittsboro and Chatham County that they had fully resolved to rebuild the courthouse that would stand as a symbol for generations to come.

Congressman David Price stated it was an honor to be present to commemorate an occasion that had brought out the best of this community and shown how people valued their history and their heritage and could pull together in a time of adversity. He stated that he had been proud to co-sponsor the Resolution with Congressman Etheridge. Congressman Price stated that the resolution expressed condolences of the tragic loss, it commended the heroic actions of the first responders who minimized the damage, it recognized the community significance of the courthouse as a cornerstone of justice and a rule of law, and it recognized the impact of the core decisions that had been made from that courthouse. He stated that if the Resolution were being written today it would have commended the community for the way it had pulled together and was now in the process of participating in restoring the landmark courthouse and bringing it back to full use for the citizens of this County. Congressman Price stated they had been impressed and proud with the way the community had worked together, and it was a source of great pride to see the restoration efforts underway. He thanked the Town Board for its support in that endeavor, and congratulated them on being members of a great community that represented the best of what their county had to offer.

Mayor Voller thanked Congressman Etheridge and Congressman Price for their comments, and that many members of State government including Governor Perdue had called the day after the fire to offer their assistance, and that had helped to galvanize the community. He stated they really appreciated their leadership and support and much appreciated House Resolution 1364. Mayor Voller stated they were very proud to have Congressman Etheridge and Congressman Price present today to present the Resolution.

RESOLUTIONS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 36-37

RECESS

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to recess the meeting for a short break.

Vote Aye-3 Nay-0

RECONVENE

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to reconvene the meeting.

Vote Aye-3 Nay-0

2. Resolution Honoring Northwood High School Men's Basketball Team.

Mayor Voller noted that because Coach Russ Frazier was unable to be present this evening to accept the resolution, it would be placed on an upcoming Agenda when Coach Frazier could be present.

CONSENT AGENDA

The Consent Agenda contains the following items:

1. **Approve minutes of the March 14, 2011 regular meeting.**

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to adopt the Consent Agenda as submitted.

Vote Aye-3 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

Samantha Birchard, 433 Thompson Street, requested a meeting on behalf of the Pittsboro Merchants Association with the engineers at Hydrostructures in regards to the Hillsboro Street water project. She said from what she had read there were an enormous amount of variables about the project, and because their businesses depended on that service they wanted to have as much information as possible.

Commissioner Harrington stated the Board had initiated a point of contact between the businesses and the Town in regards to the water project. Ms. Birchard stated they were hoping to have a broader meeting so that the many people involved could address their questions directly to the engineers.

Jay Johnston with Hydrostructures stated they had set a meeting for April 13, 2011.

Mr. Terry said he was somewhat confused because there were representatives of the businesses at the last meeting and the Board had designated Kitty Mechem, owner of Davenport & Winkleperry, as the point of contact. Ms. Birchard said she understood that but the businesses had wanted a question and answer session. Mr. Terry stated if Ms. Birchard would provide her contact information he would include her in the planning.

OLD BUSINESS

1. **2011 Water and Sewer Planning Update (Jay Johnston, P.E., Hydrostructures, P.A.)**

Mr. Terry stated the Update had been presented to the Board earlier to provide greater opportunity to review it, and that Jay Johnston was present to respond to any questions the Board may have. He said they could treat the document as a final document if the Board found it to be satisfactory, or if there were questions and comments it could be treated as a draft.

Mr. Johnston provided an outline of the Update, noting that in many places reference was made to the 2007 Report, noting that at that time two documents had been prepared. He said those were the Water System Planning Document and a Sewer System Planning Document, both of which still contained pertinent information and this Update was an addendum to those reports.

Mr. Johnston stated that Sections 1 through 4 of the report provided a summary of the existing system updated from 2007. He said that beginning in Section 5 was an elaboration of the water and sewer and reclaimed water infrastructure needs as they related to the specific area of Firetower Road and across Highway 64, formerly known as River Oaks. Mr. Johnston stated that the report looked specifically at those areas, made recommendations on the required infrastructure to serve those specific areas, but also to be sized sufficiently that adjacent properties could also be served from that infrastructure.

Mr. Johnston stated that the Town Attorney, Mr. Messick, had reviewed the work and asked a very good question, which was if he would be able to prioritize the proposed infrastructure improvements. He said he had told Mr. Messick that he had struggled with that while he was writing the report, and the response was really which development came first anywhere weighted heavily on the ability to and how you would prioritize that water. Mr. Johnston said in this report the sewer system recommendations could somewhat stand alone, in that the improvements outlined in the report could be done for that area. He said that the water system improvements were a variable geographically, in that there were several routes that could move water into that area. Mr. Johnston stated the one he believed would be the preferred route would route through what was known as Bellemont Point, but they did not yet know what the road layout for Bellemont Point would be. So, he said, perhaps the true route through that area would look somewhat different but the function of it would be the same. Mr. Johnston stated that reclaimed water was a little harder to predict, because they only had the ability to produce 315,000 per day and most of that was pumped to 3M. But, he said, they did have the beginnings of a system.

Mayor Voller said there was a reference in the report of being able to go to Potterstone Village because of proximity. Mr. Johnston stated the pipe went right through the entranceway to Potterstone Village presently. Mayor Voller asked how feasible it would be to make that happen, noting they already had curb and gutter but they would need piping. Mr. Johnson stated from an engineering standpoint it was just as feasible as it was cost-wise, noting it would be a good candidate for pipe. Mayor Voller stated there were 192 households in that development now.

Mayor Voller said in looking at the reuse water situation, it referenced that they were close to making tertiary treated reuse water. He asked how close were they to being able to get the credit from the State. Mr. Johnston stated the reason the State had granted the initial permit to provide reclaimed water to 3M was because they were very close, noting that one of the key requirements in reclaimed water was that it be filtered and the Pittsboro plant was a filtered plant and filtered its effluent. He stated that the Town had plant upsets on high flow periods, and believed that once the Town started getting some long-term data on the effluent quality once the EQ basin was put in and began consistently producing reliable reclaimed water, the State may be willing to issue a permit. But, he said, they were already very close.

Commissioner Harrington said then what it would take would be the ability to prove that they had reached some level over a period of time. He said related to that, if they did have an event during a high flow period that was more than the EQ basin could handle, how harmful would that be to getting that official stamp that the water was of reuse quality. Mr. Johnston stated he was

not a process engineer and had never permitted a reclaimed water plant, but the rules were fairly plain. He stated the Town would have to reliably make reclaimed water to the quality of reclaimed standards, and it had to be continuously monitored. Mr. Johnston said if you then had an upset, the plant had to detect that automatically and divert the water because it could not go out for distribution. He added that they had that now.

Mr. Terry asked wasn't phosphorus removal one of the key factors. Mr. Terry said he believed the levels of phosphorus in the effluent were a sticking point for them in that their plant due to its age did not have state-of-the-art phosphorus removal capabilities. He said they were close, but did not believe it was consistent enough to pass the State's scrutiny. Mr. Johnston agreed, noting that was why the Town had been given the provisional permit to provide the reclaimed water to 3M as a consumptive use with no human contact.

Commissioner Harrington said then it was necessary that the plant always had to meet all standards for reuse, but if they had an event they had to be able to detect it and divert the water. Mr. Johnston stated you had to demonstrate in the permit application that you had the technical parts of a wastewater treatment plant so that the mathematicians could determine that with those components the Town could reduce phosphorus to a particular level. He said they would be looking at the Town's records of the reuse quality to make that determination. Mr. Johnston stated that it was the intent to design the new wastewater treatment to demonstrate on the front end that it was a plant intended to make reclaimed water. He said at that point they would be able to obtain a permit and they would only have to monitor to that permit level.

Mr. Johnston stated that the conclusion of the report was basically that the area to the east and northeast of Town could be served, but there was much infrastructure needed in order to do that. He stated that under Tab C in the report he had provided preliminary planning budget estimates, noting those were broad brush estimates based on broad assumptions of what was needed. Mr. Johnston stated some drawings were included to give an idea of the project area and the infrastructure layout at this early stage. He said he had also suggested and offered that they could talk about this in greater detail perhaps at a Board work session.

Mayor Voller stated he believed the Board should hold a work session, noting the Board needed to have the input of Commissioner Brooks and Commissioner Fiocco. Mr. Johnston stated it may be worth adding that there had been some preliminary work done by other consultants for the developer where they had conducted some preliminary planning work on what would be required, and he had found that their effort was viable and the only shortcomings in their work resulted from not having as deep a direct knowledge of how the Town's existing infrastructure was laid out.

Commissioner Harrington said he believed that Mr. Johnston had said the sewer could be installed independently, but that was not true necessarily for the water system. Mr. Johnston stated he believed there were other routes that the water pipes could take and get the same result of service to the area. Commissioner Harrington said his interpretation was that they could pick and choose which piece to do. He said his question was if all of the pieces could be put in independently with just differences, or would some of those have to be put in together. Mr. Johnston said to get the infrastructure effect that they needed and if they went with the option

presented on Drawings 2 through 4, all of that would need to be put in together. He said there were other layouts they could choose, but it would have to be one that had the same end result, which was to provide the broadest general good effect for the continued growth and development of the Town.

Mr. Terry suggested that the Board could simply receive the report which was basically a planning document. He said that it was his opinion that Mr. Johnston had completed his work and provided a very complete and thorough report. Mr. Terry said going forward the report became a long-range planning document that was used to guide the Town.

Commissioner Baldwin agreed the report was well done, but stated it would be good to have the Planning Board review the report. Ken Hoyle, Planning Board Chair, stated they would be happy to review it if Mr. Johnston would attend and make a presentation.

Commissioner Harrington said given Commissioner Fiocco's background he would really like to have his comments as well. He suggested referring it to the Planning Board and in the meantime Commissioner Fiocco would have a chance to review it and provide feedback.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to refer the 2011 Water and Sewer Planning Update to the Planning Board for review and comments.

Vote Aye-3 Nay-0

Mayor Voller stated they would likely need to discuss this during a budget session or at the retreat. Mr. Terry said one thing that had caught his attention was on page 10 where it listed the various elements of the development contemplated with the total demand at 2.52 MGD. He said if you added that to their current tributary flow you got close to 3 million which was very close to 3.2 MGD which would be the capacity of the new plant. Mr. Terry said that raised a red flag in his mind, in that with their long range planning efforts they needed to be successful in getting the plant built but also to understand that it was a mid-term goal. He said at some point another plant would be needed for the long range growth of the Town.

Commissioner Harrington asked if that number took into account that if they had their reclaimed water system in place then they could effectively reduce that number. Mr. Terry said that was correct, in that when they received the permit for reclaimed water and had specific sites designated, that 3.2 MGD might very well be higher. Commissioner Harrington said the capacity of the plant was what it was, and the reuse would only help them with discharge. Mr. Terry said that was correct. He reiterated that the 3.2 MGD plant was a mid-range goal to meet the demand of what was on the horizon for Pittsboro.

2. An Ordinance Regulating Parking upon a Portion of Hillsboro Street.

Mr. Terry stated that on February 28 a representative of the Pittsboro Merchants Association had requested that the Town consider changing the parking time limits in the downtown area from two hours to three hours, and subsequently the Board had directed him and the Attorney to work towards that end. He said that Mr. Messick had drafted an ordinance that accomplished that and

it was recommended that the Board adopt the ordinance to make that requested change.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to adopt the ordinance regulating parking on a portion of Hillsboro Street to amend the parking time limit for on-street parking from two hours to three hours.

Vote Aye-3 Nay-0

AN ORDINANCE REGULATING PARKING UPON A PORTION OF HILLSBORO STREET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 43

3. Encroachment Agreement in Support of the Chatham County Judicial Center Construction Project.

Mr. Terry stated that in December, 2010 the Board had adopted a resolution of intent to permanently close South Street and scheduled a public hearing for January 24, 2011. He said the purpose of the street closure was to accommodate the construction of the new Chatham County Judicial Center, but the public hearing had been removed from the agenda at the request of Chatham County. Mr. Terry said that negotiations between the Town and the County resulted in an agreement that the construction of the Judicial Center could be accommodated by an encroachment agreement in lieu of permanent closure of South Street.

Mr. Terry said the encroachment agreement would allow the County to do the construction in the right-of-way of South Street. He said the agreement had been reviewed and executed by County Manager Charlie Horne on behalf of Chatham County, and if it met with the approval of the Board adoption of the resolution would authorize him to sign the encroachment agreement on behalf of the Town.

Commissioner Harrington asked had the issue that Commissioner Fiocco raised been addressed, which was that they ensure access to the Regan law office. David Hughes, Chatham County Public Works Director, said that they made a revision to the site plan to include a driveway to that property off of Chatham Street so that it would have full access.

Mayor Voller asked what the future was of that building. Mr. Hughes replied they were in discussions with the owner.

Mayor Voller asked Mr. Messick if he had any comment. Mr. Messick replied that the agreement covered the work that was intended to be done on South Street and Chatham Street, and it was the Board's decision to accept it or not.

Mayor Voller asked about the time schedule to begin the project. Mr. Hughes said they would be moving the historic houses to a new site within the next three weeks. He said once that was done the contractor would mobilize on the site and begin demolition. Mayor Voller said once that move was made, what was planned for those historic structures. Mr. Hughes stated they would be marketed to the public for reuse.

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to adopt the resolution approving the Encroachment Agreement between the Town of Pittsboro and Chatham County for the purpose of facilitating the construction of the new Chatham County Judicial Center and authorizing the Town Manager to sign the agreement on behalf of the Town.

Vote Aye-3 Nay-0

A RESOLUTION APPROVING THE PROPOSED ENCROACHMENT AGREEMENT BETWEEN THE TOWN OF PITTSBORO AND CHATHAM COUNTY FOR THE PURPOSE OF FACILITATING THE CONSTRUCTION OF THE NEW CHATHAM COUNTY JUDICIAL CENTER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 38-41

4. Chatham County Judicial Center Utility Easement.

Mr. Terry stated this was related to the previous item regarding the construction of the Chatham County Judicial Center. He said that construction would require the relocation of some existing Town utility lines. He said in support of that project, the Town Attorney had prepared a utility easement for the Board's consideration, noting the easement had been reviewed and approved by Chatham County.

Mr. Hughes stated this was a very straightforward utility easement, noting that the current easement had to be abandoned to accommodate the Judicial Center construction and a new one put into place.

Mayor Voller asked how close they were going to be to the top of the sewer lines that ran at the bottom of the property. Mr. Hughes said perhaps 300 to 400 feet at the closest. Mayor Voller asked that while the work was ongoing if anyone noticed anything that needed attention to please let the Town know. Mr. Hughes stated that they would be extremely careful to minimize any impact, and the contractors understood how much scrutiny they would be under. He said they would be keeping a very close eye on all aspects of the project.

Motion made by Commissioner Bryan seconded by Commissioner Harrington to approve the Chatham County Judicial Center Utility Easement.

Vote Aye-3 Nay-0

AN EASEMENT GRANT AND MODIFICATION AGREEMENT WITH CHATHAM COUNTY CONCERNING THE JUDICIAL CENTER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 42-45

Mayor Voller asked what the status was of revisions to the plan in terms of things that might be brought back to the Town. He said the Board had heard about the possibility of a new jail. Mr. Hughes said at present they were looking at the site for a potential jail, and part of the reason for that was that having a jail on site would mean not having to put prisoners in a van and driving to and from the site which would greatly reduce operating costs. He said the negative aspect was

the limited area they had to work with on the site, so they were in the feasibility study stage at present. Mr. Hughes emphasized they were only considering a site for a jail, and if a determination was made to put a jail on the site then the Town would immediately be involved in that process.

Mayor Voller asked what the status was of the existing courthouse. Mr. Hughes stated they were in the final design stage, so in another two to three months the final design would be completed and they would start pre-qualifying contractors and putting all the final spec documents together. He said they expected to go to bid by late summer with a 12-month construction schedule, and they expected the project to be completed by the fall of 2012. Mayor Voller asked what was happening on the site now. Mr. Hughes said they were continuing to do some functional space planning on the first floor with several groups continuing to request space. He said he believed they were very close to completing that floor, and of course the second floor would be very much how it was pre-fire.

5. Update on Chatham County Fairgrounds Issues (Mayor Voller).

Mayor Voller stated that within the last three or four months members of the Fairgrounds Board had brought up the possibility of extending Fairgrounds Road, noting this was something that Commissioner Brooks had brought up that the Fairgrounds Board had discussed. He said that Mr. Messick had pointed out that unless they had an easement dedicated on their side of the property then the Town could not spend any money on it. Mayor Voller asked what else he might see as an impediment to doing some improvements.

Commissioner Harrington asked what improvements were being considered.

Mayor Voller said that Commissioner Brooks had the idea to pave all the way to the end of Fairgrounds Road. He said that Mr. Messick had brought up the issue that that was private property and the Fairgrounds Association would have to dedicate it for public right-of-way in order to make that happen and their Board was interested in doing that. Mayor Voller stated that this Board would need to have some consensus about it, and it tied into the next item on the Agenda in that if they paved it there would be an access there for people to get to the greenway. He said they could create a cul-de-sac or dead end it in a T, but the Town would have to do the project at its own expense if the right-of-way was dedicated. Mayor Voller said so the question was if the Board was willing to go forward with that.

Commissioner Harrington said that would provide an access point to the greenway and perhaps they could add a couple of parking spaces in that area as well. He asked if they had any sense of how much it would cost.

Mayor Voller stated the pavement ended where the building started after the garage, so it would mean paving from that point to the end of the gravel which was a small project. He asked the Board to decide if they wanted to authorize Mr. Terry to come back with some proposal to accomplish that. Mr. Terry recommended that if the Fairgrounds Board wanted to do it then they should take the first step which would be to work towards establishing the Town right-of-way for a road, and the second step would be to scope the project to determine the linear feet and then put

a price tag on it so that it could be included in the Capital Improvements budget that the Board would receive in about 30 days. He said listing it as a potential project in the CIP would provide the Board the opportunity to formally consider that project.

Commissioner Harrington said he would prefer to proceed in that manner, as did Commissioner Bryan. Commissioner Harrington said they could consider using Powell Bill funds, but he would want to see a priority list of all the other projects that Powell Bill funds might be spent on. Mr. Terry said they did have a prioritized list of pavement projects that was a couple of years old but was still valid where they had identified the four or five worst areas that needed attention that would be candidates for Powell Bill funds. Commissioner Harrington asked would Powell Bill funds pay for turning lanes. Mr. Terry said he was not sure of all the limitations on those funds and was not even sure it would pay for new construction, but he would be looking into that.

Mayor Voller stated that there was a General Statute that spelled out exactly what Powell Bill funds could be used for. He said in any case they would have to obtain the right-of-way in order to do anything.

The Board agreed by consensus to authorize the Town Manager and John Poteat to perform an assessment of the work necessary to obtain a right-of-way easement from the Fairgrounds Association and what the cost would be to perform the necessary work to pave the gravel portion of Fairgrounds Road.

Mayor Voller said it appeared from discussions with the Fairgrounds Board that they would prefer a cul-de-sac so that people could turn around and perhaps some parking spaces as well. He said that would be good for the Fairgrounds, good for the Town, and good for the citizens.

Mayor Voller said some time ago they had put in some amount of money for the Fairgrounds to get a sewer tap that by agreement was suppose to have been done when the County and the Town ran that sewer line. But, he said, they did not have actual sewer into the building although they were suppose to. Mayor Voller said they needed to keep that in mind as they were working on this project. Mr. Terry said he would go back and read the minutes, but it was his memory that the Board had said it would waive any tap fee access or capital recovery fees if the Fairgrounds wanted to hire a contractor to make that connection. Mayor Voller asked Mr. Terry to do some research and let the Board know exactly what was agreed to, but the point was they had no sewer which made the facility less functional.

NEW BUSINESS

1. Interlocal Agreement for the Robeson Creek Greenway Pilot Project (Paul Horne, Parks Planner).

Mr. Horne stated that this agreement would support a pilot project that would start on Sanford Road just below the Judicial Center at the bridge and continue along the sewer easements to any number of locations due east with the Fairgrounds an ideal location and could go as far as Industrial Park. He said adoption of the Interlocal Agreement would formalize the agreement between the County and the Town.

Mr. Horne stated that in February the Board had supported a Fit Community grant application that would support the creation of the Robeson Creek Greenway along Town sewer easements. He said the agreement would allow the County to spend money along those sewer easements, and the Town would be held harmless from any damages or claims associated with that. Mr. Horne stated once the project was completed the Town would take over the maintenance and public use of the easements.

Mayor Voller asked Mr. Messick what was allowed to be done on the easements. He said the Board wanted to support the agreement, but asked what the limitations might be as far as using it as a greenway and how would they resolve that. Mr. Messick said they had not completely resolved that, but this was just an agreement between the Town and County to allow the County to spend its money on the Town's property. He said they would have to deal with the issue of whether or not the property owner had granted rights for a greenway separately.

Commissioner Harrington said he had thought that there were some that they had no issue with. Mr. Messick said that was correct, but he was not sure how far the County would go since the end of the project was still a question. He said a good bit of the property was County property so that should not be an issue, but the question was where the pilot project would go or not go.

Mayor Voller asked why the County could not go as far as they wanted. Mr. Horne said they could to the extent that there was an existing easement that was well maintained and that people can and do already use it. He said there would now be only one bridge to cross the tributaries rather than several since those bridges had cost more than had been anticipated at the grant application stage. Mr. Horne said that the easement was still there and much of it was passable. He said the one bridge they were doing was over the broadest area that would hinder the most people. Mr. Horne said many of the crossings were narrow enough that a reasonably fit person could jump across them easily. He said to that extent people traversed through that area now.

Mayor Voller asked what the situation was around the wastewater treatment plant. Mr. Terry said there was one bridge site that was possibly in conflict with the footprint of the new plant, but that had been resolved once funds had been moved to other parts of the trail and the bridge was no longer planned for that area.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the Interlocal Agreement for the Robeson Creek Greenway Pilot Project and authorize the Mayor to sign the Agreement on behalf of the Town; and, to instruct the Town Manager to forward the signed agreement to the Chatham County Manager for consideration by the County Board of Commissioners.

Vote Aye-3 Nay-0

**AN INTERLOCAL RECREATION AGREEMENT WITH CHATHAM COUNTY –
ROBESON CREEK GREENWAY PILOT PROJECT IS RECORDED IN THE BOOK
OF RESOLUTIONS NUMBER ONE, PAGES 46-47**

2. Pittsboro Water Shortage Response Plan.

Mr. Terry stated that there had been a number of comments made on the Response Plan to the extent that he recommended that the Board table it for further discussion, and suggested that it be placed on the Board's agenda for the May 9, 2011 meeting. He said that Commissioner Brooks had expressed a concern that the sanctions associated with the Plan were too harsh, but when compared to other municipalities he had found some that were less stringent and some that were more so. Mr. Terry said the most onerous and stringent sanction of the Town's plan was meant for situations when water rationing was necessary.

Mr. Terry said to put the Plan into perspective, when they had had the last drought they had never gotten into such a dire situation that water stopped flowing over the top of the dam, so essentially the water level at their intake never changed. By using that as a metric about how they decided whether or not they were in trouble, as long as water was flowing over the dam they did not see a lot of fluctuation at the intake. Mr. Terry said that would mean that almost none of the response levels noted in the Plan except possibly the voluntary levels would have been triggered in the drought of a couple of years ago.

Mr. Terry said he understood the concern that the penalties seemed punitive and onerous, but he wanted to help the Board understand that those more onerous and punitive sanctions only kicked in if water stopped flowing over the dam and they began to lose depth in the river behind the dam. He said if they reached that point they would be in danger of not being able to operate the plant, so the onerous nature of those sanctions was not that far out of line. Mr. Terry said but, based on Commissioner Brooks' comments as well as Mr. Messick's comment that if they were going to have those kinds of penalties then it should be in the form of an ordinance and not a policy, he would recommend tabling the Plan until the May 9, 2011 meeting. Mr. Terry said he would provide the Board with a double-spaced copy of the document so that they could include their written comments directly onto the document. He said based on those comments they would craft a water shortage response plan that was more palatable to the Board and bring it back on May 9, 2011 and he would work with Mr. Messick to sort out what ordinances might be required to make the penalties a matter of law.

Commissioner Harrington asked that the Manager also bring back information about the elevations and percentiles that were noted on page 3. He said he was guessing that 317 was the top of the dam. Mr. Terry said he had not had the opportunity to talk with Jay Johnston about it as yet so he was unsure. Commissioner Harrington said it just seemed odd to him and would like more information, because it would seem that that would have been under very extreme conditions but would not have gone below any of the limits noted. Mr. Terry stated that the Board might recall that during the last drought communities all around Pittsboro were in emergency situations and having to purchase water, but Pittsboro never experienced a shortage.

Mr. Johnston stated he wanted to talk with the Division of Water Quality as well, noting he had some issue with the direction they were headed with the triggers. He said they were going to let the downstream USGS staging station dictate the triggers when upstream of the dam there was little effect. He said he wanted to see what data they put out so that the Town could comment on it.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to table the Water Shortage Response Plan until the May 9, 2011 meeting.

Vote Aye-3 Nay-0

Mayor Voller asked Mr. Johnston if there would be any effect if they ended up getting a plant built at Jordan Lake, in that would there be any change if the Town was in the consortium. Mr. Johnston stated that the Jordan Lake Partnership did not have any impact at present on the Jordan intake panel, but they did weigh that with what they projected the need to be in the future. He said that all of the partners were encouraged not to say that "X" amount in the future would all come from Jordan Lake and that the partners should protect and preserve their existing source. Mr. Johnston stated that one issue in the back of their mind was their lack of control over that dam which created all of that feeling of water security for Pittsboro.

Mayor Voller said that Mr. Messick had brought that up before in that the owners of the dam were absentee owners and there was not much the Town could do about it. Mr. Johnston said they had consulted the dam safety unit at DENR who had said that the dam was under their purview but because of the circumstances of it there would be very little enforcement, in that they could inspect it but could not force any action on the owners.

Commissioner Harrington stated the situation was that the Town depended on that dam. Mr. Johnston said it would help to tell the dam safety unit the circumstances that might cause them to raise its priority level which would mean they could inspect, but they still would not be able to force any action. He said that dams were placed in hazard categories, and a very small dam on a farm pond could be a high hazard dam if immediately downstream there was a public road which failure of the dam could create a danger to. Mr. Johnston said in the Town's case, failure of the dam would affect its water supply but it did not affect public safety so it would only be placed so high on the priority list.

Commissioner Harrington asked was there an agreement with the dam owners. He said this was an odd situation in that they were depending on a dam they did not own, and the owners could remove the dam at any time. Mr. Messick said there was no agreement.

Mr. Johnston stated it would be difficult for the owner to remove the dam due to environmental laws.

Mr. Terry said it would also be incredibly expensive to remove it. Mr. Messick stated the owner was a hydro facility and they had to have the dam to operate a hydro plant. He said if they abandoned one they would have to abandon both, in that if the dam was removed they would no longer be able to operate the hydro facility.

Ken Hoyle said that hydro facility still generated electricity, noting the facility was located below the old bridge and below the mill. He said even when the water was low last summer the water was still traveling down the spillway which was diverted to generate the electricity, and then diverted back below the old bridge.

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Mr. Terry stated that in regards to the Southern Community Park they had finalized the contract documents and issued a notice to proceed. He said that project was now ongoing and the contractor had occupied the site on about March 17, 2011. Mr. Terry said on the new Wastewater Treatment Plant he reminded the Board that tomorrow NCDENR would conduct a public hearing on the Town's NPDES permit application. He said the Town really had no role in that public hearing and it was intended for public expression only. Mr. Terry said that DENR had called to determine if the Town wanted to make a statement but had discouraged them from doing that, so he had replied that he and the Town's engineer would be present but they would not be commenting. He said that public hearing was scheduled for tomorrow at 7 p.m. at CCCC and speakers would be limited to three minutes each.

Commissioner Harrington said he believed that Dianne Reid with the EDC intended to make comments, as well as Joe Glasson. He said he would also sign up to speak and would make a statement on behalf of the Town in regards to the need for the permit. Commissioner Harrington asked had DENR said they would prefer that the Town not make a statement. Mr. Terry said what they had basically said was that they would be bureaucratic and everyone would get three minutes, so they had offered the Town the three minutes but no more.

Mayor Voller said that anyone could sign up to speak for three minutes regardless, so if all of the Board members wanted to speak they could certainly do so. He said he believed the County was going to read the resolution of support of the Town. Mr. Terry said that he had distributed the information to developer groups so that all the developers who were planning development in the area would be aware of the public hearing and he would not be surprised to see quite a few developers in attendance to speak about economic development and the importance of the permit. He added that public hearing tomorrow would be a very important night for the Town.

Mayor Voller asked that Commissioner Fiocco and Commissioner Brooks be reminded of the public hearing so they could attend if they choose to.

Commissioner Harrington asked the Mayor if he would attend to speak on behalf of the Town. Mayor Voller responded he had not planned on making a comment. Commissioner Harrington said it would be great if he would. Mayor Voller said he would do so if the Board wanted him to. He asked Mr. Terry what points should be emphasized in their remarks at that public hearing.

Commissioner Harrington said he would be speaking as a member of the public in terms of the importance of the permit to the Town and its continued prosperity. Mr. Terry said he believed that the current moratorium should be mentioned, and although that was all covered in the EIS document and permit application it did not hurt to reiterate the point.

Mayor Voller said he believed the most important thing to get across was that this had been a very long process that predated almost all of the Board members, and that he did not believe

anyone wanted to cause any deleterious environmental impact. But, he said, it was important to try to make sure that whatever came out of this process was good for everyone. Mayor Voller said given the amount of investment by the Town and its citizens that to not grant the permit at this point would be an injustice. He said they would do what was best for the environment and best for the community, but the permit was very important to the Town. Mayor Voller said that a lot of time and a lot of capital had been devoted to getting that done.

Commissioner Harrington said a lot depended on the Town receiving that permit, and he believed in the long run DENR would like for the Town to discharge somewhere other than the Haw River because they wanted to build to reuse quality. He said he hoped that would be clear to DENR throughout the remainder of this process.

Mr. Terry said that he had asked DENR if the public hearing would be a give and take, in that the Town might be asked to respond to questions. He said the reply was no, in that minutes would be taken of the meeting and any questions asked that required a response that DENR would respond to the persons who offered the question and point out to them the appropriate paragraphs in the EIS that covered their area of concern. Mr. Terry said that DENR may have some questions of the Town, but the Town would not be responding to questions raised at the public hearing.

Mayor Voller said it was important to get the message out that the Town had been very active on water quality issues and they had not tried to do anything that would be deleterious to the Robeson Creek watershed. He said in fact, the Town had done everything they could to encourage people to clean it and that the permit that had been eight years in the making needed to be issued.

Mr. Terry stated that in regards to the Credle Street Basin Rehabilitation Project, Phases III and IV, the Notice of Award had been sent to KRG Utility Contractor, and they were in the process of finalizing the contract documents and collecting insurance certificates, payment bonds and performance bonds. He said they had not yet signed a contract but they were moving in that direction.

Mr. Terry said with the Downtown Water System Improvement Project, USDA had provided a letter on March 22 confirming the eligibility of the project for USDA funding, although the letter also indicated that there was no funding available until fiscal year 2012. He said the earliest they could expect to get approval would be October of 2012. Mr. Terry said they had also briefed USDA on the success of the CDBG project which had pulled some of the scope out of this project, and that had caused USDA to say that the Town would need to provide an addendum to the preliminary engineering report. He said they had been chasing this funding for some time and still were not at the finish line, but there was so much going on at present he had asked Mr. Johnston not to spend any time on it for now. Mr. Terry said they had several ongoing projects and he was beginning to lose confidence that they would receive any USDA funding, and he did not want to spend any more money on this project especially since there was no possibility of funding forthcoming until October of 2012.

Mr. Terry said the good news was that they were moving forward on the Hillsboro Street Transmission Line Replacement Project and hopefully would be opening responses to the requests for qualifications to get a grant administrator. He said as well, he had sent a letter to the Department of Commerce requesting that they grant an extension of the April 10, 2011 deadline. Mr. Terry said the extension was necessary because there were things that they needed to do that would be done by the grant administrator, so until they got someone identified and hired they could not accomplish what was needed to be done to release all the conditions of the grant.

Commissioner Harrington asked how much they would be able to do with the CDBG funding. Mr. Terry stated they had more in the project than just the \$750,000, noting that Mr. Johnston's fees were not reimbursable under the grant so the Town had added another \$10,000 to the project budget which was now approaching around \$900,000. He said one piece of good news was that the \$200,000 that was originally tied to the 3M project was still on the books and they would still like the Town to spend that money. Mr. Terry said in looking at the cost estimates they believed this would be a good project to try to apply that \$200,000 to. He said there was a possibility that the funding currently dedicated would not cover all expenses, so they would be well advised to confirm that the \$200,000 was available and use it as a contingency for this project so that they could ensure that they would get the entire project done from the million gallon tank down to the traffic circle.

Commissioner Harrington asked would the project cover all the way to the circle. Mr. Terry said that was their hope, but that Mr. Johnston's latest engineering projections indicated that this was a little over a \$1 million project. He said with all the issues of working in the downtown and possibly having to work at night the project would likely be more expensive than if they were just running a water line through a corridor. But, he said, they were making progress.

Commissioner Harrington asked about the schedule. Mr. Johnston said he believed they could begin in the fall of this year and finish in the spring of next year.

Mayor Voller stated that the big issue that the Pittsboro Merchants Association was concerned about was that the Town might end up interfering with their high volume retail season, and they needed to be cognizant of that. Mr. Johnston said he was not looking forward to the difficulty that presented but they did need to hear what they had to say. He said hopefully it would all be about the schedule, and believed that the construction area the merchants were concerned about he would like to leave for night work more for constructability and traffic maintenance reasons which he believed would also help the merchants. Mr. Johnston said that work could be scheduled off season, whatever that season was.

Mayor Voller asked was there a possibility that once they got into the project that they would be able to improve some of the sidewalks and steps. He said if they were tearing up that area were any funds devoted to replacing them. Mr. Johnston said there was likely no room in the existing budget and they planned to keep all the work in the roadway, so they should not disrupt any sidewalks unless they had to chase some bad service towards a building.

Mayor Updates

Mayor Voller offered no updates.

Commissioner Concerns

Commissioner Harrington said that they really needed to have a budget working session and hoped that at the next meeting they could set a date. He stated with the current economy they could be asked to make some hard decisions and they needed to begin that process. Mr. Terry said his preference would be to do that after the Board had its first look at the budget which he believed would be on April 25, 2011 and he would look at the calendar and identify some possible dates then get back to the Board.

Mayor Voller agreed that it was important that they begin discussion.

Commissioner Baldwin agreed, noting she had the same concern.

Mayor Voller said that twice now the President of the CCC had contacted him and they had had two events where over 100 people had attended. He said the Town did not have a hotel and he wanted to help the Town to promote that and get someone to come in and build a hotel. Mayor Voller said he believed that would be possible due to the people who came to take part in the sustainability program and other programs who now had to stay in Sanford and other towns, so the Town was missing out. He said that was directly related to the moratorium issue.

Mayor Voller asked was there any update on Bellemont Point since the last meeting. Mr. Terry stated he had not yet received a response from the State.

FYI -

1. Regional Data Snapshot, Triangle J Council of Governments, March 2011.
2. USDA letter of March 22, 2011; RE: Eligibility Confirmation for the Downtown Water System Improvement Project.
3. Pittsboro Town Manager letter of March 11, 2011; RE: Hillsboro Street Transmission Line Project Request for Extension on the Release of Grant Requirements.
4. Town of Pittsboro Comprehensive Transportation Plan Update.

ADJOURN

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to adjourn the meeting at 8:45 p.m.

Vote Aye-3 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk