

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, SEPTEMBER 28, 2015
7:00 PM

Mayor Bill Terry called the meeting to order and asked for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Fiocco led the Pledge of Allegiance.

ATTENDANCE

Members present: Mayor Bill Terry, Mayor Pro Tem Pamela Baldwin, Commissioner Jay Farrell, Michael Fiocco, Bett Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Chief of Police Percy Crutchfield, Water Treatment Superintendent Adam Pickett, Finance Director Nancy Emslie and Engineer Fred Royal.

CONSENT AGENDA

Motion made by Commissioner Fiocco made a motion to approve the consent agenda with a modification of the September 14, 2015 minutes on page 6 under "Submittal Requirement" that the words "solid waste collection" be removed. It was not mentioned. Motion seconded by Commission Baldwin. The Consent Agenda contains the following items:

1. Approve minutes of the September 14, 2015 regular meeting. (Approved with above modification)
2. Approve Ordinance Amending the Town of Pittsboro 2015-2016 Operating Budget.
3. Receive FY 2015-2016 Financial Reporting as of August 31, 2015.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE FY 2015-2016 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 131

REGULAR MEETING AGENDA

Motion made by Commissioner Farrell seconded by Commissioner Foley to approve the regular meeting agenda as submitted.

Vote Aye-5 Nay-0

CITIZENS MATTERS

Elaine Chiosso – Haw Riverkeeper reported that the first week of the Annual Haw River Learning Celebration with Chatham County Schools was held with Pittsboro Elementary students. She stated that have received a grant from Chatham County Foundation to advocate for protection and enjoyment of the public lands along the Haw River. She will be coming back with updates later.

OLD BUSINESS

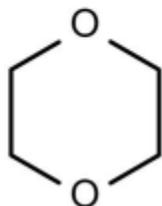
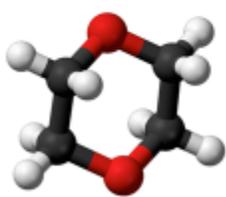
PRESENTATION REGARDING STUDY OF 1,4-DIOXANE IN HAW RIVER

Dr. Knappe, NCSU went over the following power point presentation and answered questions. Dr. Knappe stated he wanted to report on research he has been collecting over the last year.



1,4-Dioxane Occurrence in the Haw River and in Pittsboro Drinking Water

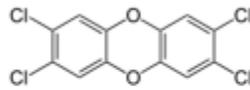
Catalina Lopez Velandia, Mei Sun, and Detlef Knappe
(knappe@ncsu.edu)



Pittsboro, NC, September 28, 2015

What is 1,4-dioxane?

- 1,4-dioxane \neq dioxin



- Uses and potential sources of 1,4-dioxane
 - Solvent stabilizer (phased out)
 - Industrial solvent (textile, paper, specialty chemicals)
 - By-product of manufacturing processes involving ethylene oxide (polyester, PET, detergents, cosmetics)

Presentation Overview

- What is 1,4-dioxane?
- 1,4-dioxane occurrence in
 - Pittsboro source water (Haw River at Bynum)
 - Pittsboro drinking water
- 1,4-dioxane sources
- Conclusions

Drinking water samples with 1,4-dioxane $\geq 3.5 \mu\text{g/L}$ (UCMR3 data as of May 2015)



- 28,702 drinking water samples analyzed for 1,4-dioxane
- 3,350 (11.7%) had detectable levels of 1,4-dioxane
- 897 (3.1%) had 1,4-dioxane levels $\geq 0.35 \mu\text{g/L}$

1,4-Dioxane – Background Information

- Miscible in water
- Very difficult to remove from water
- Monitored nationwide in drinking water as part of EPA's 3rd Unregulated Contaminant Monitoring Rule (UCMR3)
 - Finished drinking water samples only
 - Public water systems serving >10,000 people

Field Sample Collection



Brown glass bottles 500 mL with PTFE Caps

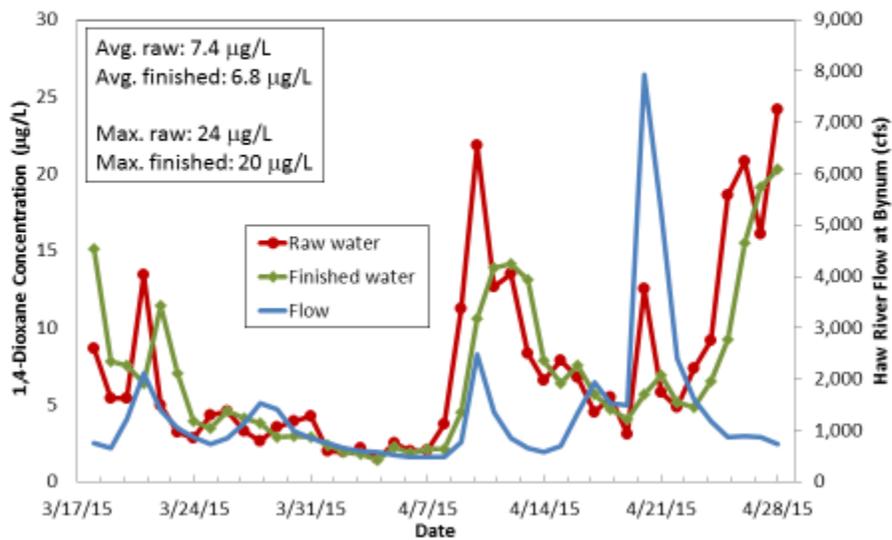


Preservatives:
50 mg/L sodium sulfite
1 g/L sodium bisulfate
Added sequentially in the field

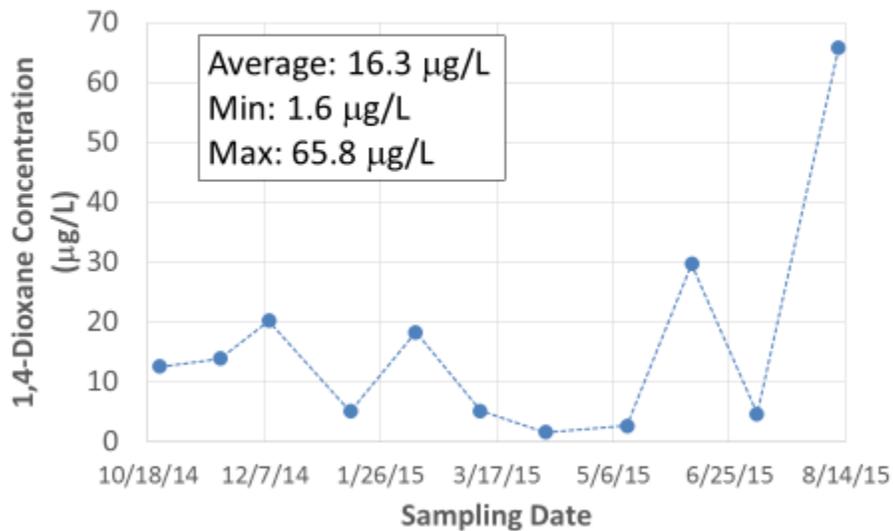
1,4-dioxane cancer risk

- Likely human carcinogen (EPA IRIS database)
- Lifetime consumption of drinking water containing
 - 0.35 $\mu\text{g}/\text{L}$ = 1:1,000,000 excess cancer risk
 - 3.5 $\mu\text{g}/\text{L}$ = 1:100,000 excess cancer risk
 - 35 $\mu\text{g}/\text{L}$ = 1:10,000 excess cancer risk
- Comparison with disinfection by-products
 - Bromodichloromethane: 0.6 $\mu\text{g}/\text{L}$ = 1:1,000,000 risk
 - Dibromochloromethane: 0.4 $\mu\text{g}/\text{L}$ = 1:1,000,000 risk

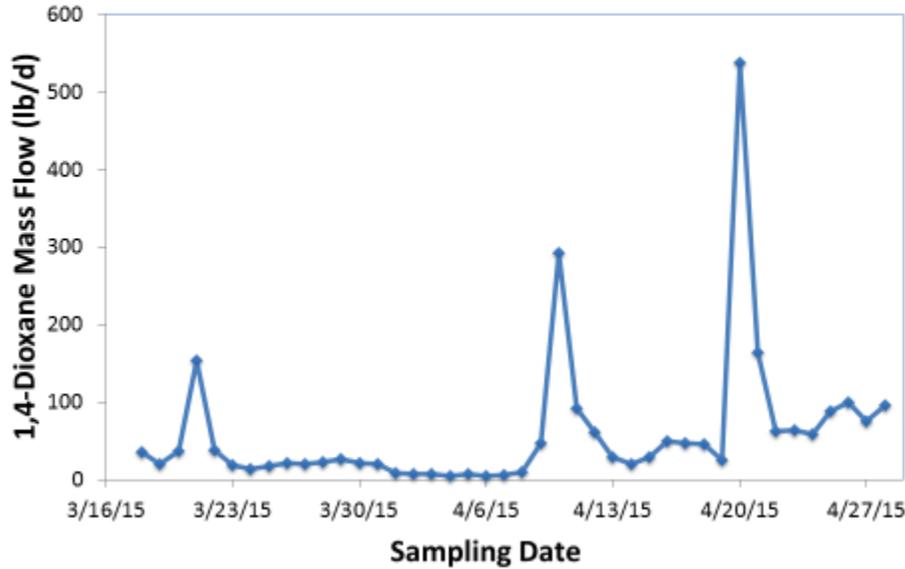
1,4-Dioxane Concentrations in Raw and Finished Pittsboro Drinking Water



1,4-Dioxane Concentrations in Haw River at Bynum

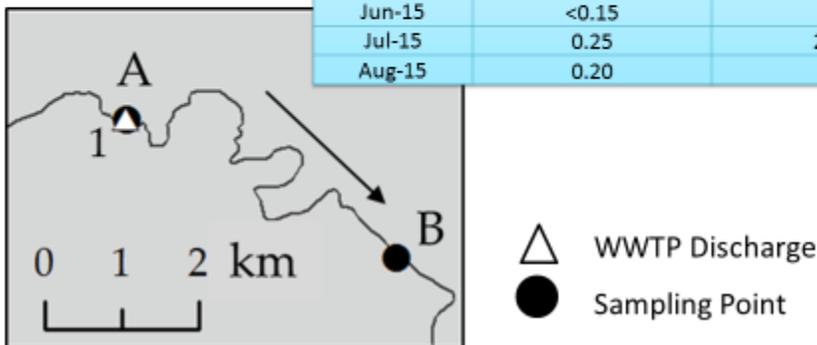


1,4-Dioxane Mass Flow: Haw River at Bynum

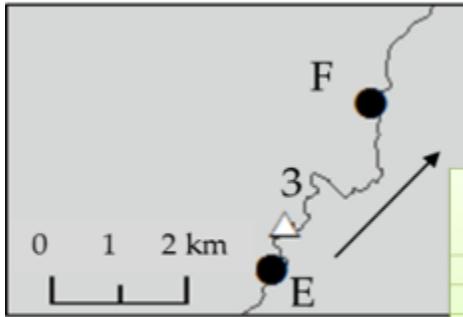


Source Identification: Haw River

Date	Upstream Concentration (µg/L)	Downstream Concentration (µg/L)
Oct-14	0.60	77
Dec-14	0.16	123
Jan-15	0.20	1.0
Feb-15	0.20	76
Mar-15	<0.15	3.8
Apr-15	0.15	27
May-15	0.20	26
Jun-15	<0.15	40
Jul-15	0.25	270
Aug-15	0.20	86



Source Identification: S. Buffalo Creek



 WWTP Discharge
 Sampling Point

Date	Upstream Concentration (µg/L)	Downstream Concentration (µg/L)
Oct-14	0.2	4.8
Dec-14	2.0	38
Jan-15	0.9	226
Feb-15	3.7	11
Mar-15	1.8	436
Apr-15	1.9	30
May-15	3.8	20
Jun-15	3.6	62
Jul-15	0.43	22
Aug-15	0.45	14

Regulatory Framework

- No federal drinking water standard
- No NC drinking water standard
- NC groundwater standard: 3 µg/L
- Surface water quality (in-stream) standard:
 - 0.35 µg/L for streams classified as water supplies (WS-I through WS-IV)
 - 80 µg/L for other stream classifications

15A NCAC 02B .0208 STANDARDS FOR TOXIC SUBSTANCES AND TEMPERATURE
 For carcinogens, the concentrations of toxic substances shall not result in unacceptable health risks and shall be based on a Carcinogenic Potency Factor (CPF). An unacceptable health risk for cancer shall be considered to be more than one case of cancer per one million people exposed (10⁻⁶ risk level).

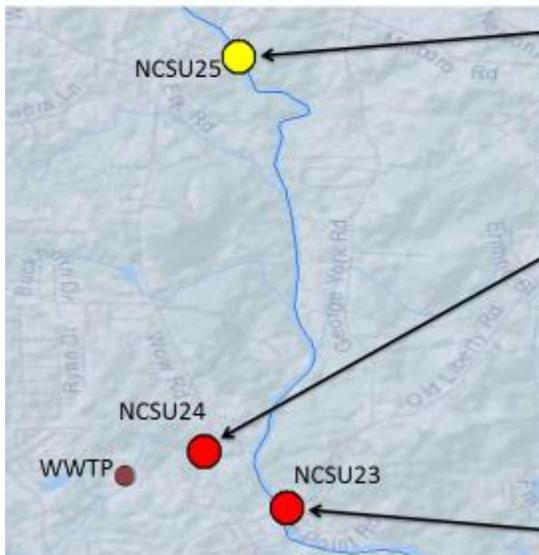
CONCLUSIONS

- In the Cape Fear River watershed, multiple sources of 1,4-dioxane exist in the uppermost reaches of the watershed
- 1,4-dioxane concentrations at Pittsboro:
 - Source water (Oct. 14 – Aug. 15): 16.3 µg/L (avg.), 66 µg/L (max.)
 - Finished water (March 15 – April 15): 6.8 µg/L (avg.), 20 µg/L (max.)
 - No measurable removal of 1,4-dioxane in water treatment plant (March 15 – April 15)
- NC surface water quality standard of 0.35 µg/L greatly exceeded at Pittsboro water intake

Acknowledgments

- Students in the Knappe research group: Zachary Hopkins, Harold Hounwanou, Joshua Kearns, Amie McElroy, Jonathan Moreno Barbosa
- Funding agencies
 - North Carolina Urban Water Consortium
 - NSF RAPID;GOALIE (#1449768)
- Utility participants: Fayetteville Public Works Commission, Cape Fear Public Utilities Commission, Town of Pittsboro
- North Carolina Department of Environment and Natural Resources: Carrie Ruhlman

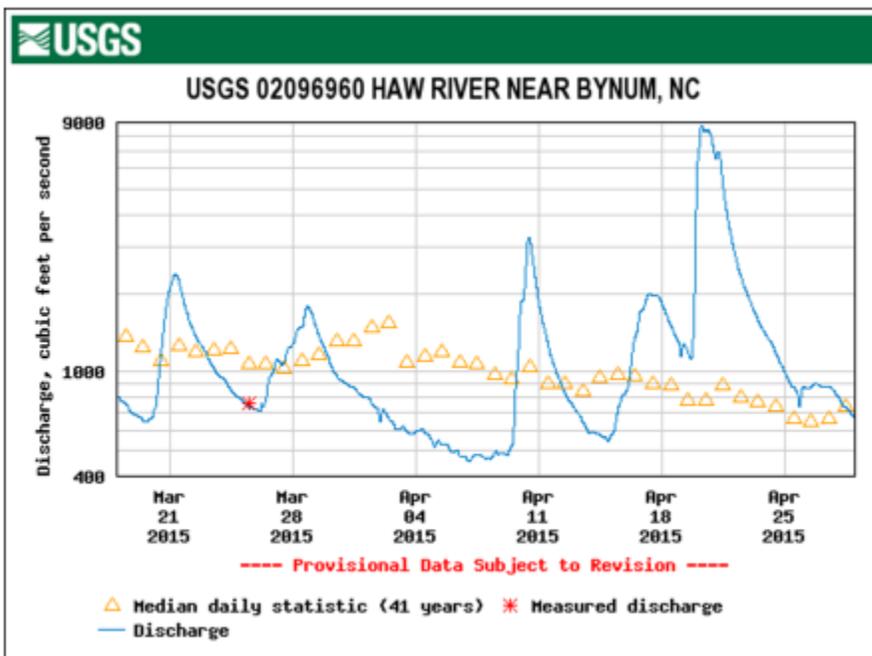
Source Identification: Deep River



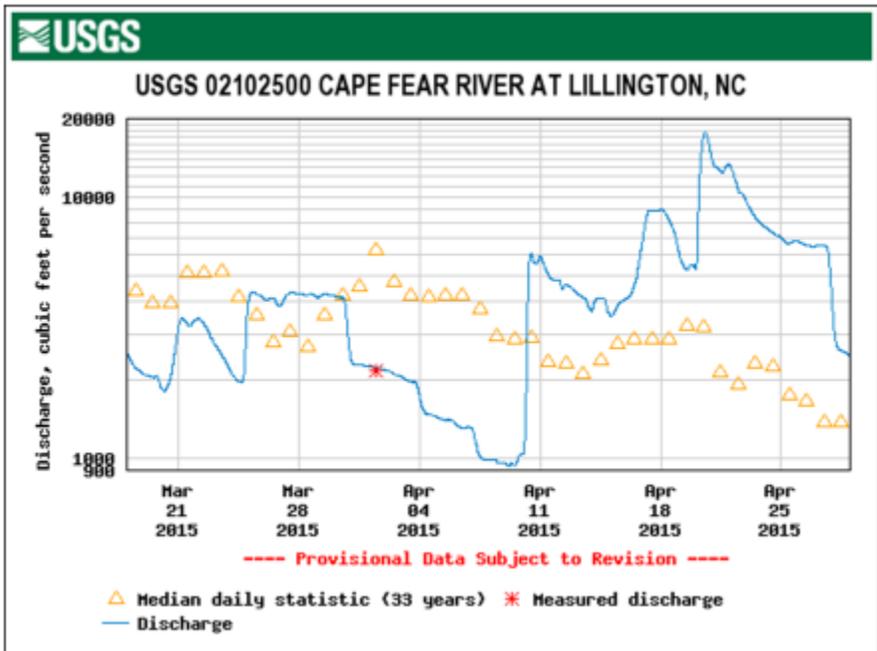
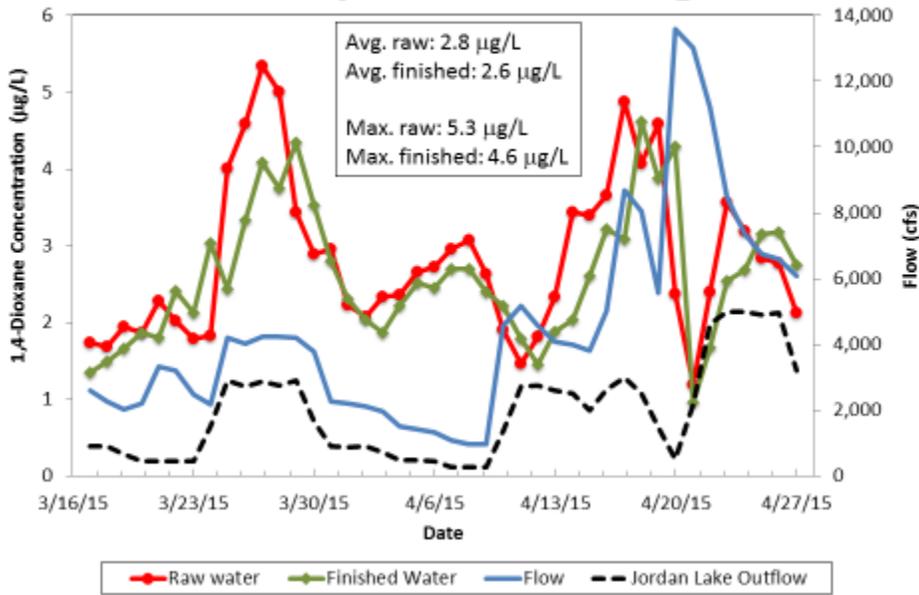
NCSU25 - Upstream WWTP	
Date	Concentration ($\mu\text{g/L}$)
Oct-14	1.5
Dec-14	2.0
Jan-15	0.7
Feb-15	1.7
Mar-15	2.5
Apr-15	4.5

NCSU24-Downstream WWTP	
Date	Concentration ($\mu\text{g/L}$)
Oct-14	254
Dec-14	1405
Jan-15	177
Feb-15	152
Mar-15	495
Apr-15	844

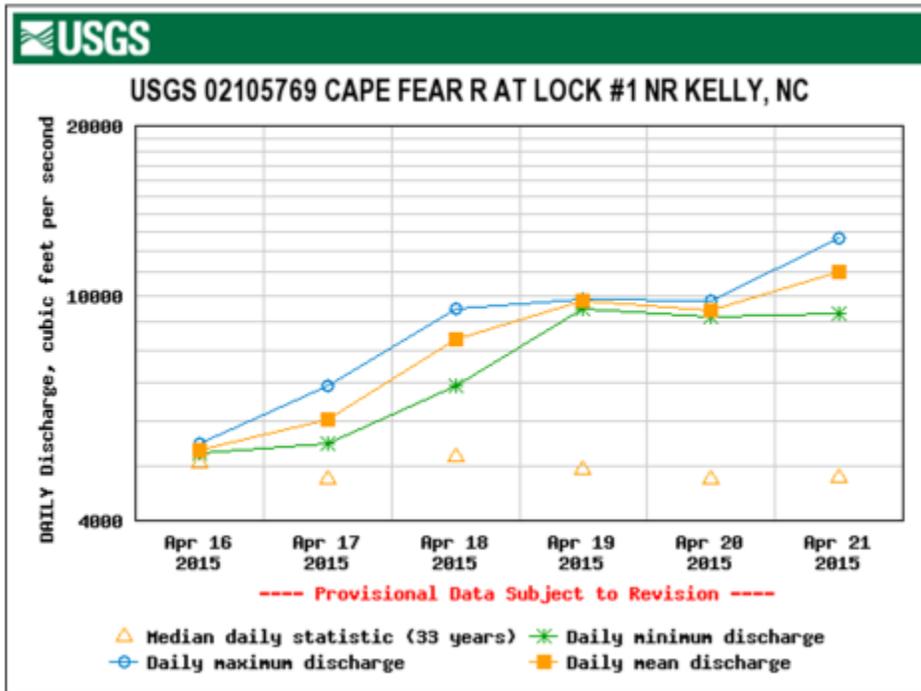
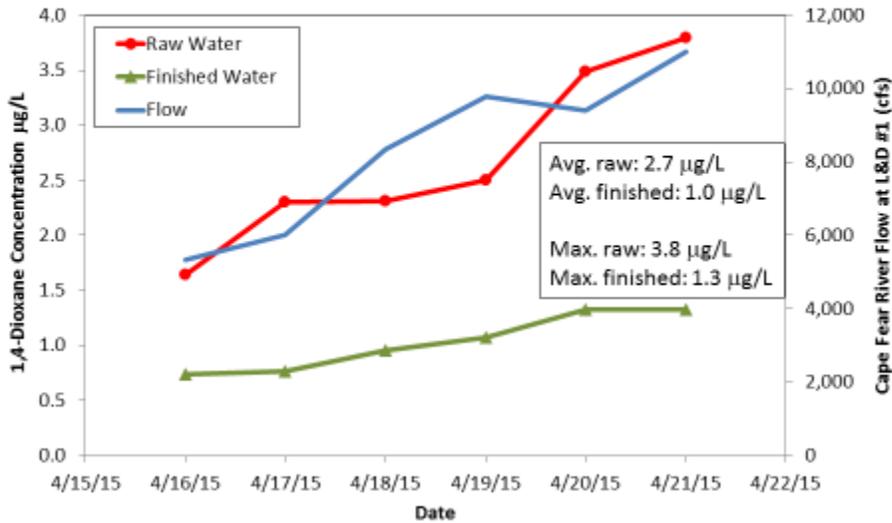
NCSU23-Downstream WWTP	
Date	Concentration ($\mu\text{g/L}$)
Oct-14	29
Dec-14	69
Jan-15	47
Feb-15	78
Mar-15	41
Apr-15	8.6



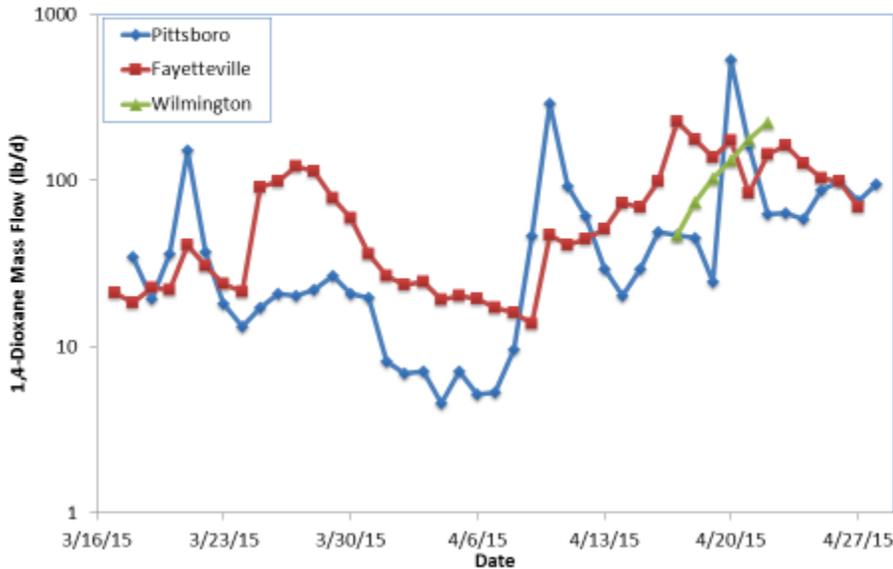
1,4-Dioxane Concentrations in Raw and Finished Fayetteville Drinking Water



1,4-Dioxane Concentrations in Raw and Finished Wilmington Drinking Water



1,4-Dioxane Mass Flows: Pittsboro, Fayetteville, and Wilmington



The Board suggested that Mr. Pickett report back to the board and maybe the Town will submit a letter to DENR.

ABC REQUEST FOR EXCESS WORKING CAPITAL RETENTION

Mr. Jim Nass, Chairman, Pittsboro ABC Board was before the Board requesting that they be allowed to keep 60% of excess working capital for funding growth of the ABC store(s) and to fund the administrative space into retail space to facilitate additional sales.

Mr. Nass stated:

- Revenues are up 11.4%
- Operating Cost are up 4%
- Revenue to the Town is up 49.7%

Mr. Nass presented Mayor Terry with a check in the amount of \$38,453.

Motion made by Commissioner Foley seconded by Commissioner Fiocco to approve the request from the Pittsboro ABC Board to retain 60% of excess working capital and distribute 40% of working capital to the Town of Pittsboro, and that they make the request annually.

Vote Aye-5 Nay-0

ADJUSTMENT TO FEE SCHEDULE FOR SMALL AREA PLANS

Roger Waldon, Interim Planner reported on the change to the fee schedule for small area plans. There was discussion that it still may not be enough. The board agreed to start with this and if it is not enough that they revisit the fee.

After discussion a motion was made by Commissioner Fiocco seconded by Commissioner Turner to adopt the Resolution to set the application fee schedule for Small Area Plans.

Vote Aye-5 Nay-0

A RESOLUTION ADOPTING A SMALL AREA PLAN APPLICATION FEE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 239

PRELIMINARY PLAT REVIEW: DAVIE STREET COTTAGES (SUB-2015)

Roger Waldon reported the applicant has addressed the issues raised at the August 24, 2015 meeting. The questions/answers are as follows with the response by the applicant (shown in italics):

(1) Maintenance of Pipe along Davie Street

Drainage and access easement has been added to allow for maintenance. This is no different spatially than maintaining a roadside ditch. Based on the depth of the proposed pipe, there is adequate room for full maintenance operations.

(2) Berm and Design of the Bio-retention area

The typical detail has been updated accordingly to reflect the max 2:1 berm slope. The BMP has been designed in accordance with all NCDWQ BMP Manual and Town of Pittsboro standards, as well as being reviewed and approved by the Town Stormwater Engineer.

(3) Perimeter Swales/Diversions for off-site run-off and overland relief during larger storms

The plan has been revised in order to use a combination diversion swale/berm that is completely on the project property. The plan has also been clarified to more clearly show the overland relief path for larger storms and verify that the designed swale has capacity to handle the larger events. Additionally, the minimum finished floor elevations for all of the units are noted at a minimum of 30" above the finished grade for each lot. As previously mentioned, the plan meets all Town of Pittsboro standards.

(4) Re-route the sanitary sewer for easier maintenance

The sanitary sewer system has been re-routed in order to pull it further away from the bioretention area and alleviate any concerns over maintenance access.

(5) Landscaping/Hardscaping/Screening

A note for the railing on the top of the retaining wall has been added. Perimeter screening plants have been added and quantified on the plans.

(6) Existing Drainage Issues on Farrell Property

The potential of adding a piped system along the Farrell property was reviewed and it is not possible physically without filling the entire low-lying area east of Davie. The most practical solution that the developer is willing to accommodate is the grading/shaping of a grassed swale along the course of the existing flow path. This swale would be 6' wide at the bottom with 2:1 side sloped berms that are 2' tall in total, whereby giving the larger flows a specific flow path and helping to prevent staging up of water onto the physical structures on her property.

Mr. Waldon stated they have submitted plans incorporating these changes.

Mr. Waldon said staff continues to believe that this application meets Town ordinance requirements, and acknowledges the applicant's offer to add landscaping, to reduce the number of proposed dwelling units from 9 to 8, and to offer grading assistance to adjacent properties to help address existing stormwater management issues not related to the proposed development of this site. And are recommending the Board of Commissioners approve the Preliminary Plat application for Davie Street cottages.

Commissioner Farrell said these cottages will not be affordable at a cost of \$290,000 and they are not compatible with the existing neighborhood (Land Use Plan). He said the Planning Board needs to look into the pocket neighborhood zoning.

After discussion a motion was made by Commissioner Foley seconded by Commissioner Fiocco to approve the preliminary plat application for Davie Street Cottages.

Commissioner Fiocco stated he would like to see the off-site improvements offered honored. He requested a report back to the Board at the second meeting in October after meeting with Ms. Farrell.

Vote	Aye-2	Fiocco/Foley
	Nay-3	Baldwin/Farrell/Turner

The applicant stated he felt from the last meeting if they addressed all the concerns they would be approved. He stated it is a use by right and he doesn't see how it could not be approved.

**THOMPSON STREET TOWNHOUSES REZONING AND SPECIAL USE PERMIT
(REZ-2015-03)**

Roger Waldon stated the applicant seeks to rezone an undeveloped portion of an existing medical office lot along Thompson Street from C-2 to R-10, and seeks approval of a Special Use Permit to authorize construction of three townhomes.

Mr. Waldon said the Planning Board and Staff recommends approval of the requests.

Mark Ashness said the rezoning will be consistent with current zoning on Thompson Street.

After discussion a motion was made by Commissioner Fiocco seconded by Commissioner Turner to approve the rezoning request (REZ-2015-03).

Vote Aye-5 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve the Special Use Permit for Thompson Street Townhouses.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND THE TOWN OF PITTSBORO ZONING MAP IS RECORDED IN THE BOOK OF ORDINANCES, NUMBER ONE, PAGES 132-134

A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR THOMPSON STREET TOWNHOUSES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 240-241

WWTP EXPANSION OPTION RECOMMENDATION (FRED ROYAL)

Fred Royal gave an overview of the recommendation and stated this is a follow up from the Utilities Worksession on the 17th.

Mr. Royal stated they are recommending Option A. This is the last opportunity to submit the application by the end of the month. If not by September 30th, the next submittal date will be in March 2016. He said the application can always be amended downward.

The loan application includes only the cost of the existing WWTP rehabilitation, lift station and pipeline to Sanford.

Mayor Terry wanted to go on record with the following comments and said he has no objections to submitting the application:

WWTP Funding Options

- \$22 million 20-year loan means annual debt service of about \$1.1 million
- This equates to about a \$0.24 property tax increase or a 43% utility rate increase
- \$500 tax hike for a \$200K house; \$1,000 tax hike for a \$400K house
- Not affordable and not sustainable

Why not do this?:

- Limit borrowing to the project to add about 0.6 MGD to existing plant about \$7.0 million
- 7 million 20-year loan means annual debt service of about \$350 thousand
- This equates to about a \$0.08 property tax increase or a 14% utility rate increase
- Difficult, but may be possible. (May require some skin in the game from CPI.) 50% - 50% split?

What about the 2 MGD Line to Sanford

- This line is only needed to support the growth of Chatham Park
- Let Chatham Park pay for it all, including the debt service requested by Sanford

- Chatham Park should not collect our access and capital recovery fees, we need that money for maintaining a growing system
- Chatham Park can recoup this investment by adding about \$10,000 per acre to the sale price of their 7,000 acres. (\$70 million)

Bottom line: We cannot ask the taxpayers and utility customers of Pittsboro taking on a crushing load of debt to realize the dreams and vision of Chatham Park Investors. They are underwritten by a billionaire, we are not.

Mr. Royal stated submitting the application does not obligate you to anything. If they offer money you can back out.

Commissioner Fiocco stated he was leaning towards March so that we can work on details with Chatham Park and the City of Sanford.

Mr. Royal said this application is for refurbishing the plant and pumping to Sanford.

After much discussion Commissioner Fiocco made a motion to submit the application in March so that staff can work out details. Motion died due to the lack of a second.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to adopt the resolution and approve “Option A” of the PER analysis (submit loan application by September 30, 2015).

Vote Aye-4 Baldwin/Farrell/Foley/Turner
 Nay-1 Fiocco

A RESOLUTION BY GOVERNING BODY OF APPLICANT & APPLICATION FOR FUNDING ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 242-250

GOLF CART ORDINANCE AMENDMENT

Chief Crutchfield stated he made the changes the board requested at the last meeting. He said after doing some research he has found out that most Towns and Cities charge \$50.00 for a violation fee. He would like to recommend that for the Town of Pittsboro as well.

Chief Crutchfield said the registration fee would be something nominal like \$10-\$20 annually.

Chief Crutchfield said golf carts only will be allowed on “Town” streets.

Mayor Terry made a correction: page 1 third sentence: should read “and the Town of Pittsboro, in no way advocates”...

After discussion the board agreed to add that the golf cart must use turn signals at night.

Commissioner Farrell said he is concerned about going to an accident between a vehicle and a golf cart with two people in it.

Motion made by Commissioner Foley seconded by Commissioner Turner to approve the Golf Cart Ordinance with the changes sited above.

Vote Aye-4 Baldwin/Fiocco/Foley/Turner
Nay-1 Farrell

**AN ORDINANCE ESTABLISHING TOWN OF PITTSBORO GOLF CART
ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER
ONE, PAGES 135-138**

ORDINANCE AMENDING THE FY 2015-2016 OPERATING BUDGET (I & I)

Mr. Royal recommended that the Town of Pittsboro Board of Commissioners approve this Budget Ordinance in the amount of \$31,565 and authorize the Town Manager to enter into contract negotiations with Hydrostructures and WK Dickson for the initial phase of this project.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the Ordinance Amending the FY 2015-2016 Operating Budget.

Vote Aye-5 Nay-0

**AN ORDINANCE AMENDING FY 2015-2016 OPERATING BUDGET IS RECORDED
IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 139**

NEW BUSINESS

ORDINANCE TO AUTHORIZE PROCESS FOR DEVELOPMENT AGREEMENTS

Mr. Waldon stated Attorney Messick helped draft the proposed development agreement. Mr. Waldon stated he left out a word on page A-4....under Public Facilities should read "Major" capital improvements (by General Statutes).

Commissioner Fiocco stated A-6 (9) should read ...which "are" related, adding "are".

Mayor Terry said he had stated previously that he was not comfortable with the developer writing the development agreement, but after reading through the requirements he is comfortable with the process.

Motion made by Commissioner Fiocco seconded by Commissioner Turner to approve An Ordinance Providing Standards and Procedures for Consideration and Adoption of Development Agreements for the Town of Pittsboro.

Vote Aye-5 Nay-0

AN ORDINANCE PROVIDING STANDARDS AND PROCEDURES FOR CONSIDERATION AND ADOPTION OF DEVELOPMENT AGREEMENTS FOR THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 140-150

UPDATES AND REPORTS

MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck introduced the new Planner Jeff Jones. Mr. Jones said he was glad to be here.

Manager Gruesbeck submitted the following update:

Page Vernon Memorial Park – Lighting and landscaping (most of it) has been installed. Page Vernon Memorial Park opening event is planned for October 10, 2015. Notes from Paul Horne regarding the opening event are in your packet.

Planning Director Recruitment & Replacement – Jeffrey Jones will begin on September 28, 2015. You can meet him at the Board meeting that evening. Roger Waldon has agreed to spend a few hours each week and provide support to the Planning Board on a few issues during the transition.

East Street Sidewalk – Sidewalk has been installed along the length of the project. The contractor will complete restoration and stabilization work of soils along the edge of the sidewalk, remove silt fencing and begin the grant (CMAQ) closeout.

Utilities Planning – Thank you for your valuable feedback during the Utilities Workshop on September 17, 2015. I appreciate your busy schedule and life outside of your leadership role. It was important to give you a chance to get deeper into the technical issues associated with the major infrastructure projects currently on the horizon. As I mentioned earlier, understanding the “nuts and bolts” of the proposed water and waste water improvements is the first step of the process. The next phase will involve the legal (ie: Development Agreements) and financial components of the improvements.

West Main Street Water main Break – Town Staff and Contractors were able to stabilize any remaining leaks from the break that occurred along approximately 1,000 feet of West Main (Bus 64) between Farrell Street and Fayetteville St. Staff is currently evaluating the need to place two (2) additional valves on Rectory St. near the West St intersection that would allow the Town to isolate water service should future problems arise. Once the valve question is resolved, Staff will work with NCDOT to mill and replace the asphalt where the breaks occurred.

Conservation Ordinance Review Committee – As a friendly reminder, you have a workshop scheduled for 4pm on October 8, 2015. The purpose of the workshop is to allow the board time for discussion of the committee's recommendations. There will be a presentation of draft ordinances, Staff overview, discussion and next steps. Ideally, the workshop will conclude by 6:30pm.

Opportunity Chatham Breakfast – I have reserved a table for the annual breakfast meeting organized by the Chatham Economic Development Corporation. It is scheduled for Friday, October 16, 2015 from 7:30 am to 10 am at the Barn in Farrington Village. If you haven't already contacted me, but are interested in attending, please let me know.

Mayor Updates

- EDC
- RPO
- Fairground Association
- PBA/Downtown – Pocket Park Grand Opening October 10, 2015 at 11:30 am

COMMISSIONER CONCERNS

Commissioner Farrell said the Pocket Park downtown looks really nice. That he was not in favor of it initially, but it has enhanced that corner.

Commissioner Fiocco made a recommendation that the Park and Recreation Advisory Board be given the task of making recommendations for facilities when the recreation land comes in with Chatham Park. Commissioner Foley said what she hears more than anything is they would like a dog park.

Commissioner Fiocco stated the FYI – Small Area Plan has some errors that need to be corrected: includes “Solid Waste Collection” that should be deleted. On page 6 line 6 should read “Not less than two weeks”..... The board agreed to those changes.

FYI –

- a. Bellemont Pointe Apartments Flyer
- b. MEMO: Page Vernon Pocket Park Opening Ceremony

CLOSED SESSION

Motion made by Commissioner Turner seconded by Commissioner Baldwin to go into closed session pursuant to NCGS 143-318.11 (a) (5) to discuss the purchase of real estate.

Vote Aye-5 Nay-0

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

Vote Aye-5 Nay-0

ADJOURNMENT

Motion made by Commissioner Farrell seconded by Commissioner Baldwin to adjourn at 10:15 p.m.

Vote Aye-5 Nay-0

William G. Terry, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk