

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
MONDAY, AUGUST 14, 2006  
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Terry Dorsey of Grace Point Church gave invocation.

**ATTENDANCE**

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Clinton E. Bryan, Jr. and Chris Walker. Commissioner Gene T. Brooks was absent.

Other staff present: Town Manager Sam Misenheimer, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe, Utilities Director John Poteat, ORC Water Treatment Plant Frank Efird and Sgt. Chris Cooper.

**AGENDA APPROVAL**

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the agenda as presented adding Benji Johnson as a citizen to be recognized.

Vote Aye-4 Nay-0

**CONSENT AGENDA**

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the consent agenda.

- Minutes of July 24, 2006 Board of Commissioners regular meeting.
- Set a public hearing on August 28, 2006 at 7:00 p.m. for amendments to the Pittsboro Village Apartments Special Use Permit to construct Manager's office with multi-purpose room.
- Set a public hearing on August 28, 2006 at 7:00 p.m. for Ricky Spoon's request for rezoning 1.501 acres from R-A2 to C-2. The parcel is located between the northern boundary of Powell Place and the eastbound exit ramp of Hwy 64.

Vote Aye- Nay-0

**RECOGNITION OF EMPLOYEES/CITIZEN**

Sgt. Chris Cooper was present to recognize Patrol Officer James Lassiter for all his hard work to the department and for receiving his Intermediate Professional Certificate.

Sgt. Chris Cooper introduced Stacey Edwards who is our newest Patrol Officer.

Officer Kyle Gaines who has been with the department about six months was not able to be present and Sgt. Wayne Roberson (who also received his Intermediate Professional Certificate) could not attend tonight.

John Poteat, Public Utilities Director introduced the newest employee to the public works department – Mark Wright.

Frank Efird, ORC Water Treatment Plant introduced his newest employees, Sarah Wright and Catherine Frie.

Mayor Voller presented a Resolution of Appreciation to Benji Johnson (that was approved by the Board while he was away at the College World Series).

The Board welcomed and thanked everyone for attending.

### **CITIZENS MATTERS**

Terry Dorsey, PO Box 1520, Pittsboro – wanted to offer support for the police officers. He feels we should give the officers our encouragement and support and to retain them with a comparable salary.

### **OLD BUSINESS**

#### **WWTP, RIVER OAKS AND 3M REUSE PROJECT UPDATES HOBBS UPCHURCH AND ASSOCIATES**

**Updates of Town WWTP Plant expansion, River Oaks, and 3M Reuse Project – Fred Hobbs of Hobbs Upchurch and Associates.**

Fred Hobbs was present and went over the following information:

August 11, 2006

Mr. Sam Misenheimer  
Manager, Town of Pittsboro  
635 East Street  
Pittsboro, NC 27312

RE: Town of Pittsboro WWTP Modifications and 3M Reuse Line  
Project Updates

Dear Mr. Misenheimer,

This letter is to inform the Town of Pittsboro about the progress on the wastewater projects currently underway. We are working hard to keep the Town on schedule to meet both its short-term and long-term goals.

### **REUSE LINE AND STORAGE TANK TO SERVE 3M**

When the reuse project was first designed, Potterstone Village had not yet been fully developed and the reuse line was routed behind several proposed lots in the subdivision. Compared to present day, the amount of disturbance associated with installing a reuse force main behind several lots was minimal. Since this time, several houses have been built and have established yards that would be temporarily destroyed during the installation of the reuse line. To avoid this, approximately 6,500 feet of the reclaimed water main was realigned along a more accessible route. In addition, to help the Town to obtain credit for the reclaimed water being sent to 3M, Pittsboro needs to have the ability to pump to 3M seven days a week (while 3M only takes water 5 days per week). To accomplish this, the volume of the storage tank was increased from 300,000 gallons to 500,000 gallons.

Hobbs, Upchurch & Associates and Hydrostructures, P.A. recently completed the design changes pertaining to the realignment and upsizing of the 3M reuse line and storage tank, respectively. These plans are being sent to the required regulatory agencies to modify/renew any necessary permits.

Barring any unexpected requirements by regulatory agencies, the expected bid date for this project is September 15, 2006. It is estimated that this project will take approximately 8 months to construct, thus making the estimated time of completion April 2007.

The current cost estimate for this project is \$1,200,000 for the reuse line, \$400,000 for the tank, and \$120,000 for the pump station at the wastewater plant, totaling \$1,720,000.

### **SPRAY IRRIGATION FACILITIES**

Hobbs, Upchurch & Associates is currently working with Toll Brothers to prepare the Operational Agreement between the Town and Toll Brothers for the operation of the golf course irrigation system. The details of this Agreement are still being solidified, but the current estimate for spray capacity is at least 200,000 gallons per day.

There has been additional interest from the developers of the tract deemed the "Goodnight Tract" to accept reuse water on their property. A preliminary estimate reveals that this tract will receive 250,000 gallons per day.

The preliminary soils reports for the Spoon Tract are currently being reviewed to determine the most timely and efficient use of the property.

The discharge capacity of the existing wastewater treatment plant is 750,000 gallons per day. With the additions of the spray fields mentioned above, plus the capacity at 3M, the Town's total treatment capacity may be increased to approximately 1.25 to 1.35 MGD. The plant currently averages approximately 340,000 gallons per day. The increase in capacity will allow the Town to lift the self-imposed moratorium on sewer connections and start picking up additional customers.

## **STATUS OF PERMITS**

### *3M Project*

The construction permits for the 3M reuse line and storage tank are currently being modified to reflect the small changes in design. Hobbs, Upchurch & Associates and Hydrostructures, P.A. is handling this, and we are expecting to have all the necessary permits in hand by September 15, 2006.

In order to obtain credit for the flow being sent to 3M, the Town must submit a Surface Irrigation, Flow Variance application. This will allow 3M to qualify for a special use permit and thus will give the Town capacity for the evaporated effluent. Hobbs, Upchurch & Associates is currently completing the Flow Variance application.

### *WWTP Upgrades*

The preliminary design for the WWTP expansion is expected to be complete by October 1, 2006. At this time, the review process will begin at the state level to obtain the Authorization to Construct for the new plant. Concurrently, the Town will apply for the land application permit associated with spraying effluent on the golf course at River Oaks.

## **PROJECTED COSTS OF PROJECTS**

### *3M Project*

The current construction cost estimate for the 3M project is \$1,720,000—\$1,200,000 for the reuse line, \$400,000 for the ground storage tank, and \$120,000 for the pump station at the plant.

### *WWTP Upgrades*

The current construction cost estimate for the new 600,000 gallons per day WWTP is \$4,850,000. This cost estimate incorporates the newest treatment technology in nutrient removal to provide the highest quality effluent. Components of the plant will be sized in such a way as to allow for future expansion.

**SOURCES OF FUNDING IDENTIFIED TO DATE**

A breakdown of revenues and expenditures related to the 3M project can be seen in the table below. This table applies a portion of the wastewater plant costs to the 3M budget.

<b>3M Reuse Line &amp; Storage Tank</b>	
<b>Source of Funds to Date</b>	
<b>SOURCE</b>	<b>AMOUNT</b>
Clean Water Management Trust Fund Grant	\$1,250,000.00
EPA Grant	\$970,000.00
CDBG Economic Development	\$600,000.00
NCDENR DWQ CG&L Revolving Fund Loan	\$1,500,000.00
USDA REDLG Loan	\$200,000.00
<b>Total Funds:</b>	<b>\$4,520,000.00</b>
Funds Expended to Date:	(\$254,079.31)
<b>Balance of Funds Available:</b>	<b>\$4,265,920.69</b>
<b>Project Cost Estimate</b>	
Reuse Line & Tank Cost Estimate:	\$1,720,000.00
3M Portion of WWTP Cost Estimate:	\$1,212,500.00
Engineering for Redesign & Inspection:	\$119,500.00
<b>Project Cost Estimate:</b>	<b>\$3,052,000</b>

To summarize, out of the total funds available (\$4,265,920.69), \$1,500,000 are loan dollars. The estimated project cost is \$3,052,000. Hence, only an estimated \$286,076 would have to be borrowed, instead of the full \$1,500,000.

A breakdown of revenues and expenditures related to the wastewater treatment plant expansion can be seen in the table below. The portion of the wastewater plant that is attributed to 3M's flow was removed from the estimate.

<b>WWTP Expansion</b>	
<b>Project Funding</b>	
Toll Brothers Advance Payments	\$6,800,000.00
Funds Expended to Date:	(\$143,690.00)

<b>Balance of Funds Available:</b>	<b>\$6,656,310.00</b>
<b><i>Project Cost Estimate</i></b>	
WWTP Expansion Cost Estimate (minus 3M portion):	\$3,637,500.00
Engineering for Design & Inspection:	\$571,830.00
<b>Project Cost Estimate:</b>	
<b>\$4,209,330</b>	

### **WWTP MODIFICATIONS**

Hobbs, Upchurch & Associates has begun the in-depth design process to provide the Town with an additional 0.600 MGD of wastewater treatment capacity. The design will feature the newest technology in nutrient removal providing the town with the highest quality effluent in preparation for a future discharge to the Haw River or Jordan Lake. The short-term plan for disposal incorporates three different parties—3M, River Oaks, and the Goodnight Tract.

Barring any significant setbacks, the expected date for design completion is October 1, 2006. The current construction cost estimate for the new plant is \$4,850,000.00. Funding for this project will be provided by the loan/grant combination of the 3M project and the Advance Payments from Toll Brothers.

### **DISCHARGE TO HAW RIVER/JORDAN LAKE**

A meeting was held July 6, 2006 with the Division of Water Quality in Raleigh to discuss the long-term discharge capabilities of the Town of Pittsboro. According to the NPDES representative present at this meeting (Mike Templeton), when the future nutrient-loading allocations were performed for the Haw River, Pittsboro was allocated 2.25 MGD based on an effluent nutrient concentration of 5.3 mg/l of Nitrogen. However, the proposed WWTP will apply the most recent nutrient removal technology, resulting in a Nitrogen concentration of approximately 3.0 mg/l. Hence, based on a concentration of 3.0 mg/l, Pittsboro can obtain a discharge capacity of 3.9 MGD into the Haw River or Jordan Lake.

The two locations targeted by Hobbs, Upchurch & Associates at this time are the Haw River at the US-64 bridge and Jordan Lake between the mouths of Roberson Creek and Stinking Creek. The two discharge locations are

currently being weighed to determine which will have the least environmental impact.

DWQ made it clear in the July 6<sup>th</sup> meeting that an Environmental Impact Statement would be required before the discharge permit was issued. The time frame for such a study is approximately 24 months.

We appreciate the chance to be of service to the Town of Pittsboro. If there are any questions or if you require any additional information, please do not hesitate to call (910) 692-5616.

Sincerely,  
HOBBS, UPCHURCH & ASSOCIATES, P.A.

Fred M. Hobbs, P.E.

Mayor Voller asked if the two locations on the maps are the preferred location (of discharge) as preferred by the State because of water quality. Mr. Hobbs said yes.

Commissioner Cotten stated it seems to him considering the location of Toll Brothers/River Oaks project it would benefit the Town if a treatment plant be in that area.

Mayor Voller asked about nutrient removal.

Mr. Hobbs stated reuse does not require nutrient removal.

Commissioner Cotten asked if we have abandoned the original plan upgrading the existing plant.

Mr. Hobbs stated it was abandoned when they came on board. This was to be in addition.

Commissioner Cotten stated his understanding of the contract is that the grants were for upgrading and he is afraid that we will have to pay the money back.

Mr. Hobbs stated he will write a letter that the grant funds will still be in force.

Commissioner Cotten stated in regards to land application will it be suitable because of the soil.

Mayor Voller stated 3M has agreed to donate 50 to 60 acres of property across the street for recreation.

Commissioner Baldwin asked about the second treatment plant, WWTP expansion will it be on the current site or a new site.

Staff reported they had a meeting tomorrow with Toll Brothers.

Mr. Hobbs stated an Environmental Impact Study will be required.

Commissioner Walker asked what type overage was included in the price.

Mr. Hobbs stated 10% contingency.

### **RELEASING TOWNS PORTION OF ETJ AREA**

#### **A Resolution releasing a portion of the Towns ETJ to the County.**

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the Resolution Releasing a Portion of the Town's Extraterritorial Jurisdiction to the County.

Vote Aye-4 Nay-0

#### **A RESOLUTION RELEASING A PORTION OF THE TOWN'S EXTRATERRITORIAL JURISDICTION TO THE COUNTY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 495-497**

### **PARTNERSHIP WITH CHATHAM YMCA**

**Proposal to consider partnership agreement with Chatham YMCA to provide recreational programs and services to Town of Pittsboro, and to provide collaboration support of PARTF Grant Application for Powell Place Park – Sarah Carr, Chairman of Pittsboro Parks and Recreation Committee.**

Commissioner Cotten stated that it has to be a government applying for the grant. A private group (YMCA) can not be involved in the grant application.

Sarah Carr stated the Town of Pittsboro would be the sole partner in the grant.

Attorney Messick stated the Town is the applicant for the funds.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to delete this item.

Vote Aye-4 Nay-0

Staff stated the YMCA wanted some type of indication of support from the Town.

Motion was made by Commissioner Walker seconded by Commissioner Baldwin to authorize staff to continue to work and obtain support from the YMCA and other interested parties.

Vote Aye-4 Nay-0

**AGREEMENT BETWEEN THE TOWN OF PITTSBORO AND  
EAST WEST PARTNERS/POWELL PLACE DEVELOPMENT**

**Resolution to approve agreement between Town of Pittsboro and East West Partners/Powell Place Development to file for 2006/2007 PARTF grant application and to include the conveyance of park property/10 acres of land to Town for recreational purposes as required by grant.**

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve a Resolution to approve an agreement between Town of Pittsboro and East West Partners/Powell Place Development to file for 2006/2007 PARTF grant.

Vote Aye-4 Nay-0

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF  
PITTSBORO AUTHORIZING 2006/2007 NORTH CAROLINA PARKS AND  
RECREATION TRUST FUND GRANT APPLICATION IS RECORDED IN THE  
BOOK OF RESOLUTIONS NUMBER ONE, PAGE 499**

**NEW BUSINESS**

**REZONING REQUEST – JIMMY & SANDRA PERKINS**

**Jimmy and Sandra Perkins request a rezoning of 1.93 acres at the southwest corner of Old Rock Springs Cemetery Road and Hwy 15-501 from R-12 to C-2.**

Planner Monroe reported that the Planning Board unanimously recommended approval of the proposed rezoning and advised the Commissioners that it is consistent with the Land Use Plan. The Board approved a Resolution of Recommendation.

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the rezoning request from Jimmy and Sandra Perkins to rezone 1.93 acres at the southwest corner of Old Rock Springs Cemetery Road and Highway 15-501 from R-12 to C-2.

Vote Aye-4 Nay-0

**A PLANNING BOARD RESOLUTION OF RECOMMENDATION IS  
RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 498**

**SITE PLAN – LOT 9 EAST STREET PLAZA**

**Cox commercial site plan for a 9375 square foot flex-space building on Lot 9 in the East Street Plaza (formerly known as the 64 Business Park).**

Planner Monroe reported the Planning Board reviewed Ms. Cox's application to develop a commercial building at the southwest corner of Hwy 64 Business and Industrial Drive. This building is being presented as flex space.

Two driveways have been shown onto Industrial Drive; these will align with driveways to be proposed for the State Employees Credit Union which will be across Industrial Drive. After examining various aspects of the plan the Planning Board concluded that the submittal satisfied the requirements of the zoning ordinance.

Ms. Cox was asked if she would consider installing a bike rack. She replied that she thought that was a great idea.

The Planning Board voted unanimously to recommend that the Commissioners approve the site plan with the condition that a lighting plan be submitted to and approved by the Planner prior to release of a building permit.

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the Cox Commercial Site Plan with the condition that a lighting plan be submitted to and approved by the Planner prior to release of a building permit.

Vote Aye-4 Nay-0

### **PARKING SIGN**

**Request for designated no parking sign “DO NOT PARK FROM HERE TO DRIVE” – Gracie Robinson, Business Manager of Family Violence & Rape Crisis Services.**

Ms. Gracie Robinson stated there is a parking problem at 200 East Street, in front of their office building.

FVRC offer services to victims of domestic violence and sexual assault. Although they have parking in the back, clients and visitors often choose to park on East Street. When they park on East Street, close to our driveway, it prevents those leaving the back lot from seeing on-coming traffic from the east.

People parking close to the driveway force those leaving to make a very wide right hand turn, endangering those same vehicles that are hard to see.

Ms. Robinson said she would like to have “do not park from here to drive” sign and painting the curb around the driveway.

Commissioner Cotten stated he would support no parking all the way to South Small Street intersection (from the driveway of FVRC) because there is site problem from South Small Street being able to see with vehicles parked on the street.

Ms. Robinson stated they have not considered that but she felt it would take away several of their much needed parking spaces.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to authorize staff to look at this and come back to the next meeting with an ordinance for the full length (from the driveway to South Small intersection).

Vote Aye-4 Nay-0

### **APPOINTMENT – CHATHAM COUNTY CHAMBER OF COMMERCE**

#### **Appointment of town representative to serve on Board of Directors for the Chatham County Chamber of Commerce.**

Mayor Voller stated the Chatham County United Chamber of Commerce would like to have a representative of the Town of Pittsboro on its board of directors. The committee is requesting that the Mayor appoint a town representative to serve in this capacity.

After discussion a motion was made by Commissioner Bryan seconded by Commissioner Walker to nominate the Town Manager to fill the seat on the Chatham County Chamber of Commerce in the place of the Mayor. Vote Aye-4 Nay-0

### **CONTRACT – HOBBS & UPCHURCH 2006/2007 PARTF GRANT**

#### **Proposal recommendation for professional services provided by Hobbs and Upchurch for assistance in preparation of 2006/2007 PARTF grant applications for Town park projects.**

Commissioner Cotten stated he did not see a fee schedule.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve a professional services agreement with Hobbs and Upchurch for assistance in preparation of 2006/2007 PARTF grant application for Town park projects up to \$4,500.

Vote Aye-3 Bryan/Walker/Baldwin  
Nay-1 Cotten

### **AGREEMENT WITH HOBBS AND UPCHURCH IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 500-501**

#### **LANDSCAPING REQUIREMENTS**

#### **Discussion of building, landscaping requirements, and site design criteria for commercial properties and franchise restaurants.**

Mayor Voller stated he would like for the Planning Board and the technical group that is in the process of being formed to look at these issues, because we are going to have many different franchises coming to Town.

Motion made by Commissioner Bryan seconded by Commissioner Walker to send this request to the Planning Board for recommendation.

Vote Aye-4 Nay-0

Kenneth Hoyle, Chairman of Planning Board stated this will take a lot of work.

**BILLY GOAT (Street Vacuum)**

**Authorization to purchase Billy Goat street vacuum in amount of \$3700 from Southern States/Country Farm and Garden.**

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the purchase of a Billy Goat street vacuum from Southern States/County Farm and Garden in the amount of \$3,700.

Vote Aye-4 Nay-0

**AUTHORIZATION TO SOLICIT BIDS FOR TENNIS & BASKETBALL COURT REPAIRS/CONSTRUCTION**

**Recommendation to authorize Town Manager to accept cost proposal and scope of services for repairs, resurfacing, and replacement of tennis and basketball courts located at Pittsboro Elementary School Road and McClenahan Street.**

Mayor Voller said it has taken nine months to get this 20 year lease agreement with Chatham County and he is very thankful that we worked together to get this issue accomplished for the citizens of this town and county.

Mayor Voller stated the County has said they are interested in participating with the repairs/construction. Commissioner Walker is talking with board members. He wanted to thank Attorney Messick for working so hard on this.

Mayor Voller stated there are other buildings on the property that are in disrepair. If at all possible he would like to see them cleaned up.

Commissioner Cotten stated since 1994 the County and the Board of Education have been fighting over who owns the buildings.

Motion made by Commissioner Baldwin seconded by Commissioner Cotten to request that the Town Attorney do research on this matter and report back to the board.

Vote Aye-4 Nay-0

Motion made by Commissioner Walker seconded by Commissioner Bryan to authorize the Manager to solicit proposals for repairs, resurfacing, and replacement of the tennis and basketball courts located at Pittsboro Elementary School Road and McClenahan Street.

Vote Aye-4 Nay-0

It was stated that the public works department will go ahead and take down the fence & nets at the tennis courts.

## AMENDMENT TO CHAPTER 19 OF CODE OF ORDINANCES

**Recommendation to change Chapter 19.102 and 10.103 town ordinance to increase membership of Parks and Recreation Committee by adding one additional member to represent ETJ area for a two year term.**

Motion made by Commissioner Cotten seconded by Commissioner Bryan to change Chapter 19.102 and 19.103 of the Town Ordinance to increase membership of the Parks and Recreation Committee by adding one additional member to represent ETJ area for a two year term.                      Vote    Aye-4    Nay-0

### COMMISSIONER CONCERNS

Commissioner Bryan stated he looked at Bellemont Road (Chatham Forest) and it looks like it was built in the middle of the night.

Mayor Voller said it has been proof rolled and before a final coat is applied it will be dug up and then repaved where the dips are.

Commissioner Walker reported on two tractor trailer loads of furniture coming through Chatham Forest last week.

Manager Misenheimer stated staff is going to work on coming up with a different solicitation policy for the Town.

Commissioner Baldwin stated she has received complaints from downtown merchants that some people are parking on the street all day long.

Commissioner Cotten stated we could increase the fine like Sanford has to \$25.00, that would probably stop it.

Commissioner Cotten stated there is a big dip on Oakwood/Park Drive where they come together.

#### FYI

- Cable Franchise Fees paid April 1-June 30, 2006
- Fiscal Year End Fund Balance Report-LGC as of June 30, 2005
- May – June 2006 Recycle Report/Waste Management
- Letter from Congressman Bob Etheridge-invitation to attend lunch meeting on Monday, August 14, 2006
- Chatham Alliance for Sustainable Energy announcement

**ADJOURNMENT**

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to adjourn.

Vote Aye-4 Nay-0

\_\_\_\_\_  
Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk