

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, FEBRUARY 22, 2010
7:00 PM

Mayor Randy Voller called the meeting to order at 7:06 p.m. and asked for a brief moment of silence.

ATTENDANCE

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

Absent: Commissioner Gene T. Brooks, absence excused.

Staff present: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul S. Messick, Jr., Planner David Monroe, and Assistant Planner Paul Horne.

AGENDA

Commissioner Harrington modified the agenda to add a presentation by Integrated Water Strategies to Old Business as Item #6 to discuss their proposals to assist the Town with the Wastewater Treatment Plant and/or 3M, and possibly other projects.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to approve the agenda as amended.

Vote Aye-4 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the February 8, 2010 regular meeting.
2. Approve a Resolution Declaring March 31, 2010 as Pittsboro Census Day.

Commissioner Fiocco stated that on page 8, the last paragraph, which continued on to the top of page 9, that Mr. Terry's name should be changed to Mr. Jackson in four instances.

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

Vote Aye-4 Nay-0

A RESOLUTION DECLARING MARCH 31, 2010 AS TOWN OF PITTSBORO CENSUS DAY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 19

REGULAR MEETING AGENDA

Citizens Matters

Mayor Voller, recognizing that several citizens had signed up to speak on issues regarding Powell Springs, asked that speakers refrain from redundancy when speaking on particular concerns already brought forward by others.

Lesley Landis, 21 Randolph Court, President of the Chatham County Arts Council, provided some brief information about the Arts Council. She said she wanted to ask some questions regarding the Community House, noting they had embarked on a popular opportunity for both adults and children with arts classes and camps and would very much like to move the site of some if not all of those classes and camps to a more central location, such as the Community House. Ms. Landis wondered if there was a non-profit fee schedule for use of the Community House. Mr. Terry responded there was just one standard fee schedule.

Mayor Voller said he believed Ms. Landis was asking if there was a possibility that the Recreation Board would evaluate whether there could be a separate non-profit fee schedule versus other uses. Assistant Planner Paul Horne stated that at present the fee was heavily subsidized by the Town, for example to hold 12 classes a year the cost would be negligible.

Ms. Landis said she would come back with a more formal proposal for the Board, adding she looked forward to bringing the classes and camps into Pittsboro for the benefit of all residents of the County. She also thanked the Board for the recent renovations to the Community House, noting the improvements were beautiful and very much appreciated.

Ms. Landis said for information the Arts Council sponsored a number of opportunities for the citizenry to connect with the arts, one of the most popular being the monthly film series called the "Sustainable Film Series" which was currently taking place at the Fearrington Barn. She said February's film being shown tomorrow night at 7 p.m. was called "A New Kind of Listening" which focused on a community theater group who used the words of a young man formally thought to be profoundly retarded and was found to be extremely viable in his mind but unable to communicate. Ms. Landis said that young man's words and thoughts communicated through a keyboard was used to create a play that was put on by community theater and documented in the film. She said the films were shown the last Tuesday of every month, with a fee of \$5 for adults and \$2 for students. Ms. Landis said the schedule was posted on the Arts Council's Website along with other information.

Barbara Page, 67 North Wickham Drive, stated she had moved to Powell Place two years ago for several reasons, including that East West Partners was a successful developer with visionary ideas, and she loved the idea of having a walkable community and shrinking her carbon footprint. She said that 2008 would likely be the worst financial year the country would ever suffer, but in 2007 that was not the case. Ms. Page said she was now worried that she took the

success of East West Partners as talent rather than simply opportunity, and was afraid they were “grasping at straws” to see the community stay afloat and be successful.

Ms. Page said she was concerned about the impact not on just Powell Place but on Pittsboro and the County and the State, and was concerned about East West Partners success. She said last fall at the annual meeting an upper management representative had said that the handling of the commercial space was one of the mistakes they had made and had apologized. Ms. Page said he had also apologized because they had believed the fiber network was going to be satisfactory and that was not the case.

Mayor Voller asked Ms. Page to elaborate on that point. Ms. Page said they had a fiber network that ran throughout the community that had been marketed to the residents as a highly technologically advanced way to get phone, TV, and Internet all in one network. She said there had been issues with delivery of service that had been painful for residents. Ms. Page said she was very worried that next year upper management would come forward and apologize yet again for the Powell Spring development which in the residents’ opinion was in the wrong place at the wrong time, noting that right now they continued to put band aids on it to make it right but it was not right. She said she could live without the grocery store and she was okay with the cable and Internet that she now had, but the Powell Springs development was something that they would have to live with forever and that was not good. Ms. Page asked the Board to please communicate to the Powell Place developers to grow in a responsible way that would protect their environment and would preserve and enhance the neighborhood. She said she believed a full review of the Master Plan was in order and asked that nothing be approved until that happened.

David Richter, 30 Dunmore Lane, stated that Mr. Terry had provided the Board with a document he had created related to Powell Springs and the issues that had been brought forward. He provided a summary from his perspective of the Planning Board results, noting that the Planning Board had actually been struggling to find a way to deny the application with much discussion regarding damage to the stream, the mechanical noise that would be produced, and a number of other issues brought forward by nearby residents. Mr. Richter said the Planning Board had discussed how specific language in the Ordinance was interpreted and whether they had some discretion with how the word “may” was used in the Ordinance to deny the application. He said he believed that Mr. Monroe had at first said that the Planning Board did have that discretion, and then Attorney Patrick Bradshaw had said very aggressively that the Planning Board did not have any discretion. Mr. Richter said Mr. Monroe had eventually agreed with Mr. Bradshaw, and when the Planning Board had voted to approve the project they did so “holding their noses.”

Mr. Richter stated that residents of Powell Place had expressed concerns at the recent quarterly HOA meeting regarding Powell Springs, where one resident had indicated she had toured a senior facility built by these developers with the idea of placing her mother there, but had found the inside to be totally unacceptable for her mother or anyone’s mother. He said the developer’s response to that was that they would not see the inside, and to his mind that was emblematic of East West’s and Evergreen’s approach to their concerns. Mr. Richter said he brought that up because it brought credibility and motive into question, and that was not his values and did not believe the Town Board would share those values.

Mr. Richter said this project had been “on the books” since March 2009 but residents had become aware of it in November of 2009, and it was only at the insistence of Mayor Voller and the Planning Board that East West held information meetings for neighbors which had occurred in December of 2009. He said the only thing that came out of that meeting was that they were moving forward with the project and there was no flexibility. Mr. Richter said they had to drag out the information that this was affordable housing, which they had not known. He said the strategy of East West and Evergreen was to provide neighbors with as little information as possible and get the project powered through as quickly as possible. Mr. Richter said at least 13 homeowners had made decisions to purchase their homes since 2008 across from the site of Powell Springs, which had not been disclosed to them. He said that nondisclosure was a willful omission and was a violation of North Carolina real estate law, adding some residents had filed or were considering filing complaints with the NC Real Estate Commission. He said that again spoke to the credibility and motive behind this project.

Mr. Richter asked that the Board hold two public hearings, one on the Powell Springs project itself and one on the MUPD, so that a real review of how Powell Springs would affect the community could take place. He said he had asked Mr. Terry to put that request on the agenda on March 8 so that he could formally make the request at that time for the Board’s consideration.

Mayor Voller said he had stated before that given the length of that project and the fact that the only Board member, Commissioner Brooks, who had voted on the project, was ill and not present this evening, it would be wise to have such a hearing so that people could understand the intricacies of Powell Place. He said it was a complicated approval, noting it was the first Mixed Use Planned Development approved and likely did need further review.

Mr. Richter said he would be making a formal request for public hearings, and hoped that would be before this item was again discussed. Referring to a spreadsheet produced for the project, he said the total development cost of the project was about \$6.1 million, and there was a zero interest loan coming from federal stimulus funds of \$3.9 million. Mr. Richter said on top of that was a federal tax credit of over \$627,000 per year for 10 years, for a total of almost \$6.3 million of tax credits which made this project extremely profitable. He said that brought up a number of questions, including was East West an investor with Evergreen in this project and not just the developer or builder. Mr. Richter said he wondered just what the relationship was between East West and Evergreen, and brought that up because Evergreen had looked into building another project in Pittsboro a couple of years ago, and Powell Place had been a part of that conversation in that Powell Place was going to give some of its sewer allocation to Evergreen so that they could build that project. He said a number of people had been upset about the Powell Place sewer allocation because it was preventing a number of other people from moving their projects forward. Mr. Richter said his point was that there appeared to be some relationship between Evergreen and East West that had not been made known.

Mr. Richter said that Evergreen had closed on the property in November 2009, and they did not know what all the parties had actually agreed but money had changed hands with no contingencies. But, he said, there had been a presumption that the project would be approved rather quickly. Mr. Richter said in the present environment where they had a decreasing real

estate market, Evergreen had purchased 3.27 acres for \$408,000 without having a contingency to have the project approved, which made no sense to him. He said that amount of money for that little acreage was considered a hefty amount for Pittsboro real estate. Mr. Richter said that brought up even more questions about the relationship between East West and Evergreen. He said he would not reiterate the issues already brought forward including the effects to the environment and the destruction of visual and sound buffers, but noted it would take several decades for the natural buffer to be replaced. Mr. Richter said there was no requirement for the developer to replace plantings that might fail after one year of landscaping, and no real incentive for them to do so. He said he absolutely did not trust that plan.

Mr. Richter said they had already talked about the issues regarding Millbrook traffic and overflow parking, the density of the planned development, and that the back of the building faced the street, all of which remained issues. He said on the back of that building there were 24 air conditioning units on street level facing those residences across the street, and that would generate a lot of noise particularly in summer months when people were outside and walking along Millbrook, not to mention that those across the street would have to live with that noise.

Mr. Richter said one thing not discussed was the future residents of Powell Springs; that is, the senior residents of those units. He said main entrances and parking were not on the street but were behind the building, which to him created security concerns. Mr. Richter said seniors tended to be more vulnerable to crime than other segments of the population, and wondered what kind of security measures would be put in place to protect those seniors. He said another issue was that with the back of the building facing Millbrook, there was no wide veranda porch to encourage neighborhood interaction or activity. Mr. Richter said one of the dangers for seniors was isolation, and he believed there needed to be steps taken to ensure social interaction for seniors and that they not be isolated from the community. He suggested that there should be a veranda added along the back and filled with tables and chairs so that seniors could be brought “into the light” of the community.

Mr. Richter said the other issue was that the location of the building was the farthest possible distance it could be away from the proposed commercial center. He said for seniors with mobility issues that would be an issue, and wondered why the development was not placed closer to that commercial center. Mr. Richter said another concern was that he hoped that the Town had the services in place that an added population with limited income might need.

Mr. Richter summarized his comments by saying there were many issues to consider as well as credibility and motive issues. He said the project was poorly conceived and out of place, and it was inappropriate the way this project was being done. Mr. Richter said the residents believed the project should absolutely be denied the way it now existed, and said they were requesting that if any new project in Powell Place went forward that there be a public period for comment. He said if the Board was considering approving Powell Springs, that there should be a public hearing so that residents would have the opportunity to respond to the project.

Mayor Voller said that given that the Board had received Mr. Richter’s comments, he would ask that if other speakers had something to add that was separate from what Mr. Richter had communicated then they would be happy to hear it, but the Board did not want to hear the same

information reiterated. He added that he understood how emotional the issue was, but asked that speakers refrain from repeating hearsay conversations and to speak to the factual narrative and not get into what might have been the intent of all the parties because they were not present to rebut the statements. Mr. Richter stated that the conversations he had mentioned had been heard by a number of parties who could verify them.

Mayor Voller said he understood and said there may be a time for that to be reiterated, but the strength of his presentation was in the facts that were put forward. Speaking to Mr. Monroe, Mayor Voller asked if there was actually an agreement between the property owner to the north to deal with the grading encroachments and other issues to address with the pond that would be owned by Ricky Spoon. Mr. Monroe said there was an existing pond to the west of this project boundary, and a proposed pond between the parking lot and Mr. Spoon's property line. Mayor Voller said that was correct, but when he had looked at that it seemed to imply that the grading would be encroaching on Mr. Spoon's property, noting that he believed Commissioner Fiocco had pointed that out. Mr. Monroe said there was no grading encroaching on Mr. Spoon's property, but there was that encroachment on East West's property to the east. He said there was no written agreement between East West and Evergreen to agree that that could happen, noting it was off-premise grading as shown in the grading plans, and was to the east of East West's property.

Mayor Voller asked what was approved in the area according to the MUPD before this project came forward. Mr. Monroe replied that in 2007 there was a complex proposed by a company with offices in Raleigh but headquartered up north that was for 120 units with each unit having a garage and a parking space. He said both the Planning Board and the Town Board had approved that development, but the developer had walked away from the project due to the slump in the real estate market. Mr. Monroe said those were market rate units and had not been subsidized in any way. Mayor Voller asked was that approval still alive. Mr. Monroe replied no, it had expired.

Kenneth Hoyle, Chair of the Planning Board, asked that Mr. Monroe point out the exact location of that proposed project. Mr. Monroe said the project approved in 2007 was on the entire 18-acre tract of land that had been designated for apartment development. He said the current Powell Springs project was located on a 3.27-acre portion of that 18 acres, so the balance of the 18 acres remained for apartment development.

Mayor Voller said then they were looking at using about 18% of the property for Powell Springs which was planned for 48 units. He said the previous project would have been 6.67 units per acre, and Powell Springs would be about 16 units per acre.

Commissioner Harrington said he had been shown a map in 2005 that had that area designated as future apartment development. Mr. Monroe said that was correct, but that map had been revised because the original plan for Powell Place had contained a water feature that ran from the edge of that 18 acres to an intersection with Millbrook Drive. He said the Corp of Engineers had determined that that was a wetland and it could not be excavated and allowed to fill with water, so the entire plan was revised to show the wetlands in yellow and that no excavation would occur in that delineated area. Commissioner Harrington asked what was approved for that area in the

MUPD and how specific were those plans. Mr. Monroe responded that there was just an apartment designation on that 18 acres. Commissioner Harrington remarked that unfortunately it appeared that many of the residents in Powell Place were not told that. Mr. Monroe said that appeared to be the case.

Commissioner Fiocco asked was there a density associated with that previous apartment approval. Mr. Monroe said that previous project had been approved with a density of up to 20 units per acre, and the entire project was permitted at an impervious surface rate of 70% although it was stipulated in the Master Plan narrative that some parcels could go as high as 100% so long as the overall average was no more than 70%. He said the developer was reducing that 100% coverage by having open space and undeveloped acres in addition to a 10-acre park.

Mayor Voller said that may be something that needed to be re-evaluated given what they knew today. He stated there was one other statement made by Mr. Richter that there were 13 residents who had purchased their homes and had not been told about the plans for Powell Springs, and asked if any of those residents were present. Mayor Voller remarked that a good number of persons had raised their hands. He stated that he had given Mr. Richter a lot of latitude in terms of the time he had been given to speak, and asked that since many of the issues of concern had already been expressed that speakers limit their comments.

David Groves, 730 Millbrook Drive, stated that a number of people had been led to believe that the apartment complex in that multi-use development would be a small Meadowmont. He said that was “baloney.” Mr. Groves said there were approximately 120 homes in Powell Place currently, and Mayor Voller and others had been at the meeting where Mr. Price with the Powell Place developer had tried to open things up with the community. He said he remembered him saying that there were 750 units planned for Powell Place.

Mayor Voller said he remembered a figure that was fairly high, and he had asked him at that meeting how many were already built and how many more were to come, and it was somewhere north of 700.

Mr. Groves said there were approximately 120 homeowners in Powell Place now, and not all of the lots had a home on it so there were likely 240 actual owners. He said if you took that number away from 750 you still had over 500 apartments that could be built. Mr. Groves said residents were having trouble getting down Millbrook Road now, so how would you manage the traffic produced by 500 more apartments. He said the infrastructure impact was mind boggling, and that Powell Springs was just the start.

Mr. Groves said he believed East West Partners and their representatives had behaved in an unethical fashion in its interaction with Powell Place residents, or its lack of interaction. He said a number of residents, many of which were present, were not told of future construction on the north side of Millbrook Drive, the developer did not disclose the potential number of apartments or the income range of potential renters, nor did they offer any real evidence of the impact on the current Powell Place infrastructure. Mr. Groves said East West Partners had not seen fit to inform current residents of construction plans until after the fact, and if he and his wife had been

aware of those issues prior to purchasing their home, they would not have done so. He said those facts had left a very sour taste with many of the residents.

Michele Sischo-Rogers, 25 Cobble Ridge Drive, said one issue not given a lot of attention was the effect on the value of their property, noting she lived on the corner of Cobble Ridge and Millbrook. She said they had moved to Powell Place because they were told it would be like Meadowmont. Ms. Sischo-Rogers said the house just across the street from her had been on the market for over two years, and had first been listed at over \$400,000 but was now priced at \$235,000. Ms. Sischo-Rogers said she believed they had made a big mistake moving into Powell Place and were watching the value of homes continue to drop while at the same time expecting a large number of apartments to appear.

Mayor Voller asked what she meant when she referenced Meadowmont. Ms. Sischo-Rogers replied they had been told the development would be similar to Meadowmont in Chapel Hill, in that it would be a self-contained community with a commercial center, recreation, and other amenities. She said they had understood that it would take several years, but by now you would expect to see some retail. Ms. Sischo-Rogers said there was nothing being done to make that happen, noting the site was “a mess.” She said their fear was what the development would be like in 5 to 10 years when the apartments were there, noting she was afraid they would start to see homeowners moving away and abandoning their homes. Ms. Sischo-Rogers asked what was to become of the homeowners who had invested in Powell Place for the long term.

Ms. Sischo-Rogers stated that she had not heard about Powell Springs until September 2009 when the Evergreen property manager had come into her place of work and told her that they were going to construct an apartment complex in Powell Place. She said she had thought they would be up by the townhouses at the upper part of the first turn, but then had learned that they would be placed on the other side of Millbrook. Ms. Sischo-Rogers said she was very concerned about the effect that would have on current property values.

Commissioner Harrington asked what concerned her most about the project. Ms. Sischo-Rogers said the parking on Millbrook, noting it was already hard to get through there so that had not been well thought out.

Mr. Groves said that he understood that that was a multi-use area, but he did not believe that East West had been careful about pointing that out to people even though it was designated for multi-family dwellings. He said he did not believe the price structure would resemble Meadowmont, because having that number of apartments, some of which would be subsidized for seniors, would devalue the single-family homes already there. And, he said, that had not been disclosed to anyone that he had been able to identify. Mr. Groves said that was something that East West or their representatives should have made very clear, in that something regarding the proportion of free-standing dwellings to apartments should have been disclosed.

Linda Bienvenue, 31 Cobble Ridge Drive, stated that she had experience in the real estate industry and was amazed and surprised that there have been no notice at all given to abutters of this project. She said it seemed to her that residents should have been notified whenever any changes to the plans were made, and changes had been made many times and no one had

revisited what had been originally approved and that was of concern to her. Ms. Bienvenue said her family had had a dream of a nice looking village, which now she believed would be the site of a gas station with a Subway restaurant. She said her concerns had nothing to do with the proposed complex being for seniors or even that it would be subsidized, but where that complex was planned to be constructed would result in no one wanting to build or live behind it. Ms. Bienvenue said the other issue was the parking on what was already a narrow road.

Ms. Bienvenue said she had spent some time on the Internet looking at other Evergreen complexes, and the only thing she had found that seemed to be different in this case from all the others was the space, nothing that previous Evergreen developments appeared to be open and spread out with plenty of areas for benches and open space. Now, Ms. Bienvenue said, the seniors would be able to come outside, stand on the sidewalk, and gaze at a parking lot. Or, she said, they would be able to climb the 17-foot high retention wall and gaze at the drainage pond.

Ms. Bienvenue said they already experienced noise coming from Highway 64, and because the developers would be removing more vegetation and the sound buffers already there they were expecting that noise pollution to worsen. She asked who they would need to contact to get a wall built to act as a sound barrier, such as those used in Cary, Raleigh, Durham and other places. Ms. Bienvenue said the way Powell Place was originally designed was exciting, and she was willing to wait for that. But, she said, the changes to the plans now was lessening the potential for it to be a great development. She said every time a problem came up it seemed that a band aid was placed on it just so that it would meet the letter of the law. Ms. Bienvenue said she hoped that just meeting the letter of the law was not the goal, and instead that they looked at the bigger picture.

Paula Gress, 615 Millbrook Drive, stated that she had submitted a letter to the Board which outlined her views regarding Powell Springs. She said all Powell Place residents cherished the wildlife and forest, and it was where she and her husband had planned to retire. Ms. Gress said their home was directly across from the site for Powell Springs, noting that the project would destroy the nature and beauty of Powell Place and would destroy the joy of fellow citizens and their promised dreams which in her opinion was a sin against nature. She said the monetary value of that site was priceless, and this was the time for Pittsboro to stand up for the Powell Place residents. Ms. Gress asked that those who would move on with the proposed project to stand in the residents' shoes and think about how they would feel if they were in that situation. She said there was no excuse for that "atrocious and violation against Mother Nature" to take place. Ms. Gress said there were much better locations in Powell Place for that huge building other than in such a high residential area. She said she requested from the bottom of her heart and on behalf of all Powell Place citizens present and future to forever preserve that beautiful site. Ms. Gress said the Town of Pittsboro should be all about the people.

Melody York, 90 Cobble Ridge Drive, stated that it had been said that it took a village to raise a child, and believed it also took a village to care for their senior citizens and provide a good quality of life. She said she sincerely believed that the quality of life for the seniors that would reside in Powell Springs would be compromised by a project that did not meet her expectations and did not believe it would meet the Board's expectations. Ms. York said she had talked with the director of the Council for the Elderly who was very aware of this project, and she

sympathized with the fact that there were residents in Chatham County who lived below poverty standards and lived in substandard housing, and deserved to live in nice places with secure facilities. She said she wanted that for everyone, but with this facility the developers had not taken into account the transportation that would be needed to get residents to their needed services. Ms. York said that was a need all over the County, and no matter where you built senior housing that should be a consideration. But, she said, she believed it was shortsighted to place their most vulnerable citizens in a place where they needed to be most caring.

Larry Gress, 615 Millbrook Drive, referred the Board to the original plan for Powell Springs and the area marked for trees. He said those were nice sized trees which would be removed, and the plans indicated they would be replaced with 12" pine trees with a 1/4" caliper. Mr. Gress said that to him that was a credibility issue. He pointed out the homes across from the site as well as the area designated for 2-hour overflow parking. Mr. Gress said they had 9 grandchildren, and if his children were limited to 2-hour parking, they would continuously be moving their vehicles. He said on the other side of the property, the slope was so dramatic that a 17 foot high retaining wall with a fence on top was planned, and to him it would make the site appear like a prison. Mr. Gress said many of the trees would be destroyed, and when that was all opened they would be able to see Highway 64. He said the way it was proposed was likely the only way it would fit on the lot, and the current residents would be subjected to the noise generated by the HVAC systems and the highway and because the building would be 3 stories high they would not be able to see the sky. Mr. Gress said the area was heavily residential and they were trying to build an apartment building in an area where it did not fit.

Commissioner Harrington asked who had suggested that there would be 2-hour parking in the area noted as overflow parking. Mr. Gress responded a representative from Evergreen.

A member of the audience indicated it was Bryson Powell with Evergreen, and that he had said it was necessary to have a time limit so that the Police could enforce it.

Mayor Voller thanked everyone who had spoken and who continued to be involved in the community, stating he knew they were motivated by something in their own community but that it was nice to see the residents of Powell Place becoming involved. He said the attitude of so many was that they were not engaged in the Town, and hoped that this would motivate residents to become involved in other issues and contribute to the Town by serving on advisory boards, with non-profits, and in other ways.

Elaine Chiosso, with the Haw River Assembly, stated she had gone out to see the property and the stream being mentioned, and that on the left side of the stream the riparian buffer, the natural growth, had already been completely removed and would be replaced by lawn. She said it was her experience that you could not build a project like this in a riparian buffer without destroying the wetlands and having a tremendous settling impact on what was left of the creek. Ms. Chiosso said it was a very bad location to put a building of that size that would need a 17 foot high retaining wall with fence on top.

Mayor Voller said for the record he had known Ms. Chiosso for a number of years, and because of the number of emails he had received he had asked Ms. Chiosso to look at the site so that the

Board could get a third party opinion, and that was her reason for appearing this evening. Mayor Voller said the Town cared about Powell Place and its residents, noting that when this project was first proposed he and Commissioner Brooks had met with the commercial developers several times to try to see what could be done to move the project along. He said he believed that Commissioner Brooks felt that he had been “sold a bill of goods” because he was promised that the project would be like Meadowmont. Mayor Voller said the developer had actually taken Commissioner Brooks to Meadowmont to view it, and Commissioner Brooks had thought the project should have been farther along than it was.

Mayor Voller said he knew people at East West and believed they did good work, but was not sure what had happened with this development. He said apparently things had gotten off track. Mayor Voller said he had invested a lot of time in trying to get funding and a park there and that park was now being built, and the Town Board had supported that. He said that Town staff had worked hard to make it happen, and from the Town’s perspective they had tried hard to invest in Powell Place separate from this issue. Mayor Voller said the Town had taken a risk to get bus service in place that affected residents there, and the Town was concerned about Powell Place because it was the single largest development in Town by density. But, he said, by land area they were not much bigger than Chatham Forest, so obviously there was a density issue and East West needed to be responsible for the Master Plan they had presented to the Town. Mayor Voller said he was very much in favor of opening the subject up for discussion, because that plan may be at odds with the reality of today and a lot had happened since it had been approved. He said the Board would meet again on March 8, and the Board could speak on it at that time.

Mayor Voller stated that his frustration with Powell Place, not the residents, was the contract the Town was stuck with in regards to sewer. He said there had been a proposal for housing just like this and other housing similar in other locations that East West Partners had nixed because they would not allow the movement of any sewer capacity even though it would not have hurt them at all. Mayor Voller said they were now 3 years behind what could have been built in a better location for residents in the 25% to 80% range of median income, and they had missed out on two other developments that could have provided housing for those in that median income. He said he was frustrated because he had sat on the Affordable Housing Task Force that had supported those developments, but they could not get the sewer. Mayor Voller said he was very familiar with the use of tax credits but not with the use of stimulus funds, noting that was not how the project had been proposed. He said he would be interested in Mr. Richter sending the Board some information in that regard.

OLD BUSINESS

1. Manager’s Update on Capital Projects.

Mr. Terry provided the following update on Capital Projects:

- Disinfection Byproducts Reduction Project – A design contract amendment has been executed with Hobbs Upchurch in the amount of \$20,400 for the design and construction administration of the ferric sulfate feed system at the Water Plant. The amendment included technical assistance for acquiring the capability to feed powdered activated carbon from portable totes. All of the elements covered in the amendment were required

by the recent settlement agreement with the State regarding past TTHMs violations. They were optimistic that the majority of the work can be done using the existing Rural Center Grant for this project which covered 50% of the construction costs.

- 3M Reclaimed Water System Project – A construction progress meeting was held on February 10. Outstanding issues include the repairs to the freeze damaged pump station and the design and installation of a pump station shelter to prevent future freeze damage. Due to the lag time in ordering the prefabricated shelter, the complete date of the project is expected to be delayed until sometime in April. Accordingly, they have cancelled plans for a project ribbon-cutting on March 6 and are considering dates in late April or early May. The final change orders for Contract #3 which was the transmission pipeline had been processed, noting that the change order was to reduce the cost of the project as less rock had been encountered than had been projected.

Mayor Voller asked would that preclude 3M from signing the deed over to the Town. Mr. Terry replied no, that that was a separate issue.

Commissioner Fiocco said the last time they had discussed the shelter he believed it had been said that it would be a masonry structure with a removable roof, but now it was a prefabricated structure. Mr. Terry responded that it was prefabricated concrete and the roof was removable. Commissioner Fiocco said then it would not be built on site, but would be shipped and assembled. Mr. Terry said that was his understanding.

Adam Kiker with Hobbs Upchurch said they were seeking proposals on that option, in that it would be shipped and assembled on site.

Commissioner Fiocco said he was wondering what the cost would be relative to having it built on site with brick and mortar, because that was a job opportunity as opposed to bringing it in from outside the Town. He said he would like to have that option explored to see what the cost comparison would be. Mr. Kiker said they had discussed many different options with Mr. Poteat and other Town staff, and the prefabricated unit with a removable roof was what they had requested. But, he said, they would be happy to look into the other option.

Jay Johnston stated that he believed one issue was that the Wastewater Treatment Plant renovation project ongoing now would limit the workable space and would urge them to look at a solution that would not require them to bring in equipment to construct that shelter and occupy space that really was not available.

Mr. Terry stated he would work with Hobbs Upchurch to get a comparison. He continued his update:

- Short-term Wastewater Treatment Plant Improvement Project – Excavation work is now completed and work on the placement of reinforcing steel for the first concrete pour is well underway. The project remains on schedule.
- 3M Park – As previously stated the ribbon cutting will be delayed until late April or early May pending final completion of the 3M Reuse Water Project.
- Pedestrian Conveyance System Project – Hydrostructures is now preparing a notice to bidders that they expected to be advertised in late February or early March.

2. Hobbs Upchurch/Hydrostructures Request for Supplemental Funding for Additional Inspection/Contract Administration on the 3M Reuse Water System Project (Adam Kiker with Hobbs Upchurch and Jay Johnston with Hydrostructures).

Adam Kiker stated at the Board's last meeting the Board had discussed Jay Johnston's request for additional fees for the 3M reuse water project, and had directed them to come back and try to put those funds through the Town's contract with Hobbs Upchurch and then through Hobbs Upchurch's contract with Hydrostructures. Subsequently, he said, they had provided a letter to Mr. Terry last week detailing the different types of additional services the Town had been provided along with the contract as well as the dollar amounts they were requesting to be allocated. Mr. Kiker said he would be happy to go through each of those items if necessary and would be happy to respond to any questions. He requested that the Board approve the request for the supplemental funding.

Commissioner Fiocco said there had been a question before about the driveway installation and how 3M had approved the original layout but after construction began they had wanted to change that layout. He said then they had experienced problems with the jack and boor and had to redesign it yet again. Commissioner Fiocco said the last time they had talked he believed it had been said that they had then gone back to the original design. Mr. Kiker replied that was basically correct. Commissioner Fiocco said that item #4 in the letter seemed to indicate that more designing and permitting was done. Mr. Kiker stated they had had to modify the encroachment agreement to run a plan through NCDOT for what was going to be the altered work that was not installed. He said the additional design work was for the work that was never implemented, and once they had tried to implement that design they had run into subsurface conditions that had caused them to revert back to the original design, slightly altered.

Commissioner Fiocco asked if the 8 items listed in the letter comprised the total billings requested. Mr. Kiker said that would be hard for him to define. Commissioner Fiocco said what he would like him to do was to assign fees to those 8 items so that the Board would have a feel for what each of those items cost.

Mr. Johnston said that the dollar amounts for each of those items were not what they were requesting. He said Hydrostructures more than Hobbs Upchurch, if they were to go back and check detailed notes, could likely identify 5 or 6 times that number of items that had taken place since the project started. Mr. Johnston noted that the list of 8 items was intended to be the major items only, and not a complete list. He said if he was tasked to identify all of the dollars he would include in the list all fee items.

Commissioner Fiocco stated he would like to see that. Mr. Johnston said he would be happy to provide it.

Commissioner Harrington asked what the amount was he had given at the last meeting. Mr. Johnston said in December it had totaled about \$49,000, noting after discussions with Town staff over the last two months the total had been projected at about \$51,000, adding that the project had expected to be completed by the end of December but that had not happened. He said when

he had submitted his letter to Mr. Kiker he had adjusted the completion date for the project and estimated the fee at about \$55,000.

Commissioner Harrington said he knew the Board's concern at the last meeting was that the contract amendment should have been brought up much earlier, that he had not been reimbursed, and then Hobbs Upchurch had found another \$24,000 for itself. He said that had been notable and unexpected.

Mr. Kiker, addressing Commissioner Harrington's concern, stated that when the issue was brought to them late last year they had looked at their books and found that the amount was not as substantial as what Mr. Johnston was requesting. He said at the same time they had looked at the overages on the EIS, which also had gone through some changes. But, he said, they had thought at the time it was not substantial enough to come to the Board and request additional funds, and at the time they had told Mr. Johnston and Mr. Terry that they did not feel comfortable doing so. Mr. Kiker said they were committed to the project and wanted to see it finished and had decided not to come back to the Board to request additional funds. He said when they had been asked by the Board to come back and submit the request to come from Hobbs Upchurch they had again gone back to the books, identified their overages, and requested that it be included in the letter.

Commissioner Baldwin said she understood, but just as Commissioner Fiocco had requested that Mr. Johnston break his fees down, she would like to see Hobbs Upchurch's fees broken down by item as well. Mr. Kiker said it absolutely could be done and he would do so.

Commissioner Bryan asked were there any members of the Town staff notified about any fee overruns during this process. Mr. Terry said in defense of the engineers they had done a stellar job in moving the project forward, and in his previous dealings with engineers he had found that when you asked them to undertake some additional work their response was usually they would take care of it and then negotiate the fee. He said that might not be the best way to do such things in terms of contractual agreements, but these two engineering firms had moved the project along expeditiously and had done everything that had been asked of them. Mr. Terry said in retrospect there was plenty of blame to go around on both sides, noting when he had asked that Cornwallis be included in the project it had not been questioned and they had done what he had asked them to do. He said looking back he probably should have asked them at that time to provide him with an estimate of the additional charges to do the engineering and design but had not done so. Mr. Terry said this project had not happened exactly as it should have, and he had not performed exactly as he likely should have, but each time the engineers had been asked to do additional work they had done so.

Mr. Kiker said he did not want this to be perceived as Hobbs Upchurch trying to "dip their hands into the pot" for additional funds. He said you could see from the items outlined in the letter that all of the items were not listed in the original contract but were handled with the general sense of trying to complete the project in a timely fashion and not coming forward at that time for additional funds. As an example, he said that item #3 on the list noted that at the pre-bid conference over a year ago that everything and everyone that accessed 3M property had to be Mine Safety and Health Administration (MSHA) trained and certified, even though it was

actually a Town easement. Mr. Kiker said that had required classroom training and additional site access procedures and reporting, as well as additional hours of staff time.

Mayor Voller asked which contract they were going to go through. Mr. Terry said one of the contracts was for design and one was mostly for grant administration. He said the majority of the changes were for engineering and design. Mayor Voller said then they would be going through the one dated May 22, 2006. Mr. Terry said that was the base contract, so that was the most logical.

Mayor Voller asked would the fees be applied to construction management and discretion services, on page 2C. Mr. Terry said that was correct. Mayor Voller asked what would be in addition to the 9 items already listed there. He said the contract indicated that it would not include appraisals, borings and analyses, stake out reproduction of documents beyond 20 sets, environmental studies, biological wetlands summations, boundary surveys, and preparation of audit reports and financial documents. So, he said, his question was what in the request was outside of what was listed under A, B, and C. Mayor Voller said he believed that was what Commissioner Fiocco was asking for.

Commissioner Fiocco stated he could appreciate and understand completely the scope of such projects where there was a lot of additional work contributed to 3M requirements and to the grant authority. He said while he completely understood it, he wanted it itemized. Commissioner Fiocco said he could appreciate the philosophy of getting the job done and staying with it, but it was important for the owner to know that they were incurring additional costs as the process went on. He said it was a lot easier to manage in that phase of the project, and it was much more difficult to manage at this stage.

Commissioner Fiocco moved to table the request until the Board received an itemized list for the additional costs, as well as more detail than the 8 items listed in the letter provided to Mr. Terry, seconded by Commissioner Harrington.

Mr. Terry suggested that what they brought back be a draft of the itemized list so that there would be something for the Board to act on, then if the Board wanted to go through it by line item they would be able to do so.

Commissioner Fiocco restated his motion to table the request until an itemized list was provided, to be put in the form of a contract amendment to give the Board the ability to do line item vetoes if necessary.

Vote Aye-4 Nay-0

Mr. Kiker said although it was not clearly itemized in the contract, the 8 items that were in the letter as well as several more were not in the scope of the contract nor were they in the spirit of the agreement when it was executed. He said he believed that Mr. Johnston would certainly attest to that. Mr. Kiker said that the components he had discussed in the letter were not to be included in the project when the agreement was executed, and therefore had not been itemized out at that time.

Mayor Voller said he was not questioning the validity or veracity of the work performed, noting he had heard the term “scope creep” for quite a while, noting it was one of those terms used as a catchall because there were always issues not in the contract. He said it was frustrating because it always happened and the 10% or 20% contingency had been developed to respond to such items that had been unplanned or not foreseen. Mayor Voller said he did believe it was important for the Board to understand where those items fell in the contract before they took action.

Commissioner Fiocco stated he would like to hear their progress with the funding agencies, noting it did not have to be at a meeting and he would be happy to receive that via email. Mr. Kiker said he could address that now. He said their funding agencies included a Community Development Block Grant with which they had had no issues, noting those funds had already been expended. Mr. Kiker said they had broached the subject with both the Clean Water Management Trust Fund grant and the EPA grant, and they both had directed them to do budget amendments to the grants and provide with that the Town’s approval which they had verbally indicated they would accept. He said they would provide the written approval when it was received.

Mayor Voller said he had received a mailer from EPA regarding that exact grant and the extension. Mr. Terry said the last communication he had received had approved the extensions for closing out their paperwork with the EPA to May 31. Mayor Voller said he believed the communication he had received had indicated they would extend it through June, and he would provide that to Mr. Terry. He said one of the things he wanted their administrators of the grants to know was that the documentation was in error because it listed erroneous information, such as the previous Town Manager and the former Mayor, and that needed to be corrected. Mr. Terry said some of that had already been brought to their attention, but he would address it again.

Mr. Johnston said this had been a long project, and Hydrostructures was hired in 2002 in the first phase of the project. He said in the early application before Hobbs Upchurch had become a part of the project, there was so much scope creep change in addition to the project that in 2005 he had tallied Hydrostructures losses which at that time was \$31,000, to get the project to the place where they would just take the plans from them and review them. Mr. Johnston said when they had gotten their plans to them they had held onto to them for 18 months, and during that time they reviewed the PER ad nauseam and made changes to the PER that changed things in the project. He said that had been crushing.

Mr. Johnston said that Hydrostructures’ role with the Town was broad, in that they reviewed plans from consulting engineers as well as other tasks. He said they tended to calls given to them by John Poteat on a daily basis, but on this project they were a subconsultant to Hobbs Upchurch and they needed to honor their voice as the lead voice to the Town. Mr. Johnston said they had been falling behind on this project for 6 to 8 months, noting he had sensed in May that they would not finish on time, and during the summer he had begun initiating discussions about that. He said by September he had issued that in writing and suggested that they would be about \$49,000 behind by the end of December. Mr. Johnston said he had been close, noting that about two weeks ago they were at \$51,000 behind, and that was completely independent from the \$30,000 that they had just eaten on the earlier phase of the project. He said he would never, ever

ask the Town for reimbursement of that figure, in that it was a learning experience and they had plowed through it to get to this point.

Mr. Johnston stated he understood the Board's concern and their desire for detail, and they would provide that detail. He said there was no "smoke and mirrors", noting that he had printouts straight from their accounting department, with thousands of entries from his staff would had put in increments of time on the project. Mr. Johnston said some of those increments were as little as 15 minutes, noting there was no 8 hour days that had been piled onto the project, but it had just been a lot of work that kept growing. He said it had been a stunning blow when 3M had rejected the planned driveway installation and they had had to redesign and coordinate that part of the project. Mr. Johnston said he had been forced to send two staff members, two days each, to Wake Forest to receive the necessary training from MSHA in order to comply with 3M's regulations.

Commissioner Harrington said he did not believe anyone was questioning the fact that the Town should reimburse the expenses, and the question was now just for some additional detail. Mr. Johnston said he apologized if he had sounded as if he was being questioned, noting he had worked with the Town and its people for a very long time. He said he liked being in the Town and appreciated being here, and liked working with the Town on its projects.

Commissioner Baldwin said the Board was asking for the detail for accounting purposes for their own records, so they would know exactly how the money had been allocated. She added that she very much appreciated Mr. Johnston's work.

Mayor Voller added that there had been other things involved with this project beyond Mr. Johnston and Mr. Kiker, where there were questions directed to the State from people outside of their control which may have influenced this project off and on over the last ten years. He said he understood that they had been delayed by things that probably were not within their control, and they looked forward to hearing from them at the Board's next meeting so that the issues could be resolved.

3. Invitation to Participate in the "Sister Cities" Program with the Town of Rusesti Noi, Republic of Moldova.

Commissioner Harrington said for him it would be informative for someone who had actually done a Sister City program to provide information about exactly what was involved, how much time it took, what the benefits were, and what their experience was with the program. He said to him that was necessary before they could have a meaningful discussion, and that did not necessarily have to happen soon. Commissioner Harrington said it had been mentioned that Chapel Hill had done such a program, adding he believed that information should come from a small town with limited resources similar to Pittsboro rather than a town like Chapel Hill with more resources and staff to administer such a program. He added that there was no rush to bring that information back to the Board.

Mayor Voller suggested staff could work on that, and in the meantime there had been a citizen who had expressed interest in a Sister City relationship with the Ukraine. Mr. Terry said he

would work to identify a town in the State who had participated in the Sister Cities Program. Mayor Voller said if not, they could contact the Secretary of State to try to identify a small town.

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to table the invitation to participate in the Sister Cities Program with the Town of Rusesti Noi, Republic of Moldova.

Vote Aye-4 Nay-0

4. Progress Report on the Citizens' Committee to Research the Availability of State and Federal Grants (Faythe Canson Clark). (Please see FYI items 5, 6, and 7.)

Faythe Canson Clark stated that they still had not received a response from the State Energy Office on their Energy Efficiency grant application. She said once they received a favorable response they would ask the Town to approve a resolution supporting the acceptance of the funding and to begin the work. Ms. Clark said they still had no indication of when a response might be forthcoming.

Ms. Clark said the NC STEP grant application had been completed and submitted, noting they had received over 40 letters of support of their submission as well as support for Siler City to become part of a cluster site. She said they had encountered some negative feedback from a article that had appeared in the Chatham Record last week, but they had now corrected the information. Ms. Clark said she and Mayor Voller had paid visits to many of the downtown merchants to talk about the STEP grant and what it would mean to the Town. She said once hearing the information they had provided, many merchants had signed a letter of support and expressed their desire to see a successful effort, and even to serve on the Community Leadership Committee.

Ms. Clark said they had made modifications to the narrative as a result of the newspaper article, and a finished copy with a letter of apology from her to the merchants was available for public view in the lobby of Town Hall. She said this had been a learning experience for the Citizens Grant Committee.

Mayor Voller said they now had over 50 letters of support, noting more merchants had signed letters today. He said Senator Atwater had also sent a letter of support for Pittsboro and Siler City, and believed they would soon have over 70 letters of support. Ms. Clark said their goal was broadband, and Rachel Burton with the Citizens Grant Committee and Kevin Russell with the Broadband Subcommittee had attended a funding workshop for broadband last week. She said that Google had now announced that they were accepting applications from small government entities to become a demonstration site for fiber to the home, so they had pulled together a subcommittee to investigate the feasibility of applying and believed the Town had a very good chance of being designated as a test site. Ms. Clark said Mr. Russell would provide additional details, but as of this week they were faced with two other cities, Chapel Hill and Greensboro, that were moving forward in seeking funding as well and were setting up Websites to get their communities involved in their efforts. So, she said, they would like to do the same, and were asking the Board this evening to approve the Citizens Grant Committee moving ahead with seeking that grant. Ms. Clark said they knew they had an understanding that they would not come forward in a rushed kind of way, and that this was not exactly the kind of grant they had

initially been charged to seek out, but because of the other cities' announcements and the possibility that more attention may be paid to one area over another, they were asking that the Board entertain a motion of support of going forward with the Goggle application.

Kevin Russell provided the Board with more information regarding the Google program of wiring fiber to homes in small communities and the opportunity for towns to participate. He said the Subcommittee would do all the work, noting the application was only 20 pages. Mr. Russell said Google was looking for communities to work on next generation applications and techniques and openness in choice. He said openness in choice was the most existing of what Google was offering small towns, noting that currently the networks were closed to incumbents and this would allow them to spur development with other providers to offer a competitive market of affordable broadband access to customers.

Mr. Russell said currently the United States had fallen far, far behind Europe and Southeast Asia in the provision of broadband, and the FCC was seeking to remedy that. He said this announcement by Google which occurred the day before the second round of workshops by the federal government was a wonderful thing because it was the commercial sector saying that they needed to move on because the United States was falling further behind. Mr. Russell said the deadline to apply was March 26, and it would not cost the Town anything to apply.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to approve going forward with the Google grant application for broadband.

Mr. Russell said as they developed the County and this kind of band width, it should speak to all kinds of economic development. He said that the County would transform vastly with new residential and commercial opportunities, and the kind of background this might provide for Pittsboro and Siler City was of great value. Mr. Russell said he had asked policy analysts with the federal government as well as Governor Purdue's policy analysts about how they might view multi-state applications, and the answer had been that the more cooperation you had the more the federal Commerce Secretary would look kindly on it. So, he said, to the extent that you could create synergistic collaborations at the municipal level, it would be advantageous.

Mr. Russell said in 2002 the FCC had designated Internet services as data services rather than as telecommunication services, and the moment the FCC had done that they had closed down open access policies and the possibility for competing products, which meant it pushed the price very low and the bandwidth very high. He said for instance in Europe you had 1,000 megabits to a home so you could in effect get three-dimensional CAT scans of your brain at your local health clinic.

Mayor Voller said then he was asking that they adopt the motion so that it was encompassing, or that a cover letter be included that spoke to that. Ms. Clark said at this point they were asking the Board to support the Google application so that the Citizens Grant Committee could move forward with it, and if they were successful they would then come back to the Board with a plan.

Vote Aye-4 Nay-0

Mr. Terry asked was it their intention to craft the grant so that it covered the footprint of city property. Mr. Russell responded it would be crafted to serve 50,000 to 55,000 people. Mr. Terry said he believed they should strive to include the ETJ, but that might make their grant application less attractive. Mr. Russell said many people either did not have access or did not have affordable access in the ETJ, so that area would be included. He said one question was what the Town would need to do, and the answer was that the application might require response to questions that he did not know the answer to, so he would need to ask those questions and obtain the necessary data. Mr. Terry said the questions should come to him, and if he could not answer them he would direct Mr. Russell to the appropriate person.

Mayor Voller said he looked forward to moving along with that, noting that as Commissioner Harrington had pointed out at the Committee meeting he believed Pittsboro was well-served to potentially receive that grant based on their advantages over some of the other communities.

Commissioner Baldwin asked had he reached out to the County in reference to this grant. Mr. Russell responded a member of the Committee had. Commissioner Baldwin said that many areas of the County had no access to broadband at all. Mr. Russell said the County had not responded to his offer to help.

Mayor Voller said if Pittsboro were to get the grant it could theoretically help the County through other technologies. But, he said, there was no way Google would lay down that kind of fiber over 700 square miles. Mayor Voller said it was more likely that if Siler City and Pittsboro worked together that it was more likely to happen, noting there appeared to be some reluctance from the County to move forward. Ms. Clark said the County's response had been slow, noting in the past when they had offered the County opportunities their process had not allowed them to move quickly enough to meet grant deadlines.

Commissioner Harrington said that just proved the point that you could not come in at the last minute and ask for immediate action.

Mayor Voller stated that meetings of the Citizens Grant Committee were open for anyone to attend, noting that Commissioners Harrington and Fiocco as well as he attended those meetings. He invited all interested citizens to attend and participate in any of the initiatives. Mayor Voller said at the last meeting the issue of conflict of interest and an ethics policy had come up, and the Committee would like to get some policy in place soon. He suggested that perhaps the other advisory boards could adopt something similar. Mr. Terry asked would those policies be just for advisory boards. Mayor Voller said the concern was that since they were dealing with grants they wanted to have a policy so that someone could recuse themselves if necessary, and that there be complete transparency and openness so that no one had a feeling that anyone was being self-serving or self-dealing. He said he believed the Town Board had to sign on to the ethics course offered by the Institute of Government by the end of the year. Mr. Terry said that was correct, noting they believed a template would soon be provided. Mayor Voller said then that template could be utilized by all advisory boards. Mr. Terry said they could develop an overall Town ethics policy using that template that would include all advisory boards.

5. Ratification of the Notice of Settlement and Withdrawal of Petition; RE: Town of Pittsboro Administrative Penalty for TTHMs Violations dated February 15, 2010.

Mr. Terry said he was bringing this forward at the recommendation of the Town Attorney, in that while the Town Board had given the authority to negotiate an agreement it would be useful to have the Board ratify the settlement agreement and authorize the Town Manager to pay the \$5,000 administrative penalty.

Commissioner Fiocco asked if Mr. Messick could verify item 7, which stated that \$20,000 would be paid in the event of a breach of any of the conditions of the settlement. Mr. Messick said it would be a straight payment of \$20,000, not in addition to the \$5,000. Commissioner Fiocco said that perhaps that should be worded a little better, noting he had not understood that when he had read it.

Commissioner Harrington suggested that it say "...render due and payable the balance of \$20,000...".

Commissioner Fiocco said that would work. Mr. Messick said changing the language administratively was somewhat difficult. He said in his opinion it said the entire amount of "the" \$20,000 civil penalty assessment, not in addition to the \$5,000.

Mayor Voller asked if it was his legal counsel that the language was adequate. Mr. Messick replied yes.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to ratify the settlement agreement and authorize the Town Manager to pay the \$5,000 administrative penalty imposed by the State for TTHM violations.

Vote Aye-4 Nay-0

Mayor Voller commented that a presentation by Integrated Water Systems had been added to the agenda, and it may take some time. He suggested that the Board handle some of the shorter items on the agenda first so that others would not have to stay for the IWS presentation.

Commissioner Harrington said he believed Item 3 under New Business could be handled fairly quickly. The Board agreed by consensus.

New Business – Item 3 - Resolution of Support of Chatham County’s Application for the Fit Community Grant. (Megan Bolejack, Chatham County Health Department and Pittsboro Parks and Recreation Advisory Board member.)

Megan Bolejack stated that she appreciated the Board’s support of the application, and provided some information on the process involved in applying for the Fit Community Grant. She said there were five components to the grant, including a policy component and programming.

Commissioner Bryan said from what he had seen over the past year Ms. Bolejack had done a fabulous job.

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to approve the Resolution of Support of Chatham County's Application for the Fit Community Grant.

Vote Aye-4 Nay-0

A RESOLUTION SUPPORTING THE CHATHAM COUNTY HEALTH DEPARTMENT'S APPLICATION FOR THE FIT COMMUNITY GRANT FOR CREATING THE ROBESON CREEK GREENWAY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 20

RECESS

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin that the meeting be recessed for a five minute break.

Vote Aye-4 Nay-0

RECONVENE

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

Vote Aye-4 Nay-0

6. Presentation by Integrated Water Systems

Mayor Voller indicated that this presentation would not be a part of the record of the current EIS process, but would be on projects that IWS might be able to assist the Town with now and in the future.

Dr. Halford House, President of Integrated Water Strategies (IWS), stated their goal tonight was to ask the Board to entertain a proposal from IWS to do a feasibility study for wastewater management of some wastewater constituents, such as nitrogen and phosphorous in the water, as well as master planning for 3M. He said as a part of that a team had been put together consisting of Jamie Loyack, Vice President and Senior Project Manager with HagerSmith Design, Stephanie Coble, Site Designer, HagerSmith Design, Karl Shaffer, President of Shaffer Soil Services, Tim Baldwin, President of Greywood Engineering, Victor D'Amato, Senior Engineer with Tetra Tech, and Phillip Bailey, Project Manager with IWS.

Dr. House, using a PowerPoint presentation, provided the following information:

- The purpose of the presentation was to ask the Board to entertain a proposal for IWS to provide the Town with a feasibility study for wastewater, energy, and agricultural production, as well as master planning for green space at the 3M Park.
- Pittsboro was certainly ahead of many communities, noting the more water you treated the more that was available for reuse.

- Reuse water was sometimes looked at only from the reuse perspective, but there was tremendous opportunity for energy capture. They were coming forward now because there was intent to advertise for a grant with a maximum of \$1 million for wastewater treatment systems that utilized some type of energy savings.
- This was driven by the fact that sewage coming into the wastewater treatment plant contained 10 times the energy needed to treat it, which should leave energy left over to be added to the grid, which was the whole idea behind their proposal.
- In regards to the Town's budget, managing the solids accounted for as much as 30% of the wastewater treatment. As the plant upgrades were completed, there would be initial costs to make the changes as well as maintenance costs, and that ongoing maintenance cost would be one of the things for the Board to consider.
- The 3M Park consisting of about 50 acres would have a double purpose; it would be an interactive space for citizens but it would also act as a controlling mechanism to distribute fertilizer, nitrogen and phosphorus to forestry, agriculture, and horticulture in the southwest part of the County.
- Extension Services expressed great interest in that, and realized that agriculture in Chatham County was limited primarily to hay, corn, cows and chickens. There was tremendous opportunity here to diversify agriculture using the water from Pittsboro's wastewater treatment plant as the liquid fertilizer to grow crops using 3M as the controlling point to distribute those nutrients.

Mayor Voller asked if the tank shown on the map had a line crossing over 15-501 or up Old Sanford Road to get water to that tank. Mr. Terry said it came down the east side and did cut under the road. Mayor Voller asked if the bore came up north of there or all the way down Old Sanford Road. Mr. Terry said the bore crossed immediately east of the tank.

Dr. House continued his presentation:

- The control of the flow would be seasonal, noting that the landscape would need the nitrogen and phosphorous during the growing season.
- The process would upgrade, or provide tertiary treatment, to the waste stream coming from Pittsboro to 3M to allow them to use it in their process if wanted, and also the potential of providing an irrigation area on the 3M property.

Mr. Shaffer said the number of gallons was a function of the soil type, noting it was roughly 1,000 gallons per acre per day and this was a 50-acre site.

Dr. House continued his presentation:

- The way the green infrastructure worked was that it was patterned after the way nature cleaned water, which was basically that an ecosystem transformed nitrogen and stored phosphorus, depending on whether it was wet or dry, and they took advantage of those wet or dry conditions to control the flow of nutrients. They stored them in winter and distributed them in the spring.
- Such a system had been used successfully for the last 14 years at the old Triangle School off Fearrington Road, which was the first true reuse water project in the State. The system produced 1,200 gallons per day, and the water was recycled back into the building to flush toilets and also used to irrigate the landscape.

- It had been found that their system removed 85% of the estrogen compound as compared to activated sludge, treatment filters and applications, so it actually worked better than some of the traditional technologies.
- The idea of creating a wastewater treatment park was to have multiple uses of the space, including human space for recreation as well as a wildlife park. Such systems were used all over the country, in that water was placed at a high point and allowed to cascade down which caused it to be cleansed, and then run into a storage area.

Commissioner Fiocco asked about the slide that looked as if the water was being discharged along the contour, and asked was that just a level spread. Dr. House it was more of a cascade, and obviously if you had a low flow it would go to only one spot so the flow had to be high enough so that it was distributed properly. He said it had been his experience that he had never seen level spread happen at low volume, and it worked most appropriately with a high volume flow. Dr. House said the system would be designed so that the inflows would be at the appropriate level.

Mayor Voller asked how much space was depicted on the slide. Dr. House said it was about 70 acres.

Ms. Coble stated that the slide was just to show the Board the concept of how the various components of the system would work together. She said they did not yet have any real numbers to base a system on for Pittsboro.

Dr. House said in terms of design they would take the quantity of water they wanted to treat and then decide what their goals were. He said if they wanted to control the flow of nitrogen then the design would contain a component for that, and the same was true if you wanted to get rid of nitrogen or to allow it to flow through as ammonia. Dr. House said such spaces would be designed based on the volume.

Mayor Voller said for Town Lake, which had a grant to do some kind of remediation to it, could they theoretically tap into a reuse water line and run it over to the lake and create a system that would create water 24/7 and 365 to get them capacity at the plant. Dr. House replied that was something he had proposed to NC State University. He said right now the discharge was going to Robeson Creek, and if you took that discharge and put it in Town Lake as its beneficiary, which it could be, then you had the best of both worlds. Mayor Voller said you would be getting the elevation working for you and would have the volume of water they already had working for them involved in what they were trying to create. He said there was a grant for that from the Clean Water Management Trust Fund although those funds were currently being held, and asked could they revisit that in order to get the capacity that would actually help them. Dr. House said they certainly could, noting the types of reuse they had done in the past and were doing currently were systems like that found at the new library in Pittsboro and the Community College, noting they were recycling between 3,000 and 4,000 gallons to flush toilets and to irrigate the landscape. He said they should keep in mind that they should be looking at agricultural and perhaps bio-fuel irrigation for crop diversification in the County of crops not normally grown. Dr. House said it was intuitive that liquid fertilizer would make crops grow better.

Dr. House continued his presentation:

- They had figured that if they had 1,000 acres they could manage all the nitrogen and phosphorus from a 3 million gallon per day plant. To handle that same amount of water, they would need 1,500 acres, but have 1,500 acres to manage all the nitrogen and phosphorus would assure that there was plenty of space.
- If you looked at the nitrogen to be discharged from 3M running to the plant at 10 milligrams per liter it would be about 105,000 pounds of nitrogen per year, with the trees using about 91,000 so you would have some left over.
- For phosphorus the calculations were much closer, with the total at 21,000 pounds and the need at 21,000.
- The calculations used 60 pounds of nitrogen per acre for trees and crops, which was very conservative. NC State University used between 100 and 200 pounds per acre for tree systems.

Dr. House said in summary, they would very much like to provide the Town with a feasibility study on how to manage sludge, nitrogen, and phosphorus based on 2.3 million gallons per day, and develop a master plan for the 3M park that would serve as a nutrient management system for a portion of the water to be distributed to the west and southwest portions of the County.

Commissioner Harrington said when they were doing the trees, what would be the turnaround time for pine trees in regards to normal rainfall versus treating them with liquid fertilizer. Dr. House said trees that were the most successful were poplars, which grew quicker and the nature of the wood was better in regards to irrigated versus non-irrigated. He said they also reached harvesting size on a much shorter rotation when they were irrigated, and when they were cut they would grow again which gave you two trees off one stump.

Commissioner Harrington asked what the turnaround time was. Dr. House said he did not know exactly. He said that Chatham County was limited by its thin soils, and by delivering liquid fertilizer to the crops you did not have to have deep soil because you were delivering the fertilizer to the irrigation so you did not have to plow deep. So, he said, the system lent itself better to shallow soils.

Commissioner Harrington asked if they were to set up such a system, how successful or difficult would it be to discharge it out. He asked how much credit you could get off your discharge into Robeson Creek, or was it considered to be going into the creek in any case. Dr. House said they could take the conjunctive system approach like that at the Community College, noting that the College basically got a paper credit because it was not going to the city. He said as long as you were hooked to the pipe in some way that would allow you to design the irrigation system for the forest and trees without any storage or buffers. Mr. House said if you did not have that backup, you would have to have buffers and storage in the system design. He said you would have to have either storage or discharge in order to get flexibility on the buffers around irrigation.

Tim Baldwin said that what Dr. House had said was right, that in the conjunctive system you would not gain any additional capacity or volume in gallons per day, but in a non-conjunctive system you could get credits in your new discharge permit. He said the nutrients were usually based on a poundage per year, and diverting poundage any time of the year in any amount

lessened that poundage by sending nitrogen and phosphorus out to the end users such as spray fields or industry. He said you would still have your load but it was much easier to meet that load when some of the poundage had been diverted.

Commissioner Harrington said that had been some of the problem here, in that the standards had been tightened so getting rid of some of that poundage would address that. Mr. Baldwin said there were ways to gain additional volume as well.

Mayor Voller asked was he saying that the permitted flow into Robeson Creek was in part dependent on the poundage of phosphorus and nitrogen. Mr. Messick said it was not the flow, noting the elements of the nitrogen and phosphorus were another issue.

Mr. Baldwin said one of the components of the permit was the flow, one was the poundage of phosphorus, and one was the poundage of nitrogen. He said they were all separate components and you could exceed any one of those and be in violation.

Mayor Voller asked what the flow was based on, noting the plant had started in 1961. Mr. Baldwin said someone had applied for it at that time.

Vic D'Amato said the TMDL for Robeson Creek was based on poundage, but they were reducing that load.

Mayor Voller said then poundage was the issue. He asked was it theoretically possible to get a permit for more.

Commissioner Fiocco said if you had a system where you were actually spraying and then you had the buffer that allowed you in wet weather to hold on to some of that, would you then be able to increase your allocated discharge to the creek if you had a permanent situation where you were spraying. Mr. Baldwin replied yes, because some would go through the discharge pipe and the rest would be sprayed, so you could have both systems that would build upon each other.

Commissioner Harrington asked if he knew how the Town of Troy had achieved zero discharge to their basin. He asked had that been done by treating and then discharging or did they use some other strategies such as those described here. Mr. D'Amato said he believed they had just removed the discharge pipe and sprayed it. Commissioner Harrington said then it would still be going into the basin, correct? Mr. D'Amato said yes, but it was not a direct discharge.

Dr. House said it was called a non-discharge system.

Mr. D'Amato said the point was to remove discharges, so there was an overriding federal strategy and State-wide strategy that with certain land applications it was preferred because you were collecting the nutrient outtake with plants and not having the direct discharge.

Commissioner Harrington said then even by taking it and spraying it on the ball field they could reduce the discharge. Dr. House said that was the driver for the Clean Water Management Act, which was originally proposed around 1986 to have all the discharges all over the country out of

the streams, because it had been realized that land was the better place to manage the nutrients than the water. He said the nutrients in the water caused algae and pollution, but on the land they created a resource. Dr. House said the Clean Water Management Act was derived for that reason and they continued to have that philosophy, but it was a slow process. He said that was why the Town had to go through the process to show that there was no other option than discharge.

Commissioner Harrington asked did the discharge have to be reuse quality by the time it was sprayed. Mr. Baldwin replied no, that there were different design parameters and different square footage footprints that would need to be looked at, but just to spray treated wastewater it did not have to be reuse quality.

Mr. D'Amato said actually the general rule was that the standards for spraying were less than the standards for discharge, because the nutrient standards had become so tight. On the other hand, he said, if you wanted to reduce the buffers and have industrial uses you would want to have reuse standards.

Dr. House said generally the State rewarded you for making water cleaner. He said the strategy they used was to get multiple functions out of their treatment systems, in that if they were going to create a park space they wanted very clean water and to control the flow of nutrients.

Mr. Baldwin said if you were using an area just as a disposal site then you could not really use it for anything else. He said there were many additional uses for reuse water, including to flush toilets and to use on lawns, so there were advantages to treating it to that level.

Dr. House said having clean water opened doors for you in terms of options for its use.

Mayor Voller said the question always came back to whether on the 3M property they could get 50,000 gallons that was 24/7 and 365 based on what they had presented. Dr. House said that was what he had understood from Mr. Shaffer. Mayor Voller said obviously it was all an issue of budget, and he was very interested in their systems. He said the more attractive issue was how they could actually do something to get it going, noting that currently they did not have that capacity and whether they could get that capacity by working with them to get grants to get it going.

Dr. House said there were two issues at 3M. He said first there was the irrigation of the park which was estimated to be 50,000 gallons per day. Dr. House said the park space would also increase the water quality and 3M could use it, so whatever 3M's demand was would be added on top of the irrigation. So, he said, you would have water you could use to irrigate, but if you said 50,000 gallons you would have to back off from that because they would put a treatment system on the park as well. Dr. House said then that treatment system would send water to 3M and their demand would be in addition to that.

Mayor Voller asked how that would work, noting they had a tank and were developing pressure to drive it over to 3M. He asked was he saying that it would come into the system before it reached the tank. Dr. House said they would make the water cleaner before it got to the tank.

Mayor Voller asked how much room would be needed for the system. Dr. House said that was what the feasibility study was for, and then they would sit down and figure out exactly what the system would look like. He said they were not avoiding the question, but it depended on what they wanted to do with the system. Dr. House said they wanted to go to 3M with it, noting their treatment would be less sophisticated and would be used as a control mechanism to go to agriculture and corn industry. He said if they did not have to treat nitrogen the space would become a lot less, but if they did want to get rid of the nitrates then they would need more space.

Mayor Voller said the attractive part was that they had the sub-cost of the pipe coming from their plant, and they would get more benefit as far as what could be allocated to businesses and citizens because DWQ would not count that because 3M could not guarantee they would use it 24/7 and 365. So, he said, whatever solution they could bring that was green, innovative, and could be a solution not just for them but for other counties would be good.

Commissioner Fiocco said he thought that the 50,000 gallons was based on 50 acres, which would be 1,000 gallons per acre. He asked what level of treatment that was, and did it include additional treatment on the site or just taking the water that came from the plant. Dr. House said that was simply taking water from Pittsboro and irrigating the land. He said a rough estimate was 3 acres for treatment, so you would take the 3 acres from the 50 acres to bring the water to a higher level of quality so that 3M could use it in their process 24/7 and 365. Commissioner Fiocco said then they would have the park as well as the spray field.

Mayor Voller said then in theory if they went on the front side of the tank they could actually develop a distribution network to other properties, including Chatham Park Investors and others, and then the number could go higher depending on the ability to process. Dr. House responded yes, noting what you looked at was the flow of nutrients. He said if they were going to send fertilizer to farmers and forests, they would leave the nitrogen and phosphorus in, but if they were going to send it to the tank at 3M they would take those out using a different pathway. But, he added, it would all be green infrastructure.

Mayor Voller said it did not matter to 3M how they got it, because he believed they used it as a super heated product and used it to cool so there was nothing really left. He said you could do a chemical analysis but it was very clean at that point. Mayor Voller said the issue was not the quality of the water per se, although cleaning it more would be better. He said the challenge would be to make it so they could actually have such a process and not be discharging into Robeson Creek. Dr. House said with irrigation at the 3M property and the 1,200 acres down the road, your best bet would probably be going south.

Kevin Russell asked had they done any research with the use of these systems with respect to particular types of trees. He said some trees were just like growing energy, and he could imagine Chatham growing energy. He asked had they done anything in terms of what they could do relative to those kinds of bio-fuels. Dr. House said certainly that was what they would like to do with bio-fuel crops, and that was a part of the energy conversation. He said they looked critically at the species of trees, noting that years ago they had worked with an Australian/New Zealand tropical tree that loved nitrogen that could grow 20 feet overnight but was also very aggressive and got out of control. Dr. House said they were very careful about the species of

trees used to clean the water. He said in terms of bio-fuel crops there was a whole palette of species that had not yet been tested.

Mayor Voller asked what you could do with the sludge on the front end, noting it had been said previously that there would be less of that to deal with. Dr. House said the idea was that you would have solids and water coming into your plant, and you would divert the solids while they were full of energy and before they had gone through a process. He said the solids would be diverted to a side stream and placed in a digester which would provide an output of methane, and that methane would be used to propel methane pumps which would create electricity that could be sold back to the grid or used within the plant itself.

Mr. D'Amato said the other part of that conversation would be the potential for co-digestion of household waste or agricultural waste with the bio-solids.

Mayor Voller asked what type of dollars it would take to do that. Mr. D'Amato said he did not know, that they would have to determine what the existing plant could process.

Dr. House said they could do a cost analysis, noting another plant was doing that so they could ask them about their costs. He said that plant had added restaurant grease and had increased their methane production by 50% just by adding the grease in.

Mayor Voller said he liked the idea of generating energy through methane. Dr. House said the grant would be to show you could capture the energy and perhaps sell some to the grid and make the system more efficient. Mayor Voller asked in a perfect world what they would be asking the Town Board to do. Dr. House said he would ask the Town Board to entertain a proposal from them to look at the items he had described, and they could defer some items or add others to the list. He said if the Board wanted to entertain such a proposal, they would come back in a few weeks with a proposal to review.

Commissioner Harrington said that the situation with 3M was begging for something like this, and the question was how to do that and get credit for less discharge. He said Dr. House had laid out several options and he would like to see what they would propose. Commissioner Harrington asked when they came back to the Board what would the next step be, and would they then be asking for money. He asked what they would be bringing back that would assist the Board in its decision-making process, what it would cost to do that, when did it do that, and should they be looking for grants to pay for it. Dr. House said tonight they had wanted to get a feel for how interested the Town Board was in going forward with the feasibility of getting energy from sludge, the feasibility of using nitrogen and phosphorus effectively, and setting up a system to benefit agriculture including the 3M park that included a recycling component. He said in doing so they would propose a cost analysis.

Mr. D'Amato said a part of that could be getting more information on funding options, such as grants.

Dr. House said there were certainly grants out there for green programs and for energy production, and they could follow up on those for the Town. He said that Congressman Ethridge's office had indicated there was funding available.

Mayor Voller said that Congressman Ethridge was certainly interested, noting he had talked with him last week. He said there were infrastructure plans in place, and he was interested in seeing them be more innovative and looking at other solutions that could be a part of what the Town was doing now particularly in terms of energy or getting other credits as well as working with other partners. Mayor Voller said they had a grants committee that met every two weeks and they could be a resource, and he would be happy to have them to attend a meeting to talk about that. He said the sooner they did something the better, because the ability for the Congressman or anyone else to weigh in who might want to support it would weaken the longer they waited. Mayor Voller said elections were looming and so was the budget, and he could make a compelling argument to Congressman Price and Congressman Ethridge that the Town had received zero earmarks over the years. He said he did not know why that was the case, but they should ask. Mayor Voller said there were also grants, but if they kept waiting until they got into the next budget cycle those funds could disappear.

Commissioner Fiocco asked could the proposal include itemizing the different options, with sludge being one issue, taking the land at the park and doing just spray for crops, and then another alternate which would be the additional treatment in the park setting as well as a Master Plan. Dr. House said they could do it that way, and the Town could then pick and choose based on its interest. He said they could provide such a proposal fairly quickly, noting he agreed they needed to move fairly soon.

Mayor Voller said they had a fairly detailed energy audit that talked about what the Town's needs were, so they could figure out how much energy would be generated from the methane and how it would counter what they were paying Progress Energy.

Commissioner Fiocco said it had been mentioned they would need to do some research at the plant, and believed that Mr. Terry had enough research to satisfy anyone who wanted to know about the plant. Mr. Terry agreed.

Dr. House said since they were moving towards upgrading their plant, what they were talking about at 3M was what might be called a satellite system and it could actually influence how they upgraded the plant. He said it could mean they would not need to make as many upgrades, because you would basically be extending the wastewater treatment process with both systems working together to treat the water.

Mayor Voller said at this point they had not let the contract for design, and all they were doing was getting their permit and finalizing the EIS. So, he said, the sooner they could provide something that would impact that before it was bid would allow them to work in concert. Mayor Voller said if information was needed that Mr. Terry could not provide he was sure Hydrostructures or Hobbs Upchurch certainly could. He said time was of the essence, and he wanted the support for the idea. Mayor Voller said they would be holding a budget retreat in

May to deal with the budget for the CIP, so the sooner they had something so they would know how it would fit into the capital budget the better.

Commissioner Harrington said then they would be coming back with a proposal with the different options listed. Dr. House said that was correct.

NEW BUSINESS

1. Manager's Report on the 2010 Urban Deer Archery Season.

Mr. Terry said they needed to indicate to the State if they did not want to continue the program, noting if they did nothing at all the program would be automatically renewed.

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to continue the Urban Deer Archery season for 2011.

Vote Aye-4 Nay-0

Commissioner Harrington said they had gotten a complaint from someone in Potterstone saying that the resident had seen someone hunting at the back of her home. He said technically in a lot of the places you could walk just outside someone's yard and be outside the city limits and the Town's ordinances would not apply. Mr. Terry said that was correct. Commissioner Harrington said he believed from looking at the map that the hunter was indeed not in the city limits. Mr. Terry said it was his guess that that was someone who was not hunting under the Town's Urban Deer program, and the complaint had come in during the time period for the Urban Archery season. But, he said, hunting season was now over.

2. Amendments to the Fiscal Year 2009/2010 Budget.

Mr. Terry said the budget amendments offered were self-explanatory and were a result of the Board's previous discussions. He said they would provide support for mid-year employee raises, the design and construction of the ferric sulfate feed system, preparation of the USDA grant application for the Downtown Water System Improvement Project, preparation of the Optimization report for the Nutrient Reduction Strategy for the wastewater treatment plant, and supplemental funding for the training and travel needs of the Town Board.

Mayor Voller stated he believed the last item, travel and training for the Town Board, may need to be raised more than the suggested \$1,000. Mr. Terry said the Board could move to increase that amount and amend the ordinance. He reminded the Board that rather than spending approximately \$1,000 on the required ethics training, he was working with the County to arrange for teleconference training so that there would be only one small fee.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to adopt ordinance E amended to increase to \$2,500 the travel and training funds for the Town Board.

After some discussion, it was determined that all five ordinances should be adopted under one motion.

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve Ordinances A, B, C, and D as submitted and Ordinance E amended to increase the amount to \$2,500.

Vote Aye-4 Nay-0

BUDGET AMENDMENTS FOR THE FY 2009-10 BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 3-8

3. Resolution of Support of Chatham County's Application for the Fit Community Grant. (Megan Bolejack, Chatham County Health Department and Pittsboro Parks and Recreation Advisory Board member.)

This item was discussed and acted on earlier in the meeting.

4. Appointment of a Non-Voting Member to the Chatham County Transportation Advisory Board.

After some discussion, Commissioner Fiocco was appointed to serve with Commissioner Bryan as the alternate.

Motion made by Commissioner Baldwin seconded by Commissioner Bryan to appoint Commissioner Fiocco as the designated member to the Chatham County Transportation Advisory Board and Commissioner Bryan as the alternate.

Vote Aye-4 Nay-0

Mayor Updates

Mayor Voller offered no updates at this time.

Commissioner Concerns

There were no Commissioner Concerns offered at this time.

FYI

1. Paula Gress letter of February 14, 2010; RE: Powell Springs Issues
2. Updated Powell Springs Landscape Plan, Received on February 15, 2010.
3. Linda Wolfe e-mail of February 12, 2010; RE: Pittsboro Urban Archery Program
4. Jordan Lake Rules Optimization Report for the Pittsboro Wastewater Treatment Plant

5. Fiber-to-the-Home (FTTH) Council Workshop on National Broadband Plan and FTTH Best Practices.
6. Town of Pittsboro NC STEP Application of February 12, 2010 (less attachments). (All 116 pages of attached supporting documents are available for review at Town Hall.)
7. Town of Pittsboro Energy Efficiency Grant Proposal of February 1, 2010.

ADJOURN

Upon a motion by Commissioner Bryan seconded by Commissioner Baldwin the Board moved to adjourn the meeting at 10:49 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk