MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, DECEMBER 8, 2008
7:00 PM

Mayor Randy Voller called the meeting to order at 7:04 p.m. and called for a brief moment of silence.

ATTENDANCE

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

Members absent: Commissioner Chris Walker, absence excused.

Staff present: Manager Bill Terry, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe, Assistant Planner Paul Horne, Public Works Director John Poteat, and Water Treatment Plant ORC Frank Efird.

APPROVAL OF AGENDA

Commissioner Harrington added a Closed Session item under G.S. 143-318.11(a)5 to discuss the acquisition of land.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin 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 November 24, 2008 regular meeting.

2. 2009 Town of Pittsboro Board of Commissioners Schedule.

Motion made by Commission Bryan seconded by Commissioner Baldwin to approve the Consent Agenda.

Vote Aye-4 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

Elsa Teruel, Bellemont Road, asked the status of the opening of Springdale Drive.

Commissioner Harrington replied he had nothing to offer as an update.

Manager Terry stated there had been no meetings, no negotiations, and no progress since the Board's last conversation regarding the opening of Springdale Drive.

Attorney Messick said he had not heard anything from Ms. Russell.

Ms. Teruel asked what it would take to get the Town Commissioners who represented the people of Pittsboro to come up with a resolution for this matter. She said this issue had been ongoing for years.

Commissioner Harrington said he would say again for the record that on June 11, 2007, the Town Board had met and in good faith had believed that they had met a resolution on solving that issue. Ms. Teruel asked then where did they stand now, from June 11, 2007 to December 8, 2008. Commissioner Harrington stated that would come in the form of a contractual agreement that the Town Board would vote on, and they did not yet have that. Ms. Teruel asked how many more years that would take, wondering if they would wait until there was an emergency and no one could get through Springdale and someone died.

Commissioner Bryan commented that emergency vehicles had access, and Commissioner Harrington agreed.

Ms. Teruel stated there was a sign posted that said "No Outlet" and asked how emergency vehicles could get through there. Manager Terry agreed that a sign was posted.

Ms. Teruel stated there had been an emergency last year and the emergency vehicle had been forced to go around Chatham Forest Road in order to gain access. She said it was one thing to think emergency vehicles had access but another for it to actually happen. Ms. Teruel said it was time for the Board who were the representatives of the people of Pittsboro to come up with a solution.

Mayor Voller asked Attorney Messick to summarize what the expectations were at this point. Attorney Messick stated to be clear there was no connection to Springdale, period. He said this Board had been consistent over the years that there was no connection to Springdale and there would be no connection to Springdale until certain improvements were made. Attorney Messick said the question was whether those improvements were to be made and if so, by whom, and that was the only real issue. He said this Board had been remarkably consistent in that.

Attorney Messick stated the Board's prior discussion regarded a proposal by Voller Realty to do certain work, and for the Town to maintain it. He said it was suggested that certain discussions

take place as far as the improvements that would be involved in the traffic calming devices, and that had been left to be determined through consultations with the Town Manager, Planner Monroe and with Voller Realty and its engineer.

Manager Terry stated that was his understanding as well, noting one suggestion had been that the Town bear about 50% of the burden of the cost of the improvements at 15-501, and it was his recollection that had not been acceptable to the Board.

Ms. Teruel asked why it was not acceptable. Attorney Messick said normally during this point on the agenda the Board and staff did not engage in a question and answer session with speakers, noting it was a time for citizens to express views.

OLD BUSINESS

1. **Manager's Update on Capital Projects.**

Manager Terry provided the following update on Capital projects:

- Disinfection Byproducts Reduction Project – the contract had been awarded and the contractor was on site. He stated the expectation was that the project would be completed sometime in mid February.
- The 4 million gallon per day wastewater treatment project – the EIS document had been returned by the State for a few revisions, and it would be resubmitted to complete the review.
- Short-term wastewater treatment improvement project – a project budget amendment was on tonight's agenda, and he would be seeking authority to enter into a contract for design for that project.
- Credle Street basin project – Phases 3 and 4 not funded this fiscal year, but in light of certain funding forthcoming from the federal government with the change in administration it may be possible to fund that project sooner than expected. He stated he would keep the Board apprised.

Mayor Voller stated that Governor-elect Bev Purdue had sent a letter to President-elect Obama on that issue, and Speaker Joe Hackney who was also President of the National Association of Legislators had also sent a letter on behalf of funding for projects in the State, and agreed that they needed to keep their eye on the possibilities of funding for this and other projects. Manager Terry stated he believed the Credle Street basin project was perfect for that kind of funding, and would be working to identify others that may qualify that were already designed and in need of funding.

Manager Terry continued his update:

- 3M Reuse Water project – bids had been advertised and a pre-construction conference would be held on January 6; bids would be opened on January 15.

Commissioner Harrington asked exactly what they had requested bids on. Manager Terry stated there were essentially three contracts: the pipeline, the 500,000 gallon sewer plant, and the improvements at the waste water treatment plant.

Manager Terry continued his update:

- Powell Place Park – the Parks and Recreation Advisory Board would meet with the architect at its meeting tomorrow, December 9, in order to receive that Board's comments on the conceptual plans. He stated they planned to bring back a first draft in January.

2. **Selection of a Date for the Pittsboro Board of Commissioners Strategic Planning Retreat.**

Manager Terry stated that they had tentatively identified January 24 as the date most satisfactory to the Board, and the facilitator from the School of Government would like to hold a preliminary planning session to include him and perhaps the Mayor and two other Commissioners if available. He said the facilitator had provided a list of dates where she could accommodate a meeting, and asked the Board if they wanted to decide who would participate in that preliminary meeting. Manager Terry stated there was flexibility as to whether the meeting would be held in Pittsboro or at the School of Government.

Mayor Voller stated he would prefer to get that meeting done before the end of the year, if possible, although they could schedule it for very early in the new year.

Commissioner Baldwin stated her schedule was fairly full until the end of December.

Commissioner Harrington stated if the meeting could be held during the evening hours it may be more convenient. Manager Terry stated the facilitator had eliminated only two of the proposed dates, one of which had already passed and the other December 11. He said any of the other dates proposed she would be able to accommodate.

The Board discussed various dates and times as well as availability of the facilitator. After the discussion, the Board stated that the first choice would be the evening of December 10, with Commissioners Harrington and Baldwin and Mayor Voller participating. The Board stated its second choice would be the evening of December 17 with Commissioners Harrington and Bryant participating.

3. **Report on the Estimated Cost of Continuous Operation of the Town's Water Treatment Plant (John Poteat and Frank Efird).**

Manager Terry summarized that this was an issue first discussed two weeks ago regarding the benefit of moving to a continuous operation schedule at the Water Treatment Plant, and the previous discussion included the cost of adding one position which was roughly $47,000 plus some overtime expense of about $10,000 due to longer shifts. He stated his questions were mostly around issues of having single-shift employees working long shifts as well as evenings and weekends alone in an environment that could be potentially hazardous. Manager Terry stated he was not against that, but believed it would require certain policies and procedures to be put in place to perhaps prohibit certain activities when a single person was in the plant. He said at this point he would like the Board to hear Mr. Poteat's and Mr. Efird's comments on how they

would address the safety issues presented by an environment where there were many chemicals present as well as the impact of other safety issues.

Frank Efird provided the Board with an outline of costs for a new position, as well as a list of other water treatment plants in the area that operated with only one person per shift. He stated that the safety issues were paramount, and there were already standard operating procedures in place that addressed tasks that were not to be performed by an employee when alone at the plant. Mr. Efird stated the environment was such that if an accident were to happen it would not matter how many people were present, but based on his experience and in talking with other operators in other cities, twelve-hour shifts were common. He stated the issue was making the environment as safe as possible for the employees, and that was why the standard operating procedures were in place.

Mayor Voller asked if safety was the only issue that was problematic. Mr. Efird stated his primary concern was that they would need to hire an additional operator, who in this case would have to already be certified when hired. He said it was essential to have someone who was experienced and had the necessary training to be able to step in and run the water plant. Mr. Efird stated that would give them two certified operators as back-up when needed.

Mayor Voller asked what he would see as the benefit to the Town by going to continuous operation. Mr. Efird stated the one thing they needed to do better was to manage the current system, noting there were 16-inch water lines that had been installed which were seldom used. He stated by operating 24-hours a day they could reduce the water levels in their tanks to a better operating level to prevent some THM formation in the distribution system. Mr. Efird said by having an operator at the plant continuously, if there was an emergency the operator could increase water flows to the distribution system. He said that was an advantage over current operations because they shut down at night, and if they had a line break or a fire emergency, they may not be able to get water produced as quickly as needed, but with someone on site they could increase the production of water at the water plant and manipulate the pumps and valves to focus water to a particular area.

Mr. Efird stated overall, continuous operation would allow them to manage their water system more efficiently. He said the less water sitting in the tanks and in the lines, the better the quality of water.

Mayor Voller said then it was a more efficient and better quality system. Mr. Efird said in his opinion, yes.

Commissioner Baldwin asked had they ever had a continuous system like the one suggested. Mr. Efird responded no, not 24/7, although there had been times where there was someone at the plant 24 hours a day several days a week.

Manager Terry asked Mr. Efird to comment on the benefits of not having to continually shut down and then start back up again from a dead stop. Mr. Efird stated that the advantage was not having to stop the production of water and rebalancing the chemistry of the water, allowing you to make only minor adjustments and to get more consistent water chemistry through continuous

operation. He said that when the system was shut down and then started back up, whatever had settled in the tanks were stirred back up, so at the beginning the water quality was not what it should be and they had to account for that and wait for that first burst of cloudiness to clear and the water to settle down before they could continue. Mr. Efird stated during times of low demand, the plant would operate for five or six hours and then have to shut down. He said by keeping the water flowing they could better maintain the quality, noting that during times of storms that caused the water being pumped in from the river to be dirty, it would allow them to blend it and treat it while still having good water stored in the tanks, providing them a buffer. Mr. Efird stated if the plant was shut down, then they were forced to continually test the water until they could get the plant back on line to make sure they could account for the difference in quality. He said having someone at the plant to monitor the river they would achieve better continuity in the quality of the water.

Mayor Voller stated he had mentioned an issue about the tanks being full or half-full, and asked if he was saying that for all of the tanks they would lower the water level across the system. He asked if that would affect pressure. Mr. Efird said the pressure was affected by the water in the tanks, that some of the tanks could be regulated but some could not be so some citizens in particular areas would have some reduced pressure.

Mayor Voller stated by way of example, if the water level was reduced 10 feet that would change the pressure 4.43 psi, since it was .443 per foot. Mr. Efird stated that 2.3 feet equaled one psi. Mayor Voller said then they could affect someone's pressure if they lowered the highest tanks, so they would have to monitor which ones they were doing. Mr. Efird said what they could do with an continuously operating plant was that during an emergency to prevent that tank from getting too low the operator would have the ability to turn on a larger pump to account for the extra flow and to keep the tank as high as possible by putting water in the rest of the system.

Mayor Voller stated then from Mr. Efird's assessment this would be a more efficient methodology with better quality water, and that there were numerous municipalities that operated with one person per shift such as Sanford, Chatham County, Siler City, Burlington, OWASA, Graham, Orange County, and Greensboro. He said there appeared to be very little downside according to the information provided to the Board.

Commissioner Harrington asked when Mr. Efird would recommend that they begin continuous operation. Mr. Efird replied as soon as possible, which would be when a certified operator could be hired. He said there was one caveat he had failed to mention, and that was that they had one employee in training at the water plant who would obtain certification in February, meaning all of their operators would then be certified.

Commissioner Harrington asked if only one more employee was hired, would that still make it possible to provide continuous operation if another employee was sick or on vacation. Mr. Efird stated he had envisioned that if someone was sick and they had someone on vacation as well, that he would then become the backup person to fill in.

Commissioner Bryan said so right now there were two certified operators plus Mr. Efird. Mr. Efird stated they had three certified operators plus one in training and him.

Mayor Voller said then what Mr. Efird was asking for was one more employee, already certified. Mr. Efird stated that was correct, because he already had a trainee in place. Mayor Voller stated he believed it was a small price to pay to get continuous operation and a better quality of water.

Commissioner Harrington asked what the Board needed to do at this point. Manager Terry the Board would need to approve a budget amendment to put the salary and position in place, but he was not now in a position to comment on how that would affect the coming year's budget, although currently they did have enough Fund Balance to include the position for a couple of years.

Commissioner Bryan remarked that salary should be paid out of the Enterprise Fund. Manager Terry stated that was correct, and that Fund did have a rather large fund balance so they were not operating on a thin line that would require a rate increase to fund the position, although it could impact his recommendation on what the rates should be after July 1.

Commissioner Harrington stated it would be his preference for the Board to have a budget amendment ready to be voted on for the first of the year. Manager Terry stated if that was the Board's will, he asked that the Board direct him to bring that budget amendment forward to either the first or second meeting in January, 2009.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to direct the Manager to bring back to the Board at the first or second meeting in January a budget amendment for consideration of approval to add one position in order to allow 24/7 continuous operation of the water plant.

Vote Aye-4 Nay-0

Mayor Voller stated from his experience most systems worked best when they did run continuously in order to avoid the issues Mr. Efird had described. He stated he would like to have some data provided to the Board regarding what the quality of the water was now and what it was once the plant went to continuous operations. Mayor Voller stated he understood that there were other variables such as time, temperature and water usage, but believed the Board would want to see some measurable improvement in order to justify the change. Manager Terry stated that data could be provided.

4. **Follow-up Report on Available Remedies to Enforce Stipulations on the Approved Development Plan for Phase 9 of Chatham Forest.**

Manager Terry provided an update on the list of items that had been completed and that were still outstanding regarding Phase 9 of Chatham Forest:

- all the curb and gutter work along Bellemont Road completed, all the paving completed, and damage to the substructure or base of the road corrected prior to paving.
- Item #6 on the list, Park View Drive, still outstanding. Meeting held with the developer and engineer earlier this week, but had not been as productive as hoped. The developer withdrew the request to add additional sewer capacity to accommodate five additional lots; they were

unsuccessful in identifying which five lots were to be considered. More lots remain in the subdivision than the permits covered, and they would continue to work on that issue.

- Item #12 remained unresolved – dedication of park land or equivalent payment-in-lieu. Developer had been requested to cultivate a plan to satisfy the requirement. Received a letter on November 28 that described areas in Chatham Forest that could be considered as park land, for example the sidewalk network, the dedication of a basketball court, and others, but he believed the letter fell short of providing what was required. Additional work on this issue is required.

Commissioner Harrington said he noticed in the materials that the Manager was recommending a follow-up report on the remaining obligations of Voller Realty for park land dedication. He said the information indicated that Voller Realty had subdivided its property with a gift to the Chatham Forest Homeowners Association of 22,000 square feet of playground, basketball court, and common space. Commissioner Harrington said perhaps Mayor Voller could clarify for the record that he was perhaps talking about the land and not the improvements, and that perhaps he could receive credit for the land but not the improvements on the land, and asked was that correct.

Mayor Voller responded it was probably just the land, stating they were noting it in order for the list to be complete.

Manager Terry stated the reason he was recommending another month's extension was because he had received the report on December 3 and Attorney Messick had not had the opportunity to study it in detail, and they had not yet had the opportunity to compare what had already been donated or provided to what the actual requirement was and to determine the remaining balance. He stated there were some legal issues and planning issues related to that, and his recommendation was to allow the staff to bring back an opinion on January 26.

Manager Terry said the Letter of Credit on file for the work on Bellemont Road appeared to be satisfied and the work completed, but the Letter of Credit would not expire until December 15, 2009. He said it was his opinion that the Letter of Credit should be returned to the bank with a letter noting the Town no longer required it because the work had been completed.

Commissioner Brooks said when this project or any other was warranted and a problem arose, how would you get the funds to fix the problem if you did not have a Letter of Credit. Manager Terry stated you would rely on the language contained in the approved development application, noting a period of warranty was stipulated in that language. He said obviously a Letter of Credit would put you in a stronger financial position, but he was not sure the Town's regulations were currently written to support asking developers to provide a Letter of Credit.

Commissioner Brooks asked what had the Board done in regards to Powell Place and Potterstone. Attorney Messick responded he was not aware they had ever had a Letter of Credit for a warranty. Commissioner Brooks stated he did not understand how the Town would get the money without a Letter of Credit. Attorney Messick responded that whoever was proposing that an improvement be accepted for maintenance by the Town would be responsible for the warranty period, and the actual contractor who performed the work signed the warranty, and the developer

signed a warranty as well. So, he said, the Town could collect from the contractor or the developer if there was a defect in the construction, materials or method used.

Commissioner Brooks said given the length of time this road had been under construction and the problems identified and needing repair, he was concerned. He remarked it was his understanding that at one point they had discovered electrical lines and had been forced to dig down six feet to recompact the road. Manager Terry stated he was not aware of that. Commissioner Brooks said perhaps Mr. Johnston was incorrect.

Planner Monroe stated Commissioner Brooks was correct that electrical lines were discovered in the location of one of the sinkholes. He said the line was not expected to be there and there was no prior indication that the line was there.

Mayor Voller said what Planner Monroe was saying was it was likely that Progress Energy had bored the road without telling anyone that the line was located there.

Commissioner Brooks said he understood they didn't know the line was there and that was what had caused the sinkhole, but given the long duration of construction he believed the Town needed to be very careful about accepting it and should make sure they had the warranty from both the contractor and the developer.

Commissioner Brooks asked would it not be common sense to require warranties if problems did arise. Manager Terry stated he would have to consult with Attorney Messick about the warranty language in the original development review process, adding he believed the language was standard and the Town would be covered. Manager Terry stated the Letter of Credit now in hand could be held for another year to provide a higher level of comfort if the Board believed it feasible. He stated that as work progressed on Powell Place, periodically their attorney brought in Letters of Credit and the completion and inspection reports from Hydrostructures, and those Letters of Credit were reduced as the work was completed and then the warranty periods kicked in. Manager Terry stated applying that same model to the Chatham Forest project, his conclusion was that the Letter of Credit was likely not required.

Commissioner Bryan stated then the Town did have warranties from the developer and contractor for Powell Place. Manager Terry responded that with Powell Place, he believed the developer held the warranties from the contractor for the work that was done. He said the Town held the developer accountable with the language in the development review process, and in the final approved plats and in the marginal notes on those plats.

Mayor Voller stated in his experience any developer for any development provided a warranty to the Town for one year that was signed and executed, but if Commissioner Brooks wanted to change that process he would advise that it should be the same for everyone doing business in Pittsboro. He said whatever was done in Powell Place should apply to Potterstone, Chatham Forest, Bellemont Station or whatever. Mayor Voller said in any case, the Letter of Credit for Chatham Forest had been secured to get the work completed and that had been accomplished so they were now under the warranty period.

Commissioner Brooks said he did not want to change the process; he just wanted to make sure the Town was covered and he had not yet heard that they were. He asked the Attorney if the Town was covered for one year if any problem arose. Attorney Messick replied that there were no guarantees in life and he would not guarantee that the Town was covered. But, he said, they did have a warranty, which was a promise to fix something that was not built correctly. Attorney Messick stated the Town had had the opportunity to inspect the work, and they had an engineer's report that stated the work appeared to be satisfactory but they were not making any guarantees, either. He said there were no guarantees, but there was a reasonable certainty that the work had been done satisfactorily.

Mayor Voller stated if he purchased a car he would accept the warranty, and he would not require a Letter of Credit from the dealership.

Commissioner Brooks said but that warranty should have some method of collecting on it.

Commissioner Bryan said he believed the Board should ask Mr. Terry and Mr. Messick to be consistent. Manager Terry said to answer the question he would go back and look at the last plat submitted and see how the warranty was worded, but he believed the language would be what was indicated by the Development Ordinance. He said it was his belief that if it came to a court case, the Town would be covered, and that the Town was protected in this case in the same manner as with other developments. Commissioner Bryan stated he had no desire to treat this development any differently, but it had come as a shock to him to find out that the warranty was worthless, which was the interpretation he had from what he had just heard. Manager Terry stated he would not phrase it in that way, that it was a warranty like any other legal document that could be challenged, but he hoped it would not come to that.

Manager Terry said his recommendation was to allow him to come back with updated information on January 26, adding he believed the only issue outstanding was the dedication of park land and to what extent that had or had not been satisfied.

Commissioner Baldwin asked would he also bring back at that time information regarding the final plat language and the warranty. Manager Terry replied that was correct.

Commissioner Brooks said then the Board would not be voting on the issue tonight.

Mayor Voller commented that with any development concern if you had a Letter of Credit, typically the engineer, whether the Town's or the developer's, would assess what had been done and then reduce the Letter of Credit. He stated it was the intention in this case, as with Powell Place, to get the Letter of Credit, reduce it to an appropriate level and leave it active until expiration. Mayor Voller stated because the work had been completed the Letter of Credit should be reduced to a reasonable level. Manager Terry stated that would be the normal process. He said the work had just been completed last week, so Hydrostructures was still preparing its final inspection reports and that would be provided to the Board when this came back in January. Manager Terry said they would use the new process observed with Potterstone Village where the Board would be brought an item that said the Town was formally accepting that section of Bellemont Road where the paving was completed.

Attorney Messick stated the Board of Commissioners should also realize that the Letter of Credit that expired December 15, 2008 would expire, but the new one would be in effect until December 15, 2009.

Commissioner Harrington asked if the Letter of Credit was essentially for the road, or did it cover other infrastructure such as sewer. Manager Terry replied that any infrastructure that was noted on the final approved plat was covered, and a year ago there had been some sidewalk, some curb and gutter, and some final paving remaining. He stated the Letter of Credit was based on an inspection that was now several weeks old and the amount was $88,750, but the work that had initiated that Letter of Credit had essentially been done.

Commissioner Harrington asked if that Letter of Credit was supposed to cover sewer. Attorney Messick stated he was not sure that that one did, but it was intended to cover all infrastructure. Commissioner Harrington stated that Item #8 indicated that the Town had not approved and accepted the unauthorized sewer line parallel to Park Drive, and asked did that mean that sewer was bonded under the Letter of Credit. Manager Terry stated he had not thought of it in that way, but supposed that in the revised engineering report if a value was assigned to that then it could be covered.

Mayor Voller stated the sewer line could be covered by the Letter of Credit.

Commissioner Harrington stated his only concern was that they be sure that sewer line was included. Attorney Messick stated that if the Town had required that the unauthorized sewer line be completed, that it would then become authorized and would be bonded.

Manager Terry stated on January 26 he would bring back a report on park land dedication, and he would work with Hydrostructures to determine if any remaining bond should be held regarding infrastructure.

NEW BUSINESS

1. **Briefing on the Proposed Chapel Hill Transit Bus Route Connecting Chapel Hill and Pittsboro (Chapel Hill Transit Staff).**

Mr. Brian Litchfield, representing Chapel Hill Transit and lead staff on this project, provided the Board with an update on the proposed bus route:

- In July they had submitted a grant to NCDOT that would cover up to half the cost of providing the service from Chapel Hill to Pittsboro.
- They had been working to develop the service and determine how the service would move from one point to another, but stop locations and park and ride locations would not be finalized until after the public forums and possible input from the Town of Pittsboro and Chatham County.
- The service was prompted by the demand for commuter service, and was proposed to provide a number of trips in the morning possibly beginning as early as 6:00 a.m. and arriving in

Chapel Hill around 7:00 a.m.; taking the mid-day off, and then afternoon service that would be available from about 4:30 p.m. to 6:15 p.m.

- The service would operate from Pittsboro to the main campus at UNC where there were a number of connections to other Chapel Hill Transit services that operated throughout Chapel Hill and Carrboro.
- So far two public forums had been held, one on November 20th with 18 people attending and another on December 4th with 12 people attending. In addition there had been a number of people who had emailed or phoned to express their interest or to provide thoughts or suggestions on what the service should look like.
- Chapel Hill Transit staff had met with the Chatham County Commissioners last week to get their comments, and they had been very supportive. The two parties had agreed to further public dialogue and to develop the service even further as needed.
- One of the recommended locations for a park-and-ride lot was the Lowe's at 15-501 and NC 64; that the developer had commented they were at least interested in exploring that possibility.
- There had been a request for a downtown stop location or multiple stop locations, and it appeared that would be possible. One suggested stop was in the loop in front of the courthouse, and there appeared to be adequate room to do that.
- Chapel Hill Transit had committed to working with Pittsboro and the County to finalize the funding aspect, but no schedule had yet been determined.
- Based on the financing, they would then develop an implementation schedule.

Mr. Litchfield stated that was where they were now, and expressed their pleasure in being able to work with the Town to bring the project to fruition.

Commissioner Brooks asked had the County committed to any financial support. Mr. Litchfield stated the County had committed to engage in conversation regarding funding, but no dollar amount had been mentioned. He said the County had said they were interested in seeing the project move forward.

Mayor Voller asked if the Manager had anything to add to that. Manager Terry responded he had met with Transit representatives and County Manager Charlie Horne several weeks ago and had briefly discussed shared funding. He said the handout the Board had been provided noted an estimated cost of $176,000, which would amount to about $10,000 a month that would be needed from the two local governments to fund the project. Manager Terry stated he had not had any deep discussion with County Manager Horne on how that might be prorated between the two governments, and that of course would need to be negotiated.

Mayor Voller said for example, if the prorated share were based on budget size or tax revenue, then the percentage could be that the County would provide about $8,000 per month. Manager Terry stated that was in the general scope of where they would be. Mayor Voller said then Pittsboro would be looking at participating at some level between $1,500 and $2,200 per month, roughly. Manager Terry replied that was his hope, but reiterated that County Manager Horne had not committed to anything, noting the County Board would need to decide what they were willing to do.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to receive the report regarding the Proposed Chapel Hill Transit Bus Route Connecting Chapel Hill and Pittsboro.

Vote Aye-4 Nay-0

Commissioner Harrington said unfortunately in his experience he saw large buses with only one or two riders. He said if the Town decided to participate, had there been any thought given to having a trial program in order to judge participation and make sure it was not costing $200 per person rather than $2 per person. He asked had such a program been done in the past, and if there was some commitment and what the expectation was for the length of that commitment. Mr. Litchfield responded typically Chapel Hill Transit had provided service within the boundaries of Chapel Hill and Carrboro, and had not expanded outside of that area. He said Chapel Hill Transit had at least committed in a plan to provide service from Pittsboro to Chapel Hill, but there was no equipment or resources to facilitate that at this point in time. Mr. Litchfield said they did have it on the books for consideration in fiscal year 2011, but what they had done was obtain a grant that would allow them to implement and provide the service for up to 18 months. He said as far as benchmarks that could be worked out during negotiations regarding the financial agreement between Chapel Hill, the Town and the County. Mr. Litchfield added that these services typically took at little time to generate ridership and for word to travel about the service, so ridership after the first six months would be an indicator of ridership after the first 12 months. He said after the first 18 months you would have a good idea of whether the system was working well or needed to be modified.

Commissioner Harrington stated then what they were proposing was funding for an 18-month program, but not necessarily a commitment beyond that without additional funding. Mr. Litchfield stated correct, and once they got closer to that 18-month timeframe they could bring Triangle Transit Authority (TTA) into the conversation, since they had expressed interest in providing similar service. But, he said, that would also mean more conversations regarding financing.

Manager Terry asked to what extent the $10,000 per month local share could be reduced by a fee structure for the riders. Mr. Litchfield stated the $10,000 per month assumed that absolutely no one rode the bus, so it was the worst case scenario. He said what they were proposing was a $3 one-way fee or a monthly pass of $65.00 if you were riding several times a week. Mr. Litchfield stated that any revenue collected would be subtracted from the overall cost of the service, so they would see a reduction in the amount of money the Town and County would be paying. He said one question related to that was that the County Commissioners had asked what the University's role might be since they would likely benefit from the service as well. Mr. Litchfield said in early conversations the University had committed to at least look at this service in a similar manner as they looked at the TTA service in that they would assist their employees in paying for their monthly passes in an amount yet to be determined and commitment yet to be made.

Mayor Voller stated this proposed service had come about based on a long term dialogue by the Rural Planning Organization and the MPOs who had a desire to provide such a service. He said the purpose from an economic development standpoint was to get people to work and to allow people to get the jobs they wanted but did not have adequate transportation. Mayor Voller stated

there were many people in Town who worked at UNC and UNC Hospitals and made the trip every weekday, and the idea was that if they could get that system going, it would be the first leg of a system working with Chapel Hill and TTA to then go to Raleigh, Sanford, and possibly Southern Pines and Siler City. He said that could be used as a form of economic development and to reduce the number of vehicles on US 15-501 and NC 64.

Mayor Voller stated he had suggested before having a "hot" bus or zone that would provide wireless connections for laptops and serve as informational kiosks and the like. He said he believed Pittsboro could serve as a center linking other areas, in that people from other locations would come to Pittsboro to utilize the bus system into Chapel Hill and other destinations. Mayor Voller stated he did not believe ridership would be an issue and that the service would be well received, noting he had received over 60 emails from citizens just around Pittsboro who had expressed an interest in the service who had been unable to attend the hearings. He stated the County would carry the biggest part of the budget, but Pittsboro would need to be involved at some level.

Mr. Litchfield stated the County Commissioners as well as Pittsboro had expressed interest in such a service for some time, and developing the system now would allow that trial period necessary to determine how successful it might be which would then lead into expansion of service elsewhere. He commended both the County and the Town for exploring the option of providing transit service at this time.

Manager Terry stated insofar as next steps, at some point there would need to be a contract between the three parties. He asked Mr. Litchfield if he had an estimate of when a first draft of such a contract might be produced. Mr. Litchfield stated if schedules would allow a meeting between now and the first of the year with the three parties, then they could shortly thereafter produce a first draft that the respective bodies could review, and then shortly after that they should be able to move forward with finalization of the routes and stops. He stated the financial arrangement, once everyone had agreed, would include an arrangement with the developer or the owner of park and ride locations that were identified as possible stops.

Manager Terry stated in his discussions with County Manager Horne and Mr. Spade, and talking through the next steps and reaching agreements on what the fee structure would be and the split between the Town and the County, they had felt that this was something that could be accomplished over the next 60 days. He said if that was accomplished, the service could be running by March, and if the Board wanted to pursue that aggressively he believed it could be done.

Commissioner Harrington stated he would like to see what the County was willing to do financially. He stated if the Town's share was $1,500 to $2,000 a month, then that may be doable, adding the County's share would include Fearrington and Briar Chapel. Manager Terry stated he had been intrigued by the projected numbers of riders from Fearrington, noting that if that came to pass there would be a large amount of fares collected which would certainly go a long way in supporting the service.

Mayor Voller stated the worst case scenario that had come up during preliminary discussions was $2,000 a month if no fees were collected. He said he believed that would be a good investment for the Town and its citizens.

Commissioner Baldwin suggested going forward with obtaining additional information regarding the financial arrangement. Manager Terry stated he would be working with Chapel Hill and the County and hoped to bring back a draft contract in January or February.

Mayor Voller commented he had read a newspaper article that indicated that even though gas prices had continued to drop from its high levels during the fall, the increased ridership experienced in Wake County and other locations had not subsided. So, he said, the reality was that even though gas was much cheaper it was still cheaper to ride the bus. Mayor Voller stated he believed this was something they needed to strongly consider, and looked forward to see what the Manager brought back for consideration.

2. **Wastewater Treatment Plant Improvement Project Budget Amendment.**

Manager Terry said that the ordinance amendment would provide $257,000 for design of the Wastewater Treatment Plant Improvement Project. He said in June the Board had been provided a briefing which had identified about $1.8 million in improvements including an equalization basin which would help them moderate the flow during rain events which had at times led to permit violations. Manager Terry stated subsequently they had reported that there were some other areas that might need some improvements and Sterns and Wheler had been asked to look at those, which included the rate removal systems, the slug pumping process, and the chemical feed system. He stated it had been determined that those improvements would increase efficiency at the plant and should be considered. Manager Terry stated the price tag associated with those, which he had characterized as alternate #1, was $150,000. He said the total project cost was now $2,750,000.

Manager Terry stated on November 10 the Board had adopted a reimbursement resolution to allow them to begin work by using cash on hand for design, with perhaps the potential to reimburse themselves through borrowing the funds necessary to support the project. He stated at this point they did not know that borrowing would be necessary, and they were in negotiations with some developers who may be willing to allow them to phase the project and pay for it on a cash basis. Manager Terry stated his recommendation was that if the developers were unable to provide phasing for whatever reason, that the Board move forward with the project anyway. He stated that Sterns and Wheler had discussed the "do nothing" option and the implications of that, and believed they had all agreed that was not an option for the Town.

Manager Terry stated one other issue he wanted to raise was that initially the two developers who were seeking capacity and who had expressed a willingness to help in seeking financing were seeking about 158,000 gallons in sewer capacity. He said in looking at the mathematics of that he believed that number was too high and would push them too close to 100% of their committed capacity. Manager Terry stated a more reasonable number would be about 100,000 gallons, which he believed could be allocated once the plant improvements were completed.

Manager Terry said that the small amount of capacity that would be generated by this project at 100,000 to 125,000 gallons per day would likely be consumed by the new development projects. He said there were several developers who had expressed an interest in looking at small pieces of capacity, and believed the mathematics of the project would work out in that if you considered the taxes and capital recovery fees that would be collected when people took that capacity it would more than pay for the project.

Manager Terry stated he had identified an oversight on his part, which was the estimate of the likely revenues of this project. He stated he had missed the fact that capital recovery fees for sewer had been noted in the information but not water fees. Manager Terry stated they would of course be providing both water and sewer, so the fees for water needed to be included in the spreadsheet on the order of $1.2 million. He said that would mean the likely revenues from an additional 158,000 gallons of additional capacity, if that entire amount was allocated, would be about $3 million. Manager Terry reiterated that this was a project that needed to be done, it was affordable, and whether they used assistance from developers or from cash on hand or some combination of both he believed it was time to move forward. He said that was even more true now that they had some indication that assistance from the federal government would likely be coming due to the change in administration, noting the literature indicated the new administration would be looking for projects that were designed and ready to be completed and this would be a good project to have designed and ready to go if in fact federal money became available in the next 90 to 180 days.

Manager Terry stated that John Brinkley with Sterns and Wheler was present to respond to any technical questions regarding the design of the project.

Commissioner Brooks said since employing the new superintendent some changes had been implemented at the waste water plant. He asked had those changes resulted in any improvements. Manager Terry stated there had, and that was why the contract with Sterns and Wheler had been written to not exceed a particular amount because some of the elements of work initially called for had been completed, including some small repairs. Manager Terry congratulated John Poteat on a great hire, noting they had a very competent, capable superintendent at the Waste Water Plant who had hit the ground running.

Manager Terry said that if the Board approved the ordinance and authorized him to enter into a contract with Sterns and Wheler, the first step would be to revisit the program and look at the first set of recommendations as well as the second, and strike out those things already accomplished or things they did not want to spend design money on but could do with the help of local small contractors, such as replacing stairs. He said the figure noted as the contract price for design was a worst case, and he expected to bring that contract in substantially lower than that.

Commissioner Harrington asked roughly how long would the design process take. Mr. Brinkley responded three to four months, but he would have to look at the schedule provided. Commissioner Harrington stated if they had the design and funding in hand and ready to go, when he would expect build-out to occur. Mr. Brinkley stated he believed with construction and authorization of the permit the conservative estimate would be about 18 months.

Manager Terry said that these were complicated projects and could not be done quickly, and believed the timeline was 18 months to 2 years.

Commissioner Harrington asked about authorization from the State. Manager Terry stated this would be somewhat simple, noting that if they were changing the permit capacity from 750,000 gallons to 1 million, that would be a much more difficult permitting process than what they were proposing which was essentially a maintenance and repair project and getting the plant to do what it was already designed to do.

Commissioner Harrington said the idea of spending that amount of money just for design was scary, but believed Manager Terry's recommendations were good ones. Manager Terry stated it was a big number, but it was only 10% of the project costs.

Mayor Voller asked what the quality of the effluent would be that would come out of the plant when the project was completed. Mr. Brinkley stated the intent was to improve the quality during wet weather events, which had led to permitting violations, by implementing the equalization basins to mitigate those peak flows that disrupted the operation of the plant. He said in all likelihood that effluent quality would be improved over a year's duration during wet weather events.

Mayor Voller asked what the current amount of grease received monthly was. Mr. Poteat replied there was no way to measure that, noting they checked grease traps but grease still went into the sewer system and collected in the lines. Mayor Voller stated that there were some people around the country putting in small bio-diesel plants in front of wastewater plants where they actually used the grease to produce fuel and the grease never got into the sewer. He said he thought they should look into that, stating that if the Town could produce fuel they could either use it themselves or sell it. Manager Terry stated he could look into that.

Mayor Voller stated there were dozens of grants available for energy plays, and such a program might make it more likely the Town could receive funding from the federal government. He said if they were going to spend the money to improve the plant, they should take it from 1950's technology to 21st century technology. Manager Terry reminded the Board that the initial intent of the project was just to get the plant to do what it had been designed to do. He stated higher end nitrogen and phosphorus removal was not a part of this project. Mayor Voller stated he understood that, but was suggesting taking the grease from the front end so it never hit the plant.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the ordinance.

Commissioner Harrington asked were they going to hit reuse quality with this project. Mr. Brinkley said the answer was no because they were not changing the treatment process.

Commissioner Brooks said he would like to commend the new supervisor and his staff, and hoped they would continue with other improvements in spite of this project. Manager Terry stated he would relay that information, noting the plant now had a cohesive team with a capable superintendent.

Mayor Voller said as a separate idea, there was a project to produce reuse water and they were now hooking up with 3M for the distribution system but not for the reuse water. He asked was it beyond the realm to combine this project with the 3M project and submit them together. Manager Terry said they were separate engineering projects with a totally different technology, and they would be better served to bring the waste water plant up to date.

Vote Aye-4 Nay-0

Ricky Spoon stated that Manager Terry and his engineers were having a difference of opinion as to how much wastewater capacity would be available for his and Mr. Steele's projects. He stated he understood that the Town would not want to commit to capacity it might not have, but at some point in time when new capacity was available and DENR allowed the release of that last 10%, his question was when that happened would he and Mr. Steele be allowed to purchase or speak for that capacity at that time.

Patrick Bradshaw, attorney for Mr. Spoon and Mr. Steele, stated they had drafted a contract for Mr. Steele's and Mr. Spoon's project and provided that to the Board, and would be moving forward in the next few weeks to work out those details.

3. **Offer of a Donation of Two Model X26E Tasers, With Cameras, For Use by the Pittsboro Police Department (Ms. Sue Boyd, Citizen of Pittsboro).**

Mayor Voller stated that Ms. Boyd made the offer of the donation for two Tasers with cameras in memory of her mother, who had recently passed.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to accept the offer of a donation of two Tasers and authorize the Town Manager to put the equipment into service by the Pittsboro Police Department, and to send a letter to Ms. Boyd thanking her for her generous contribution.

Mayor Voller asked were there any thoughts about any standards for the use of these devices. Manager Terry stated that the equipment would not be put into service until the officers had received the required training, and would remain locked in the armory until that specific training had been received. He stated he and the Chief would be working to put policies in place regarding the use of the devices.

Vote Aye-4 Nay-0

4. **Resolution Authorizing the Disposition of Surplus Property.**

Manager Terry said that there were some firearms on the surplus property list. He said some time ago the Board had discussed Police equipment and the need to replace the shotguns. Manager Terry stated when he had first come to Pittsboro and had inspected the shotguns he was not impressed, noting they were not good equipment, they were too inexpensive, and he did not consider them to be reliable. He said since then, the Chief had come across an opportunity to

purchase eight second-hand shotguns from the State Bureau of Investigation, adding they were Remington Wingmaster Model 870 shotguns. Manager Terry stated he personally owned two such shotguns that were passed to him from his father and were 50 years old, and he would pass them down to his son. He said they were some of the best shotguns made in this country and they had been able to purchase them at $200 each, noting that they retailed at $700 each. Manager Terry stated he had believed they should not pass up the opportunity, and had authorized the Chief to make the purchase.

Manager Terry stated they were ready to dispose of the former shotguns through the surplus property procedures for disposal of weapons as authorized by the State, and was asking the Board's approval of the resolution to allow him to do that.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the resolution authorizing the Disposition of Surplus Property.

Mayor Voller said he did support the sale of surplus property, but did not feel comfortable disposing of weapons from the Police Department. He stated he would prefer destroying them and recycling the metal, because someone may purchase them to be used for something other than hunting. Manager Terry stated he understood that sentiment and would not be comfortable selling them at public auction, and that was why they would be going to a licensed gun dealer with the State so that they could be properly sold.

Mayor Voller stated it was just a personal opinion, and when dealing with firearms it was a tricky matter and he would be more comfortable destroying them. But, he said, he was glad they were rid of those shotguns, agreeing they had never been any good to begin with.

Commissioner Brooks said at the time the Board had purchased those shotguns they had been told they were first rate and had cost $700 each. He added that you could buy the Remington Model 870 for about $400 now, but it had been rated as one of the best firearms ever mass manufactured in the United States.

Mayor Voller commented that if they had to purchase shotguns, he would prefer that they were American made Remington shotguns.

Commissioner Brooks stated the Board at the time those guns were purchased had thought they were getting Remingtons, but that had not been the case.

Vote Aye-4 Nay-0

5. **Confirmation of Delegates to the Triangle J Council of Governments.**

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the appointment of Commissioners Baldwin and Walker as Delegates to the Triangle J Council of Governments.

Vote Aye-4 Nay-0

6. **Habitat for Humanity Request for a Contract between the Town and Chatham Habitat for Humanity for the Provision of Affordable Housing in Pittsboro (Amy Powell, Executive Director, Habitat for Humanity).**

Amy Powell provided a presentation to the Board regarding the proposed contract between the Town and Habitat for the provision of affordable housing in Pittsboro. She provided some brief information regarding Habitat's work in several areas, particularly in the Chatham Oaks subdivision, and their desire to promote the mixed income approach to affordable housing. Ms. Powell said not counting land costs because the land was donated, it would cost Chatham Habitat $76,000 in direct costs for infrastructure and house construction to build a safe, decent home for a family in need. She said those costs could be reduced by up to 8% if the Town would agree to support Habitat at the rate of $6,000. Ms. Powell provided information regarding the current price of housing in the County and the need for more affordable housing for persons of low or moderate income. She asked the Town to become a funding partner to support Habitat's efforts to produce affordable housing in Pittsboro, either through contracting with Habitat to provide affordable housing or by the waiver of fees or rebates of fees. Ms. Powell stated that without a broad basis of support, it would be difficult for Habitat to continue to build in Pittsboro and asked the Town to join them in making Chatham Oaks subdivision a resounding success that would be viewed as a model of how private and public partners could work together to achieve the vital public purpose of affordable housing.

Commissioner Harrington said that Ms. Powell had said something about if the Town were to provide $6,000 that would be about 8% of the cost. Ms. Powell said she was referring to the direct cost for a house in Chatham Oaks subdivision.

Mayor Voller stated the Board had received the memo from Attorney Messick as well as the proposal from Habitat, and asked what his recommendation was. Manager Terry stated his recommendation was that the Board refer the issue to him and the Attorney if they wished to proceed with it, and they would then prepare the necessary contract and budget amendment. He said if a budget amendment was forthcoming the Board would need to decide which of the two funds would bear the expense, noting he believed it should be the General Fund.

Mayor Voller asked if the fee structure was based on the fee per house. Ms. Powell said it was related to the fees the Town of Pittsboro charged, and the July 1 increase had increased Habitat's costs.

Commissioner Harrington asked how much was it in total fees charged by Pittsboro just to build a home, not including County fees. Ms. Powell stated in the neighborhood of $5,000 to $6,000.

Manager Terry stated the lion's share of that expense was water and sewer access, and water and sewer capital recovery fees.

Commissioner Brooks said there were things that concerned him about this proposal, first of which was that the Town was in the midst of trying to provide a new and improved water plant and a new and improved wastewater treatment plant. He said he did not believe the Town could afford to get involved in any other projects at the present time, and with all due respect it seemed

to him that Habitat had received $1.1 million through the County from Newland and Associates that was building Briar Chapel. Commissioner Brooks stated if they were talking reduction in fees, the County was charging $3,500 impact fee on each property, and the County would soon start requiring anyone building a house on a lot more than 20,000 square feet, which was less than ½ acre, to pay a sedimentation control fee. He said it appeared to him that might be a good place for Habitat to start, and did not feel that the Town could afford to do anything now.

Commissioner Brooks stated it was not really fair to people who might like to have a home but for whatever reason would not go through Habitat to waive Habitat's fees and not waive theirs. He said he believed Habitat to be a wonderful organization that had provided homes for many and continued to do so, but there were other people in the Town that had to be considered as well.

Mayor Voller asked if the fee structure was for capital improvements. Manager Terry stated that was correct. Mayor Voller said then those fees would be going towards such things as the water plant and wastewater treatment plant, and those were the fees Ms. Powell was talking about possibly waiving. Manager Terry stated they as a municipality were allowed to contract with such organizations as Habitat but they were not allowed to make contributions to them. He said it would be unprecedented for a municipality to waive such fees, and was not the way to proceed since it would appear to be a donation. Manager Terry stated if the Town wanted to enter into a contractual arrangement with Habitat to support affordable housing in Pittsboro, then that would be legal for them to do and he would recommend any funding come from the General Fund. He stated he believed the discussion regarding access fees and capital recovery fees needed to be separated from this discussion since those came from the Enterprise Fund and not the General Fund.

Mayor Voller stated what this came down to was that it was a public policy issue. He said for the sake of argument, his rough numbers were that if they used the $6,000 figure provided by Ms. Powell, that for someone getting a mortgage at around 6% it would cost them an extra $36.00 a month which was about $432 a year. Mayor Voller said the homes Habitat would build would likely appraise at about $96,000 to $100,000 including the value of the land, and the Town would receive about $400 a year in taxes so the payback period would roughly be about 15 years. He said if the homes were not built the Town would not collect any capital recover fees or any taxes. Mayor Voller said the question was did the Board want to support this kind of housing, whether it was with Habitat or some other entity, and if so how should they do it. He agreed they could not do it in a way that created exceptionalism.

Ms. Powell stated that Commissioner Brooks was correct, that the County had committed $1.1 million to Habitat from the Briar Chapel development that would be coming to them over a very long period of time, likely as much as ten years, that was to be used for land and infrastructure and not construction costs. She said they already were reimbursed by the County for impact fees and had had that arrangement for a number of years and it had been very helpful in keeping their costs down. Ms. Powell said they were building 8 to 10 houses a year, and it became very expensive to build the house as well as put in infrastructure. She said she would appreciate the Board's consideration.

Commissioner Harrington said one of their projects on the horizon for affordable housing was with the Valentine Group, and they were counting on them to help the Town through the payment of infrastructure fees in order to help the Town build a sewer plant. Mr. Spoon said he had spoken with him today and he was "raring to go."

Commissioner Harrington said he personally would like to help, and if the Town had the money there would be no question they would help. But, he said, he had reservations due to commitments the Town had already made as well as the equitability issues, so in fairness he did not believe the Town could commit funding at this time. Ms. Powell wondered if the Valentine Group was a non-profit organization, noting she did not believe they were.

Mayor Voller stated the Valentine Group was a for-profit organization. Ms. Powell commented that the Valentine Group would not be involved in affordable housing if it were not profitable, unlike Habitat. Mayor Voller stated the homes built by the Valentine Group was a different type of housing, noting one was detached single-family housing that was one, two, and three bedroom units that were rentals with some possibility to own. He suggested this might be something that could be discussed at the Board's retreat in January.

Manager Terry asked Ms. Powell was there some time sensitivity they should be aware of. Ms. Powell stated they were attempting to get construction underway in January and draw permits, so in terms of payment of fees that may be reimbursed that would be happening soon.

Commissioner Baldwin said she agreed with Ms. Powell but agreed with what Commissioner Brooks had said as well in reference to the equity issue. She said there were people who would not participate with Habitat but who may be low-income, and the issue was would those fees be waived as well. Commissioner Baldwin stated it may not be fair to waive fees in Habitat's case but not in others. Ms. Powell pointed out in this particular project they were making seven homes available for non-Habitat homebuyers in the 50% to 80% of median income bracket. She said the beauty of this project was that it made lots available for a group of homebuyers that they believed would make the community stronger through that income diversity.

Mayor Voller asked how many houses they were expecting to pull permits on in January. Ms. Powell responded three to five. Mayor Voller asked how many did they expect to build in total. Ms. Powell replied six. Mayor Voller said then the total amount she was asking for was $36,000, and she was thinking they would need $18,000 to $30,000 in January. Ms. Powell stated that was correct.

Mayor Voller asked was there a possibility until the Board decided on a policy that the Town could delay payment on the permits, or a decision made on a case-by-case basis. Attorney Messick responded that they would need to do whatever was decided in a uniform manner, with no exceptions.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to deny the contract requested by Habitat for Humanity with the Town regarding affordable housing.

Vote Aye-4 Nay-0

Mayor Voller asked was there a possibility that Habitat could come back and revisit this issue in some other format. Manager Terry suggested that if the Board wanted this to be a topic at the retreat in January, they could do that. He said at that time he would be providing the Board with a mid-year report on revenues and expenditures in the budget so that they would then have a better sense of what the revenue picture looked like. Manager Terry said he had wanted to ask Ms. Powell that if the Board did not say yes now but could possibly say yes in April, would contributing $36,000 in April provide Habitat with the means to have a successful affordable housing project.

Ms. Powell stated that would be most helpful and welcomed.

Mayor Voller asked the Board to consider discussing this at the January retreat with no guarantees, since they had never discussed the topic in general. There was no objection from the Board.

Mr. Spoon stated he wanted to make it clear that he would not object if the Town decided to provide Habitat with funding; that he had given Valentine a discount on the land and they were receiving federal funding.

Mayor Voller thanked Mr. Spoon as a developer for supporting Habitat for Humanity and supporting its mission, and hoped that could be carried forward in the Board's discussion in January. He said that would be a policy discussion, non-for-profit versus for-profit.

Mayor Updates

Mayor Voller stated that the EDC would be meeting tomorrow. He said that the RPO would be meeting on December 10th and Dianne Reid would be attending with him. He said they would be giving a presentation on the ports and the possibility of intermodel freight which could have some impact on Chatham County.

Commissioner Concerns

Commissioner Brooks said he had provided the Board with a picture of the endangered Cape Fear Shiner, which he had gotten from the NC Wildlife magazine. He said he was now looking for a picture of the red-legged pot-bellied salamander which was even more endangered and was a very large fish.

Commissioner Bryan thanked Town Clerk Alice Lloyd and Town staff on the holiday parade yesterday, noting they had done an admirable job as always.

Commissioner Baldwin commended Ms. Lloyd and Town staff for the parade as well, noting it was a job well done.

Commissioner Harrington provided the Board with copies of the Town's sewer rates, noting those below the line before the readjustment had been getting some very cheap water. He stated

he was providing that just for information purposes. Commissioner Harrington stated it would be interesting to see an updated report once more information was gathered.

Commissioner Harrington said he had also provided the Board with a copy of the comments made by Mayor Voller on Springdale regarding the June 2007 approval, provided for information only.

Mayor Voller said he would like to discuss the letter from Ann Deupree regarding a request for a Fearrington bus stop, noting that was indicative of what Manager Terry had mentioned. He said that group was fairly strong and if the Town did support a bus system they would have strong support from Fearrington with excellent ridership.

Mayor Voller stated the Town had also received a letter of thanks from the CORA Food Pantry for the Town of Pittsboro employee contributions to CORA before Thanksgiving. Manager Terry stated he was pleased that Town staff had chosen to make a contribution to CORA.

Mayor Voller stated he would like to discuss the Memorandum of Understanding for a regional partnership for water supply use, and asked Manager Terry to provide some additional information. Manager Terry stated that was an effort that the Town was invited to participate in, and his sense was there was a regional effort to make sure that everyone that had an interest in someday receiving an allocation of water from Jordan Lake had a seat at the table and they all worked together to make sure everyone's interests were protected.

Commissioner Brooks said sitting at the table sounded great, but so far they had not had a seat at the dining room table but had been seated in the kitchen. He said he did not think there was anything they could say or do, or even Chatham County, to get anything done because Durham, Chapel Hill, and Raleigh had the clout. Commissioner Brooks said Burlington citizens were not pleased because of a proposed assessment from the State.

Commissioner Brooks stated an article in the paper had indicated that Jordan Lake was 46,000 acres of land, but the lake itself was only a little over 14,000 acres under water. He said he did not believe any of that water was in Durham County or Wake County, that all of the lake bed was in Chatham County. Commissioner Brooks said he wondered why they had to go "hat in hand" to ask for a little water. He stated that most of the lake was very shallow, and he did not believe that there was as much water there as was estimated, but Chatham County and Pittsboro should get its share because it was in Chatham County and they had lost that entire tax base along with some of the finest farms in the County when the lake was built.

Mayor Voller agreed, but said they would need to participate in that process. He said on page 2 at the top they discussed proportional representation, but believed the Town should fight that because it would mean that Durham would use the population figures. Mayor Voller asked how they had based that metric, because if population was used Pittsboro would have only one vote. He stated that had to be argued, and said they needed to go by the financial impact of the land that was taken and that the water was in Chatham County rather than by acreage. Mayor Voller stated that Chatham County and Pittsboro should have at least an equal or more than equal amount of representation, and that was a question he would like to have answered. He said the

language used was too loose, and feared they would end up a table with two of them and 100 of the others.

Commissioner Brooks said he believed that on some committees Triangle J was not even given a vote. Commissioner Baldwin stated that was correct, but they did get a vote now. Commissioner Brooks stated they would not have a great deal of input unless they fought for the right to be at least equally represented.

Mayor Voller said what had happened was that OWASA had the western intake, right on US 64, and had the rights to it and owned it and had an allocation on Jordan Lake.

Commissioner Brooks said in the 1980's OWASA had quietly purchased a tract of land near Vista Point, which was where the western intake was located.

Mayor Voller stated the Town of Cary was on the other side of the lake, and they wanted to hop over and get on the western intake because the Army Corp of Engineers was going to allow only one on either side. He said OWASA was not doing anything with it, and Durham got an allocation of 5 million gallons a day, maybe more than that now, and when that had happened Fayetteville had decided that lake fed the Cape Fear and they began asking for water and some legislation was passed. Then, he said, the Town of Cary had come back and said they wanted to get onto the western intake, and in the meantime a conversation was started by Chatham County, Pittsboro, and OWASA to work together and everyone else jumped on board. Mayor Voller stated those meetings had started two years ago and Manager Terry had attended a couple of them. He said they needed to be diligent and strong, because if they were not then others would take the Town's water again.

Mayor Voller stated that they suffered from the water quality coming down the Haw River and that was the only place they got their water until such time as something else was done. He suggested asking the other signatories to help them lobby the people upstream to at least give Pittsboro a better quality of water, noting they were the only ones getting the deleterious effects of it because when it reached the lake it was able to settle out. Mayor Voller stated they were the ones drinking that water, and if they were going to want Pittsboro to sign on then they should support the Town in having better water supplied.

Commissioner Brooks stated he was not as excited about Jordan Lake as the Mayor, and asked had he ever thought about what Chapel Hill put in Morgan Creek not to mention the hospitals. He said he did not believe the lake would ever be a pristine body of water.

Mayor Voller agreed, but said his point was if they were going to be involved in that process they should ask their "bigger brothers" to advocate on Pittsboro's behalf.

Commissioner Brooks said he had noted that their "bigger brothers" had not mentioned that the water was helping them to build their tax base while Chatham County had lost tax base.

Mayor Voller agreed, and said another thing they should ask was that if Durham was going to designate itself as the chair of this organization, then either Chatham or Pittsboro should be the permanent vice chair since the water was in their county.

Commissioner Brooks stated that was an excellent idea.

Mayor Voller said at the very least they should ask for that, and believed they could get the support of OWASA and Orange County.

Manager Terry said he had talked with OWASA and had been told that they used Jordan Lake only as a backup, and they deferred to Durham because of that. He said that Durham had appointed one of its Assistant City Managers to be the lead person on that.

Mayor Voller asked did he believe there was any issue with them going forward and asking for a few simple things. Manager Terry said not at all. Mayor Voller said if they resisted, at least the Town would know what the resistance was and why, and they could then address it. He said he believed it was reasonable to ask for the vice chair position if Durham was going to take the chair because they were the biggest player. Mayor Voller stated a key was not giving Cary control, because they would "hog" the lake and the Town would be in big trouble.

Commissioner Brooks stated that by law, Cary had to let so much out and could not just stop the flow down river. He said that Jordan Lake was a precious and limited resource.

Mayor Voller stated that the RPO had told the people from BRAC that if they thought a lot of water was going to come over that dam for the 60,000 people moving to Fayetteville, then they needed to start getting involved in the conversations because they could be in for some dry years, and they had indicated they had never thought about that but they were thinking about it now.

Mayor Voller asked if the Town Manager needed any additional action by the Board to move forward. Manager Terry stated on the issue of the vice chair, that when Durham had selected their Assistance City Manager as the lead and had placed a high priority on this issue, in order to get any position parity Chatham County and Pittsboro would need to have a player such as Rene Paschal. He stated he would talk to the County Manager to see what the interest would be in doing that. Manager Terry said he believed this Board was the first elected board to see that document because it had just become available, but it would be out for review and comment for most of December and then it would come back to this Board in January or early February for adoption after all the participants had had the opportunity to comment.

Mayor Voller invited the Board members to email Manager Terry with any comments or suggestions.

FYI – ITEMS

FYI

- Ann H. Deupree e-mail of December 2, 2008; RE: Request for including a Fearington Village bus stop on the bus route from Chapel Hill to Pittsboro.

- CORA Food Panty Letter of Thanks; RE: Town of Pittsboro employee contributions to the CORA Food Panty before Thanksgiving.

- North Carolina Department of Crime Control and Public Safety Law Enforcement Support Services letter of November 12, 2008; RE: Temporary loan of two (2) military surplus rifles and five (5) military surplus pistols to the Pittsboro Police Department.

- Town Manager's memorandum dated December 8, 2008; RE: Draft Memorandum of Understanding Supporting a Regional Partnership for Water Supply Planning and Use of the B. Everett Jordon Reservoir.

- Town Manager's e-mail dated December 5, 2008; RE: Town of Pittsboro comments on the Preliminary Draft EIS for the Western Wake Regional Wastewater Management Facilities.

- Town Manager's letter dated December 1, 2008; RE: Time Extension for Engineering Report for the Town of Pittsboro WWTP NPDES Permit

- Hydrostructures Monthly Project Status Report dated December 5, 2008

MEMORANDUM

To: Town of Pittsboro

From: Hydrostructures, P.A.

Date: December 5, 2008

Subject: Multiple Project Status Report

Chatham Forest Subdivision

- Phase 9 Roads: The two new areas on Bellemont Road that were settling have been repaired by PM Torres Construction by excavating to firm soil and backfilled with compacted ABC stone and applying base asphalt paving.

  The damaged curbs have been replaced by Alexander Concrete Construction and the work appears satisfactory. There was some unavoidable damage to the existing base paving which was repaired before final paving. See attached Inspection Report dated October 14/15, 2008. This work is in addition to the base paving repair detailed in the attached Inspection Report date October 21, 2008.

Travel (final) course of paving was installed December 4, 2008 by S.T. Wooten and initially appears satisfactory. We recommend that the Town observe the work before final approval.

- The punch list items that that were listed in Hydrostructures' Memorandum of November 20, 2007 have been completed.

Chatham County Law Enforcement Center

- The parking expansion and stormwater improvements project has been delayed until Fiscal Year 2009.

Chatham Habitat Home Store Site

- Hydrostructures has been informed by the Town that the owner is waiting for the design of a stormwater BMP constructed wetland which is being done by the NCSU Water Quality Group.

Chatham Oak Subdivision

- Revised plans have recently been submitted and Approved for Construction. Project is proceeding and rough grading of the road has been completed. The sewer main, manholes and service laterals have been installed and inspected by Hydrostructures.

Pittsboro Medical Office Park

- Review comments of the second submittal of plans have been forwarded to the Town. These plans address some Town concerns but there remain several issues relating to the management of stormwater and the effect on downstream property and Sanford Road. We are presently awaiting the owners reply to the latest review comments.

Powell Place Subdivision

- Status is unchanged since last report. Final paving remains to be done on Millbrook Drive.

Powell Place Village Center

- Status is unchanged since last report. We are waiting for the engineer's response to our review comments and resubmittal of plans for approval.

3M Reclaimed Water Project

- This project was advertised to prospective bidders on 12/4/08 with a stated bid opening date of January 15, 2009.

Courthouse Area Hydraulic Evaluation

- In response to the County's intention to expand facilities south of the traffic circle, we are evaluating the poor water system hydraulics in the vicinity with the intention of supplying improvement recommendations. Expect our report next month.

Sidewalk Extension off West Street and Hwy 87

- In association with an NCDOT project to install a roundabout at the intersection of Hwy 87 and Old Graham Road, the Town and County are considering connecting the pedestrian system between the proposed roundabout and the intersection at West Street. Hydrostructures is assisting the Town in evaluating options and preparing a budget.

RECESS

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to take a five minute recess.

Vote Aye-4 Nay-0

CLOSED SESSION

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to go into Closed Session pursuant to G.S. 143-318.11(a)5 to discuss the acquisition of property.

Vote Aye-4 Nay-0

The Board entered into Closed Session at 10:00 p.m.

Motion made by Commissioner Brooks seconded by Commisisoner Bryan to go out of closed session.

ADJOURN

The Board returned to Open Session at 10:08 p.m.

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to adjourn the meeting at 10:08 p.m.

Vote Aye-4 Nay-0

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Randolph Voller, Mayor

ATTEST:

_____
Alice F. Lloyd, CMC, Town Clerk