

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, SEPTEMBER 14, 2009
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, and Hugh Harrington.

Absent: Commissioner Chris Walker, absence excused.

Staff present: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Assistant Planner Paul Horne, and Public Works Director John Poteat.

APPROVAL OF AGENDA

Motion made by Commissioner Baldwin seconded by Commissioner Walker to approve the Agenda as submitted.

Vote Aye-4 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the August 24, 2009 regular meeting.
2. Municipal Records Retention and Disposal Schedule.
3. Resolution Authorizing Withdrawals from Depositories of the Town of Pittsboro.
4. Development Moratorium setting a public hearing on September 28, 2009.

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

Vote Aye-4 Nay-0

A COPY OF THE MUNICIPAL RECORDS RETENTION AND DISPOSAL SCHEDULE AGREEMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 145

A RESOLUTION AUTHORIZING WITHDRAWALS FROM DEPOSITORIES OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 146

REGULAR MEETING AGENDA

Citizens Matters

There were no citizens who expressed a desire to speak at this time.

OLD BUSINESS

1. Manager's Update on Capital Projects.

Manager Bill Terry provided the following update on the status of Capital Projects:

- Disinfection Byproducts Reduction Project – Work on the sediment removal equipment is about 80% complete with four of the five basins near completion. The work was completed today on the administrative penalty.

Mayor Voller asked Mr. Terry what his feeling was regarding the quality of the water once that project was completed. Mr. Terry stated they would have compliance tests completed for the current quarter by the end of September. He said the numbers achieved recently indicated they were in compliance at .069 and .075, noting that the requirement was to have .080 or less over an average of four quarters. He stated that a reading at the end of September of .088 would give them an average over the last four quarters of .079, so he was cautiously optimistic that as the kinks were worked out of the process that the results would be favorable.

Commissioner Harrington stated that next year the standard would go up and the Town would be out of compliance, noting that the new standard would require that every measurement be below .08. He said it appeared that at present they did not have a plan as to how to meet the new standard. Mr. Terry said that was a fair statement, noting that in order to begin a plan it would require more work with the consultants. He said they had been discussing the option of using granular activated carbon or powdered activated carbon, but it appeared that was not easy since it would require modifications to the plant as well as the training of plant operators.

Mayor Voller said he believed it was important that all options were on the table, noting that people expected them to solve the problem and the Board and staff were committed to doing so. He said that may require them to consider options they had not considered in the past, noting they had to have a long-term solution but needed a short-term solution as well.

Commissioner Harrington said he knew it would not be easy, but it was certainly doable. He said they had all agreed that they would support that option, and Mr. Bishop had told them that that process was very effective. Commissioner Harrington said he believed Mr. Terry was telling them they were waiting to see if they should pursue that, and he believed they should be actively pursuing that now. He said David Hughes with the County knew the plant as well as anyone since he used to run it, and wondered had anyone talked with him. Mr. Terry stated he had talked with Mr. Hughes as well as the Plant Superintendent to get feedback. He said they needed to determine what changes would need to be made to the plant and then have equipment designed to fit the plant.

Commissioner Harrington asked if Mr. Terry was recommending tonight as the person responsible for the water system that the Board vote on that. Mr. Terry said he believed waiting was a reasonable course of action in that the results they were waiting for would be available in a couple of weeks. Commissioner Harrington said then the result they were hoping to see was .088 or below. Mr. Terry said he would be happy if that were the case, but believed it was too early to decide a different course of action. Commissioner Harrington said he had looked at the individual measurements which had been above .08, and the idea of waiting would not solve anything. He said he was not comfortable with the idea of waiting, but if the new numbers came in really low that was no guarantee that the same would be true next summer. Commissioner Harrington said he believed they should be doing aggressive preparation to go with activated carbon or some other process that was affordable.

Mayor Voller asked if Commissioner Harrington was willing to make a motion to do that tonight.

Commissioner Harrington said he wanted to remember the Board's role here and not interfere with what the Manager was trying to accomplish. But, he said, the recommendation was to wait and his hope was that even if the numbers were good, that they would aggressively begin looking at all their options. Commissioner Harrington said they knew that using activated carbon would improve the quality of the water, at least in Town if not at Chapel Ridge, and it would likely never get above the required level. He said the Board had talked in the past about going to that process at the same time they changed over to chloramination, but they had decided to wait and now here they were. Commissioner Harrington said he was expressing his strong concern that they had better be sure that they were taking the steps necessary in order to meet the new requirements next summer, and right now he believed the answer was no.

Mr. Terry remarked that before the Board tonight was the project budget amendment to put funds in place for the study of the water intake at the Haw River to work on de-siltation, and if indeed their numbers came back and were not favorable they would have an opportunity to determine if that intake was taking in too much mud and was affecting the numbers. Mr. Terry said they could change the scope of work of that study to include not only looking at the intake but looking at how to use the activated carbon process to bring them into compliance.

Mayor Voller said the issue was that even if the numbers were favorable now, they had to be prepared to continue to comply after the new standards came into effect. He said their goal was to have the best quality water possible, and rather than being satisfied with just being average

they should aim for the best they could be. Mayor Voller said as Commissioner Brooks had pointed out they had used activated carbon in the past.

Commissioner Brooks said that was correct, that activated carbon was used in the late 80's.

Mayor Voller said they should be able to put that process back on line, as well as any other tools that would allow them to provide the best water possible to citizens and businesses.

Commissioner Harrington said that was the reason he was somewhat frustrated, and they had to do something now and not continue to wait.

Commissioner Brooks said the system they had used in the past was a tertiary charcoal filtering system, and he believed it had helped.

Mayor Voller said he believed the Board would like to support whatever could be done to move this ahead at all due speed, because they did not want to be in this same position next summer.

Commissioner Harrington said he believed they should proceed as if they did not expect to meet the standard. Mr. Terry said tonight they could modify the intake project he had described to include how to make the system activated carbon capable. Commissioner Harrington said using that system was based on Mr. Bishop's report, and if there was something else available that may be better then the Board would like to hear about it. He said the bottom line was that something needed to be done. Mr. Terry said the request for qualifications could be stated much like the operational effective analysis that had been done on the Wastewater Treatment Plant.

Mayor Voller asked had they received any analysis back from Mr. Bishop about the suggestion of connecting to the County system and what the cost would be. He said he understood that was an "out of the box" suggestion.

Commissioner Harrington said the problem was that the County did not provide any water on this side of the river, and the water they received they were buying from the Town, OWASA, and others. He said the County had had to use water restrictions in the past because their suppliers had no excess to sell, and if the Town connected to the County system then they would be subject to any restrictions imposed. Commissioner Harrington said they had the money to fix the problem, and they should be planning to move forward to do so.

Mayor Voller said he believed the Board was indicating that they wanted to go ahead with the activated carbon process unless some other, more favorable process was identified.

Commissioner Baldwin asked the Manager to bring that back to the next meeting, noting she agreed with Commissioner Harrington that it was important to have some course of action planned in case the current methods failed. Mr. Terry said later tonight the Board would be considering the creation of a budget for that work, and he would at the next Board meeting lay out the request for qualifications to move to activated carbon as a part of the scope of work.

Mr. Terry continued his update:

- 3M Reclaimed Water System Project – Work had begun on the Wastewater Treatment Plant pump station and the 500,000 gallon steel tank appeared to be about 60% completed. The project was ahead of schedule and should be completed by the end of November.
- 3.22 MGD Wastewater Treatment Plant Construction – They were approaching the end of the EIS review process, noting the remaining requirements were a 45-day public comment process and a public hearing. The public hearing would likely be scheduled at one of the Board meetings in October or November. Concurrently with that process, it was recommended that the Board amend the contract with Hobbs and Upchurch to begin the NPDES permitting project, which would be considered tonight.
- Short-term Wastewater Treatment Plant Improvement Project – Eight bids were received and opened on September 3 at 10 a.m. They reviewed the bids with the project engineer and concluded that the lowest responsible bidder was Seaside Environmental Constructors, Inc. in the amount of \$1,850,500 for the base bid plus the additive alternative B-1. A bid acceptance and award recommendation would be considered later tonight.
- 3M Park – At the request of the 3M Plant Manager the Mayor signed a letter expressing the continued interest of the Town in proceeding with the land transfer that would allow for completion of that project. A copy of that letter was provided with tonight's agenda packet.

Commissioner Baldwin remarked that Mr. Terry had said they should wait to request an extension on the grant until the transfer took place. Mr. Terry said that was on the advice that Mr. Horne had received from the grant authority, in that they had felt that the probability of the grant extension being approved without the Town having clear title to the land was not high, with the probability of it being accepted much higher after clear title was obtained. Commissioner Baldwin said that the grant expired on September 30, so what was the next step. Mr. Terry said it expired on September 30, 2010, noting that the 2009 date on the printed update was in error.

Mr. Terry continued his update:

- Powell Place Park – A preconstruction meeting was held with Triangle Grading and Paving on Thursday, September 3. The Notice to Proceed letter was transmitted to the contractor on September 9. The official start date for the project construction was Monday, September 14, and the planned completion date was December 13, 2009. A copy of the notice to proceed was provided with tonight's agenda packet.
- Improvements on 15/501 at Springdale Drive – The developer had indicated that they continued to work on issues with NCDOT so there was some progress. He would be meeting with the developer's attorney to determine what was necessary to complete the project.

Commissioner Harrington asked what was outstanding on the engineering side with NCDOT. Mr. Terry said he believed there were some questions that NCDOT had asked the engineer and he had received a copy of the letter today where the engineer had responded to those questions. He said he would share copies of that letter with the Board.

Mr. Terry continued his update:

- Pedestrian Conveyance System Project – All required materials were submitted and accepted prior to the August 28 deadline, meeting 100% of the grant funding requirements of the project. They were waiting for Authorization to Construct; otherwise, they were ready to present the project to contractors for bidding.
- Thompson Street Paving Project – They received informal bids from three contractors and the lowest bidder was Granville Paving in the amount of \$88,608.20. The cost for Thompson Street would be \$64,013.84 and for Davie Street \$24,594.36; \$60,000 would be charged to the CIP active project budget for Thompson Street and the remaining \$28,608.20 would be charged to the contracted services paving account in the Public Works operating budget which had \$45,000 budgeted for paving.
- Horton Booster Pump Replacement – The Board would consider tonight a budget amendment to create a capital project budget for this project in the amount of \$50,000; the FY 2009-2014 CIP included \$50,000 for that work. The project would replace the aging booster pump near the Horton Water Tank.
- Haw River Water Intake Improvements – The project would fund an engineering analysis and the design of an improvement project to control the chronic silt fouling of the Haw River Water Intake. Information resulting from the analysis would inform a future CIP budget decision. The Board would consider tonight a budget amendment to create a capital project budget in the amount of \$50,000; the FY 2009-2014 CIP included \$50,000 for that work.
- Haw River Water Intake De-silting Project – The project would fund the removal of accumulated silt from the Town's raw water intake at the Haw River. This is an annual capital maintenance requirement until an improvement project can be devised to control silt fouling of the intake. The Board would consider tonight a budget amendment to create a capital project budget in the amount of \$30,000; the FY 2009-20014 CIP included \$30,000 for that work.

2. Supplemental Regulations for the Urban Archery Deer Hunting Season.

Mr. Terry said he had worked with the Police Chief as well as talked with some experienced hunters regarding what would be a reasonable set of supplemental regulations that would enhance the program. He said he believed they were now ready to start permitting hunters to work with interested property owners to begin harvesting deer from those properties. Mr. Terry said they would closely follow the program and identify what could have been done differently or better so that those changes could be implemented next year.

Commissioner Harrington said he noted that this was an administrative guideline and not an ordinance. Mr. Terry said that was correct. Commissioner Harrington asked what the legal remedy was when someone violated the process. Mr. Terry said the only legal remedy they had was that the permit was issued as a privilege and that permit could be confiscated. Commissioner Harrington asked would such people be in violation of any law so that they could be charged, for instance when using firearms or bows and arrows inside the Town. Mr. Terry said he would have to consult with the Town Attorney regarding that. Commissioner Harrington

said it appeared that the Town had no enforcement teeth, which was somewhat of a concern. Mr. Terry said the only enforcement remedy he had was to rescind the Urban Hunting permit, so perhaps the Board would want to consider amending the ordinance to include some additional language.

Mayor Voller asked what would be the recourse if others decided to do in-Town hunting because they observed others doing it. Mr. Terry said he did not know if they would have a chargeable offense, although he supposed the person could be removed from the property and directed that if they wanted to continue to hunt they would need to acquire the proper permit.

Commissioner Harrington asked the Town Attorney for his thoughts. Town Attorney Paul Messick stated that the Board would need to amend the ordinance in any case since in-Town hunting was not permitted by the ordinance.

Commissioner Brooks suggested that a copy of the ordinance being proposed be sent to the Enforcement Division of the NC Wildlife Commission, who had ultimate State responsibility over all wildlife, and ask for their comments, if any. He said that the State had previously had a bill before the Legislature which did not pass that allowed hunters to use cross bows. Commissioner Brooks said under existing law the only hunters that could use cross bows were handicapped hunters that could not do the 45 lb. pull with a standard bow. He said he had noticed that the Town's ordinance said no one could use a cross bow, and he would not want to exclude a person who was handicapped if they wanted to use a cross bow.

Commissioner Brooks asked if someone who had land inside the Town wanted to remove some of the deer from their property, would they need to go through the process to get a permit. He said the State did not require property owners to have a license to hunt on their own property. Mr. Terry said the way it was written now such landowners would need to acquire a permit.

On another issue, Commissioner Brooks noted that someone's cattle had gotten loose last weekend at the community college and it had required the efforts of the Town's Police as well as County Sheriff's deputies to try to get them all contained. He asked Mr. Terry what the outcome had been, noting that the bull had been particularly troublesome for the officers. Mr. Terry said he had not heard of that incident.

Mayor Voller asked that Mr. Terry put an ordinance amendment on the agenda for the Board's next meeting to get the Urban Archery program included. He said as Commissioner Brooks had requested a copy should be sent to the NC Wildlife Commission for comments, and since there had been a variety of citizen opinions he wanted to make sure that it was understood that the program the Board had pursued was safe, reasonable, and judicious so that the public did not feel that the program was unsafe. Mr. Terry said he had shared an earlier draft ordinance with a representative of the Wildlife Commission, and the response he had received back was that they really did not care what the Town was doing within its limits since it had already received permission to conduct the program. He said he would share the final version of the ordinance with them and see if there were any further comments.

Commissioner Harrington clarified that the program only applies to inside the Town's limits and that hunting is already allowed in the ETJ. Mr. Terry said that was correct.

A COPY OF THE URBAN ARCHERY DEER HUNTING REGULATIONS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 147-156

NEW BUSINESS

1. Acceptance of a Loan/Grant: State of North Carolina Loan/Grant Funding for the Pittsboro Wastewater Treatment Plant Wet Weather Flow Improvement Project.

Mr. Terry said the resolution would authorize the Town Manager to sign the Offer and Acceptance document extending a State Revolving Loan offer in the amount of \$2,634,800.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to approve acceptance of the State of North Carolina Loan/Grant Funding for the Pittsboro Wastewater Treatment Plant Wet Weather Flow Improvement Project in the amount of \$2,634,800.

Vote Aye-4 Nay-0

A RESOLUTION ACCEPTING THE OFFER OF A STATE OF NORTH CAROLINA LOAN IN THE AMOUNT OF \$2,634,800 FOR FUNDING OF THE WASTEWATER TREATMENT PLANT WET WEATHER FLOW IMPROVEMENT PROJECT AND AUTHORIZING WILLIAM G. TERRY, TOWN MANAGER TO SIGN AND EXECUTE THE OFFER AND ACCEPTANCE DOCUMENTS ON BEHALF OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 157-158

2. Bid Award: Wet Weather Flow Improvements Project Town of Pittsboro Wastewater Treatment Plant.

Mr. Terry said the resolution would accept the bid of the lowest responsible bidder, Seaside Environmental Constructors, Inc., in the amount of \$1,850,500 for the base bid plus alternate B-1. He said the resolution would further authorize the Town Manager to approve change orders for the project up to a cumulative total of \$265,550, but not to exceed the combined total project budget of \$2,634,800 without additional Board action.

Commissioner Harrington asked what the alternate B-1 was. Mr. Terry said it would demolish and remove the older water screen equipment that was out of service. He said the only issue with the project was that the Town had covered the cost of the design and engineering fees, and was not sure how the State would respond to the submittal for reimbursement. Mr. Terry said he believed that design and engineering fees were allowable costs under the terms of the grant.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to award the Wet Weather Flow Improvements Project at the Wastewater Treatment Plant to Seaside Environmental Constructors, Inc., in the amount of \$1,850,500 for the base bid plus alternate B-1, and to authorize the Town Manager to approve change orders for the project up to a

cumulative total of \$265,550, but not to exceed the combined total project budget of \$2,634,800 without additional Board action.

Vote Aye-4 Nay-0

A RESOLUTION ACCEPTING BIDS AND AWARDING THE CONTRACT FOR THE PITTSBORO WASTEWATER TREATMENT PLANT WET WEATHER FLOW IMPROVEMENT PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 159

3. Contract Amendment: Stearns and Wheler Design Contract for the Pittsboro Wastewater Treatment Plant Wet Weather Flow Improvement Project.

Mr. Terry said the resolution would authorize the Manager to amend the design contract with Stearns and Wheler to include construction administration, grant administration, materials testing, and engineering inspections at a cost of \$279,750. He noted that those costs were also allowable costs for which the Town could submit a reimbursement request.

Mayor Voller stated that they had done an excellent job in moving forward and paying for the design and engineering plans so that when the grant opportunity came up they were ready for it. Mr. Terry stated it was interesting to note that Stearns and Wheler had developed a good working relationship with Jay Johnston at Hydrostructures, which would be helpful since Mr. Johnston was charged with the day-to-day on-site inspection of the work. He said a part of the funds would be a subcontract for that on-site inspection work.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the contract amendment for the Stearns and Wheler Design Contract for the Pittsboro Wastewater Treatment Plant Wet Weather Flow Improvement Project to include construction administration, grant administration, materials testing, and engineering inspections at a cost of \$279,750.

Vote Aye-4 Nay-0

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AMEND THE DESIGN CONTRACT WITH STEARNS AND SHELER FOR THE PITTSBORO WASTEWATER TREATMENT PLANT WET WEATHER FLOW IMPROVEMENT PROJECT TO INCLUDE CONSTRUCTION, ADMINISTRATION, GRANT ADMINISTRATION, MATERIALS TESTING AND ENGINEERING INSPECTIONS FOR A FEE OF \$279,750 IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 160

4. Budget Amendment: Pittsboro Wastewater Treatment Plant Wet Weather Flow Improvement Project.

Mr. Terry said the ordinance would amend the capital project budget to account for the anticipated revenues from an American Reinvestment and Recover Act (ARRA) loan/grant in the amount of \$2,634,800 and for the corresponding increase in construction and contract administration costs.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve the budget amendment for the Pittsboro Wastewater Treatment Plant Wet Weather Flow Improvement Project.

Vote Aye-4 Nay-0

A BUDGET AMENDMENT FOR PITTSBORO WASTEWATER TREATMENT PLANT WET WEATHER FLOW IMPROVEMENT PROJECT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 20

5. Project Ordinance: Horton Booster Pump Replacement.

Mr. Terry said the ordinance would create a capital project fund to account for revenues and expenditures related to the Horton Booster Pump Replacement project in the amount of \$50,000.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to approve the project ordinance for the Horton Booster Pump Replacement.

Vote Aye-4 Nay-0

PROJECT ORDINANCE FOR THE HORTON BOOSTER PUMP REPLACEMENT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 21

6. Project Ordinance: Haw River Intake De-silting Project.

Mr. Terry said the ordinance would create a capital project fund to account for revenues and expenditures related to the Haw River Intake De-silting project in the amount of \$30,000.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the project ordinance for the Haw River Intake De-silting Project in the amount of \$30,000.

Vote Aye-4 Nay-0

PROJECT ORDINANCE FOR THE HAW RIVER INTAKE DE-SILTING PROJECT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 22

7. Project Ordinance: Haw River Intake Improvements.

Mr. Terry said the ordinance would create a capital project fund to account for revenues and expenditures related to the Haw River Intake Improvements in the amount of \$50,000. He stated this was the project where they would amend the scope of work to include a request for qualifications to move to activated carbon or to some other solution.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the project ordinance for the Haw River Intake Improvements in the amount of \$50,000.

Commissioner Harrington asked was the motion to include amending the scope of work, and would all of that work be paid for with the \$50,000 or would an additional amount of money need to be added to cover that additional work. Mr. Terry said originally the funds had been intended for analysis and design work, but since they were adding to it the \$50,000 in fact may not cover the operational analysis. He said if the recommendations required a major renovation to the water treatment plant, then additional funds would be necessary.

Commissioner Harrington said he did not believe that civil engineers would necessarily be focused on structural issues, but rather would be focused on recommending solutions to the treatment and that was a concern. Mr. Terry said there were national companies with offices all over the U.S. that were staffed to do both. Commissioner Harrington said then if the ordinance was approved they would expect a recommendation regarding the use of activated carbon. Mr. Terry said he believed so, noting to get a request for qualifications out and then go through the selection process would take 45 to 60 days. He said then the work itself would take likely three to four months.

Mayor Voller said part of what they were discussing was a process analysis which was industrial engineering, and what Commissioner Harrington was referring to was analysis and chemistry. He said Mr. Terry had mentioned structural engineering in the river, so they had three different disciplines at play. He asked Commissioner Harrington what his general concern was.

Commissioner Harrington said his concern was that they would roll this up into a larger product and in five or six months they may be thinking about putting in an activated carbon system. He said he had a real sense of urgency with moving now towards the carbon system, but here they would have another study to wait on. Commissioner Harrington said what he would like to do was find someone who could tell them in the next few weeks if activated carbon was the best, most cost effective way to go, and if so that they begin to move in that direction. He said he would like to do that separately, noting that to include it with the other contract that would take months to complete might result in them being told months out that activated carbon was not the way to go. Commissioner Harrington said he would like to discover the answer either way very soon, not months down the road.

Commissioner Harrington said he would be glad to vote to budget the funds for the project with the understanding that something needed to happen very soon. He said he did not believe that would take a full engineering study, noting that Mr. Bishop had provided a recommendation and had laid out some options. Commissioner Harrington said he believed they could get a recommendation, at least in preliminary form with some real dollars attached to it within a month, and asked could they do that. Mr. Terry said absolutely, if it was the will of the Board to use powdered activated carbon in the water plant without any engineering analysis ahead of time.

Commissioner Harrington rephrased his request. He said someone that was knowledgeable about the use of powdered activated carbon could come in and say they believed that was the way to go. He said the Board knew that of all the options provided that that was the most cost effective and was something that they would afford right now. Commissioner Harrington said he believed it was very reasonable to get a short-term recommendation that this was the way to go,

or, that for an extra “X” amount of dollars some other system could be implemented that would work better. He said he would like to see that happen very soon, within a month.

Commissioner Brooks remarked that he was a great supporter of charcoal, and they had been talking about cleaning up the intake for quite some time. He said they already had reports on that, and did not understand why they needed to do another study. Commissioner Brooks said the Board had received numerous recommendations on how to improve the water, and he was supporting the project because he believed they could get better water quality with activated carbon.

Commissioner Harrington agreed, noting he was in support of the project ordinance and understood you had to have engineering studies of what to build. He reiterated if that was to be a four or five month project then he would recommend considering funding the activated carbon process to begin soon. Commissioner Harrington said he wanted to get someone to say yes, it was a very good process that would cost “X”, and as well, that the next best option would be whatever. He said that was what he was asking for, and if that could be done as part of that \$50,000 project budget then all the better.

Mr. Terry said based on the discussion, he believed he would change his recommendation and ask that the Board approve this project and separate it from the activated carbon issue. He said he could begin work tomorrow on having someone come in and design the activated carbon piece of the project and bring a separate budget amendment at the Board’s next meeting. Mr. Terry said he believed he could get fee proposals in the next two weeks and bring that forward for the Board’s consideration. He said he agreed that the activated carbon piece should not be tied to a larger project, and it would be more expeditious to move forward with that now. Mr. Terry said from the discussion he believed that was the will of the Board, and understood the concerns with tying that project to a larger one, thereby slowing it down. He said the Board could approve the ordinance tonight to create the capital project budget so they could proceed with the analysis for the intake improvements, and if the Board approved they could produce a request for qualifications and select an engineering firm to provide a fee proposal. Mr. Terry said that would have no cost to the Town and with a fee proposal in hand he could then bring forward a separate and distinct budget amendment for the engineering and design costs for the activated carbon process.

Commissioner Harrington said then for free they would be able to determine how much the process would cost, as well as roughly what the design costs would be. Mr. Terry said once they had the responses to the request for qualifications they could pick the most qualified engineer and then request a fee proposal.

Mayor Voller asked was it still possible to do an operational study while going forward with the intake improvement project. He said these were all different disciplines, noting an operational study like what was done at the Wastewater Treatment Plant was very different from the activated carbon process.

Commissioner Brooks said he believed they needed to approve what the Manager was recommending, and also believed that Dr. Phil Seeker had made some recommendations when

he had gone over the water plant, so they may already have what they need. He said the motion should stand as stated, with the Manager coming back at the next meeting with information regarding the activated carbon process.

Commissioner Brooks called the question.

Vote Aye-4 Nay-0

PROJECT ORDINANCE FOR HAW RIVER INTAKE IMPROVEMENTS IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 23

Commissioner Brooks suggested checking to see if Mr. Poteat or Mr. Efird had kept some of the information the Board had seen in the past.

8. Hobbs, Upchurch and Associates Engineering Services Contract for NPDES Permitting of the New 3.2 MGD Pittsboro Wastewater Treatment Plant.

Mr. Terry said as he had discussed during the capital project updates that they were approaching the end of the EIS process, with the remaining steps being a 45-day public comment period and a public hearing. He said the public hearing would likely be scheduled at one of the Board meetings in October or November. Mr. Terry said now was the time to begin the next process, which was to enter into a contract for engineering services for preparation and submission of the NPDES permit application process. He said the resolution would authorize the Town Manager to enter into a contract with Hobbs and Upchurch for that work for a fee of \$68,000.

Commissioner Harrington asked Adam Kiker what those funds were buying. Adam Kiker, an engineer with Hobbs and Upchurch, said that the NPDES process was not as simple as filling out an application and submitting it. He said that there was a detailed process to complete as well as the rigorous technical review at the State level, which was why it took six to nine and sometimes twelve months to complete. Mr. Kiker said the Town would also be discharging at two locations rather than just one, so dual efforts would be taking place at the same time to obtain the two discharge permits.

Commissioner Brooks said they had been talking three or four years about where the outtake would be, and asked had that ever been decided. Mr. Kiker responded yes, noting for the future the Town would continue to discharge 750,000 gallons at the current location, and then the balance would be at the Haw River at the US 64 bridge. Commissioner Brooks asked had that been approved. Mr. Kiker said that was a part of this process, but everything had led them to that location. Commissioner Brooks asked would it be on the south side of the bridge. Mr. Kiker said the location now was on the west side of the river on the south side of the bridge. Commissioner Brooks said there was a State recreation facility there. Mr. Kiker said they would need only a few feet, and it would come out in the public hearing exactly where the discharge would go.

Commissioner Brooks said they had been discussing this for many years and did not understand why it was still undecided. He asked if they had to go through the 16-agency process again. Mr.

Kiker said the NDPEs process was a different process, noting they had to go through the Division of Water Quality and not the 16 agencies that the EIS process had required. He said it was a much more technical review from a water quality standpoint. Mr. Kiker said at the end of process the Town would have a discharge permit in hand, and if they had the specifications and the money, they could build the plant.

Mayor Voller said this would only be for a discharge permit within that location on the Haw River. Mr. Kiker said it would include the Haw River location and the Robeson Creek location. Mayor Voller said the Board had received presentations by Integrated Water Strategies and others about what they could do to clean effluent and reuse water, and believed they should be talking to them about what they could do. He said they had actually proposed an idea of using some of the green spaces along the NCDOT right-of-way and having the least possible impact, and hoped that that idea could be integrated. Mayor Voller said the point was that some people would be upset if a discharge was going to go in a particular area, so providing the cleanest possible product was what they should be looking at. Mr. Kiker said the stipulations of the permit and where they had been guided from a treatment technology standpoint was how the water would be treated. Mayor Voller said he understood the limits of technology with how the water would be treated at the plant, but there were technologies to treat with biological methods prior to discharge. He said he was saying you could integrate that within this plan and then you would not have that public resistance because you were putting something in the water that was a lot better than what they had received from the intake.

Mr. Kiker clarified that they had no intention of disrupting other tracts of land, but they were not at the level of planning yet to say exactly where the discharge would go.

Commissioner Brooks said he understood that, but he was saying they did not have a lot of maneuverability because of the topography and the closeness of the two ramps.

Mr. Terry said that level of detail would come later, noting that the EIS achieved a generic plan, and the next step was the NPDES permitting which had to be obtained in order to get to the next phase. He said they were not talking about design, but were talking about completing the environmental phase and then getting the technical permits that would allow them to put the outfalls where they had said they would put them at the amounts they had set.

Eric Wagner, an engineer with Hobbs and Upchurch who had accompanied Mr. Kiker said the next step after the environmental process to get the permits was to talk about the specific discharge locations. He said for example, when they got to the design level that would be when they determined where the discharge locations would be and what they would be. He said they needed to get the permits first so they would know the flow rate and what constituents they would need to treat first.

Commissioner Harrington said then they were getting discharge permits and if they put "X" amount in then they would have a limit of what they could put in and how that was done.

Commissioner Bryan said that was what their \$68,000 would buy them.

Mayor Voller said he believed the Board felt that they had paid for a number of services and they wanted to know that they were at the end.

Commissioner Baldwin asked if when they entered into the different arrangements, was this a part of the fees. Mr. Terry said this contract was separate. Commissioner Baldwin said then this was not a part of that contract. Mr. Terry said that was correct, noting the first contract was for the EIS only and had been paid for over a year ago to Hobbs and Upchurch's credit. He said they had stopped billing for that once the contract amount had been paid but had continued to represent the Town to the State and continued to respond and make corrections to the EIS to satisfy the various agencies. Mr. Terry said to be frank Hobbs and Upchurch had been working for free for about six months.

Commissioner Harrington said but the contract included the EIS process. Mr. Terry said that was correct, but the NPDES permitting process was not a part of that original contract and was the next step after the EIS was completed. He said it was his recommendation that they spend no money on design until they were closer to getting the NPDES permits, and assuming they were successful then they could move forward.

Mr. Kiker said they would be coming back to the Town soon, noting the last major milestone was the public comment period. He said barring any serious public outcry about the project, they were looking at about 90 days to get a regulatory decision.

Commissioner Harrington asked how many outstanding contracts with Hobbs and Upchurch the Town had at present. Mr. Terry said he did not know offhand, but noted they did a lot of work for the Town. He said those he could think of were the 3M project, the EIS for the 3.22 MGD disinfection byproducts project, and the water treatment plant. Commissioner Harrington asked what their role was in the water treatment plant project. Mr. Terry said that was the one where Hobbs and Upchurch had done the design for the transition to chloramines. He said they were also doing the work on the sediment basins with four done and one left to go, and the large 3.22 MGD disinfection byproducts project. Mr. Terry said this would be the fourth contract with Hobbs and Upchurch.

Commissioner Baldwin said after this permit, were there any additional permits or additional costs that would be incurred. She said she wanted to know what the next steps would be and the approximate costs of those steps. Mr. Terry responded the next step was the detailed design work and drawing the actual construction drawings which were the most expensive piece of it. He said the plant would cost on the order of \$35 to \$40 million, and 10% to 15% of that would be the design contract. Mr. Terry said he would not recommend that the Town undertake the design project until they had commitments from their developer partners that they would be ready to put up the financial backing. He said he had briefed the LGC on the project, and he had been told there was no way they would allow the Town to borrow \$40 million. Mr. Terry said they had a lot of work to do to solidify the partnership between the Town and the development community that would like to see that plant built, as well as the County who had made it clear they wanted to be a part of the solution. He said the County Board Chair and the County Manager had made it clear to him that they wanted to participate, but the question would be to

what extent. Mr. Terry said before they reached the time to do the \$3 million plus in design work, they had a lot of homework to do around building a coalition to pay for it.

Commissioner Baldwin said she wanted to be certain that they did not go forward with doing a detailed design contract at this point, and wanted to make sure that this was the last thing as far as permitting between getting to that point. Mr. Terry responded that was his understanding.

Mr. Kiker agreed that that was correct. He said it was the State's policy that they would not accept the NPDES application until the environmental process had been settled. He said because that process was now nearing completion, it was now time to bring forward the NPDES permitting application process.

Commissioner Baldwin said she wanted to make sure there were no other steps prior to getting to that point. Mr. Terry said there were none to his knowledge.

Commissioner Harrington said it would take approximately 90 days to complete the EIS, and then this process would take six to nine months. Mr. Kiker said it would take three months preparation time for the submittal and then about six months for DWQ to complete its steps for permitting. Commissioner Harrington said then they were targeting about a year.

Mayor Voller asked if they could get a commitment that they would have some senior engineers and not EIT's working on this process. Mr. Kiker replied absolutely the answer was yes, noting that the same staff who had worked on this in the past would continue through the end of the process, so they were very familiar with the Town and with all requirements. Mayor Voller said this was a complicated process and they were nearing the end, and he wanted to make sure there was some continuity. He said he did not want to deal with staff that was learning on the job. Mayor Voller asked if the Board was comfortable moving forward with the resolution at this point.

Motion made by Commissioner Harrington to approve the resolution granting the Hobbs, Upchurch and Associates Engineering Services Contract for NPDES Permitting of the New 3.22 MGD Pittsboro Wastewater Treatment Plant. Commissioner Baldwin seconded the motion for discussion purposes.

Mr. Terry said the recommendation was that the Board authorize him to enter into an engineering services contract for preparation and submission of the NPDES permit application for the 3.22 MGD Pittsboro Wastewater Treatment Plant for a fee of \$68,000.

Mayor Voller asked how long the permit would be good for. He said there were certain challenges that the Town Manager had brought up regarding going forward after the permit was received. Mayor Voller said the Town could not write a check for \$40 million and the LGC would not allow them a line of credit without certain partnerships being in place. Mr. Kiker said the permit would remain effective for 5 years, and would need to be renewed every 5 years just as the Town's existing permit was renewed every 5 years.

Mayor Voller said then basically the Board was hearing that if they authorized the contract and they received the permit it would be good for 5 years, and at that point they would presumably have more information regarding funding.

Commissioner Harrington asked had Mr. Terry asked any other firm about doing this work. Mr. Terry said it was his opinion that if they engaged a different firm now who had no knowledge of the EIS process and what was contained in that document that it would slow them down, perhaps dramatically. He said he did not think a change in engineers at this point was prudent and would not recommend that course of action.

Mayor Voller said that would not preclude them from getting the permitting and then having an open bid process for the plant itself. Mr. Terry agreed, adding there was no contract for design awarded or promised, and the Board could put out a request for qualifications at the end of the NPDES permitting process. He said there was a broad range of engineering firms the Board could choose from. Mayor Voller said the question before the Board was if they wanted to pursue getting the permit then it was obvious they would need to continue with Hobbs and Upchurch. He said after that, they could decide where to go from there.

Commissioner Brooks said he was willing to go along with Mr. Terry's expertise on the subject. He said he did not mean to be critical of any engineering firm or any individual, but this had been going on for so long and so much money had been spent. Commissioner Brooks said when talking about the kind of money they were talking about tonight, there did not appear to be many stakeholders willing to put up that kind of money. He said it seemed to have been a long, laborious process and he could not see too much light at the end of the tunnel, and did not mean that as a criticism.

Mayor Voller agreed it had been a long process. He said if they were committed to doing the expansion then they would have to get the permit. Mayor Voller said the dollars were significant and the impacts were significant, but they could not get there unless they got the permit. He said they had been trying to get to this point for over four years.

Philip Culpepper said he would like to clarify that the work that had been done so far would have had to be done whether there was any developers in the room or not. He said the Town had to replace that plant, noting that 90% of the work that had been done was not done because there were developers with future demands but was done because of what was already there. Mr. Culpepper said the Board was not facing a \$40 million bill, and if they could not work out the financing in some way then the Town could build whatever smaller plant was needed to meet its basic requirements and developers would have to go elsewhere. But, he said, without the permit they had nothing. Mr. Culpepper said now was the time to get the permit, and the size of the plant and the design of the plant would only come after that. He said some of the innovative techniques that had been mentioned were ones developers had tried to push forward and that Hobbs and Upchurch had tried to push forward, but the State had said no unless there was a commitment for specific land areas and specific procedures.

Mr. Kiker agreed with Mr. Culpepper, stating they had been required to "jump through hoops" during the entire process.

Mr. Culpepper said his personal opinion was they had floundered until Mr. Terry had come into office, and he had immediately begun work to move the Town forward. He said it was a slow process, and the people who reviewed the EIS and who issued the NPDES permits were not known for their speed. Mr. Culpepper said they were still looking at a moratorium, so they would like to see the Board move forward with the permitting process. He said he believed that \$68,000 was a reasonable investment to get that done.

Commissioner Brooks said the Board had wanted tonight to grasp the big picture, which was why they had discussed the entire process. Mr. Culpepper said they were still trying to do whatever they could do to help the Town to reduce the amount of discharge.

Commissioner Brooks called the question.

Vote Aye-4 Nay-0

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN ENGINEERING SERVICES CONTRACT WITH HOBBS, UPCHURCH AND ASSOCIATES FOR PREPARATION AND SUBMISSION OF THE NPDES PERMIT APPLICATION FOR THE NEW 3.2 MGD PITTSBORO WASTEWATER TREATMENT PLANT FOR A FEE OF \$68,000 AND A COPY OF THE CONTRACT ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 161-165

Mayor Updates

Mayor Voller stated that at the last Economic Development Commission meeting they had authorized a contract for a public/private partnership to raise over \$1.6 million for economic development over a five-year period. He said it was modeled after a program that had just been completed in Durham where the same firm raised about \$2.6 million. Mayor Voller said they were trying to get private partners investing in economic development, which had in the past been funded by public dollars. He said money would be put towards retaining current businesses, towards encouraging entrepreneurship, and towards recruiting new businesses to the Town and the County. Mayor Voller said those efforts were aimed at bringing businesses not only to Pittsboro but to Siler City and Goldston. He said he would get a copy of the plan and share it with the Board.

Commissioner Concerns

Commissioner Baldwin urged everyone to attend the Chatham County Fair beginning September 30 through October 3. She said she would like to see the community participate in the fair, noting there were different contests that could be entered and it was great fun for the entire family.

FYI

1. Jennifer Walter's email of Sept. 5, 2009; RE: Appreciation of work done at Kiwanis Park.

2. Kelly Kerwin's e-mail of Sept. 8, 2009; RE: Request for signalized crosswalk at 15/501 and Powell Place Drive.
3. Information on WTF Workshop on 9-29-09.
4. Town of Pittsboro letter dated August 25, 2009; RE: 3M Donation of Parkland to the Town of Pittsboro.
5. Town of Pittsboro letter dated September 9, 2009; RE: Notice to Proceed on the Pittsboro Town Park Construction Project.
6. The Town of Pittsboro Hydrant Flushing Plan and Procedures.

ADJOURN

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn the meeting at 9:00 p.m.

Vote Aye-4 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk