

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, DECEMBER 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.

Commissioner Walker thanked the citizens of Pittsboro for their support and allowing him to serve for 8 years. He also thanked his fellow Commissioners who did such a great job and most of all his family who had made the greater sacrifice during his service to the Town. Commissioner Walker extended an invitation to the Commissioners to call him whenever his advice might be helpful.

Commissioner Brooks said he appreciated Commissioner Walker's service, noting he had brought a particular expertise from the banking and finance world and provided good guidance on many occasions. He said even when all did not agree, Commissioner Walker had voted with integrity and based on what he believed was best for the community, and you could not do any better than that. Commissioner Brooks stated he would be missed.

Commissioner Bryan expressed his gratitude and thanks to Commissioner Walker, noting his thoughts were always on what was best for the citizens and the community.

Commissioner Baldwin expressed her thanks to Commissioner Walker for his insightfulness and perspective he had brought to issues before the Board. She said he had provided her with much help during her years on the Board and appreciated that help and he would be greatly missed. Commissioner Baldwin warned that she would indeed be calling on Commissioner Walker for advice.

Commissioner Harrington said within five minutes of meeting Commissioner Walker he heard all about Pittsboro, the water and services, and knew immediately that he was someone who really cared about what was happening in Town. He said little did he know that Commissioner Walker would get him interested in Town politics, but he had, and he appreciated having him as a friend, a sounding board, and for his leadership on the Board. Commissioner Harrington said he would be missed.

Mayor Voller said he knew how difficult it was to make decisions and try to walk a fine line when meeting the needs of citizens, and even though they may have had differences in the past they had built on that and been able to help each other. He said they had spent quite a long time dealing with the issues of the Town, and knew that Commissioner Walker really cared about the Town and its citizens. Mayor Voller said he knew that Commissioner Walker would continue to be involved in the Town, and wanted him to know that the door was always open.

Commissioner Walker commented that with the addition of Michael Fiocco, they had a very good Board that would serve the Town well.

ATTENDANCE

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

Staff present: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe, and Assistant Planner Paul Horne.

ORGANIZATIONAL MEETING

INSTALLATION OF MAYOR AND COMMISSIONERS

Town Clerk Alice F. Lloyd administered the oath of office to Mayor Randolph Voller, Commissioner Pamela Baldwin and Commissioner-elect Michael Fiocco.

ELECTION OF MAYOR PRO TEMPORE

Motion made by Commissioner Brooks seconded by Commissioner Harrington to elect Commissioner Baldwin as Mayor pro tem.

Vote Aye-5 Nay-0

AGENDA

Motion made by Commissioner Harrington seconded by Commissioner Brooks to approve the Agenda.

Vote Aye-5 Nay-0

CEREMONIAL AGENDA

1. Resolution Honoring the Service of Commissioner Christopher Walker.
Action recommended: Adopt the resolution and read the resolution into the record.
2. Resolution Honoring the Service of Colonel Gerald Totten, USMC, Ret., Chatham County School Board Member.
Action recommended: Adopt the resolution and read the resolution into the record.
3. Resolution Recognizing Noteworthy Achievements at Northwood High School.
Action recommended: Adopt the resolutions and read them into the record.

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

Vote Aye-5 Nay-0

Mayor Voller read the Resolution of Appreciation for the Services of Christopher “Chris” Walker into the record and presented him with a plaque honoring his 8 years of service.

Resolution of Appreciation for the Services of Christopher “Chris” Walker:

Whereas, Christopher “Chris” Walker has served as Board Member of the Town of Pittsboro since 2001; and

Whereas, Christopher “Chris” Walker has put forth substantial effort toward improving the quality of life for the citizens of the Town of Pittsboro; and

Whereas, Christopher “Chris” Walker has served unselfishly in his capacity for the good of the Town of Pittsboro, making sacrifices in personal and family ties.

Now, Therefore, Be It Resolved by the Board of Commissioners of the Town of Pittsboro, North Carolina, that Christopher “Chris” Walker is hereby officially commended by this Town Board on behalf of the citizens of Pittsboro for valuable service rendered to the Town of Pittsboro in his official capacity as a Town of Pittsboro Commissioner.

Be It Further Resolved that this resolution be made a part of the permanent records of the Town of Pittsboro and that a copy of this resolution be presented to Christopher “Chris” Walker.

Adopted this 14th day of December, 2009.

RESOLUTION RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 195

Mayor Voller read the Resolution Honoring the Life and Memory of Colonel Gerald Totten into the record, noting a copy of the resolution honoring veterans would be sent to his family along with this resolution.

Resolution Honoring the Life and Memory of Colonel Gerald Totten

Whereas, Colonel Gerald Totten passed away on December 2, 2009 at his home in the Mt. Vernon Springs area; and

Whereas, Colonel Gerald Totten spent his career in the United States Marine Corps; and

Whereas, Colonel Gerald Totten has served on the Chatham County Board of Education since December, 2006; and

Whereas, during his numerous years of admirable service to this community, Colonel Totten contributed his time and abilities by being active in a number of Chatham County advisory committees and boards; and

Whereas, in recognition of that effort, he was appointed to former Governor Jim Hunt’s High Performance Workforce team Development committee.

Therefore, Be It Hereby Resolved by the Town of Pittsboro Board of Commissioners that it expresses its sincere appreciation and respect for the life and career of Colonel Gerald Totten, and expresses its heartfelt

condolences to his wife, children, grandchildren and the many others who held him in the highest regard and esteem, and

Be It Further Resolved that the Clerk is hereby instructed to place a copy of this Resolution in the permanent record of the Town of Pittsboro Board of Commissioners and to provide a copy to his family.

This the 14th day of December, 2009.

RESOLUTION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 196

Mayor Voller read the Resolution honoring Mr. Chris Blice, 2009-2010 Chatham County Principal of the Year, into the record.

Resolution Honoring Mr. Chris Blice, 2009-2010 Chatham County Principal of the Year

Whereas, Northwood High School Principal Chris Blice was selected as Chatham County's 2009-2010 Principal of the Year; and

Whereas, Mr. Blice has been Principal at Northwood High School since August, 2008; and

Whereas, Mr. Blice spent 17 years as an instrumental music educator before moving into school administration in 1999; and

Whereas, Mr. Blice has proven himself to be dedicated to excellence in his teaching and education administration and has gained the admiration and respect of his colleagues; and

Whereas, the Town of Pittsboro Board of Commissioners offers our congratulations to Mr. Blice for his achievements.

Now, Therefore, Be It Resolved that this resolution be made a part of the permanent records of the Town of Pittsboro and that a copy be forwarded to Mr. Blice.

This the 14th day of December, 2009.

RESOLUTION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 199

Mayor Voller read the Resolution of Recognition of the Northwood High School Jazz Ensemble under the leadership of Eugene Cottrell into the record.

Resolution of Recognition

Whereas, Northwood High School Jazz Ensemble is under the leadership of Eugene Cottrell; and

Whereas, Mr. Cottrell is the 2005 Mr. Holland's Opus Award Recipient; and

Whereas, during the past year the Northwood High School Jazz Ensemble has put on numerous concerts for the Pittsboro community including performances at North Chatham, Perry Harrison and Horton schools. They have also performed at Pittsboro's first Sunday events, the Chatham County Fair, Fearington Village, Carolina Meadows, Galloway Ridge and their annual Memorial Day performance that honors all of our current and past Veterans of the armed forces; and

Whereas, in February 2010 the Jazz Ensemble will travel to Florida to compete against some of the nation's top Jazz groups in the 2nd annual Disney International Jazz Festival.

Now, Therefore, Be It Resolved by the Town of Pittsboro Board of Commissioners that we do hereby officially commend Mr. Eugene Cottrell and the Northwood High School Jazz Ensemble on their accomplishments this year.

This the 14th day of December, 2009.

**RESOLUTION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE,
PAGE 197**

Mayor Voller read the Resolution of Recognition of the Northwood High School 2009-2010 football team into the record.

Resolution of Recognition

Whereas, we realize that participation in organized athletics helps to build character and teaches a wholesome sense of fair play and good sportsmanship among our young women and men; and

Whereas, an exemplary example of this has been brought to our attention in the achievement of the 2009-2010 Northwood High School Football team – ranked 5th in the STATE; and

Whereas, the Northwood High School 2009-2010 Football team had a season of 12-2.

Now, Therefore, Be It Resolved by the Town of Pittsboro Board of Commissioners that we hereby extend this expression of our pride in your accomplishments, and our appreciation for the honor and prestige you have brought to our community by exceptional display of good sportsmanship, motivation and inspired team play. IN OUR HEARTS, YOU ARE THE CHAMPIONS!

Adopted this 14th day of December, 2009.

**RESOLUTION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE,
PAGE 198**

Commissioner Fiocco read into the record a resolution recognizing the Northwood High School men's soccer team.

Resolution of Appreciation

Whereas, we realize that participation in organized athletics helps to build character and teaches a wholesome sense of fair play and good sportsmanship among our young women and men; and

Whereas, the exemplary team of the 2009-2010 Northwood High School Men's Soccer Team, ranking 2nd in the State of North Carolina after playing in the State 2A championship game in Cary, North Carolina, at the Wake Med Soccer Park on November 21, 2009; and

Whereas, in addition to this prestigious ranking they also hold the following titles: East Regional Champion 2A, Sectional Champion 2A East, Mid-State Conference Champions, and achieved a 23-3-3 record for the 2009 season; and

Whereas, special commendation is due to team member Austin Brice, Jovanni Catalan, Sam Lucier, Ramiro Martinez, and Joe Graybeal who were All Conference players; and Austin Brice, Jovanni Catalan, Sam Lucier, Ramiro Martinez, and Joe Graybeal who were All Region players; Joe Graybeal who was Conference Player of the Year, and Joe Graybeal who was All-State; to Coach Russ Frazier and to the

Northwood High School Faculty and students and to all those who offered their support, especially to the parents and families.

Now, Therefore, Be It Resolved by the Town of Pittsboro Board of Commissioners that we hereby extend this expression of our pride in your accomplishments, and our appreciation for the honor and prestige you have brought to our community by your exceptional display of good sportsmanship, motivation and inspired team play. IN OUR HEARTS, YOU ARE THE CHAMPIONS!

Adopted this 14th day of December, 2009.

**RESOLUTION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE,
PAGE 200**

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the November 23, 2009 regular meeting.
Action recommended: Approve the minutes.
2. Amendment to Section 6.5g of the Zoning Ordinance-Off-Premises Signs.
Action requested: Set a public hearing date of January 25, 2010 at 7:00 p.m.
3. Blair Rezoning Request at US Hwy 64 By-pass and Foxfire Trace from R-A2 to C-2.
Action requested: Set a public hearing date of January 25, 2010 at 7:00 p.m.
4. Amendment to Section 14.3 of the Zoning Ordinance-Major Transportation Corridors.
Action requested: Set a public hearing date of January 25, 2010 at 7:00 p.m.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the Consent Agenda items.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

Thomas "Snuffy" Smith, 530 Sanford Road, stated he had operated a commercial business in the historic district downtown for 30 years at 38 Hillsboro Street. He said he had been using a loading dock all of that time, and believed it had been there since the building was built 100 years ago. Mr. Smith said because of the increase in population and traffic, the loading zone was no longer his because others used it for parking, at times parking so close to his building that he could not get his back door open. He said he had talked with Officer Troy Roberson who had provided the State statute that he had in turn provided to the Board, which stated that the Board had the authority to put an official designation on the loading zone. Mr. Smith asked that the Board officially designate that area as a loading zone and put up the proper signage so that the Police were able to deal with people who parked in that area.

Commissioner Harrington asked exactly where the loading zone was located. Mr. Smith said it was on south side of the building.

Commissioner Fiocco asked was there designated parking spaces in that area. Mr. Smith replied yes, noting that a driveway came in by the loading zone and led to the striped parking spaces. He said the stripes were somewhat faded and should probably be repainted.

Commissioner Harrington asked was that parking lot owned by the County, and would they be able to enforce no parking in the loading area. Mr. Messick said the statute that Mr. Smith had provided did give the Town the authority to regulate parking in such areas.

Mr. Smith said the County did own it but the Town's Police Department was responsible for regulating traffic and parking. Mr. Messick said he could look into it but they would likely need to discuss it with the County as well. He said if the area was restricted to a loading zone then those parking spaces would not be available.

Mayor Voller asked how much of an area did Mr. Smith need for loading and unloading. Mr. Smith said he would like to have the existing ramp that had been there since he had bought the building. He said it was an inclined ramp and provided an easy means to access the building.

Commissioner Bryan asked was the ramp striped for parking. Mr. Smith replied no.

Commissioner Fiocco asked was there a regular time of day that Mr. Smith would need to have the ramp available for loading or unloading. Mr. Smith said there were no set times because customers made pickups whenever it was convenient for them. He said he would like to have that area designated as a loading dock so that if a car was blocking it the Police could legally deal with it.

Mayor Voller said that parking issues in the downtown had been brought up numerous times in the last six months. Mr. Smith said that was never a parking space. Mayor Voller said it was sensible for the Board to move forward on that issue, but did not know what the Board might be willing to do tonight other than to take input.

Commissioner Brooks said he believed they should go ahead to do it.

Commissioner Baldwin said if it was possible and consistent with the statute, she believed they should just designate the ramp as a loading dock and put signage on it, but believed they should check with the County before doing that. Mr. Terry asked that the Board refer the issue to him and he would consult with the County.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to refer the issue to the Town Manager.

Vote Aye-5 Nay-0

Commissioner Brooks stated that some time ago he had requested that the Board send a letter to the County Manager and the County Commissioners to request that they require their employees

to park in the County's new parking lot that was being underutilized, adding he believed it was the third lot. He said he believed the Mayor had offered to talk directly with Chairman Lucier, and asked had anything been done.

Mayor Voller said he had spoken to Chairman Lucier, but believed that the Board needed to officially ask that the Manager send the County a letter in that regard.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to send a letter to the County to encourage County employees to park in the third lot in order to free up parking spaces in Town, and that the Town Board would like to open a dialogue with the County regarding parking in the business community in Pittsboro.

Vote Aye-5 Nay-0

OLD BUSINESS

1. Manager's Update on Capital Projects.

Mr. Terry provided the following update on Capital Projects:

- Disinfection Byproducts Reduction Project – Some punch list work continues. Hobbs, Upchurch is writing a change order for the installation of a streaming current monitor that will enable the staff to continuously monitor changes in the quality of the incoming raw water. The Rural Center has approved our request for an extension of the grant period to April 30, 2010. We have begun our trial run of ferric sulfate as our primary coagulant and will continue that trial for about three months.

Mayor Voller said the data looked good on the water tests. Mr. Terry agreed, and continued his update:

- 3M Reclaimed Water System Project – This project is nearing substantial completion. The start-up and testing of the pump station at the WWTP was scheduled for December 10th and 11th. If all goes well with the pump station start-up, the contractor will be able to proceed with disinfection of the transmission lines and the storage tank. 3M reports that work is in progress on the connection of their system to the Town's reclaimed water lines. We are optimistic that the system will be fully operational by the middle of January. Last week we submitted a request to the EPA Grant Administrator requesting a six-month extension of the grant period to allow for an orderly final inspection and administrative closeout of the project.

Commissioner Harrington asked where that tank was. Mr. Terry said it was on the right just before the entrance, noting it was well back in the woods and you would have to look closely to be able to see it. Mr. Terry continued his update:

- 3.22 MGD Wastewater Treatment Plant Construction – We have submitted a copy of the minutes of the EIS public hearing and all written comments received after the public hearing to Hobbs, Upchurch for consolidation and final submission to the State.

Eric Wagoner with Hobbs, Upchurch and Associates stated that the public comment period had ended on November 30 and all comments had been submitted to the State. He said once the State reviewed the comments they would be submitted to the Clearinghouse. Mr. Wagner said they would then be published for the 30-day review period, and once that was completed they would be reviewed again and then a decision issued. He said once a decision was published, they would submit for the permit.

Mr. Terry said there had been some confusion late last week, noting that they had received an email from the State asking when the follow-up meeting would be. He said going back to the minutes of the public hearing, after Dr. House spoke Mayor Voller had said that the Board would be open to receiving more information and that had been interpreted to mean that the Town would stop the public hearing process in order to receive more information. Mr. Terry said that obviously was not the case and the Board had made no motion to that effect, so the period for public comment had not been extended. He said it had now been made clear that the public hearing had not been held open and subsequent public hearings were not planned. Mr. Terry thanked Mr. Wagoner and Hobbs, Upchurch for their help in clearing that up.

Mayor Voller said his comment was meant to be courteous, in that they had received presentations from Dr. House in the past and were interested in his thoughts and any new ideas, but it was not meant to stop the process. Mr. Terry agreed.

Commissioner Harrington said that Dr. House had offered to provide the Board a workshop on land use applications, and suggested that they take him up on that. He asked in Mr. Wagoner's opinion, would that complicate the process to do that. Mr. Wagoner responded no.

Adam Kiker asked if the Town would like to research some of those ideas offered at the public hearing, noting that land applications had been brought out at that hearing.

Mr. Terry said to clarify; the kinds of questions being asked at the public hearing about land application were in the EIS, noting that the large parcels discussed had not even been subdivided as yet. So, he said, specific information was being requested by the state that just did not exist.

Mayor Voller said if they got the permit, they still were open to other possibilities for Best Management Practices. Mr. Terry said that was correct. He then continued his update:

- Short-term Wastewater Treatment Plant Improvement Project – Construction is scheduled to start on Monday, December 14, 2009 and there was a contractual obligation for the work to be done on a date certain.

Mayor Voller said in regard to the Credle Street Basin Rehabilitation, they had submitted a new grant application in October and wondered when that had been sent in. Mr. Terry replied that Jay Johnston of Hydrostructures had submitted that application to the Rural Center. He continued his update:

- Powell Place Park (Pittsboro Town Park) – The water and sanitary sewer infrastructure is in place; the major grading has been done; the road base is being applied in preparation for paving of the trail; and, work on the stone entry steps for the pedestrian entrance has begun. Weather has delayed construction progress; however, if we have favorable

weather over the next six to eight weeks, we could achieve substantial completion by the end of January.

Commissioner Brooks said he did not know who was responsible for cutting down the 19 large oak trees, and did not know what the price of oak was today but believed it was a good price. Commissioner Brooks said that two different citizens had contacted him who had said when someone's timber was cut as had been done in this case, the law indicated that the owner was due five times the value of the tree the day it was cut, and that was determined through the hiring of forester or a timber cruiser to examine and measure the stumps. Commissioner Brooks said it was his understanding that by law that payment of five times the value of the trees was due to the Town and believed they should pursue that.

Mr. Terry said that Mr. Messick and Mr. Horne were working on that issue and did not believe it was appropriate to provide any details at this time. Mr. Messick said he was aware of the law, and the payment was twice the value of the trees the day they were cut, not five times the value.

Mayor Voller asked that the wording of the law be made available to the Board.

Commissioner Brooks said he was sure that Mr. Messick was correct, but believed in the past that payment had been made by a power company to one of the persons he had spoken to at five times the value of the trees that had been cut.

Mr. Messick said he would be glad to provide the language of the statute to the Board via email.

Mr. Terry concluded his update:

- Downtown Area Water System Improvement Project – Becky Smith of Hydrostructures has met with a representative of USDA and they are interested in this project. We are now setting up a follow-up meeting with USDA to discuss the grant application process.

Mayor Voller said that was good news, and considering that a lot of that affected the County and the community college he hoped that the County would help Pittsboro with that since many of the County's capital projects would be affected by the water pressure. Mr. Terry said one way the County could help would be to provide some statements of the impact on the County that could go along with the grant application. He said he believed that County Manager Charlie Horne would be happy to do that. Mayor Voller said he believed the Board would be supportive of doing that.

2. Manager's Update on Efforts to Reduce TTHMs.

Mr. Terry stated the news continued to be good, noting that each set of new data was more and more encouraging. He said they were getting TTHM readings that were just over .05, noting the standard was .08. Mr. Terry said they believed they would be able to produce those kinds of numbers during the compliance test in December. He said the ferric sulfate trials were underway and they were getting good results with that as well, but the down side was that it produced a lot heavier sludge bed so there would be some additional cost in hauling and removal of the sludge.

Commissioner Harrington asked what the TTHM readings were this time last year. Mr. Terry responded he did not have those numbers with him. Commissioner Harrington said having those numbers season by season and year by year would be very informative, and requested that similar numbers such as was provided tonight be provided back to the beginning of 2008. Mr. Terry said he had that data and would be happy to provide it.

Mayor Voller said when you looked at the data they had been getting over the last six weeks it was interesting to note that even the Russell Chapel numbers had come way down, and some were lower than he had seen in the last four years which was significant. Mr. Terry said they were encouraging.

Commissioner Brooks asked had they selected a month to go back on chlorine. Mr. Terry said they would match up with the County and do that when the County did. Commissioner Brooks said he believed that would be in March. Mr. Terry said if the County ever exercised its option to draw water from Pittsboro it would be better if the systems were compatible. He said he would check to verify when that change would take place.

Mayor Voller said he believed that Commissioner Harrington's comments were important regarding the numbers back to 2008, noting the water at the plant had improved tremendously.

3. Wastewater Capacity Reservation Contract for Westmoore Subdivision.

Mr. Terry said the Board had received information on this issue on November 9, and it was tabled pending a report on the updated reconciliation of available water flow capacity. He said subsequent to that November 9 meeting the developers of both the Westmoore Subdivision and the Bellemont Point/Bellemont Station Subdivision reduced their requests for water capacity from 50,000 to 40,000 gallons per day. He said on November 23, Jay Johnston of Hydrostructures had provided a briefing to the Board on the reconciliation of all the flows contributing to the plant.

Mr. Terry said after the most recent discussion by the Board, they had removed the provision from the contract that the developers secure their promise to pay the \$200,000 with a Letter of Credit, but it had been determined that that was not necessary because if they did not pay the \$200,000 then the contract would be void. He said in all other respects, the contracts remained as the Board had seen them two weeks ago.

Mr. Messick said they had tried to simplify the contracts by removing some of the material that was not necessary. He said basically the contract was an agreement to reserve 40,000 gallons of wastewater capacity for each of the developments, and three years after final plat approval any unused portion of the 40,000 gallons of sewer capacity would be returned to the Town. Mr. Messick said the Town would then reimburse the developers the remaining balance of any of the \$200,000 advance payment that had not yet been applied to pay capital recovery fees and/or access fees that had come due during that time. He said the advantage to the Town was the ability to use the \$200,000 for wastewater purposes.

Commissioner Harrington asked if a year from now the developers paid the \$200,000, how long could that sewer capacity be tied up. Mr. Messick said the capacity reserved for that development by the Town was tied to credits for capital recovery and access fees. Commissioner Harrington asked what the limit was of when the final plat had to be approved. Mr. Messick said ordinarily the limit would have been 12 months from the time the preliminary plat was approved, but the State had seen fit to extend that until the end of December, 2010. So, he said, it would be a considerable period of time before a final plat was required.

Commissioner Harrington said if they were under the scenario that the Town received the \$200,000 but for whatever reason it was extended out and the preliminary plat did not expire, and the developers did not build, then the Town really should not spend the \$200,000. He said it was conceivable that the Town would have to give that \$200,000 back and nothing got built. Commissioner Harrington said worst case, if the developers gave the Town \$200,000 and nothing happened, then the \$200,000 would not be able to be spent. Mr. Messick said if the developers got a final plat, then a significant part if not all of that payment would have been applied to capital reserve. So, he said, the only money that might be available for a possible refund would be access fees if nothing was built.

Mr. Terry said in other words, the capital reserve fees would be due and payable upon approval of the final plat.

Commissioner Harrington said at that point, worst case that was at some indefinable time. Mr. Messick said that was a possible outcome, noting the developers could pay the money tomorrow and never file a final plat.

Mr. Terry said to further respond to Commissioner Harrington's concern, if 2011 came and then it became 2012 and developers were still not ready to build, their 3-year clock would still start. He said if they got to 2015 then their obligation to build would run its course, and he hoped that by that time the efforts on the 3.22 MGD plant would be in the picture so the allocation reserved for these two projects would be miniscule compared to what the new plant would accomplish.

Commissioner Harrington agreed that if the new plant came on line it would be a non-issue.

Commissioner Brooks said he believed they had thought that Powell Place would be finished and would be a small version of Meadowmont, and had not placed a lot of restrictions on it. He said they were sitting on some sewer, and believed Commissioner Harrington was afraid that might happen to the town again. Mr. Messick said that was what had happened, but this was not really the same thing. He said what was being addressed here was two different issues, one being the credit in response to the payment of an amount of money and those credits had to be used within the 3-year period of time. Mr. Messick said the capacity was a different concept, in that the capacity would be reserved if they paid the money. He said if the developers never came forward with a final plat and never got the extension, then that capacity would never be used by them.

Commissioner Harrington said the Town could not give the capacity away if the developers had plans to use it and as long as their \$200,000 had been paid and asked was that true. Mr. Messick

replied no, it was not. Commissioner Harrington said again, worst case would be that the developers could pay the \$200,000 tomorrow and in five years they had not gotten final plat approval, and the new sewer plant for whatever reason did not come on line, then the Town would not have that 80,000 gallons of sewer capacity to give out because it had to remain reserved for those two developments. Mr. Messick said that would not be the case, because the preliminary plat would expire on December 31, 2010, and on January 1, 2011 the clock would start. Commissioner Harrington said he had not realized that the preliminary plat had an expiration period.

Mr. Terry said if the developer had not acted to pay the \$200,000 and filed his final plat for approval, then the contract would not be enforceable.

Commissioner Harrington said but if he did, then the clock would start ticking and they would either get a final plat approved or the sewer capacity would come back to the Town. Mr. Terry said that was correct, that the Town would be released from its obligations.

Commissioner Fiocco said for clarification, noting it was mentioned that on January 1, 2012 it expired. He said he had understood that there had been a one-year extension. Patrick Bradshaw, attorney for the developers, said that was another issue. He said that was the expiration of the MUPD Master Plan, but they were talking about the preliminary plats that had already been approved for both the Spoon and Steele projects. Mr. Bradshaw said because they were adopted after January 1, 2008 the time had not yet started on those preliminary plats.

Mayor Voller asked what the purpose was of the preliminary plats at that time. Mr. Bradshaw responded when you approve MUPDs they had a lifespan of three years which could be extended by one year which was done with the Steele project. But, he said, to keep the MUPD alive you had to begin construction of required improvements and you had to submit a plat that was consistent with the Master Plan. So, he said, they were submitting plats in the ordinary course of events to keep their MUPDs from expiring, and that was a year before the State adopted the permit extension act. Mayor Voller said then they were showing substantial progress to keep the MUPDs alive. Mr. Bradshaw said that was correct.

Mayor Voller said he understood Commissioner Harrington's concern. He said in one regard it sounded like the clock was on a reserve system where they could keep putting out money but someday it would stop. Mayor Voller said the concern was that someday the Town may need that 40,000 and it had to be there, but the State did not recognize contracts that made such capacity reservations. Mr. Messick said he had understood Mr. Johnston to say that the State did not get involved until the average annual tributary flows reached the 80% threshold. Mayor Voller said they did not look at paper flow until plans were actually submitted and then it was tributary. But, he added, the State did not look at contracts at all because no permits had been applied for. Mr. Messick said that was true, in that it was incumbent upon the State to keep track of what was obligated. Mayor Voller said then theoretically the Town could contract with many developers and gamble that only a few would succeed, and in the course collect millions of dollars.

Mr. Bradshaw said that Mr. Johnston's analysis was that if you committed or allocated 100% of your available flow, then he predicted that would go tributary at something under 600,000 gallons.

Mayor Voller said the number was 587,000 gallons per day.

Mark Ashness said what Commissioner Harrington had described really was the worst case scenario. He said the Town had the right to permit up to 100% of the current plant's capacity, and their actual flow in reality would be less than that paper amount.

Ricky Spoon said with all due respect, he understood that Powell Place was a blight on the Town. But, he said, the one thing he could say was that they had a BB&T across the street but you could not purchase beer at a BB&T. He said he had brought the Town the Carolina Brewery and had been able to lease the nearby business property. Mr. Spoon said he had been in business for 21 years and this was the worst economic down turn he had ever witnessed or heard about from much older retired business people. He said the banks and credit markets were in limbo and not loaning money, but the hope was that that would change soon. Mr. Spoon asked that the Board look at what he had accomplished with only 17,000 gallons, noting the Lowe's, the KFC and McDonald's, as well as the Brewery. He said there was another fast food restaurant coming in behind McDonald's that could not yet be named.

Mr. Spoon said from a moralistic standpoint, he believed the he and Mr. Steele deserved to receive the sewer capacity, noting they had been working on these projects for years and they deserved a chance to get their projects built. He said the worst case scenario would be that they failed and the Town would take back its sewer capacity.

Mayor Voller said that both Mr. Spoon and Mr. Steele considered themselves to be locals. Mr. Spoon said he most certainly did.

Patrick Steele replied he was most definitely a local, noting his family had been here since the 1770's.

Mayor Voller said he believed that was germane to the issue, in that those two gentlemen had a vested interest in their community.

Commissioner Baldwin said that she believed what Commissioner Harrington and Commissioner Brooks had done was to bring out the issue of the timeframes so that the Board would understand exactly what would happen and when, and when and if that sewer capacity would come back to the Town. She said that had now been duly clarified, and believed that the Board understood that both projects were good projects. Commissioner Baldwin said the Board was concerned that sewer capacity did not get tied up so that if something were to come forward and could be approved, that it could not be due to the lack of wastewater capacity.

Commissioner Brooks said he had always believed these were good projects. He said the Town should not do anything that was risky because they were the stewards of the community.

Commissioner Brooks said that was the larger issue above Mr. Spoon's and Mr. Steel's projects, and they needed to make sure that they did it right.

Mr. Messick said there was nothing really inherently required by the way the contracts were drafted. He said he understood the consideration of the Board in wanting to help these two gentlemen with their projects. But, he said, they had some constraints in terms of their proposals and prospects, so the contracts were a blend of what they would like and what staff had determined would be best for the Town. Mr. Messick said the Board could make any change they wanted to make, but the developers had some interest in how the contract would work and in not having to come up with the money immediately. He said the Town also had an interest in trying to foster that type of development, so the contract was an attempt to blend the two together.

Commissioner Harrington said they were supposed to be using the expansion for stimulus, correct?

Mayor Voller replied yes, that the ARRA act defined where the funding was supposed to go, and that Mr. Terry had hoped that some of the commercial projects would benefit from that. Mr. Terry said there was wording in their stimulus package grant application that if they got the funding and fixed the plant that it would allow the Town to grow. He said he believed there was some expectation on the part of the granting agency that they do that.

Commissioner Harrington reiterated that his biggest concern was that other people would want sewer capacity, and with that concern expressed he would make a motion to approve.

Mayor Voller asked if Commissioner Harrington would be willing to withdraw his motion and allow Commissioner Fiocco to comment. Commissioner Harrington withdrew his motion.

Commissioner Fiocco said to clarify; during the period of validity of the preliminary plat, what activities or actions must the developer take to preserve the validity of the preliminary plat beyond the one year period. He asked did they need to break ground or have construction permits in hand. Mr. Messick said they were entitled to break ground and entitled to pursue engineering design and any other work necessary to get the final plat. He said it would behoove them to do that in order to come back to the Board within the timeframe to get final plat approval. Mr. Messick said they were not required to do anything. Commissioner Fiocco said then the preliminary plat would expire at the end of the one year period if they did not act. Mr. Messick said that was correct.

Mr. Terry said he believed that there was a requirement that 40% of the work had to be completed. Mr. Messick said if they had 40% or more completed at the time of final plat, it was the Board's discretion to approve that. He said the Board had generally done that if greater than 40% had been completed but they could require 100% completion.

Mr. Terry said before submission of a final plat, that historically he did not believe the Town had ever approved a final plat where the developer did not have at least 40% of the infrastructure

installed. Mr. Monroe remarked that that approval also required a Letter of Credit or a bond that guaranteed completion of the project.

Mayor Voller said on the plats, how much of the requested capacity would cover the first phase referenced in the agreement. Mr. Ashness said for Mr. Spoon's project the residential, commercial, and multi-family would utilize all of the 40,000 gallons. He said for Mr. Steele the Phase 1 plat and the mixed use was very close to that number at 39,000+.

Mayor Voller said then essentially the capacity was tied to the first phase, and at some subsequent point if the market improved they may come back and ask for more capacity. Mr. Steele remarked they would need much more capacity, and once the new plant was on line it should not be an issue. Mayor Voller asked was it possible to work with them and do some metering so that once they moved forward and had some flow that they could get some real data and show some alternative engineering to the State.

Mr. Bradshaw said they could separately meter potable water for household uses and non-household uses, and that was already in the agreement.

Mayor Voller said one of the elements of frustration was flexibility, and it seemed that unfortunately with Powell Place the Town was stuck with an inflexible agreement. He said they had no ability to work with that developer and they were not willing to give back any of the 200,000 gallons capacity. Mayor Voller asked if Mr. Spoon and Mr. Steele felt that they were all in this together and were willing to be flexible, adding that was very important. He said they had a vested interest in the Town, and there were other buildings with small businesses that were concerned about this issue and needed capacity but they could not afford to hire an attorney and attend these meetings. Mayor Voller said if they could say that they were all in this together that it might send the signal that they wanted to be successful and that they wanted the downtown to be successful. Mr. Steele said he wanted to succeed, he wanted Mr. Spoon to succeed, and he certainly wanted the Town to succeed. He said that was why he had been trying for the last five years to figure a way to get the Town moving towards a new wastewater plant.

Mayor Voller said he believed that was a very important statement and thanked Mr. Steele for his comment. He asked Mr. Spoon to comment. Mr. Spoon said he felt the same way, noting that he believed his actions had proven that.

Mayor Voller said the Board had taken a lot of time to think about these two contracts and they had discussed all of the concerns brought forward. He said his concern was merely permit compliance, notably erosion control, and it was important that there was compliance because he did not want to face a situation where citizens could say that 40,000 gallons had been committed but there was no activity, and wondered if the permits were in compliance. Mayor Voller said he hoped that what was being said was that all would be in compliance, and believed that there was not a risk factor based on how the contract was laid out. Mr. Terry said when they had first begun discussions with these two developers they had asked for 100,000 gallons, but they had now backed down to 80,000 gallons total. He said he was comfortable after hearing Jay Johnston's briefing and understanding how the State calculated tributary that if the Board got a request for some small projects that there would be sufficient capacity available to accommodate

that. Mr. Terry said if the Board wanted to lift the moratorium and give someone 5,000 gallons, they could do that a couple of times. But, he said, if someone came in and wanted 50,000 or more that would be a problem. Mr. Terry said his point was that there was still some residual capacity to handle smaller projects and help small businesses over the next three to four years.

Mayor Voller said then the Board could amend the moratorium to change that 1,800 gallon per day figure. Mr. Messick said if they amended the moratorium they would have to go through the same process as before, including a public hearing. He said the justification for amending the moratorium had to be rational and related to the length of time and what it was that they were trying to stop people from doing. Mr. Messick said assuming you could do all of that, then yes, you could amend it.

Mayor Voller said he felt comfortable based on the figures provided by Mr. Johnston that if they went towards some alternative engineering analyses that even if it cost them \$25,000, that based on the access charges that would be a good investment with a 10 times return because it was being sold at \$10.50 a gallon. So, he said, he did not see why they could not do that and pick up 30,000 gallons, which would more than handle some of the downtown demand. Mr. Terry said his response at this point was that they did not need to do that, and their efforts would be to get the 3.22 MGD plant on line which would almost double their current capacity.

Commissioner Harrington thanked both Mr. Spoon and Mr. Steele for reducing their requests to 40,000 gallons, which would allow that extra capacity to be used elsewhere in Town.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the Wastewater Capacity Reservation Contract for Westmoore Subdivision.

Vote Aye-5 Nay-0

A WASTEWATER CAPACITY RESERVATION AGREEMENT WITH MOORE'S GROVE LLC IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE2 201-215

4. Wastewater Capacity Reservation Contract for Belmont Point/Belmont Station Subdivision.

Mayor Voller said the same discussion just held applied to this development as well, and those comments would be incorporated here. He remarked that the contracts were essentially the same. Mr. Messick said that they were exactly the same except for the addition of Exhibit A and B which contained an additional property description.

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to approve the Wastewater Capacity Reservation Contract for Belmont Point/Belmont Station Subdivision with the additional property description included.

Vote Aye-5 Nay-0

A WASTEWATER CAPACITY RESERVATION AGREEMENT WITH RICKY SPOON BUILDERS INC IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 216-230

Mr. Bradshaw thanked the Board for its hard work on this issue, and especially thanked Mr. Messick and Mr. Terry for the time they had dedicated to it. Mr. Spoon and Mr. Steele added their thanks as well.

NEW BUSINESS

1. Confirmation of Delegates to the Triangle J Council of Governments Board of Delegates.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to appoint Commissioner Baldwin as the Town's delegate to the Triangle J Council of Governments Board of Delegates.

Vote Aye-5 Nay-0

Commissioner Fiocco offered to serve as the alternate delegate.

Motion made by Commissioner Harrington seconded by Commissioner Brooks to appoint Commissioner Fiocco to serve as the Town's alternate delegate to the Triangle J Council of Governments.

Vote Aye-5 Nay-0

2. Manager's Report on Fiscal Year 2009-2010 Budget Execution.

Mr. Terry said this was a preliminary mid-year report on budget performance for fiscal year 2009-2010. He said for the General Fund, they had not collected ad valorem taxes at the level projected, noting that only about 11% had been collected which was somewhat lower than in prior years. Mr. Terry said that the data represented too small of a percentage of the total to make a meaningful projection of total ad valorem taxes for the year.

Mr. Terry said there were four revenue accounts that he expected would fall short of expectations this year:

- Interest income – They had budgeted \$30,000 in interest income but had collected only \$2,440 to date, and did not expect to be able to reach their goal. Mr. Terry said that was primarily due to the loss of their former Finance Officer who had departed before completing plans to restructure the Town's investments. He said because of his departure the Town had too much cash in simple interest bearing checking accounts. Mr. Terry said in the second half of the year they would move most of those funds into laddered certificates of deposit to improve interest earnings.
- Powell Bill Revenues – They had budgeted \$98,000 in Powell Bill revenues, but had received \$87,800 for a shortfall of \$10,200.

- ABC Revenues – They had budgeted \$48,000 in ABC Revenue but had collected only \$5,900 to date. Mr. Terry said based on recent discussions with the Chairman of the ABC Board, the ABC Store had seen only a 5% increase in sales attributable to the passage of the liquor-by-the-drink referendum. While they expect to see that rise as additional restaurants take advantage of the new laws, they did not have sufficient data to prepare a reliable estimate, although it was his guess that it would be closer to \$10,000 rather than \$48,000.
- Cable Television Franchise Fees – They had budgeted \$10,000 in Cable Television franchise fees; however, those fees had been replaced by a 7% video sales tax levy by the State. Accordingly, they did not expect to realize any additional cable television franchise fees and lacked sufficient information to predict what, if any, portion of the 7% video sales tax would be distributed to the Town.

Mr. Terry said there was some good news in that they were very conservative in their estimation of sales taxes, noting that at the end of November they had already collected over 50% of the budgeted amount. He said it was too early to predict if that would continue for the remainder of the year, noting that some of what had been collected might be reversed by the end-of-the-year audit.

Mr. Terry said in terms of expenditures, the overall General Fund expenditures were at 42% of the budget. He said for the Enterprise Fund, the revenues were collected monthly with only small variances, so that was easier to predict. Mr. Terry said a graph had been provided that illustrated that they were collecting water and sewer usage fees at a rate slightly above what was budgeted. He said if that trend continued, they would expect to collect a total of about \$2,300,000 at the end of the fiscal year, or \$127,445 (5.9%) more than the \$2,172,555 budgeted for water and sewer usage fees.

Mr. Terry said similar to the General Fund, Enterprise Fund interest income was budgeted at \$30,000 but they had realized only \$1,753 in interest income to date. He said they expected interest earnings to improve for the second half of the fiscal year after cash reserves were moved out of interest bearing checking accounts and put into laddered certificates of deposit. Mr. Terry said based on available information he expected that the year-end Enterprise Fund revenues would exceed the budgeted amount by about \$110,000.

Mr. Terry said as of November 30 the overall Enterprise Fund expenditures were at 28.7% of the budget, but that was somewhat deceptive because there were some transfers of funds that had not yet taken place. He said he believed the real percentage was about 36.7%, which was still under the 41% they had expected.

Mayor Voller asked about vacant positions and what the salary savings might be. Mr. Terry said they did have some vacant positions at the water plant and were saving some funds there, but the vacant Superintendent position was not included in that savings because they had hired a temporary Superintendent. He said there was also some lapsed salary from the vacant Finance Officer position.

Mr. Terry said it had been his intention to recommend a mid-year pay adjustment for all Town employees, but in view of the fact that they did not have sufficient information on the collection of ad valorem taxes to make a reliable year-end revenue projection for the General Fund, he would defer his recommendation on mid-year pay adjustments until late January 2010.

Commissioner Harrington asked what the cost would be retroactively and through the end of the year to give an across-the-board adjustment in pay. Mr. Terry said he did not have those numbers with him but could certainly provide them.

Commissioner Baldwin asked how they would compensate for the budget shortfalls they were looking at. She said in particular, the ABC revenue shortfall was of concern because those revenues were supposed to support the bus system. Mr. Terry said he had no good answer for that right now, but hoped that a good deal of those shortfalls would be made up through the very conservative budgeting that had been done in regards to sales taxes. But, he said, it was just too soon to know although he would have a better idea in January once property tax collections were calculated. Mr. Terry said they may find themselves having to cut down expenses for the remainder of the year or making use of some Fund Balance.

Mayor Voller asked how the rate of collection of ad valorem taxes compared with previous experiences at this point. Town Clerk Alice Lloyd said that normally their highest rate of collection came in January, but because people tended to pay on January 5, the deadline, the Town did not receive those funds until February. Mayor Voller said then they would have a much better picture at that time. Ms. Lloyd replied yes.

Mr. Terry said the data might be available sooner, but the actual funds would not be received until February.

Mayor Voller said for Powell Bill funds, they had budgeted \$98,000 but based on the formula they received only \$87,800. He asked if they had had extra funds left over from the previous year, noting he had thought they had a substantial balance of Powell Bill funding that had built up over time. Mr. Terry said that surplus was in the Fund Balance, and they had used some of those funds for Thompson Street and a couple of other projects.

Mayor Voller said in regards to the bus service, what had been the payment to the Town thus far based on the collection of fares and UNC and UNC Hospital's payments. Mr. Terry said they had made their fourth monthly payment a few days ago of \$1,200, and they had budgeted \$2,000 a month. He said they were averaging about 90 riders a day, so if you assume those riders were riding to and from someplace that would mean that there were 45 people who now relied on the bus service daily. Mr. Terry said that had brought down the worst case scenario of \$2,000 a month contribution to around \$1,200 a month.

Mayor Voller said that was good news. He said his other issue was that he had emailed Brian Litchfield regarding the bus service and had been told that UNC had paid for an additional 25 passes today. So, he said, it was apparent that UNC would continue to support the system and believed that the Town's commitment would decrease accordingly.

Mayor Voller said regarding the ABC revenues, he believed there was some information that the Board should hear. He said if they made capital improvements the ABC Board was supposed to come to this Board and ask for that improvement. Mayor Voller said essentially what was affecting the profit margin was that the ABC Board was reinvesting in their real estate, and asked Mr. Messick to comment on that. Mr. Messick said he was not aware that they had made any capital improvements.

Mr. Terry said he believed in the briefing provided by Mr. Suggs that he had commented that they had a lot of deferred maintenance, such as painting and replacing shelving and the like, to make the store more appealing to customers. He said the audit indicated that expenditure was on the order of \$10,000, which was not a lot of money to refurbish the interior of a building.

Mayor Voller said he believed they should benchmark that performance to other stores that had similar amounts of sales, and look at that next quarter. He said he wanted the Board to be aware that if the State were to make a move on the ABC system, their ABC Board would lose all of their assets because it would be appropriated by the State, including the real estate. Mayor Voller said he believed it would be wise to deed the real estate to the Town and the Town could in turn sign a 99-year lease so that the State could not take it. Mr. Terry said that the ABC Board was a standalone Board and there was some question of whether this Board could induce them to transfer the property to the Town. Mayor Voller said he had talked with several of the members and they understood the concern, and what he was proposing was to protect an asset from a takeover.

Commissioner Harrington asked the Mayor if he was suggesting that the Town purchase the building. Mayor Voller said he was suggesting that the ABC Board deed it to the Town for \$1 and then the Town would sign a 99-year lease for \$1 a year. He said it would not increase the tax base but it would prevent another entity from seizing property that was in the Town of Pittsboro.

Mr. Messick suggested that the Board might want to discuss that with the ABC Board.

Commissioner Harrington said if the property were deeded to the Town, then if the ABC Board decided it needed a bigger store then they would not have the asset to sell to purchase a bigger store. So, he said that would be a disadvantage to them. Commissioner Harrington said one of the ABC Board members had mentioned to him that there had been talk about the State taking it over, but there had also been talk that the State could completely privatize it and licenses could be sold for a huge amount of money to create a windfall for the State. So, he said, either way the system could cease to exist as it was now.

Mayor Voller said he believed they should explore options to protect the asset, and asked Mr. Messick how they should proceed. Mr. Messick said it would be appropriate to either appoint a committee or a representative of the Board to have some private discussions with the ABC Board. Mayor Voller asked who would be willing to be the Board's representative to bring that topic up with the ABC Board.

Commissioner Bryan and Commissioner Harrington said they would be willing to represent the Board and approach the ABC Board regarding the issues discussed.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to appoint Commissioners Bryan and Harrington as the Board's representatives to speak with the ABC Board regarding the issues brought forward tonight.

Vote Aye-5 Nay-0

Commissioner Bryan said they had budgeted \$48,000 in ABC revenue, but was not sure where that figure had come from. Mr. Terry said at the time the thinking was that more of a profit would be realized from the mixed drink referendum, and as time passes that may be the case. He said it was hoped that higher-end restaurants would locate in Town now that the referendum had passed.

Commissioner Brooks said that Person County had passed a referendum several years ago in order to bring better restaurants to the County and in that time only two had located there and both were fast food.

Mayor Voller said that Person County's mixed beverage sales for last year was only \$14,000 which was lower than Chatham County's. He said he believed they may have been overly optimistic, but they would have to wait and see what happened.

3. ABC Board Appointment. Mr. Henry Smith's term expires in December 2009.

Mr. Terry noted that there were two applicants, and Mr. Henry Smith had applied to keep his current seat on the ABC Board.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to reappoint Henry Max Smith to the ABC Board.

Vote Aye-5 Nay-0

4. Jordan Lake Rules Stage 1 Adaptive Management Plan for Existing Development.

Planner David Monroe provided a brief description of the new requirements established by the State applicable to local governments in the Jordan Lake Watershed. He said those regulations, the Adaptive Management Plan, replaced the Jordan Water Supply Nutrient Strategy and was effective June 30, 2009.

Mr. Monroe said they had been anticipating the Phase 2 stormwater recommendations in December of last year which did not happen, and as a result the rules applied to both Pittsboro and Chatham County. He said since they had independent stormwater systems, they were not required to do the mapping element, so a significant portion of the work to satisfy the requirements had been removed from both Chatham County and Pittsboro.

Mr. Monroe said that Fred Royal, PE, Director of the Chatham County Environmental Resources Division, was the author of the Stage 1 Adaptive Management Program Proposal for Existing Development, and had generously offered to apply the program to both the County and the Town of Pittsboro, and the State appeared to be excited about that because they shared a watershed so it was advantageous to have a comprehensive program that was unified.

Mr. Monroe said the Town had solicited some RFP's from a couple of engineering firms to develop the plan, and the bid had run from \$15,000 to \$40,000. So, he said, Mr. Royal's offer was very generous in terms of saving the Town money.

Mr. Terry said they owed a debt of gratitude both to Fred Royal and Charlie Horne for including the Town in that process at zero cost, noting that if the Town had to go it alone they would have been forced to pay somewhere in the range Mr. Monroe had just mentioned. He said when it was suggested that they participate in this joint effort they had agreed it was the best case scenario, and Mr. Royal had spent a significant amount of hours to include Pittsboro in the plan so some payment may need to be negotiated. Mr. Terry said the initial preparation of this report would have been expensive had the County not agreed to include the Town at no cost.

Mr. Monroe said they would need to develop and execute an Interlocal Agreement to define the tasks that fell to each player so that they did not have to rely entirely on Mr. Royal and the County.

Commissioner Fiocco stated that there were several milestones in the document that would require that certain functions be performed, for example that they enact an illicit discharge ordinance in two years and a stormwater management ordinance in three years. He asked was that doable from the Town's perspective? Mr. Monroe replied it was.

Commissioner Fiocco said another item was Item E, Opportunities for Retrofits and Other Projects to Reduce Nutrient Loading. He said in the third paragraph it talked about going into Stage 2 and being able to utilize the 7 BMP's that were in place today to account for or get credit for the baseline measurement for 2001. Commissioner Fiocco said it also talked about inspections, and asked if the Town had a system in place for inspecting those facilities today. Mr. Monroe replied they did, noting that of those facilities one was privately constructed and the rest were funded by a grant for stormwater control and the design and installation of BMPs. Commissioner Fiocco asked did Town staff do the inspections. Mr. Monroe replied yes.

Mayor Voller said currently the State covered Pittsboro, for soil erosion and sediment control and asked would that help them with the State. Mr. Monroe said the effect would be that the Town would have no local control over the plan or the inspection, but it would not really have an impact other than that. Mayor Voller asked had the County reached out to the Town on that before, and were they willing to do that. Mr. Monroe said he had taken an ordinance to the Planning Board, and there was a certain amount of resistance based on some member's personal experience. He said he had not yet had the time to revise that and take it back to them.

Commissioner Fiocco said he believed it was a good idea, noting that they had relied on State staff that was spread way too thin. He said he did not want to rely on absentee State employees

trying to cover the entire County with one person. Mr. Monroe agreed, noting he believed their representative covered 2 or 3 counties, not just one.

Mayor Voller agreed it was better to deal with people who were right here as opposed to dealing with people in Raleigh, noting it was hard to get them out here and when they did come they were not happy to be here. Mr. Monroe said he would put that on the Planning Board agenda as soon as there was space.

Commissioner Harrington said the memo mentioned that the Town was informed about the new regulations two months ago in a roundabout way, and asked what the story was behind that. Mr. Monroe said that Mr. Royal had attended a meeting where the new regulations were being discussed, and it was mentioned at that meeting that Pittsboro would be subject to them. He said had he not attended the meeting they still may not have known about it.

Commissioner Harrington said that Table 1 said that based on population you had to do a number of retrofits to be identified, but did not see when it was specified as per year. Mr. Monroe said the time limit was indefinite, explaining that whatever timeframe was proposed for each year, that same timeframe would be applied. Commissioner Harrington said that was fairly academic at this point since the first part was due on December 30. Mr. Monroe said the work that Mr. Royal had done had produced a doable plan that would satisfy the State.

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to approve the Jordan Lake Rules Stage 1 Adaptive Management Plan for Existing Development.

Vote Aye-5 Nay-0

Fred Royal, 254 Oakwood Drive, offered his congratulations to Commissioner Fiocco. He said in regards to this joint venture, the Environmental Resources Division of the Sustainable Communities Development Department of Chatham County had a lot of the work required already ongoing, such as the public education piece which was the big one near term. He said they were members of the Clean Water Education Partnership that cost the County about \$5,000 a year, and both Pittsboro and the County were members of the Chatham Conservation Partnership. Mr. Royal said that group was a fascinating group made up of members of the Fish and Wildlife Commission, Army Corp of Engineers, the National Heritage Program, as well as private citizens. He said participating in those groups went towards meeting the education piece, and they could determine how they could make that better.

Mr. Royal said they would have to identify BMP retrofits at 2 per year based on population, but they did not have to actually do them, only identify them. But, he said, the State had indicated that could not be used as credit but had agreed to a credit after the monitoring as long as they were maintained. Mr. Royal said a key point was the maintenance, because some would require more than just shovels and rakes. He said there may also be property owner issues so they may want to think about putting easements around the retrofits. Mr. Royal said the Interlocal Agreement could be crafted in any way that was suitable for both parties, and there were no “got cha’s” involved that he could identify. He added there were some ordinances that would need to be written.

Mayor Voller asked about the timetable on the Interlocal Agreement. Mr. Royal said they did not have to have the Interlocal Agreement until the Environmental Management Commission had approved the plan in a two-step process, but it could be put in place at any time before that process. He said he believed that was at least a year off. Mayor Voller expressed his appreciation for Mr. Royal's willingness to work with the Town and saving them money.

Mr. Terry said this was the first item the Board had seen that related to the new Jordan Lake rules, and may recall that the debate had gone on for years and Greensboro, Burlington, and others had made a strong argument that it would be very expensive for local governments and had advocated against the new rules. He said there were others who had said the expense was exaggerated and it would not be that costly. Mr. Terry said this was just the first step, noting he had already received a letter from DENR stating the Town had to submit a report in February about how the Town would reduce phosphorus and nitrogen at the wastewater treatment plant. He said he was able to convince the State that because they were going to eliminate the plant and replace it with a new one that they give the Town a little time leeway in the detail of engineering analysis they wanted, so instead of it costing \$20,000 it would be about \$12,500. Mr. Terry said he would ask the Board to use money from the Enterprise Fund to pay for that.

Mr. Terry said there was a subsequent report due later in the spring regarding the implications to Jordan Lake from the Town's stormwater collection system, and he would likely ask Hydrostructures to prepare that report. He said his point was that those who had said the new rules would not cost much were wrong in his opinion, because it had already begun to cost the Town in responding to the request for engineering reports. Mr. Terry said he expected that additional requests would continue to come in for more information.

5. Citizens' Committee to Research the Availability of State and Federal Grants.

Mr. Terry said that staff had been asked to come back and offer a direct charge for this committee and to offer suggestions as to how to organize such a committee. He said the Board had approved conceptually a charge to guide the work of the new committee, and his recommendation tonight would be that the Board adopt the charge for the committee and appoint one member of the Town Board to serve as the Board liaison to the committee. Mr. Terry said he also recommended that the Board consider the applications of four citizens who had applied to serve on the committee. He said since the Board had wanted five members, the Board could appoint all four applicants and then direct staff to continue to advertise for a citizen to fill the one vacancy.

Mayor Voller asked the Board to consider appointing a Board member as well as the Mayor to work with the Committee to get them started. He said all of the applicants were qualified and wanted to give their time to the Town. Mayor Voller said if possible, he would like to have a staff member identified to attend the meetings, noting that Misty Bonnau had expressed an interest and it would serve as a personal development function.

Mr. Terry noted that it was the consensus of the Board that the committee be seated for six months from the date of the members' appointments, so it would be a fairly short-term ad hoc committee. He said the Board could extend the charge after that time as it saw fit.

Commissioner Harrington said his thought would be that the committee would meet in Town Hall in the evenings and would be an open meeting where anyone could attend, and asked was the thinking that it would be that formal or would it be more an informal meeting arranged around the various members' schedules.

Mayor Voller stated they would have to comply with Open Meeting laws and advertise the meetings.

Commissioner Harrington asked would the meetings be set on a regular day and time. Mr. Terry said he believed the membership should propose a meeting schedule and with that staff could make the necessary public announcements.

Mayor Voller said that the meetings could be here or at the Community College or any other suitable location, adding he believed they needed to be evening meetings so that the public could attend if they were interested, and they needed to meet at least once a month.

Motion made by Commissioner Harrington seconded by Commissioner Fiocco to appoint all the applicants: Beth Turner, Kristin Hicks, Rachael Burton, and Faythe Clark.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Fiocco to appoint Mayor Voller and Commissioner Harrington as Board liaisons to the Citizens Committee, with Commissioner Fiocco as the alternate.

Vote Aye-5 Nay-0

Mayor Voller stated that the County had a budget document that Mr. Royal had alluded to, and believed that the Town should weigh in on the items that affected them. He invited the Board to send any commentary or questions to the County.

Commissioner Brooks said he believed that Jay Johnston had alluded to the difficulties with getting sufficient water pressure to adequately serve the proposed Justice Center. He said in all fairness the Town may carry it so far but then they would have to pay for the rest of it.

Mayor Voller said that was why they needed to weigh in on the CIP so that they would understand that there would have to be some money from the County's side.

Commissioner Brooks said off the subject, there had been some changes in the definition of a wetland. He said basically the court had ruled that wetlands were not necessarily what had been enforced in the past. Commissioner Brooks said it appeared to him that a substantial amount of the land the County had bought for the new Judicial Center was a wetland, noting a part of the

Town's major outfall went through that property. He wondered how that would impact the project.

Mayor Voller said he had hiked that area two weeks ago, from the outfall up to 15-501. He said Commissioner Brooks was correct, noting there was infrastructure there. He said perhaps that was another thing the County needed to be aware of.

Mayor Updates

Mayor Voller said that regarding the Solid Waste Plan, the County had the filing of the ten-year plan, and believed there was a section that the Town had to file. Mr. Terry said he had reviewed that with the County who had been very helpful.

Commissioner Concerns

Commissioner Bryan welcomed Commissioner Fiocco to the Board.

Commissioner Fiocco said he would like the Town do more with its Website as far as providing more information on civic activities, and agenda items for meetings such as the Town Board and the Planning Board. He said he wanted the Website to be the place that citizens came for information about their Town, and he would like to find ways to explore and implement those ideas. Mr. Terry said that a new Website would soon be ready to go online, and he would check to see when that would happen. He said the new Website would be accessible by every department head so that regular updates could be provided and the Town Clerk would be able to post minutes and agendas, so it would be dramatically better than what they had now. Mr. Terry stated the new Website would be a "dot.gov" rather than a "dot.com."

Mr. Horne said the Parks Department did have a regularly updated Parks Website, which got over 200 hits per day.

Mayor Voller asked about email accounts for Town Board members that were all similar. Mr. Terry said one feature of the "dot.gov" would be that there was a module that could provide them with email accounts.

Commissioner Harrington said that the Town of Carrboro had a public list serve where you could log on and read the email correspondence between the elected body. He said he was not advocating that, but wanted a system where the Town Board did not have to rely on personal email accounts in order to communicate regarding Town business.

Commissioner Baldwin commended staff for the excellent Christmas Parade that had recently occurred, noting she had certainly enjoyed it.

Commissioner Harrington said that information provided on the Pittsboro Express was totally inadequate, noting he had been expecting to see a breakdown by trip. He said he believed they were wasting some trips with buses that were practically empty, and they should be looking closely at that to see if some cuts needed to be made.

Commissioner Harrington said he really loved attending the parade, but had noticed that there was a large amount of trash on the street where he was standing. He said he would like to see a sweeper such as that used to clean parking lots be used after the parade to clean up all the cellophane wrappers that were left on the street. Commissioner Harrington suggested looking into the cost of providing that service after each parade.

Mayor Voller said he had hoped that Mr. Royal was still present, referring to the letter regarding the property that flooded on the end of Park Drive. He said he did not know what the Town could do, but had promised to bring up the issue again with the Board. Mayor Voller said it was being claimed that the drainage issue was the Town's problem, and asked Mr. Royal what he knew about that drainage area as a stormwater engineer. Mr. Royal asked was he referring to the tributary. Mayor Voller replied yes, he was talking about the amount of water that potentially came down from that. Mr. Royal said he had done an engineering study about a year and a half ago, noting that that area was in the floodplain but had not been mapped as such until recently. He said the mapping process was ongoing now with FEMA, and they had met with them about 8 months ago, and that tributary was slated to be mapped with actual base flood elevations all the way up to Hillsboro Street. Mr. Royal said so it was not mapped, it was a floodplain, and it also had a watershed of a significant size that warranted further study which was why they had asked FEMA to look at it.

Mr. Monroe said he had visited the area last week when they had the significant storm event, and had observed for the first time that there were rivulets of water running down the side of the two houses that had never run there before, because the area behind the houses had been logged so the runoff was no longer being captured. So, he said, the developer of those houses continued to add to his own problems, and did not believe the Town had the responsibility to cure a problem that the developer created.

Commissioner Baldwin said the last time when they had discussed this she believed Mr. Monroe had told them that they needed to install a larger drainage system. Mr. Monroe said that before the developer had cleared the property and begun constructing houses, he had met him on site and asked the developer had asked him what size culverts he needed to put under the driveways. He said the culvert that went under 15-501 was almost 60 inches, so if you put that upstream and you had two that were less than three feet downstream, it did not take an engineer to understand that if you constricted the flow then the flow would go up. Mr. Monroe said he had an engineer from N.C. State look at the area, and when she looked behind the first house she began laughing, noting that the top of the manhole cover was designed just above the flood elevation. He said when he had looked; the first floor was level with the top of the manhole.

Mayor Voller said he believed Mr. Monroe had gotten some good input from professionals about this problem.

Mr. Terry said he had talked with Mr. Monroe and the builder as well as two engineers, noting that the developer was insistent that the problem was down on Oakwood. He said he had shown the builder on the map that Oakwood was a good 20 feet below, and Oakwood would only contribute to the flow if water was flooded to the rooftops. Mr. Terry said so the flow on

Oakwood had nothing to do with his problem. He said there were some remedial actions the builder could take to make the problem better although it would not cure it, in that the culverts should probably be bridges and not culverts at all.

Mr. Royal added that the channel out front was perhaps 30 square feet in area, but that was not big enough because of the elevation problem. He said the slab of the house was too low, and that was unfortunate.

Mr. Terry said the bottom line was that there was no engineering project the Town could undertake that would fix the problem.

Mayor Voller said when they had built Chatham Forest, they had done First Flood Elevations which were free fall elevations for the houses and pegged for 100-year flood events. He said apparently the developer had not done that in this case, so he did not see how the Town could be responsible for the problem.

Commissioner Brooks said he had an issue that might lead to looking at rules regarding horses. He said he believed they had a fantastic Christmas Parade and he really enjoyed attending them, but an incident had happened that he believed needed to be addressed. Commissioner Brooks said one of the horses in the parade had come all the way over to the side of the curb, and the people there were not in the street, but a horse had stepped on a very small child's foot, likely around age two. He said he had not seen the incident but had seen the child, and once they got the child's shoe off he was taken to the hospital. Commissioner Brooks suggested that perhaps the horses needed to be required to ride in a straight line or something of that sort, perhaps even keeping mares separated from stallions. He said he also believed there had been an agreement that someone would be available to clean up after the horses, but he did not believe that was being done.

Mayor Voller said there was another issue he wanted to bring up, and that was a group in the parade that was marching with guns or side arms. He said he had not witnessed it but it had been talked about on several chat lists. Mayor Voller asked what the law was in regards to that. Mr. Terry said this was the first that he had heard about it.

Commissioner Fiocco said he had witnessed that.

Mayor Voller said since they had a Commissioner who had witnessed it, he would like to have the attorney respond to what the law was. Mr. Terry said he believed if the weapons were not concealed it might be legal. Mayor Voller said what if they had a scenario where an unstable individual was marching in the parade with a weapon, and should they consider adopting a policy on that.

Commissioner Baldwin asked was it legal to require that certain things be excluded from the parade, such as horses or people who carried guns. Mr. Messick said he did not know if it would be permissible to exclude guns, but horses were another issue.

Mr. Terry said they would need to do some research on those issues.

FYI

1. Chapel Hill Transit's Pittsboro Express Performance Report for November 2009.
2. Pittsboro ABC Board Fiscal Year 2008-2009 Annual Audit Report.

ADJOURN

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn the meeting at 10:05 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk