

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 26, 2007
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Rev. Milton Rogers gave invocation.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Gene T. Brooks and Chris Walker.

Other staff present: Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr. and Planner David Monroe.

AGENDA APPROVAL

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the agenda as presented as amended to add under new business the two new contracts from Hobbs & Upchurch and move monthly status report from Hydrostructures to Old Business #7.

Vote Aye-4 Nay-0

CONSENT AGENDA

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the consent agenda as presented.

1. Minutes of February 12, 2007 Board of Commissioners regular meeting.
2. Minutes of February 19, 2007 special meeting.
3. Minutes of February 20, 2007 emergency meeting.

Vote Aye-4 Nay-0

PUBLIC HEARINGS

Motion made by Commissioner Cotten seconded by Commissioner Walker to go into public hearing.

Vote Aye-4 Nay-0

ANNEXATION

A petition to annex all of a tract of land containing approximately 98.965 acres and located west of Central Carolina Community College.

Planner Monroe stated that annexation was a condition of approval of the MUPD for the Steele property.

PUBLIC COMMENTS:

Patrick Bradshaw, practicing law at 128 Hillsboro Street, he is here this evening representing Harriett Steele and Moore's Ridge LLC. Patrick and Will Steele and Michael Rosetti are here tonight also. As Mr. Monroe mentioned the MUPD was approved for the Steele project in September 2005 for up to 380 residential units and up to 60,000 sq. feet of commercial space. As the MUPD submission provided the project will depend on town services and annexation was a part of the approval (that the owner request it). Lucy Gallo prepared a fiscal analysis for this proposal which estimated that the project at full build out would add over 85 million dollars to the real property tax base of Pittsboro if it is annexed, will contribute to the general fund net revenues in the amount of \$75,000 at the current service level and approximately \$56,000 per year at expanded service levels. The use of the property has already been approved by the Board. They are requesting the board favorable action on the annexation petition.

CHAPTER 10 CODE OF ORDINANCE UPDATE

A proposal to update Chapter 10 of the Codified Ordinances of the Town, said chapter being the Flood Damage Prevention Ordinance.

Planner Monroe indicated that the real changes occur in the regulation of construction. The proposed ordinance would prohibit new construction in the floodway, and non-encroachment area of floodplain. It would not affect a development with a valid permit issued before the effective date of the ordinance and, under specific circumstances, where an existing lot of record is rendered undevelopable due to the prohibition of development in the floodplain. Additions and/or substantial improvements have to be done within specific guidelines.

There is a new section setting forth regulations on subdivisions requiring notes on the plat and giving specific direction to the approval authorities about what is and is not allowed.

There is a new section on corrective procedures defining violations to be corrected and describing the action the administrator is to take in the event of failure to take corrective action.

There is a new section describing the conditions which must be met for a variance. You will notice that the whole article (in the existing document) detailing provision for flood hazard reduction has been eliminated. This is because new construction in the floodplain is prohibited, so there would be a new higher standard for construction.

PUBLIC COMMENTS: None

ZONING TEXT AMENDMENT

A zone text amendment to ARTICLE X AMENDMENTS, Sections 10.21b, 10.3.1, and 10.4.1.

Planner Monroe stated the Planning Board reviewed the staff proposal to modify the way zoning amendments (both map and text) are presented and considered. The current method has an applicant submitting to the Board of Commissioners who then schedule and conduct a public hearing. Following the hearing, the issues are forwarded to the Planning Board which must make a recommendation in the meeting following the hearing (or the request comes back to the Commissioners as if it had been recommended for approval). The Commissioners then review the Planning Board recommendation and make a decision. The proposed revision would have the applicant going directly to the Planning Board which would review the technical merits of the application, and this could take more than one meeting. They would generate a recommendation and forward that to the Commissioners. The Commissioners would then schedule and conduct a public hearing and could proceed to a decision.

The benefits of the revised procedure are:

- that the Planning Board could have more time to obtain the information it needs to make a recommendation;
- the public has more information it can review before the public hearing; and
- the Commissioners have the benefit of additional information.

Upon reviewing the merits of the proposal, the Planning Board recommended that the Commissioners adopt the proposed changes to Section 10.2.1b, 10.3.1 and 10.4.1.

PUBLIC COMMENTS: None

Motion made by Commissioner Walker seconded by Commissioner Brooks to go out of public hearing. Vote Aye-4 Nay-0

CITIZENS MATTERS

Jan Nichols – Moncure, 148 Fairview Road, Moncure, NC stated she has been following the situation at the ABC Store. She feels the board should form our own committee to see what changes and modifications need to be done at the store. There are people that would be interested in serving on the committee.

Jeff Starkweather – 590 Old Goldston Road – speaking on behalf of the other citizens in the next room – they have a concern about not being about to see or hear with is going on in this room. Suggestion is knocking the wall out or moving the meetings to another location.

Mr. Starkweather stated that he, Mayor and Lesley Landis attended a Main Street Conference put on by the Department of Commerce. The circle is an incredibly dangerous place to walk around. Pittsboro is becoming a destination on the weekend and we need to do everything we can do to encourage it. The police need to make an effort to stop people from flying around the circle. The Town should look at applying for a smart growth assistance grant.

OLD BUSINESS

SPRINGDALE DRIVE OPENING

Springdale Drive improvements required for connection to Chatham Forest.

Planner Monroe reported that at the last Commissioners' meeting there was considerable discussion about the desire of a number of residents of Chatham Forest to have Springdale Drive connected to Fox Chapel Lane and opened to through traffic. Following that meeting, town staff removed the chains which had kept the barricade from being so easily moved so the concern about safety has been abated.

The documentation provided by Mr. Blakely of NCDOT made it clear that he was not prepared to offer any suggestions on what improvements might be necessary to Highway 15-501 and/or Springdale Drive until he had seen a traffic impact analysis. This analysis is now being prepared and should be available soon. Discussion of potential traffic impact at this time is speculative and not necessarily productive. Since the major barrier to safe transit by emergency vehicles has been removed this topic does not have the urgency it did at the last meeting. Exercising patience to await the necessary information on which to make an informed decision would seem prudent.

Planner Monroe stated he understands that the traffic impact analysis is being performed but he has not seen a copy of it yet. He thinks it would be speculative at this time to move forward on suggesting improvements to Springdale Drive until we have had time to see the traffic impact analysis. He feels it would be premature to move forward in making recommendations of improvements that would be required until we have received a copy of the impact analysis and input from NCDOT.

Mayor Voller stated he has a scope of services from Ramey Kemp & Associates who have done an impact analysis on the corridor. Mr. Bahho, Engineer, has executed the contract for the following:

TRAFFIC ASSESSMENT REPORT SCOPE OF SERVICES

1. Coordinate with Client to obtain all relevant projection information.
2. Coordinate with NCDOT to discuss the project and obtain any relevant information, including any traffic studies recently conducted in the vicinity of the proposed development.

3. The following intersections will be included in the traffic study: US 15/501 at Springdale Drive – Conduct AM (7:00 to 9:00) and PM (4:30 to 6:30) peak hour turning movement counts.
4. Through field reconnaissance, verify existing roadway features of study intersections. Record the number of traffic lanes in each direction, number of turn lanes, width of lanes, approximate vertical alignment of street, and horizontal sight distance.
5. Determine background traffic volumes for the study area. Background traffic volumes will be determined by projecting existing traffic volumes to the scheduled development build out year using a compounded annual growth rate. In addition, the traffic volumes generated by any approved developments in the vicinity of the subject development will be included.
6. Utilizing methodologies and procedures presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 7th Edition, calculate the amount of daily, AM and PM peak hour trips generated by the proposed development.
7. Determine primary trip distribution percentages based on employment centers, existing traffic patterns, and engineering judgment.
8. Utilizing trip distribution percentages, assign site-generated traffic to the study intersections.
9. Analyze study intersections under the following scenarios:
 - a. Existing (2007) conditions
 - b. Future (2008) conditions – with proposed Springdale Connection
10. Document the study findings, with graphical aides and an appendix of supporting data, in a “draft” Traffic Assessment (TA) report to the Client. With Client approval, submit final TA reports to NCDOT for review.

Commissioner Cotten stated he had prepared some recommendations concerning this and he had really hoped to resolve it tonight. However, there are two legal things that have been brought to his attention, one is there is a question as to whether Springdale is still a State road or a town road and the other is there seems to be some question about the boundary of the land between the present Springdale and the development going into Chatham Forest (that is something that needs to be resolved). He has prepared and will make it available to anyone that is interested his recommendations.

Commissioner Walker asked Commissioner Cotten if this was in regards to the email received from Mr. Messick to the former manager. Commissioner Cotten stated it was.

Commissioner Walker read the email from Mr. Messick to Mr. Misenheimer on February 14th:

I do not know whether it is still true or not, but Springdale was a DOT street originally from 15-501 to the CP&L power line ROW and either a private or Town street thereafter. I cannot remember whether it was turned over to the town but it would be on the Powell bill map if it were. If Chatham Forest were to connect, I think someone needs to make

sure it is public all of the way down the hill. As I told you the other night, there is a little zig in the r-o-w beyond the end of Springdale. I think Voller Realty needs to offer the r-o-w to the Town with a written easement.

Mayor Voller stated that we are going to need to get the traffic impact analysis back to formulate the recommendations for what DOT is going to want. He thinks that will be the rationale nexus for opening the road.

Mayor Voller stated on the map 2000, page 415 there was a dedication made. And you are saying (directed to Attorney Messick) there must be a separate dedication easement that goes along with the plat. Attorney Messick stated he has not seen the map, but that could take care of it and it may not. Mayor Voller asked him to review the recorded plat that was signed by Hugh Montgomery in 2000.

Mayor Voller stated there is an item he is confused about. Firetower road is a NCDOT road and Chatham Forest connects by Cynthia Lane, so he doesn't understand how that impacts them but he will be glad to get input from Mr. Blakely and Mr. Sloan from DOT as to why.

Attorney Messick stated Springdale was not a DOT road all the way; it was only DOT to the power line.

Mayor Voller said if DOT doesn't own it then the Town owns it. Attorney Messick said it could be a private owner. There is such a thing in the Town of Pittsboro, unfortunately.

Attorney Messick stated he thinks it is a town street – and the whole thing is a town street, but he doesn't know.

Mayor Voller asked that Planner Monroe verify that before the next meeting.

Planner Monroe stated that his concern in coming back so quickly is that the consultant may have the TIA prepared but he doesn't believe DOT will have had time to review and make recommendation.

Mayor Voller stated that if they haven't, it can be brought back to the following meeting.

Planner Monroe stated if the board would allow him to schedule it; he will base it on DOT response. Commissioner Cotten stated so moved and it was seconded by Commissioner Brooks.

Mayor Voller asked if he was so moving that it move on with Mr. Monroe. Commissioner Cotten stated with Mr. Monroe coordinating it, when he says to put it on the agenda it will be on the agenda.

Wayne Wright, lives at 74 Springdale Drive, this impact that you are talking about is not going to do any good, unless that street is open. When that street is opened it is total

chaos. Open the street up and let the survey people study that. What you have now is just the people living up there and they have no problem and they have never had a problem. He has been living there fourteen years. There has never been an accident, last summer 2006 the barricade was broken down up there four times and every time there was nothing but steady two lanes of traffic up and down Springdale Drive which is 20 feet wide from edge of pavement to edge of payment. He wants them to study something that can be recommended to the board. Not something that is just sitting there. Springdale Drive is just like a big poisonous snake, are you going to cut its head off before it bites you.

Mayor Voller stated it is was a good point he was making but he did not know if they could open the road up to do the study.

Mr. Wright stated he had other questions.

Mayor Voller stated if he would like to take them out at the end of the meeting that will be fine. The board had a public input session last time. This item is closed at this time. You are more than welcome to submit them to Alice who will get them to the board.

Bill Clancy, 100 Springdale Drive. Does the impact study take into consideration whether the road gets open or not.? Does the impact just look at the intersection or at the road as it exists now and using the projection based upon what those projections would be in the analysis? You would make recommendation as to what needs to be done to the street or just the intersection on 15-501. Mayor Voller said both, it is looking at now and in the future.

Commissioner Brooks stated what they are doing here is a study – a feasible study. It is not a done deal that this street is to be opened up. It is to find out what would be required if it were to be opened up. They have not voted to open up anything – they have not talked about any traffic calming devices or anything. All that has been committed to at this point is the study and to receive a recommendation from DOT as to what needs to be done.

Commissioner Brooks stated we should make an extra effort to keep all the citizens informed so they can follow the procedures. Mayor Voller stated to Mr. Monroe, whatever we can do to get it out, post it on the website, news release (Joe is here) notice in the lobby.

Vote Aye-4 Nay-0

BELLEMONT RIDGE ROAD EXTENSION

Attorney Messick stated that Mayor Pro Tem Cotten should chair this item on the agenda because Mayor Voller has ownership with this property.

Attorney Messick stated instead of talking about the dedication of a r-o-w that perhaps it should be discussed as a matter of cooperative construction effort between Voller Realty

and the Town of Pittsboro for the construction of an extension of Bellemont Ridge Road as shown on the map.

Mayor Voller was told he could stay in the meeting but could not speak.

Mayor Pro-Tem Cotten asked Planner Monroe to explain.

Commissioner Walker asked for Mr. Monroe's input.

Planner Monroe reported the extension of this road would provide improved access for town employees going to the two water tanks. The proposed connector going north across town property to the Spoon tract has been removed. Approval of this plan would allow the right of way on Voller property to be dedicated to the town. If approved, the extension of the roadway should be constructed with curb and gutter to better manage stormwater.

Commissioner Cotten asked Mr. Monroe if this was discussed with the Planning Board. Planner Monroe said it was not.

Commissioner Baldwin stated in reference to the cost will you be contacting Voller Realty in determining who would cover the cost with that particular construction. Planner Monroe stated he would presume Mr. Voller would cover all of the costs.

Attorney Messick stated he would anticipate that Voller Realty submit a contract with the Town of Pittsboro to construct this road, on both sides of this line at their cost, in some time and fashion that would be at your pleasure.

Commissioner Cotten asked if we knew how much town property is involved in the construction of this road.

Attorney Messick stated there appears to be a new map attached to the agenda notes which indicates it is approximately 25' x 340', nearly the entire width of the Town water plant property.

Commissioner Walker asked if it needs to be bonded, because it will become a town road.

Planner Monroe stated it would not become a town road until it has been inspected and approved by our consulting engineer. Commissioner Walker asked if that would have to be bonded like any other. Planner Monroe stated no, we just wouldn't take it at that time, and if we have a contract that Voller will do this then the contract would be the instrument that would guarantee the improvements. Commissioner Walker asked if they should wait until they see the contract before they take action or can it be covered with a motion.

Attorney Messick stated if the board is not interested he doesn't know why we would want them to prepare a contract but if we are willing to consider then prepare you could do that. Commissioner Walker stated it would certainly give the town another access to our existing water tank facility.

Commissioner Brooks stated he read the rationale for doing this and he is not quite sure he sees why. They might need a load of rock up there so Mr. Poteat and his workers can get up there. He has some concerns about it being paved all the way through there. If you think you have a nightmare with Springdale going out on the highway ride out there and look at the entrance of that road to the highway that is a scary situation. He knows it is gated on one end. Commissioner Walker stated if he is reading it correctly there is a gate to stop through traffic. Commissioner Brooks asked for confirmation that the gate would stay there. It will and the town employees will have the keys to the gate. Commissioner Brooks stated he has concerns about the safety issues.

Commissioner Brooks asked Mr. Poteat if the tank has fencing to protect it from people wanting to climb up it and paint it. Mr. Poteat stated it is well protected and well lit.

Commissioner Cotten asked if this was done we would still have a gate there but there is no way it can be tied into Bellemont and Chatham Forest is it. He knows some weeks back there was an objection to tying Chatham Forest into Bellemont in any way. Commissioner Walker stated this is into Chatham Forest this road is an extension of a road in Chatham Forest, Bellemont Ridge where the sediment trap exists is a part of Chatham Forest.

Attorney Messick stated this will potentially open up other property adjacent to Chatham Forest for development to be constructed to town specifications in creating public streets.

Commissioner Cotten asked Mr. Messick how we would handle the part of it that belongs to the town.

Attorney Messick stated, assuming it was constructed to town standards and the Board accepts it, and it became then a public street it would be available for Voller Realty to develop and access anywhere on the line subject to the towns approval.

Motion made by Commissioner Walker to approve the right of way of Voller property being dedicated to the Town, the extension of the roadway should be constructed with curb and gutter to better manage stormwater run off and we need to see a contract from Voller Realty to the Town, seconded by Commissioner Baldwin.

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

Motion made by Commissioner Walker seconded by Commissioner Baldwin to readmit Mayor Voller.

Vote Aye-4 Nay-0

CHATHAM MAJOR CORRIDOR TASK FORCE

Town representative for Chatham Major Corridor Task Force.

Commissioner Walker stated this has already been done at an earlier meeting.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to reappoint Mayor Voller as the Town's representative on the Major Corridor Task Force and to reappoint Commissioner Walker as the alternate. Vote Aye-4 Nay-0

ANNEXATION

A petition to annex all of a tract of land containing approximately 98.965 acres and located west of Central Carolina Community College.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the Ordinance Extending the Town Limits with an effective date of March 31, 2007.

Vote Aye-4 Nay-0

AN ORDINANCE EXTENDING THE TOWN LIMITS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

CHAPTER 10 CODE OF ORDINANCE UPDATE

A proposal to update Chapter 10 of the Codified Ordinances of the Town, said chapter being the Flood Damage Prevention Ordinance.

Motion made by Commissioner Baldwin seconded by Commissioner Brooks to approve the update to the Flood Damage Prevention Ordinance.

Vote Aye-4 Nay-0

UPDATE TO THE FLOOD DAMAGE PREVENTION ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES

ZONING TEXT AMENDMENT

A zone text amendment to ARTICLE X AMENDMENTS, Sections 10.21b, 10.3.1, and 10.4.1.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the amendment to Article X Amendments, Sections 10.21b, 10.3.1, and 10.4.1.

Vote Aye-4 Nay-0

AMENDMENT RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE

HYDROSTRUCTURES MONTHLY UPDATE

Mr. Jay Johnston went over the update that was included in the agenda packet:

MEMORANDUM

To: Town of Pittsboro

From: Hydrostructures, P.A.

Date: February 16, 2007

Subject: Multiple Project Status Report

3M Reclaimed Water Project

- Hydrostructures' submitted revisions for Contract 2&3 (transmission and tank) to CG&L on August 22, 2006. The CG&L review is ongoing.
- If the project is approved in its current form, certain easements will be required for the project. Responsibility for easements lies outside of Hydrostructures' scope of services. However, we can pursue these easements if requested.
- Hydrostructures, P.A. recently provided drawing information to 3M personnel for review with regard to easements.

BB&T (Powell Place Village Center)

- H.B. West, the utility contractor has started work. SS lines have been installed from EX SSMH #1 on Powell Place Lane to SSMH #3 at the BB&T property. The water main has also been installed and the storm drainage is just about complete. Contractor is pre-testing sewer and water mains. Grading at BB&T site for curb and gutter.
- There was some feedback that construction may be delayed until near year's end but this has not been confirmed and the contractor is pushing to get a gravel road into the site.
- Building Permit was issued November 6, 2006 and is valid for 18 months.

Chapel Ridge

- The Town recently communicated the requirement that a check valve be installed to isolate the Town system from the Chapel Ridge system. Also there appears to be a continued dialog to bring about better control of Chapel Ridge's water tank level and pumping schedule. Chapel Ridge has requested the Town release 157 additional units for water service. Dave Monroe is holding their Capital Improvement Fee check in the amount of \$217,000.00 until these issues have been resolved. Mr. Monroe stated he was informed this meeting that Jim Lang, Heater Utilities has ordered the check valve and is signing a contract for the installation of that and in addition they are ordering SCADA telemetry so that we will be able to monitor the level of water in there tank. Commissioner Walker asked once this is completed will you give them a number of days to make sure it works before we release the additional flow to them. Planner Monroe stated he will do it how ever the board would like for him to do it. Commissioner Walker stated he felt it would be wise to make sure it works. Planner Monroe stated we could have it bonded. Mayor Voller said he and Planner Monroe are not signing

the release until all these improvements are made or bonded. Motion made by Commissioner Walker to have the project bonded before Planner Monroe will release any of the additional flow for the 157 additional units seconded by Commissioner Baldwin.

Mayor Voller stated they can not believe he would not take the check. We can accept the bond but we want it done. Planner Monroe stated we should get a copy of the contract that Heaters Utilities has created to guarantee the installation of the device and a copy that demonstrates that they have in fact ordered this check valve. Mayor Voller asked about a time frame. Planner Monroe stated if you have a bond we can pick any time frame we want; six months should be more than enough time. Mayor Voller stated he would like to recommend that Planner Monroe review that with Mr. Johnston and himself, for the safety of the board. Mayor Voller asked if he would amend his motion to accept his bond. Commissioner Walker made a motion to amend his motion to include all comments by Planner Monroe, Commissioner Baldwin amended her second. The motion now reads: Motion made by Commissioner Walker to have the project bonded before Planner Monroe will release any of the additional flow for the 157 additional units that we should get a copy of the contract that Heaters Utilities has created to guarantee the installation of the device and a copy that demonstrates that they have in fact ordered this check valve, and that a bond the installation and SCADA telemetry, six months should be more than enough time, seconded by Commissioner Baldwin.

Vote Aye-4 Nay-0

- Hydrostructures, PA recently requested and received hydraulic data relating to the Chapel Ridge water system. This information will be input into water system model, currently under development by Hydrostructures.

Chatham County Department of Social Services

- A Variance for the use of a dry pond BMP for storm water control has been approved. Site plan approval was issued by Town and site work has begun.
- We are still awaiting the engineer's plan resubmittal using a dry pond BMP for storm water control.

Chatham Forest

- Pavement failures: There is a 2 year warranty currently running on the streets in phase 5B and 9. The pavement repairs will be done in conjunction with the placement of the top course (I-2) of asphalt.
- Malfunctioning Pressure Reducing Valve (PRV): The Engineer has still taken no definitive action toward resolving the PRV issue. Hydrostructures and Town staff believes that it remains an Engineer issue to resolve the functional problems with this installation. Mayor Voller asked if the contractor has contacted them. Mr. Johnston said they had not. Mayor Voller stated the President of the company that makes that PRV is available to come out now, after Mr. Dumas has done the review. Commissioner Walker asked the Mayor if he was speaking as the Mayor or developer. Mayor Voller stated he is not the one doing that work. Commissioner Walker stated it was his subdivision. Mr. Bahho has contacted the supplier and they are coordinating with HydroStructures (to be with them) to look at to see why it is malfunctioning so that they can make the repairs.

- Park Access Road: Inspection of the Park Access Road and water main extension is ongoing. We are still awaiting the schedule from the contractor to proof roll the road. The gate valve remains to be installed to complete the water main extension.
- Tank Access Road: The developer has presented a proposal for connecting Belmont Road with the access road to the million gallon tank. The proposed layout would allow Town access from the million gallon tank to the half-million gallon tank through Belmont Road.

Collection System Rehabilitation

- Hydrostructures is in the design phase of the Credle basin rehabilitation which will be followed by bidding and construction. Project Advertisement should be ready in March. Construction could begin in early spring.

Lowe's

- As far as Hydrostructures is involved the project is complete. A "Letter of Completion and Acceptance to Developer" is being drafted by the Town.

Potterstone Village

- On Phase 2B & 3 of this project several close out items remain to be done including final inspection.

Powell Place Phase 2A and 2C

- Phase 2A utility construction is complete, all curb and gutter is installed and base course of paving is down.
- Installation of the water main has been started in Phase 2C
- Work is nearing completion on the Pond "A " Improvements. Dam is being built up and north end of Pond is being graded.

Powell Place Pump Station

- The phone line from outside the fence to the callbox inside the fence has finally been buried by Madison River.
- The Pump Station appears to be working properly and Hydrostructures, P.A. has confirmed that the phone line installation is complete and that it is working properly.

Powell Place Village Center

- Site clearing and grading still ongoing. A site utility plan has been approved for Construction by Hydrostructures. The DENR Public Water Supply "Authorization to Construct" was issued on 1/30/07 and Hydrostructures has received a copy of the permit.

River Oaks

- John R. McAdams has prepared a water system hydraulic model demonstrating the theoretical impact of the addition of the River Oaks subdivision. Hydrostructures is reviewing this work. Conclusions should be ready in March. For water system modeling purposes, dwelling units have been reduced to 1350 based on information project by Town staff.
- John R. McAdams has requested Hydrostructures to look at the option of pipe bursting the existing collection pipe that runs to the west of Town Hall instead of paralleling the existing

line with a new pipe. This has yet to be presented to us. We will review this work when it is received.

- John R. McAdams continues to press on us for results of sewer capacity analysis without requesting any specific input. See Sewer System Master Plan below.

Spoon Commercial Project (Bellemont Station)

- SS and water mains are connected to the Town of Pittsboro systems and have been successfully tested.

Standard Specifications

- Completed and in place.

Water Distribution System Modeling

- Water system modeling is underway. We have completed a plan determining the location of water sampling and water testing. We are to meet with Mr. Poteat to implement the plan so modeling can be completed. Mayor Voller stated we are doing this to provide the best water possible for our system.

Sewer System Master Plan

- Sewer system modeling efforts are underway and relies heavily on system mapping, which is underway but not yet complete. Results are expected in April.

Water and Sewer System Mapping

- This project is under way (under the purview of Aaron McNeill, PLS) and we anticipate delivering in late March to April.

Evaluation of Plan Review/Inspection Costs and Fee Recovery

- We are working with Mr. Misenheimer to evaluate review and inspection costs and to propose fee reimbursement revisions. Currently it appears that an increase in recovery fees should be mandated. We will continue assisting the Town on this matter. Commissioner Walker asked how far are you from projecting that can you make a recommendation to the board within the next 30 days as to what you think those fees should be. Mr. Johnston stated he felt he could, the leg work has been done. Commissioner Walker asked if they could look to having that as an agenda item in March or April. It was said probably April.

Water System Security Measures

- The ASCE/AWWA draft guidelines for security measures are available and under review. The Town may be well advised to perform a Vulnerability Assessment of their facilities. The State already mandates participation in a variety of programs and seems to add a new requirement every year or so. Vulnerability Assessment for smaller systems may be considered a likely addition in the coming years. Hydrostructures, P.A. continues to assist the Town in this matter. Commissioner Walker said the bottom line to this is more cost to the Town. Mr. Johnston said for security measures, certainly. He doesn't think we are unsecured right now. He stated the point is that security guidelines are now available and you may be looking at taking it to the next level. Mayor Voller stated to Mr. Monroe that could

be a possible homeland security item that we send a message on to Congressman Price who is now the chair of the appropriations to see if we can get funds to help us with that.

NEW BUSINESS

CONTRACTS – HOBBS & UPCHURCH

Drinking Water System – Disinfection Byproduct Reduction Plan

Attorney Messick stated the contract here tonight was referenced in the letter that was sent to the Water Quality section of the State earlier this month.

Vance Brooks, Hobbs & Upchurch this is in regards to a notice the Town received in December. This will provide the pilot study at the water plant. The scope of work is:

1. Preparation of the preliminary engineering report will specifically include the following:
 - i. Evaluate and possibly modify the town's method of coagulation and sedimentation. Currently polyaluminum chloride is used as a coagulant. Other coagulants that contain sulfate rather than chloride will be tested. Jar testing will be used to determine the efficacy of each potential new coagulant. The optimum pH and dose will be determined. Only NSF approved products will be used. If it is decided to try a new coagulant, NCPWS approval will be sought. Upon approval the new coagulant will be used full scale for a trial period. If the trial is successful, a permanent change may be made.
 - ii. Evaluate and possibly modify the pH and alkalinity throughout the treatment process and in the finished water to enhance treatment and minimize unwanted byproducts.
 - a. Pilot test the use of lamella plate or tube settlers in the sedimentation basin to enhance total organic carbon and turbidity removal.
 - b. Evaluate the efficacy of using monochloramine as a secondary disinfectant in the distribution system. The town favors this technology but is concerned about possible corrosion control problems (hence the need for the change in coagulant discussed above). The town intends to evaluate this technology by adding ammonia to a finished water side stream. It then intends to run a corrosion control coupon test until on the free chlorinated water being sold versus the chloraminated side stream water. The chloraminated water will be discharged to the plant's process wastewater treatment system.
 - c. Summarize the results of the above in the form of a preliminary engineering report that will include recommendations and capital cost estimates.

2. Provide engineering services for completion of the capital improvements recommended above. These services will include but not necessarily be limited to design and construction administration and observation.
3. Monitor the efficacy of the capital and operational improvements. The results will be compared to both the existing Stage 1 rule and the upcoming Stage 2 rule requirements. Additional study may then be required, followed by additional capital improvements.

Mayor Voller asked if this problem is affecting other cities and towns. Mr. Brooks said it was as the regulations get tighter and tighter, the latest was implemented in 2004 and it is now in effect for Pittsboro. This by no means is a unique problem just for Pittsboro.

Commissioner Walker stated this is another mandate from the State with no funding to cover the costs. If he remembers the board had a study done in 2004 or 2006, the cheapest fix was the chloramines and it was about a half million dollars at that point and time. Commissioner Walker asked Mr. Monroe to certainly push Chapel Ridge to get that work done so that we can get that \$217,000.00 capital recovery and access fees and we can use capital recovery and access fees on projects like this that would benefit the whole town.

Commissioner Brooks stated he had a comment, no disrespect to him. But he has over and over again introduced reports about adding chloramines to the water the latest being was from Wayne County. Ammonia systems have their problems too. The Wayne County study showed that in older housing especially, children were being damaged just like the lead paint issue. If you go to ammonia and you have not made all the necessary contacts you will kill someone up at the dialysis center, there are all kinds of problems. Ammonia is not a panacea. He thinks we are going to have to do something because the state is pushing us. What he don't understand is he never hears one word from the all the engineers and people about his concern. This is not about him, he is concerned about the children and the citizens that live in older homes that will be drinking this ammonia treated water.

Commissioner Walker asked Mr. Efirm if he could enlighten the board in water he has found out about this. Frank Efirm stated all the studies that have been out there he is hearing mixed things. The jury is still out on whether lead leaks out of the lead soldering from everything he has heard. Everything he has heard that is still out, they don't know if it is. You see the word "may" or "might", he hasn't seen anything that said exclusively.

Commissioner Brooks stated he is not opposed to anything new all he is asking is that we do something to protect our citizens to the best of our ability.

Attorney Messick stated this proposal will assist the Town to optimize this treatment process as the scope is spelled out. So, this is not a decision of what type treatment process we are going to use.

Commissioner Brooks stated the problem will not be at the water plant but in the lines, at least that is the way he understands it.

Vance Brooks stated that in many places that had TTHM problems before we did, have used it, it was economical that is why it was proposed back in 2004 when he did the report. There are other things that would do a much better job. About the time they finished the study is the first time Washington DC experienced the lead problems, then Greenville NC and now Durham NC, each one of those towns have a different reason as to why they have lead show up in their water. He went over the scope of services to be performed with this contract.

Commissioner Brooks asked if we should not test the older homes.

Mr. Brooks stated they are not going to be selling the water until after they have run all the tests.

Commissioner Cotten asked if he would be utilizing the information that he gathered when he was working for The Wooten Company when you were doing this same study.

Mr. Brooks stated he would be, it would be used as a starting point.

Commissioner Walker stated he (Mr. Brooks) mentioned that we get our water from the Haw River, the chlorination process with the water out of the Haw may be different from what they may get out of the Tar River and the way they treat it in Greenville. Mr. Brooks stated it is both.

Commissioner Walker stated he too has concerns about the lead problem but we have to do something. Vance Brooks stated Mr. Efird said it very well, the jury is still out.

Commissioner Baldwin asked if other methods would be studied besides ammonia.

Commissioner Brooks stated it is his understanding that OWASA has to go back to the chlorine system one month out of the year in order to make sure bacteria is out of the line. What do you think it will be for a small town like Pittsboro? Mr. Brooks (Vance) stated one month.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the contract with Hobbs and Upchurch for Disinfection Byproduct Reduction Plan for Drinking Water.

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

COPY OF CONTRACT WITH HOBBS AND UPCHURCH IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

Commissioner Cotten stated it is not that he is disregarding the need for the study, this is a budgetary matter, it involves money and we need to start looking at where the money is coming from before we approve all this projects.

General Consulting Contract –

Commissioner Walker stated this does not commit us to any immediate spending need. This is just a general contract. Attorney Messick said yes.

Commissioner Walker made a motion to approve the General Consulting Contract with Hobbs and Upchurch seconded by Commissioner Baldwin.

Commissioner Cotten asked if he understood this would be on a job by job basis and the board will decide what we will give them and what we will not. Mayor Voller said yes. Commissioner Cotten stated he would support it then, otherwise he would not.

Vote Aye-4 Nay-0

COPY OF THE CONTRACT WITH HOBBS AND UPCHURCH IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

PROPOSAL FOR NC RURAL CENTER PROJECTS

Grant application preparation services-proposal for NC Rural Center Projects.

Attorney Messick stated this is a proposed contract to apply for funds from the Rural Center for grant funding based on the proposed expansion of several businesses in town.

Attorney Messick stated assuming they (businesses) are eligible the contract would be for \$2,500 a piece.

Mayor Voller stated the Rural Center provides funding to property owners in town if there are providing new jobs that will be guaranteed by the applicant. It is about \$10,000 per job. The business owners have to guarantee the job or you have to repay the money to the state.

Commissioner Walker stated that it should be determined whether they are eligible and if they are bring it back to the board. The letter said they would recommend scheduling a meeting to discuss this potential project and determine eligibility at no charge. He would like to see that done.

PARK AND RECREATION

Parks and Recreation applicants. Vacancies include (1) in town and (1) ETJ.

Chris Bouton, they looked at the applications at their last meeting but they decided they were not going to comment on them, so they didn't have any recommendation.

Motion made by Commissioner Cotten seconded by Commissioner Walker to appoint Sarah Donaldson as the in-town representative and Mary Nettles as the ETJ representative and that their terms will expire when the person they are replacing terms were slated to end.

Mayor Voller said that Ms. Nettles is not within the ETJ. Town Clerk Lloyd said and Planner Monroe confirmed that Milliken Road is within the towns ETJ.

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

WASTEWATER TREATMENT

Discussion on wastewater treatment options – Commissioner Cotten.

Commissioner Cotten stated at the meeting on February 12th he asked Mr. Misenheimer some questions and he was not satisfied with his responses. So on February 15th he calls the NC Department of Water Quality and basically what he was told was there were three outstanding items that needed to be responded to by the Town and Hobbs and Upchurch. He would like to point out “Last Comments”

1. Please confirm whether the agreement between the Town of Pittsboro and 3M stipulates the quality of water delivered to their facility vs. the quantity of water. If the agreement does not stipulate quality then 3M must confirm to the Division that the anticipated quality of the delivered water is adequate for their use.

Response: The agreement does not stipulate the quality of water delivered. 3M will submit in writing a request to use the existing effluent in their manufacturing process. This letter will follow this Amendment.

Commissioner Cotten stated this item has been sent and we have a copy of it.

2. Please re-examine the cost estimates shown on page 3 of the report and correct if necessary.

Response: The cost estimates were incorrect and have been corrected.

Commissioner Cotten stated it was corrected by Hobbs and Upchurch it was originally \$1,515,895 they changed it to \$1,635,895. Then there was a new comment.

3. The town has decided to pursue a new WWTP, please provide the timeline and anticipated financial means for permitting and construction of the new WWTP, if available.

Commissioner Cotten said in his discussion with Raleigh he was told if they approved the proposal under consideration there are certain provisions of our permit that would have to be weighed. Not only that, the project consists of a temporary pump station, the line from the pipe station to the tank and the construction of the tank. We are talking about investing over a million dollars in something that will not offer any immediate benefits to Toll or 3M. So he has prepared a Resolution.

The Resolution reads:

WHEREAS, the Town of Pittsboro has an agreement with 3M to furnish water of re-use quality; and

WHEREAS, the current plant does not have the capability to deliver this quality of water; and

WHEREAS, an engineering firm designed an expansion of current plant to upgrade it to capability of producing reuse quality water; and

WHEREAS, the NC Department of Water Quality has approved the plan; and

WHEREAS, grants and loans have been secured for a major portion of upgrade costs.

NOW, THEREFORE BE IT RESOLVED, that the Pittsboro Town Board of Commissioners authorize the engineering firm of Diehl and Phillips and HydroStructures to advertise for bids on this project as soon as possible.

Commissioner Cotten made a motion that this resolution be adopted. Mayor Voller said the motion died due to the lack of a second.

Adam Kiker said he does not have the letter in front of him that Mr. Cotten read from, but he has prepared a response to each one.

Commissioner Cotten asked what they meant by part of our permit would have to be wavered.

Mr. Kiker stated the waiver he thinks he is talking about is a flow variance which allows a reclaimed water customer that use it for non-typical uses, evaporation, dust collection it lets everyone understand the water is not reclaimed water quality it has not been chlorinated like drinking water has. There are other things that have not been done. He has not been told through his process that Pittsboro's permit will be required to have a modification to it.

Commissioner Cotten stated the board was making a mistake not approving his resolution.

Commissioner Brooks stated it seems like there has been some kind of communication problem for all involved for the state to tell him that, he is not making any accusations he is just saying it is all very confusing to him.

Commissioner Cotten stated that he was told over the phone the message that he could proceed that the State would honor the resolution and therefore the grants and everything would be secured. There is no guarantee the grants will be approved for this other project.

TOWN HALL SECURITY

Town Hall security issues.

Chief Collins stated he was requesting this for safety of our employees we have had occasions where people have walked in off the street.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve for the security of our employees, the installation of a Schlage CM Locking System for the price of \$2083.10 with funding to come from 10-5500-334 (Public Building Maintenance).

COPIER LEASE

Ratification of Kyocera digital copier lease.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the lease of the digital copier. Vote Aye-4 nay-0

PITTSBORO ABC BOARD

Consider receiving public input on various issues.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to put this matter on the next agenda after the meeting with Mr. Herring.

Vote Aye-4 Nay-0

DOWNTOWN DISTRICT

Consider receiving public input on the future and vitality of our downtown district.

Mayor Voller stated we do have a very vital merchants association. They do the first Sunday's they are also considering doing something called "fishy Friday's" which would be getting someone into town selling fish sandwiches, getting people coming here like in Raleigh and Carrboro. He would like to get the public involved. Commissioner Brooks asked when he wanted to do this. Mayor Voller stated he thought that maybe we could have the Mayor do a blue ribbon task force to conduct a series of sessions to take input from citizens as well as business owners.

Planner Monroe stated that part of the Land Use Plan Update they will be having a series of public input sessions on various issues, one of which will be the downtown at which time they will reach out to them, the meetings will be facilitated by graduate students from NC State, they will occur probably in May.

Commissioner Cotten asked if the merchants association has discussed this.

Jeff Starkweather said he was at their last meeting and it was discussed. He also discussed the state main street program and talked about doing a walking tour.

Mayor Voller they have been working for the last three months on some items they could bring before the Board that is why he put it on the agenda for consideration as an attempt to notify the board.

Commissioner Walker stated these are important issues for the Town. Let us not forget that as of today we are looking for a new manager for the Town and that should take ultimate priority over anything else we have going on, no offense, but let's not stretch ourselves too thin as we are without a manager.

Mayor Voller stated we will work with Mr. Monroe and have more information coming to the board in May.

Efrain Ramirez said he was just thinking he realizes the importance of finding a new Town Manager and dealing with other issues but could it not be something that is ongoing on the part of a group independent of the board that would be developing the needs of Pittsboro.

Chris Bouton, he would like to remind the Board and people in the audience that the Parks and Recreation Advisory Committee has worked with the Town Council already to submit a grant application for pedestrian accessibility access program. Also worked with Megan Bolejack with Chatham County and would like to focus on the Historical points in Town.

Mayor Voller asked the Board to give him authority to represent the board he would be happy to convene these groups and bring that back to the board. He knows there are four or five such groups. He would merge them together and bring the information back to the board. It can be called a blue ribbon downtown or downtown vitality. He will do it; it interests him, if the board will give him authority.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to authorize the Mayor to get all the groups together and report back to the board.

Vote Aye-4 Nay-0

WATER SYSTEM

Consider receiving public input on long term choices.

Mayor Voller stated the water issue is a similar item and he only put it on there to say we are probably going to need to start considering input. That is why he put it on here is for the boards consideration.

Commissioner Cotten stated he feels it should have been done several years ago.

Commissioner Brooks stated we need to move on.

Attorney Messick went over:

Staff Reports/Manager updates

- Town projects status report/Hydrostructure's report for January/February 2007.
- Water Plant improvements.
- Reclaimed water system to serve 3M – acceptance of non-reuse quality effluent.
- Response letter to Corps of Engineers requesting entry to government property.
- Pittsboro Medical/Office Buildings. Planner Monroe stated it may be up in two weeks.
- Notice of violation for TTHM MCL dated December 14, 2006.
- Notice of violation and assessment of civil penalty for Violations of North Carolina General Statute (G.S.) 143-215.1(a) (6) and NPDES Permit NC0080896.
- NCDOT letter regarding additional signing for Pittsboro on US 64 Bypass.

COMMISSIONER CONCERNS

INTERIM TOWN MANAGER APPOINTMENT

Motion made by Commissioner Brooks seconded by Commissioner Walker to appoint Paul Messick as Interim Manager. Vote Aye-4 Nay-0

Commissioner Brooks stated Chief Collins brought up an issue regarding former Manager Misenheimer. Chief Collins said the issue had been resolved.

Mayor Voller, we do have one quick concern. We do have Mr. Ramirez where who ran for the Town Board and we have a vacant seat.

Mr. Ramirez said he definitely is interested he is willing to participate and be a part of this board if the board feels that he is a person that is capable, worthy and qualified. There certainly is a lot that he would have to learn. He has lived in this town for 22 years, it is the longest he has ever lived in one place. The loves this town dearly.

Mayor Voller stated he was informed by Dawn from the board of elections today that there is a requirement that we have a certain time limit -90 days to the election you can

not fill the seat. Attorney Messick said it relates to the length of term time an individual will serve – Mr. Bryan was up for re-election this year so depending on when the election is then you will back it up from that.

Commissioner Brooks stated after a day like we have had he would like to postpone any decision on this tonight.

Mayor Voller said he felt that Mr. Ramirez was here – the board can take it up at a later date.

CLOSED SESSION

Motion made by Commissioner Walker seconded by Commissioner Cotten to go into closed session pursuant to GS 143-318.11(a) (3) to consult with an attorney and GA 143-318.11(a)(5) to establish negotiation position regarding acquisition of real property.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to go out of closed session.

REGULAR MEETING

ADJOURNMENT

Motion made by Commissioner Brooks seconded by Commissioner Cotten to adjourn.

Vote Aye-4 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk