

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, NOVEMBER 14, 2011
7:00 PM

Mayor Randy Voller called the meeting to order at 7:00 p.m. and called for a brief moment of silence.

ATTENDANCE

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

Staff: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul Messick, Jr., and Planner Stuart Bass.

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the agenda as proposed.

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the October 24, 2011 regular meeting.
2. Accept Certificate of Sufficiency and schedule a public hearing on the proposed Annexation A-2011-03, Brick Capital Community Development Corporation for Monday, November 28, 2011 at 7:00 p.m.
3. Approve a resolution to Accept the Offer of a Gift to the Town of Pittsboro.
4. Approve a resolution Authorizing the Disposition of Surplus Property.
5. Approve the 2012 Town of Pittsboro Board of Commissioners Meeting Schedule.

Commissioner Fiocco said that he had minor corrections to the minutes and would discuss those with Ms. Lloyd after the meeting.

Commissioner Harrington asked why the Town was going to surplus a vehicle with only 35,000 miles on it. Manager Terry explained that the truck was about 12 years old, had engine trouble, and was not repairable.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to approve the Consent Agenda with the minutes amended to include Commissioner Fiocco's corrections.

Vote Aye-5 Nay-0

CERTIFICATE OF SUFFICIENCY FOR BRICK CAPTIAL COMMUNITY DEVELOPMENT CORPORATION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 156-157

RESOLUTION TO ACCEPT THE OFFER OF A GIFT TO THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 158

RESOLUTION AUTHORIZING THE DISPOSITION OF SURPLUS PROPERTY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 159

2012 TOWN OF PITTSBORO BOARD OF COMMISSIONERS MEETING SCHEDULE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 160

REGULAR MEETING AGENDA

Citizens Matters

There were no public expression speakers.

PUBLIC HEARING

1. Special Use Permit – School (academic) private, Haw River Christian Academy, 50 West Salisbury Street.

Planner Bass introduced the request for a special use permit (SUP). He said that there had been a request at the last public hearing for the traffic impact analysis (TIA) that was in the Commissioners' packets. Planner Bass said that the applicant was present and available to explain the report in detail.

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to go back into the public hearing.

Vote Aye-5 Nay-0

PUBLIC COMMENTS:

Larry Robinson, of 125 Lady Bug Lane in Chapel Hill, spoke on behalf of the Haw River Christian Academy. He thanked the board for granting additional time to complete the site plan and TIA. Mr. Robinson read the report's conclusion and stated that the Academy would not cause additional traffic problems on Salisbury or Hanks Streets, or increase traffic accidents. The Haw River Christian Academy wanted to be a good neighbor and a viable part of the downtown area, he said. Mr. Robinson asked Commissioners to forward the TIA to the Planning Board.

Commissioner Fiocco pointed out that Planner Bass had received the TIA and Site Plan on the prior Wednesday and that Commissioners would need more time to review it before sending it to the

Planning Board. He said that he had looked at the site plan and had found that it lacked a fair amount of standard information. Commissioner Fiocco said that he had sent an email to Planner Bass regarding that and he wanted to forward it to the Planning Board with the understanding that those corrections be made.

Commissioner Harrington asked if the plan had changed. He said he thought the original proposal had not included an entrance from Hanks Street and asked if that was correct.

Mr. Robinson replied that the only way to meet the requirements for having the pick-up and drop-off take place on the facility, rather than on Salisbury and Hanks Streets, was to have a one-way entrance into the parking lot coming off Hanks Street.

Commissioner Harrington said that he now saw the value of having a TIA.

Motion made by Commissioner Harrington seconded by Commissioner Brooks to go out of the public hearing.

Vote Aye-5 Nay-0

OLD BUSINESS

1. Special Use Permit – School (academic) private, Haw River Christian Academy, 50 West Salisbury Street.

Commissioner Fiocco moved to forward the SUP application to the Planning Board. Commissioner Harrington seconded the motion and requested that the Planning Board consider the space needed for circular movement and loading inside this loop.

Commissioner Brooks said that, as he read the rules, Commissioners could take action on the SUP application tonight without sending it to the Planning Board. Planning Board Chair Kenneth Hoyle agreed that this was correct.

Commissioner Brooks acknowledged that the Board of Commissioners might not want to do that, however, since concerns were being raised about the adequacy of the plan. He said he just wanted to pass along, as information for the future that the Board does not have to do that and could take action tonight if it wanted to. Commissioner Fiocco replied that the Planning Board had not provided any analysis to this project at all and that he thought the TIP was information it should consider.

Commissioner Brooks pointed out that the Board of Commissioners had been considering this SUP for a while. There would soon be three new Commissioners who would not be as knowledgeable about the proposal and would basically have to start over, he said. Commissioner Brooks said that the applicant had been very tolerant.

Commissioner Harrington remarked that the new Board's biggest disadvantage might be that they would have questions they had not had a chance to ask.

Commissioner Fiocco said that he had spoken with Attorney Messick, who had confirmed that Commissioners could reconvene the public hearing with the new Board and let them receive

information and ask questions when this application comes back. He noted that one provision of the SUP process stated that the Board of Commissioners was obligated to find that the application was complete. If the Board finds the application to be incomplete, it should deny it, Commissioner Fiocco said, adding that he did not want to do that tonight without giving it a hearing.

Commissioner Harrington pointed out that Commissioners had always sent everything that had come before them to the Planning Board. He said it was a disadvantage for the applicant to have waited as long as it has, but one of the good things that had come out of that was that the entrance had been changed based on the results of the TIP. Commissioner Harrington said that the TIP had changed how Commissioners viewed the site and that had been very valuable. The Board of Commissioners typically sends applications on to the Planning Board to give them its seasoned eye, he said.

Commissioner Baldwin asked Planner Bass how quickly the Planning Board could look at the plan. Planner Bass replied that it would be an item for the next Planning Board meeting. Manager Terry pointed out that the ordinance gives the Planning Board 60 days to consider it. That does not mean it would take 60 days, he said, noting that the next Planning Board meeting would be in early December.

Commissioner Baldwin expressed a preference for having the Planning Board at least review the information and provide a recommendation.

Mayor Voller pointed out that Commissioners would need to make four findings of facts. He said he was not sure that the findings of fact would be favorable if the application were incomplete as Commissioner Fiocco had said. Mayor Voller noted that going to the Planning Board would give the applicant a full opportunity to address those findings of fact.

Mayor Voller verified with Attorney Messick that the application was for a straight SUP and not a rezoning as well. There would be no protest petitions, he said, because there was no rezoning request.

Mayor Voller asked Planner Hoyle if he was expecting to receive input at the Planning Board meeting from the fire marshal and others. Planner Hoyle replied that it would go before the fire marshal before coming to the Planning Board on the first Monday in December. He said the fire marshal would not be needed at that meeting unless the Board had more questions.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to refer the SUP application to the Planning Board for comments and recommendations.

Vote Aye-3 Baldwin/Harrington/Fiocco Nay-2 Brooks/Bryan

2. **Report on Extension of the 2009 Development Moratorium.**

Manager Terry pointed out that Commissioners had requested this information and asked to have it before the public hearing on possibly extending the development moratorium. He was providing a draft ordinance that would extend the moratorium with expanded amounts of sewer capacity that the Board could allocate, he said.

Manager Terry said that the second document was a wastewater allocation policy to accompany the ordinance. That would spell out how the Board would consider a request for sewer allocation in the next couple of years, he said.

The third attachment, Manager Terry said, was a spreadsheet that staff had developed to keep track of ongoing changes as the Town makes allocations and the allocations are returned to the Town. This would help to keep better track of the available balance, he said. Manager Terry recommended that the Board receive the items for consideration and open discussions regarding the possibility of having a special working Board meeting on November 19, 2011.

Commissioner Harrington verified with the three Commissioners elect, who were in the room, that they would be available to participate in a work session on November 19, 2011.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to receive the report and hold a work session regarding the draft ordinance on November 19, 2011.

Vote Aye-5 Nay-0

3. Town Lake Park Conservation Area.

Karen Hall, director of the NCSU Water Quality Group, said the project was on budget, was on schedule, and was doing exactly what it was intended to do. The Group had completed the earthwork and Phase 1 of the planting and would proceed with Phase 2 planting in the spring, she said. Ms. Hall said that they had built large structures to slow the water from Robeson Creek as it goes into Town Lake. A group of children were helping to clean up the lake, she said.

Commissioner Fiocco asked if the lake would ever be suitable for swimming, and Ms. Hall replied that they had pulled out some huge snapping turtles and had also seen snakes. Commissioner Fiocco said that he would just leave that bright idea where it had been then. Commissioner Brooks verified with Ms. Hall that the beavers were no longer there and probably had moved on and/or been hunted by coyotes.

Commissioner Fiocco thanked Ms. Hall for her work and described the area as absolutely beautiful. Ms. Hall thanked the Board for its support and said that she had enjoyed working on the project.

Manager Terry noted that the item before the Board was to establish a conservation area around the park. The Town had agreed in principle to that when it took the project on, he said. Manager Terry explained that the agreement before the Board tonight was the culmination of Mr. Messick's work with attorneys at NC State to iron out details and establish an area around the lake that the Town would agree to reserve for recreational purposes.

Commissioner Fiocco pointed out that one section comes within 10 feet of the Town's sewer main. He asked if that encroached into the sewer easement and if it would conflict with the Town's ability to maintain that sewer line. Attorney Messick replied that it was the Town's property so there was no easement.

Motion made by Commissioner Harrington seconded by Commissioner Brooks to adopt the resolution authorizing the Town Attorney to record deed restrictions of the conservation area at Town Lake Park.

Vote Aye-5 Nay-0

A RESOLUTION AUTHORIZING THE RECORDING OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, THEREBY ESTABLISHING A CONSERVATION AREA AROUND TOWN LAKE PARK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 161-172

NEW BUSINESS

1. Chatham County Request for Sewer Capacity for the Chatham County Jail Project. (Charlie Horne, Chatham County Manager)

Manager Terry explained that Chatham County was planning a new jail facility and was requesting some sewer capacity from the Town to accommodate that project.

Chatham County Manager Charlie Horne said that the County was in the process of building a jail facility about four miles west of Pittsboro on a closed landfill site. The County was requesting an allocation of 10,740 gallons per day of Pittsboro's wastewater capacity, he said. County Manager Horne said that the County understood that the Town's supply was limited supply. However, the allocation would be on behalf of the Town and the County, he said.

Manager Horne proposed to construct the collection system to Town specifications and transfer that infrastructure to the Town after construction was complete. He said that the County understood that the Town had a moratorium in place for the next 60 days. However, County Commissioners hoped their request would be considered outside the scope of the moratorium since the facility was integral to providing public safety and security, Mr. Horne said.

Assistant County Manager Renee Paschal gave a PowerPoint presentation that included a brief overview of the need for the jail. She conveyed background and facts about the project and about how the site had been selected. Ms. Paschal noted that the County's original request had been different from what they were requesting tonight. The Chatham County Commissioners had decided to approach it in a different way because they realized that the Town had limited capacity, she said.

Ms. Paschal presented graphs showing that the average jail population had grown from 28 inmates in the year 2000 to 48 inmates in 2011. She said that the most conservative projection for the next 20 years was that they would need 80 beds, with the worst case scenario being 130.

Ms. Paschal outlined some of the steps the County had taken to reduce and manage the inmate population. She said she believed that Chatham County had the lowest incarceration figures in the state. However, the population had continued to grow, so County Commissioners had voted in 2009 to build a new jail, she explained.

Ms. Paschal described a 133-bed facility located on Landfill Road next to the closed landfill. It would be approximately 60,000 square feet and should accommodate the inmate population for 20 years, she said. Ms. Paschal stated that the County had budgeted \$15 million for the project.

Mayor Voller asked if Chatham County was planning to build a new sheriff's office at that location. Ms. Paschal replied that that was part of their master plan, so they could do so in the distant future. However, it was not in any long-term plan at this point, she said.

Commissioner Baldwin asked how far the building would be from the landfill, and Ms. Paschal replied that there would be a 500-foot setback from the closed landfill. Commissioner Baldwin noted that there had been concern about the environmental impacts of that landfill. Ms. Paschal stated that no land would be disturbed within that buffer.

Ms. Paschal compared the jail site with the landfill site, using five criteria, and said that the landfill site would be better and easier to move through the approval process. A staff committee had unanimously recommended that site and Commissioners had approved it in August, she said.

Ms. Paschal noted that the original request to the Town for sewer allocation had been 20,100 gallons per day, but the County realized the Town's limited capacity and had reduced that. She said that the County would construct the sewer line to Town specifications and transfer ownership to the Town. The County had met with Town staff in August and had agreed to construct approximately 2,900 linear feet of gravity sewer west of Town along Business 64, she said.

Ms. Paschal said that estimated revenues over the next five years would be about \$400,000. Without the allocation, the County would construct a septic system or a spray field, she said, adding that they prefer not to be in that business. Ms. Paschal said that the County would also like to expand its campus at the closed landfill, but she noted that doing that would be difficult without municipal sewer.

Commissioner Brooks ascertained that the state required the Town to allot 120 gallons of sewer per bedroom per house. "If you multiply 120 by 133 beds..." he said. County Manager Horne noted that there would be 160 beds, and Mayor Voller said the total would be 15,960 gallons, but Manager Horne pointed out that that was for the base number of 133 beds. Moreover, the numbers should include 25 gallons per day per employees, he said.

Commissioner Brooks pointed out that the Town was running out of office space and said he wondered if there was any way to arrange to include the Town Police Department in the space where the County Sheriff's Office is now. That was just a thought, he said, adding that he did not know if anyone would have any interest in that and/or if it would be logistically impossible. Commissioner Brooks said he was just throwing the idea out there because he liked to save money.

Manager Horne replied that if this conversation continued then the County would be happy to see how that might work in terms of the planning process in that building. Commissioner Brooks verified with Manager Horne that the building had been built with revenue sharing funds. So, basically, there was no County money in it, he said, pointing out that it would not take anything away from the County and would just be a matter of cooperation.

Commissioner Fiocco ascertained from Ms. Paschal that the project was in the design development phase. He asked when an allocation would be needed. Ms. Paschal replied that the County would need a decision about the allocation by January or February and they planned to open the jail in May 2014.

Commissioner Harrington noted that the Town allocates 120 gallons per bedroom per house, but when it is built out it uses less than that. He said that one of the unfortunate things about this was having to put 120 gallons per bed on paper while knowing that it will not use that much. Commissioner Harrington noted that the Town would be better off making those calculations around the time that the jail would be built, so it could be converted immediately. He said he was trying to find a way for the County to get

what it actually needed rather than putting something down on paper that it did not really need.

Commissioner Fiocco said that since the project was in the design development stage there was still a fair amount of flexibility to accommodate either on-site or off-site sewage capacity. He said that he totally supported the Town and County working together, but would find it difficult at the moment to tell the citizens of Pittsboro that they were limited but somebody outside of Town could avoid the moratorium. Commissioner Fiocco said that he appreciated the logic, but could not, with a straight face, tell his fellow citizens that somebody from outside the Town could have a Town resource that Town citizens cannot have.

Commissioner Fiocco pointed out that the Town was in the process of discussing whether to keep the moratorium or not and whether or not to have a hierarchy of preferences for allocation. So, right now, it was hard to commit to this idea, he said. He said he did think that those issues could be resolved and the Town could find a way to make it work in the future, but he could not support this proposal right now.

Commissioner Brooks asked if it would be more amenable if they postponed the decision to the January or February meeting. Commissioner Harrington said that it would be nice to know if the Town was going to get 80,000 or 40,000 gallons back in December.

Manager Horne said that he understood the dilemma regarding the timing of this request. The County had been aware of the Town's moratorium for a number of years, he said. For them, the timing had not worked to where the allocation was big enough to feel comfortable with it, he explained. Manager Horne added that he hoped that some of the allocations that the Town had outstanding would come back and that that might help the consideration. He said again that he fully appreciated the dilemma involved with the timing of this proposal.

Mayor Voller mentioned that a number of citizens who live around the proposed site had come to the SWAB board with concerns about water and other things. If the Town were to agree to this, would the County entertain the idea of providing those aggrieved people with water and sewer, he asked. Manager Horne replied that the plan was to extend water down East Alston Road, which is where the majority of those property owners live. They would have the opportunity to tap onto that water line, he said.

Mayor Voller said that he had sent a letter to Siler City on behalf of the Pittsboro Board of Commissioners regarding the possibility of connecting the water line on Business 64. He was awaiting a response, he said, and he asked if Chatham County would entertain the possibility of bringing that all under the same project, since it was all in the same area. Mayor Voller explained that this question had come to him from Siler City but had also been a longstanding issue for the Town.

Manager Horne replied that the opportunity was there for sure, but whether they work it out in this project remained to be seen because of the financing piece. He said that the County had talked with Siler City about that connectivity. It was something they could look at but he could not say at this point what it would entail or how much it would cost, Manager Horne said.

Ms. Paschal commented that the part of the project that would be along Business 64 was a very short stretch. Mayor Voller replied that he felt the Town should put it all out on the table. Once construction begins in the same area, these questions may come up, he said.

Mayor Voller noted that the jail was over capacity, according to the chart, and asked if there had been any discussion about other types of programs, such as ankle bracelets, that might lower the population. Or, was the County just projecting that the population was going to grow and it had to build this jail, he asked.

Captain Mike Roberson replied that the jail was not currently over capacity, with approximately 48 inmates projected for this year. However, not being at 51 beds did not mean that parts of the jail were not overpopulated, he said. That number was just a gauge and at full capacity no one can move, Captain Roberson pointed out. He said that the County had done everything it could to reduce the population and had the lowest incarceration rate per thousand population in North Carolina as of last year.

Mayor Voller asked if the County would work with the Town on that site if the project went through and they planned to build the facility. He pointed out that there were recreational facilities and schools in the area. Mayor Voller said that the entire site could be potentially be re-planned and re-purposed, and that that would be something the Town would like to talk about.

Ms. Paschal pointed out that there were parking lots and other things on the site, but said she was sure they could talk about the land that remained.

Commissioner Baldwin returned to the discussion about water and sewer connections in the area. She said that the landfill included contaminated soil and expressed concern about disturbing that if the project were approved. Commissioner Baldwin said she knew there were contaminated wells on the next road over as well, and she wanted to make sure that other wells did not become contaminated as a result of construction. She also mentioned the sewer capacity issue and agreed with Commissioner Fiocco that it seemed unfair to do this.

Ms. Paschal said she understood the concern about fairness. With regard to disturbing the landfill site, she pointed out that the County would be required to maintain a 500-foot buffer around the landfill. The project would be outside that buffer, so construction would be far from it, she said. Ms. Paschal noted that the residents on East Alston would have the opportunity to tap onto County water. Commissioner Baldwin replied that they might not want to do so, and Ms. Paschal acknowledged that possibility.

Commissioner Fiocco verified with Ms. Paschal that the allocation reduction was to 16,860 for the 133, and that it included some employees. The request was for 10,740, he said, and that leaves 6,120 to transfer. Commissioner Fiocco asked if that would leave any allocation whatsoever on that structure for storage or office capacity. Ms. Paschal stated that that would be a new request.

Mayor Voller verified with Manager Horne that the Board was working on buying the area shown in pink on the map and that it would eventually be incorporated into the site.

Commissioner Fiocco stressed the importance of keeping the dialog open as the Town and County move through their respective processes.

Manager Horne expressed appreciation for the Board's time and said that the County understood perfectly the limits of the Town's allocation and its moratorium.

Mayor Voller said that Chatham County had come to the Board early enough to work through this. The Town was trying to get to an understanding of where it needed to go, he said. Mayor Voller said he agreed with Commissioner Fiocco that they should keep the dialog open the whole time. The Board could not make a decision right now but would meet with the Commissioners elect on November 19, 2011 and figure out where they wanted to go with the moratorium, he said.

Town Manager Terry said it would be reasonable to table this item until January 29, 2012 and revisit it then. He asked if that was something the Board wanted to do, or if Commissioners just wanted to think about it and not commit to a schedule.

Commissioner Baldwin suggested discussing it at the work session on November 19, 2011. Mayor Voller said he thought the Board would want to direct the Town Manager to be corresponding with the County Manager's office so the dialog could continue. Commissioner Brooks said that the County deserved an answer as quickly as possible, in the interest of cooperation. He agreed that the Town should not rush into anything, but said it would be helpful to the County to give them an answer as quickly as possible.

Mayor Voller said that some of the questions raised tonight were in relation to where the Town wanted to go and the people who live around the landfill. Even though those people were not residents of Pittsboro, many of them had family in Pittsboro and there was concern about making sure that those folks were taken care of in this process, he said.

Mayor Voller pointed out that there was an even bigger concern, however, about the allocation issue and how to reconcile that with the moratorium. It would be really difficult to look someone in the eye and tell them they cannot develop in Town because the Town had just given away the available capacity, he said. Mayor Voller said that issues regarding infrastructure would have to stipulate and he asked that County representatives meet with the Town Manager. Maybe there was some opportunity for Siler City, Pittsboro and Chatham County to work together, he said, and he asked Commissioners if they wanted to table the issue.

Commissioner Fiocco said he thought the Board should bring the item back as soon as possible but was not sure that a date could be pinned down at that moment. He moved to table it until January 23, 2012. Commissioner Harrington seconded the motion.

Manager Horne pointed out that the County needed to make a decision after January in order to maintain its schedule. Commissioner Brooks recommended that the Board discuss it earlier, and Mayor Voller said that setting a date for the 23rd would allow time to bring it back after the 9th if there needed to be some negotiation before taking action.

Commissioner Fiocco amended his motion to bring the item back on the January 9, 2012 with the possibility of going to January 23, 2012. Commissioner Harrington seconded.

Vote Aye-5 Nay-0

PowerPoint Presentation:

COUNTY REQUEST FOR TOWN SEWER ALLOCATION

For New Chatham County Detention Facility to be located on Landfill Road

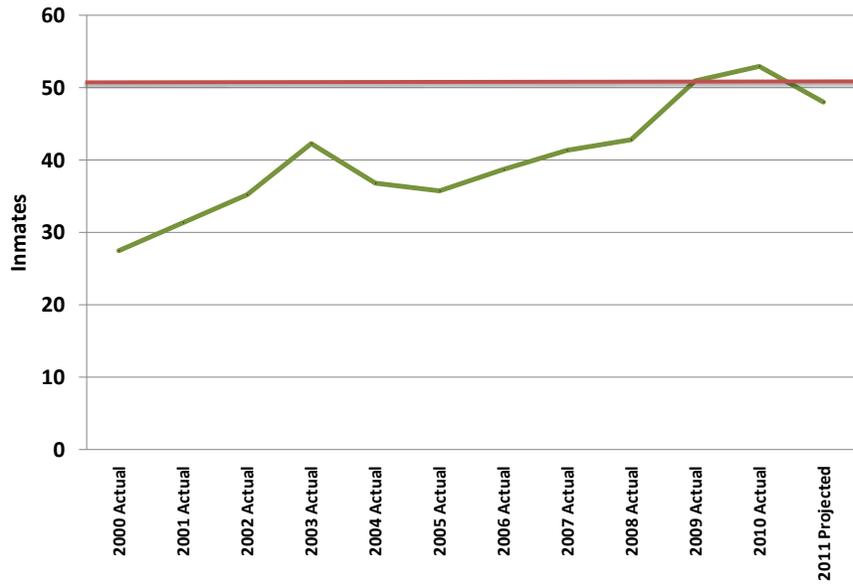
Overview

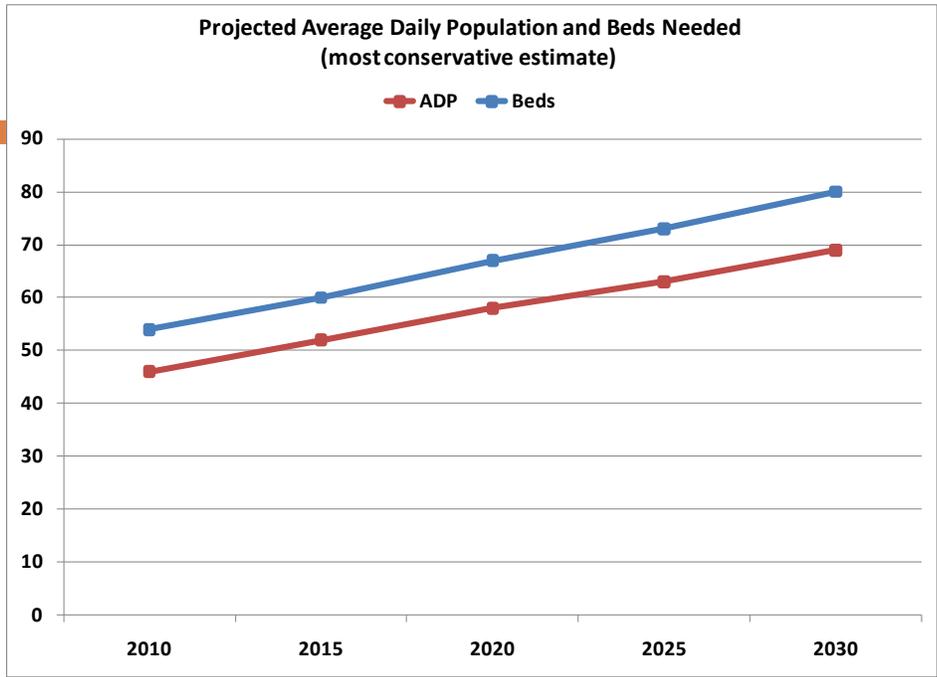
- Need for a new jail
- Project facts
- Background on site selection
- The county's request and alternatives
- Revenue to the town
- Alternatives to municipal sewer

Need for a New Jail

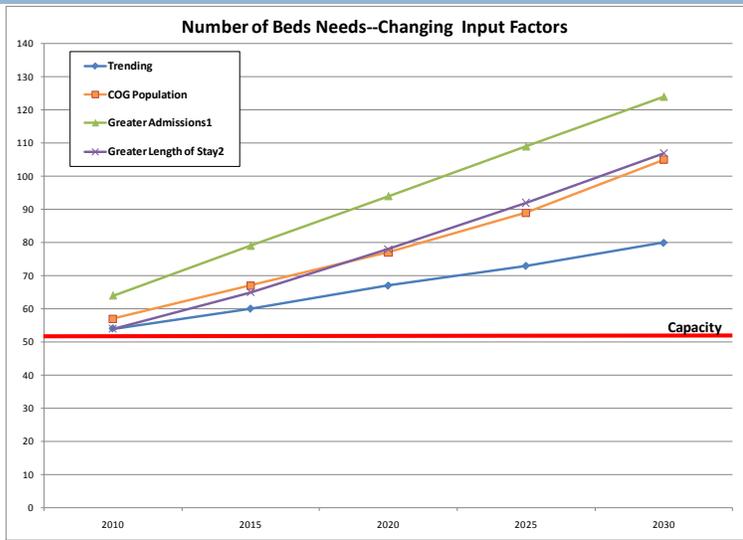


Figure 1: Average Daily Population





Jail Beds Needed Could Be Even Higher



County's Efforts to Reduce Population

1. Pro-active management of the population by staff
2. The county already has one of the lowest incarceration rates in the state—less than half the state average
3. The county contracts with Orange-Chatham Alternatives to administer a pre-trial release program

In spite of these efforts, the population continues to grow. In 2009, the Board of Commissioners voted to build a new jail.

Project Facts

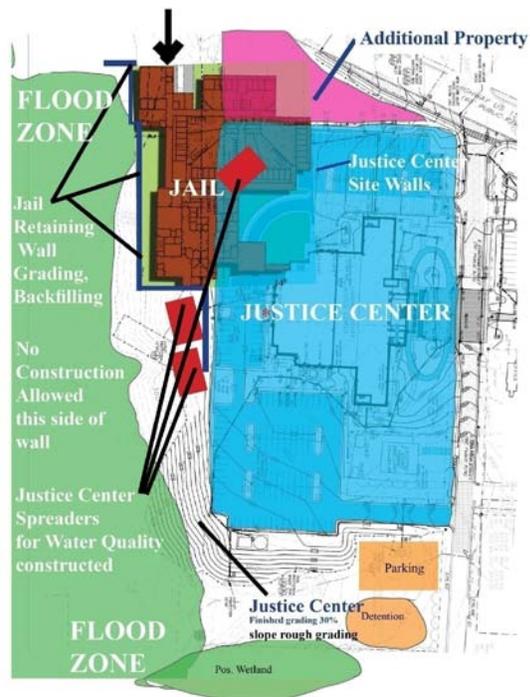
- 133-bed facility; should accommodate the inmate population for 20 years
- Approximately 60,000 sf
- \$15 million
- To be located on Landfill Road near the closed landfill

Site Selection

Architect evaluated 3 potential sites:

1. Adjacent to the new Justice Center (JC)
2. Generic in-town site
3. County Landfill property

JC Site





Generic in-town site

1. Within Pittsboro town limits
2. Unidentified
3. For comparison purposes
4. Similar to landfill site, but likely less buffer area

5 Criteria to Compare Sites

Best site for each underlined & in italics

1. Project schedule—Landfill
2. Cost—Generic Site (land costs could make Landfill site cheaper)
3. Site's impact on security & operations—depends on internal or external:
 - JC best for court interface
 - Landfill or Generic sites better for internal operations and security
4. Jail's ability to expand on each site—Landfill
5. The approval process—Landfill

Unanimous staff recommendation to select the landfill site;
County Commissioners approved in August

The County's Original Request

- The county requested 20,100 gallons per day in sewer capacity
- The county would construct the line to town specifications and transfer ownership to the town
- As requested by town staff and engineer, the county would construct gravity sewer as far as possible along Business 64, approximately 2,900 linear feet

Alternatives

- Realizing the town's limited capacity, we asked our engineers to calculate:
 - 133 beds reduces needed allocation to 16,860 gallons per day
 - Request to transfer the existing jail capacity to the new facility reduces the new allocation to 10,740 gallons per day

Revenues to the Town--Revised

- Access Fee: \$114,918
- Capital Recovery Fee: \$22,603
- Estimated Annual Usage Fee: \$51,926 (@out-of-town rate)
- Estimated revenues over 5 year: \$397,151

What will we do without the allocation?

- Either construct a septic system or spray field
- The spray field is the likelier option
- The county would prefer not to be in this business
- The county would like to expand our campus at the closed landfill, but this will be difficult without municipal sewer

Commissioner Brooks suggested that the minutes from tonight's meeting be sent to the Commissioners elect with the presentation highlighted, and Mayor Voller agreed. Mayor Voller and Manager Horne agreed that Board of Commissioners' questions for the County would be transmitted through the manager's offices.

2. Contract Award: Jordan Lake Local Stormwater Management Program.

Planner Bass noted a resolution in Commissioners' packets that would authorize the Manager to award a contract in the amount of \$34,600 to Jewell Engineering Consultants for Pittsboro's stormwater management plan. He explained that Jordan New Development Stormwater Rules require all local governments to implement new programming requirements.

As part of that process, said Planner Bass, the Town had prepared a request for qualifications, which had been advertised and posted on the Town's website. The Town had received qualifications from eight firms and had interviewed three, he said. Planner Bass recommended Jewell Engineering Consultants to design and implement the program.

Commissioner Brooks said that it seemed to him that the state had been specific about what needed to be done. He said he did not quite grasp why the Town would spend \$34,600 for a consultant when the state had clearly laid out what needed to be done.

Planner Bass agreed that the state had been specific. However, a great deal of information was required and it had never been done before, he said. Planner Bass explained that the Town would need to adopt a new ordinance and that part of that process would be comparing it to all of the Town's other ordinances and making sure that the inconsistencies and overlaps were functional and working properly.

Commissioner Fiocco agreed that the model ordinance to which Commissioner Brooks had referred

was quite specific and included language about superseding other regulations and being more stringent. Would that not work with the Town's existing ordinances, he asked, adding that it seemed like a successful method for dealing with those inconsistencies.

Planner Bass replied that he thought there would be some things that would not be consistent with what the Town currently had. He mentioned the riparian buffer ordinance and said he knew of one example in the zoning ordinance where the two did not mesh. Planner Bass said he thought that would be true with the model ordinance as well.

Planner Bass pointed out that there was more involved than just the model ordinance, however. The Town would have to adopt the programming and figure out how to fund a program that requires inspections and monitoring the BMPs. There was a list of documents that had to be prepared, he said.

Planner Bass said it meant putting together a long-term stormwater management program and that there were requirements as well for the people who do the work. He said that inspectors and others needed to be certified and best management practices needed to be followed. This was implementing an entirely new program, and it involved more than just adopting an ordinance, said Planner Bass.

Manager Terry recalled that during the public debate about the Jordan Lake Rules and the Piedmont Triad Council of Governments (COG) had been vocal in representing their municipalities on the upper end of the Haw River. They thought it was going to be an incredibly expensive piece of legislation, he said. On the other hand, the Triangle J COG had remained more or less neutral because the Triangle cities could not reach consensus on how they felt about it, Manager Terry said.

Manager Terry predicted that this was going to be an expensive piece of legislation to follow and administer and that the requested funding was just the beginning. The Town would be creating an entirely new program for managing stormwater, and keeping records, and collecting revenues to pay for stormwater programs, he said.

Manager Terry said that some would create stormwater utilities by finding a way to generate new revenues that would be dedicated to stormwater. Could the Town go out and cherry pick a few municipal ordinances that are already in compliance with this and plagiarizer those to come up with an ordinance that satisfies the state, he asked. Manager Terry said he was sure that could be done and if Commissioners felt comfortable doing that then they should tell him so and he would do it.

Manager Terry said, however, that he was not sure he was qualified to do that and was not sure that Planner Bass was qualified to do it either. It might get the Town to the short-term goal of having an ordinance in place, but it would not answer the bigger questions, such as how would the Town would generate the fund, who would do the inspections, and would the Town have in-house staff qualified to do BMP inspections?

Manager Terry said he thought this might be more complicated than it looked at first blush and that the staff's recommendation would get the Town into compliance with the state and set it off on the right foot to develop the programs. He hated to be the bearer of bad news, but the \$34,000 was just the tip of the iceberg, Manager Terry said.

Commissioner Fiocco said that he tended to agree and that was why he would rather put the \$34,000 toward the salary of an engineer that would be able to perform many of the activities and functions that

were hidden at the moment but would cost more in the future.

Commissioner Brooks commented that there were some real weaknesses involved with “cherry picking.” He said that the folks up in Alamance County and Greensboro had felt like they were being asked to spend a lot of money to improve Cary's water quality and the lake. Couldn't the Town at least see what they had done up there to meet these requirements before spending this money, he asked. “Wouldn't you have a better feel for what you were going to have to do if you could look at some of the things that had been done,” asked Commissioner Brooks.

Commissioner Harrington remarked that it seemed like that would be true and he asked what towns had already done it. Manager Terry replied that August 2011 had been the deadline for submitting, so Pittsboro was tardy. When he reviewed the request for qualifications and interviewed firms that wanted to do the work, he had seen that most of them listed cities where they had performed similar tasks, he said. Manager Terry said that the most common approach for small towns that did not have any in-house engineering staff was to hire a consultant to do the work.

Commissioner Brooks said he thought there were 15 treatment facilities on the Haw River. All of those municipalities had probably already addressed this, he said. Commissioner Brooks said that unless the Town was under some kind of deadline then it would be a good idea to at least look at what some of those other municipalities had done before spending the money.

Manager Terry said that the Town was currently out of compliance and that he and Planner Bass had requested an extension but had not yet received a reply. He said that Pittsboro might be one of only a few cities that had not yet submitted.

Commissioner Harrington asked what would happen if the Town did nothing. Manager Terry replied that NC DENR had the power to fine the Town for being out of compliance. Commissioner Harrington quoted Colin Powell: “You don't know what you can get by with until you try.” He noted that there were some things, such as how they were going to pay for this, that the Town did not know.

Commissioner Fiocco stated that most municipalities require developers to contribute to a fund. Planner Bass added that citizens in Chapel Hill pay a monthly fee based on how much stormwater they generate.

Commissioner Harrington said that it seemed as though the Town already had a lot of the answers. He had intended to suggest just passing the minimum ordinance, he said. Planner Bass replied that doing so would not put the Town in compliance with the program that had been mandated.

Commissioner Harrington asked if the process was at the point where everyone had submitted something but nothing had been approved. Manager Terry said that it was all sitting on somebody's desk at DENR. Mayor Voller remarked that DENR was 50 percent down on its budget, “so the likelihood of them getting through this...”

Mayor Voller said he liked the direction of Commissioner Harrington's comment: Just submit the model ordinance and then come back and address it later. Commissioner Harrington added, though, that he knew the Manager was busy with trying to finish up the Town's Comprehensive Plan. Manager Terry said that Planner Bass would handle the ordinance if it were to be done in house.

Commissioner Fiocco made a motion to table the item until the next meeting in order to allow more time to think about how the Town might address this. He noted that \$34,000 was a lot of money and said he was not convinced that it was required at this stage if they could reduce the scope of the task.

Planner Bass stated that the scope was pretty much at its bare minimum. The places that were doing this in-house were the larger municipalities that had professional engineering staff and had been in the stormwater business for a while, he said. Planner Bass explained that one of the reasons why staff had selected Jewell Engineering was that they specialize in this and were doing it for a couple of other small municipalities as well.

Commissioner Fiocco inquired about the schedule for the deliverables, and Planner Bass replied that he thought it was six months from start to finish. Commissioner Fiocco asked Planner Bass if the contract for the rules would constitute a complete package and meet the state's requirements. He confirmed that it would involve sifting through Town ordinances and making suggestions for corrections, and that it would be a fixed fee contract.

Manager Terry explained that one of the reasons why the Town was late with this was that they originally had obtained a price quote and were in the process of working with Chatham County employee Fred Royall, he left employment and went to another engineering firm and the price for during this increased tremendously. After that, they had taken several stabs at it, and this quote was \$15,000 less than the first estimate, Manager Terry said.

Planner Bass agreed that this had not been the first choice of how to address this, but it was where they had ended up. Manager Terry said that staff could certainly bring the item back for consideration on November 28, 2011 if Commissioners so chose.

Commissioner Bryan seconded Commissioner Fiocco's motion to obtain more information and defer consideration to the next Board meeting. Commissioner Brooks asked if the motion included getting additional information about the communities upstream. Commissioner Harrington agreed, noting that such information would be part of the public record.

Commissioner Fiocco said that he was positive that within six months the Town could hire an engineer and do this work. Commissioner Brooks asked him if he agreed in the meantime with the notion of contacting folks upstream. Commissioner Fiocco amended his motion and asked to table this to next meeting and to collect some information on other municipalities' ordinances for review and discussion.

Vote Aye-5 Nay-0

Karen Hall explained that she had a USDA grant that included helping the Town to develop better stormwater ordinances. She said she would be happy to talk with Planner Bass about that. Ms. Hall explained that it was the exact same process that the Town went through with its buffer ordinances. She would look at Town ordinances and offer ways to develop a stormwater program and pay for it, she said.

Ms. Hall said that one of the DENR requirements, in addition to the BMPs, was an educational program. She said she had requested an extension with that and fully intended to continue working with the Town or whoever the Town hires, on stormwater issues.

Commissioner Fiocco asked Ms. Hall about a statement she had made about BMPs not being used.

Ms. Hall explained that they were being used to benefit water quality, but the credits were not being used (they were not being credited). She said that somebody had to adopt and maintain them. Ms. Hall explained that she had been pulling weeds and trash out and doing what needed to be done for some of the orphan BMPs, such as Habitat for Humanity and Town Lake.

Commissioner Harrington confirmed with Ms. Hall that part of the program would be that the Town would assume responsibility for at least monitoring some of those catch basins. He asked Ms. Hall what she takes out, and she replied that it depended on what the BMP was. Most of those that they currently had were bioretention areas, she said, and one really did not need to do much with those other than clean out trash.

Commissioner Harrington said that if they were built to newer standards then it would mainly be a matter of making sure they were not filled with trash so the water could flow. Ideally, the newer ones would not require much maintenance, he said, and Ms. Hall agreed. She said that the biggest problem at the Community House, for example, was that weeds and trash float down from the parking lot. If the weeds take over, they crowd out the good stuff and it becomes an aesthetic issue as well, Ms. Hall said.

Commissioner Fiocco commented that some of those areas can be site amenities, and Ms. Hall agreed.

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Action recommended: Receive the report.

Manager Terry reported that the Bar Screen project had been slightly delayed. Staff had expected to receive parts by the previous week, but they had actually come in that day, he said. Manager Terry said that staff would be working on that project this week, and, with good weather and good fortune, it might be completed by the end of the week.

Commissioner Fiocco characterized this as an opportunity to fulfill a huge need at the wastewater treatment plant. He thanked Manager Terry for the "fantastic work." Mayor Voller agreed, noting that the Town saved money, and said he looked forward to the results. Commissioner Fiocco pointed out that it had been high on the Town's list of things it needed to do.

Manager Terry discussed the 3.2 MGD Wastewater Treatment Plant Construction. He said that a newer copy of an order prepared by the Chatham County Public Works Department included a figure of about \$30,000. He reminded Commissioners that there had been a tentative cost-sharing agreement with Sanford and Chatham County where the Town was going to pick up a piece of that. Manager Terry said he would bring information on that to the next Board meeting. If the Town's agreement in principle stood up, then it would cost about \$6,000 to fund that study, he said.

Commissioner Fiocco said that he had been looking at the scope of service and did not see mention of anything about force main design and discharge from the very first phase. Manager Terry agreed to double check that, and Mayor Voller said that it needed to be stipulated.

Manager Terry said, with regard to the 3.2 MGD Plant that he had received a response from NCDOT,

which had agreed to work with the Town and try to provide relief in a few areas, particularly with the grout. The NCDOT was saying that the Town would not have to grout any portion that was cast iron and that they were willing to consider removing the flowable fill requirement, He said. However, they had added a stipulation that NCDOT inspectors would have to be on the project, Manager Terry said.

Manager Terry said he was working with Becky Smith, the project manager, to determine whether there would be any savings. He said that the Town had received a reasonable response from NCDOT, but would still need to have a professionally prepared traffic study and traffic control plan. Manager Terry said that he had amended the budget to add \$46,285, but the Board had stopped short of authorizing him to execute a contract with Hydrostructures.

Commissioner Fiocco said he thought the Town could work through the issues to make sure that it knows exactly what the scope is. He said there had been some talk about how the NCDOT wanted the Town to have a default assumption in the specifications about what the contractor was going to do. He said that the Town was involved in discussions about switching some of that language and that it would be able to write a different construction contract.

Manager Terry replied that that was work that Ms. Smith would have to do and the additional funds would pay for that work. He said the Town would have to subcontract the transportation piece and \$26,000 would pay for that. Manager Terry recommended that Commissioners authorize him to do that if their goal was to break ground in the spring. He said that staff could have the documents ready to go in January or early February with a view toward starting the project in March or April.

Manager Terry said that the guidance he had received from the Board was to bid it out. They had discussed the rather large delta in funding compared to budget, and Commissioners had advised him to bid it out and see what the delta really was, he said. Manager Terry asked for a motion to spend the \$26,000, or to obligate that in a contract. Then he could amend Ms. Smith's contract and instruct her to proceed with the work, Manager Terry said.

Commissioner Fiocco recalled that about \$13,000 of that would be for the profiles and that Ms. Smith had submitted another set of plans to the NCDOT, which they were currently looking at. Manager Terry confirmed that and said that there might be some relief there. However, until the NCDOT had communicated back to the Town that they had completed their review, the Town would not know, he pointed out. Commissioner Fiocco remarked that the Town would then be stuck with the traffic control plan, and Manager Terry agreed.

Mayor Voller characterized that the language as “interesting” in the letter from Reuben Blakely of NCDOT. It said that the NCDOT had already gone to great lengths to relieve the Town from this overlay that would happen anyway that the Town had to talk to the NCDOT board about, he said. They had decided not to build the traffic signal, which was Number One on the spot plan from their model two years ago and was \$360,000, Mayor Voller said. He said he thought the Town could return to the NCDOT and continue to push.

Commissioner Fiocco said that he understood that flowable fill was only in places where the pipe was under existing asphalt. Manager Terry replied that he believed that was correct. Commissioner Fiocco said that the changed condition should be noted because he thought he had heard Jay Johnston say they had flowable fill the entire length. That would be a substantial credit, Commissioner Fiocco pointed out. Mayor Voller agreed that there should have been a change in that figure. Manager Terry noted that

road changes help with the overall cost of the construction project. You save money in the bottom line, but it doesn't help with the cost of engineering, he said.

Commissioner Fiocco moved to authorize the expenditure but not to spend the money if they do not do the work. For example, if the Town is not required to do the profiles, he said. Mayor Voller pointed out that they had always found a way to spend the money in the past. Commissioner Baldwin seconded the motion.

Commissioner Brooks commented that Manager Terry was asking to be authorized to do the work. Are you agreeing with that but with certain reservations, he asked. Commissioner Fiocco replied that the reservations pertained to money being spent on doing the profiles and the traffic control study. He said that what he understood to be on the table was that the NCDOT was not necessarily going to require the profiles. Therefore, if they do not require it, we do not pay for it, Commissioner Fiocco said.

Commissioner Brooks asked how that related to what Manager Terry was asking for, and Commissioner Fiocco replied that he was asking for \$26,000 to do those two tasks. Commissioner Brooks asked where that would leave the Manager in terms of his negotiations with the NCDOT. Commissioner Fiocco replied that he was authorizing the Manager to spend that money if the work was done.

Mayor Voller added that this was because the work may not need to be done. The profiles might not have to happen, so Commissioners do not want to spend all \$26,000 if it only takes \$12,000 or \$14,000. These are NCDOT requirements that the Town was trying to get them to not require and the Manager was saying that unless you send this forward the project would basically stop in its tracks, he said.

Manager Terry replied that that was accurate. The project was fully designed, so the Town had done everything that it needed to do except for the NCDOT requirements, he said. Manager Terry said that the Town would clearly need to do the traffic control study.

Commissioner Harrington clarified that the motion was to approve doing the traffic control plan and the profiles, if required. Mayor Voller stated that "if required" was what this was about. If it were not required, then the Town was not going to pay for it, he said.

Commissioner Brooks said, in summary, that the Board was honoring the Manager's request but adding stipulations to protect the Town's financial interests.

Vote Aye-5 Nay-0

Mayor Updates

- EDC
- RPO
- Solid Waste
- Fairground Association
- PMA/Downtown

Commissioner Concerns

Commissioner Brooks noted that there were several intersections in Town where shrubs or vines at the

corners were blocking the view of oncoming traffic. For safety reasons, he would like to see those trimmed back, he said. Commissioner Brooks noted that some were on private property and the Town might have to get permission from those landowners.

Mayor Voller pointed out that the NCDOT puts sight triangles in to avoid that problem, but old town roads do not have those. He confirmed with Commissioner Brooks that he would like Manager Terry to contact folks and do a little trimming. Manager Terry said that the common practice was to notify property owners and ask them to cut it back. Mayor Voller suggested that Manager Terry work with Commissioner Brooks on getting it done.

Commissioner Brooks said that he had thought Progress Energy was going to put more street lights in Pittsboro. He pointed out that more lights were needed and said that if the Town waited until Progress Energy had merged with Duke Power it would be delayed and probably cost more. Commissioner Brooks urged the Manager to get in touch with Progress Energy regarding the matter.

Commissioner Brooks said that he had driven to the new park on Veterans Day and had seen five vehicles parked there even though the park was closed. He wondered about the signs that were supposed to be posted there. If the public was going to be using the park, then there needed to be posted hours, he said.

Manager Terry replied that staff intend to do that, but it had not happened yet. He said that there had also been some vandalism with the locks at the park and that he had replaced them.

Commissioner Brooks suggested putting park regulations on the sign. Commissioner Harrington commented that the gate should not have been closed at the time when Commissioner Brooks was there, and Manager Terry replied that staff clearly needed to work on the procedures.

Commissioner Brooks mentioned that the Wildlife Commission posts rules and enforces them for individuals. He did not know if they would do so for a park, but thought it was worth asking, he said, and Mayor Voller agreed.

Commissioner Brooks said that he was interested in getting the leaf collection started, noting that he had received a lot of calls about that. He also asked about a recent incident that he had observed which involved the police. Mr. Terry replied that the incident pertained to an ongoing police matter and that he could provide more details in a closed session. Commissioner Brooks said he would call for a closed session at the end of Commissioners Concerns.

Commissioner Fiocco asked if the staff could check with the land quality folks at DENR about the status of Mr. Spoons' property. Manager Terry replied that he would ask for an update on compliance.

Commissioner Baldwin wondered if the police could patrol the park on bicycle when they go there to close it. Manager Terry replied that he would talk to the police chief about that.

Commissioner Harrington asked Manager Terry if he and the staff were aware of an issue with signs on businesses south of the courthouse. Manager Terry said that he had visited there that day but had not had a chance to talk to Planner Bass about it.

Mayor Voller stated that while looking through the minutes from the last Board meeting, he noticed a

citizen's statement that implied that one Commissioner owned a brick and mortar business. As far as he knew, no one on the Board of Commissioners owned a brick and mortar business downtown or anywhere else in Town, he said. Mayor Voller stated that some Commissioners own properties, but none own such businesses.

Mayor Voller proposed taking a five minutes recess and then reconvening to satisfy Mr. Brooks' inquiry.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to recess the meeting for five minutes.

Vote Aye-5 Nay-0

Motion made by Commissioner Harrington seconded by Commissioner Bryan to go into closed session.

Vote Aye-5 Nay-0

Motion made by Commissioner Harrington seconded by commissioner Brooks to go out of closed session.

Vote Aye-5 Nay-0

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to adjourn the meeting.

Vote Aye-5 Nay-4

FYI -

1. Town Financial Expenditure Statements for the Month Ending October, 2011.
2. Water and Sewer Revenues – Budget vs. Actual for FY 2011/2012.
3. Draft Engineering Task Order for the Engineering Study on the Pittsboro to Sanford Wastewater Transmission Line, undated.
4. 2011 Leaf Collection Schedule.
5. 2012 North Carolina Main Street Conference Information.
6. A Resolution Honoring Veterans and Men and Women Currently Serving in the Armed Forces of the United States of America dated October 24, 2011.
7. Town Manager's memorandum of November 14, 2011; RE: Rock Ridge Park Fence Project.

8. NCDOT letter of November 9, 2011; RE: NCDOT Response to Request for Relinquishment of Requirements US 15/501 Proposed Water Main.

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk