

7. Response letter to NC Rural Center regarding Capacity Building Program for wastewater feasibility study.
8. Supplemental grant resolution authorizing – sanitary sewer improvements – I&I repairs – NC Rural Center.
9. Supplemental grant – memorandum of understanding – sanitary sewer improvements, I & I repairs/Credle Street Project – NC Rural Center.
10. Response letter to NC Rural Center for Supplemental Grant – sanitary sewer project.
11. MBE Resolution establishing goal for participation of minority business in building construction contracts. Supplemental Grant Program NC Rural Center.
12. MBE Certification – Supplemental Grant Program NC Rural Center.
13. 2007 Town Board of Commissioners meeting schedule.
Vote Aye-4 Brooks/Bryan/Baldwin/Walker
Nay-1 Cotten

RESOLUTION AUTHORIZING CAPACITY GRANT PROPOSAL WITH NC RURAL CENTER FOR FUNDING ASSISTANCE TO CONDUCT AN ENVIRONMENTAL IMPACT STATEMENT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

MBE RESOLUTION ESTABLISHING GOAL FOR PARTICIPATION OF MINORITY BUSINESS IN BUILDING CONSTRUCTION CONTRACTS – CAPACITY BUILDING GRANT PROGRAM NC RURAL CENTER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

MEMORANDUM OF UNDERSTANDING/CAPACITY BUILDING PROGRAM – ENVIRONMENTAL ASSESSMENT AND ALTERNATIVE ANALYSIS WITH NC RURAL CENTER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

COMMITMENT OF OTHER FUNDS FORM/CAPACITY BUILDING GRANT PROGRAM IN THE AMOUNT OF \$115,764.00 IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

RESPONSE LETTER TO NC RURAL CENTER REGARDING CAPACITY BUILDING PROGRAM FOR WASTEWATER FEASIBILITY STUDY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

SUPPLEMENTAL GRANT RESOLUTION AUTHORIZING SANITARY SEWER IMPROVEMENTS, I & I REPAIRS – NC RURAL CENTER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

SUPPLEMENTAL GRANT – MEMORANDUM OF UNDERSTANDING – SANITARY SEWER IMPROVEMENTS, I & I REPAIRS/CREDLE STREET PROJECT – NC RURAL CENTER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

RESPONSE LETTER TO NC RURAL CENTER FOR SUPPLEMENTAL GRANT – SANITARY SEWER PROJECT IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

MBE RESOLUTIONS ESTABLISHING GOAL FOR PARTICIPATION OF MINORITY BUSINESS IN BUILDING CONSTRUCTION CONTRACTS., SUPPLEMENTAL GRANT PROGRAM NC RURAL CENTER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

MBE CERTIFICATION/SUPPLEMENTAL GRANT PROGRAM NC RURAL CENTER IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

A COPY OF THE 2007 MEETING SCHEDULE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE

CITIZENS MATTERS

Ralph T. Davis – 36 Westfield Street, he is under the impression that Town residents are not allowed to take any debris to the landfill. He has always piled his leaves, etc. on a trailer and carried them to the landfill. But now he has to go buy bags for the Town to pick them up.

Commissioner Walker stated he thinks you can still take it to the landfill. The fee is for the use of the recycling center.

John Poteat stated he would call County Waste Management tomorrow to make sure he can still take it there and he will get in touch with Mr. Davis.

Mayor Voller asked that the next time an information/update letter is sent to residents that this matter be clearly explained in a paragraph.

Special recognition: Introduction of new Police Officer – Troy Roberson and the promotion of James Lassiter to Sergeant by Chief David Collins.

PUBLIC HEARING

Motion made by Commissioner Brooks seconded by Commissioner Walker to go into a public hearing. Vote Aye-5 Nay-0

LEASE – BLAST INTERNET SERVICES

Entering into agreement with Blast Internet Services Inc.

Manager Misenheimer stated Blast is a local growing company. We are interested in entering into an agreement with this company. They would like to add antennas on our water tank locations throughout the Town and supplement the growth of their business as well. It will benefit the Town. They will be providing services to the Town. We will be able to do operations and communication from the water tank to our water facility – from our sewer plant to our pump stations. This has been an on going issue. He referenced Exhibit A & B of the agreement. There are two minor changes that need to be made: 1) it should have five consecutive one year options to renew and notice of termination, should be received at least sixty days prior to the next Option exercise date.

Exhibit A – Fee Schedule

Blast will pay the Town of Pittsboro on the following schedule:

# of customers	Monthly Fee
1-100	\$10
101-150	\$50
151-200	\$100
201-250	\$150
251-300	\$200
301-400	\$300
401-500	\$400
501 and up	\$500

This fee will apply to “tower” usage at the “Premises” as defined above

EXHIBIT B – What Blast provides to the Town of Pittsboro

What Blast provides today:

- 1. Horton Water tower
 - a. 2.4ghz connection to the waste water plant on Small St.
 - b. General Store hotspot(2.4ghz)
 - c. Town Lake Park hotspot(2.4ghz)
 - d. 2.4ghz connection for John Poteat's office
 - e. 5ghz connection to the Chatham Forest water tower
 - f. AC power and cabinets on Horton

2. Chatham Forest water tower
 - a. 900mhz connection to the water plant on 15-501
 - b. 2.4ghz hotspot at 15-501 water plant
 - c. AC power and cabinets on Chatham Forest

3. email from One Call distributed to Pittsboro managers

What we want to add going forward:

1. water data mgmt at Horton, Chatham Forest, 15-501 and Small St.
2. provide data from 5 more lift stations(from John Poteat's list)
3. provide new hotspots and/or office connections
4. provide wireless connection to Chapel Ridge for water data monitoring
5. additional grounding for both Horton and Chatham Forest towers
6. emails for the town employees

Billing:

For billing purposes, hotspots are provided gratis.

Any location where the town uses Internet access, it will be provided at half price or \$22.50/month per node rather than the standard \$45. This fee applies to John's office, the waste water plant, and the water plant on 15-501. Installation fees on these sites will also apply, however, Blast will charge no labor when installing Internet for any town location.

For locations where we are just managing data transport for water data, we can provide those for \$10/month, plus the cost of the gear. Again, Blast will not charge labor on these installations. This would apply to the lift pump stations, and we don't currently have any of these nodes live.

Email addresses are billed at \$3/month per email address.

Scott Every – 55 Fox Lane, Moncure – He stated they have been doing wireless research and development since the summer of 2005. Using unlicensed frequencies providing internet to about 75 houses and businesses in Pittsboro and Moncure. The company is locally owned and all of their employees are currently from Chatham County. Their goal is to offer Chatham County a local alternative for internet access. They are interested in creating local sales and installation hubs, they expect to hire two new employees in 2007 and 2008. They are currently providing a number of “hot spots” around the Town. Hotspots allow public access through wireless service from a lap top. They are currently located at The General Store, Chatham Marketplace, Town Lake Park, Camp Royall, and Piedmont Biofuels Co-Op in Moncure.

Currently they are providing service to the public works department where John Poteat works, Waste Water Treatment Plant, Water Treatment Plant and on the same network the County Emergency Office.

They are stable enough to do a larger roll out and recently added a commercial tower south of Pittsboro and are working on extending it west to Silk Hope. These are both areas that do not have service with the local provider. There is no Embarq or Time Warner in these areas. So they are looking to fulfill a need that exists.

They have talked with investors to fund the roll out and they are looking for a ten year agreement to use the Horton Tower, Chatham Forest Water Tank and the roof of the Water Plant on 10-501. Basically, they are looking to show their investors a long term plan for their network. They want to be able to say they have an agreement with the Town to use these towers for a long period of time and during that period they are going to roll out their network to areas in Pittsboro and surrounding areas. Currently they are serving about 20 square miles area and they would like to expand that to most of Chatham County in the 2007-2008 range. He has been working with Sam & David Monroe on this offering to extend broad band service for any Town of Pittsboro locations, also working on getting some hot spots in this building, trying to get some internet service for Town meetings and other functions in this building.

Mr. Every stated he would address a concern Mayor Voller had at the last meeting. They are getting ready to add a hot spot for Pittsboro which will allow the main downtown corridor of Pittsboro to have lap top access free for public usage, they expect to have it running in the next couple of months.

Commissioner Cotten stated according to his notes from the last meeting Attorney Messick indicated that it would have to be a lease instead of a license. Those changes have not been made to the document. Is that a technical thing we should address before we act on this.

Attorney Messick stated it would be a lease and should be called a lease.

Manager Misenheimer stated he will make those changes before it is signed.

Mayor Voller stated essentially you have no problem providing hot spots for downtown to benefit all citizens and people visiting.

Scott Every said they would be doing that.

REZONING REQUEST 45 CAMP DRIVE

Request to rezone property at 45 Camp Drive from R-10 to O&I.

Public Comments:

Jeff McKay, full time director of Chatham Counseling Center at 40 Camp Drive, his personal residence is in Holly Springs. He said they had approached Amy Roberts, the owner of 45 Camp Drive, about the possibility of rezoning her home that she has for rent

for them to be able to use the property for their offices. They currently have office space provided for them by the County. They have looked at other places throughout the town and have been unable to find lease agreements that were amenable to them and to the property owner.

The purpose for approaching her is that hers is the only house on Camp Drive that faces the street. There is another home next to this one that has not had an occupant in a long time. It is a little bit out of place because it is the only home being used that fronts on Camp Drive. He said they just need a place to house staff that work out in the field. We would not have any clients in this building, the facility at 40 Camp Drive is sufficient for that. He said they just really need a space to house staff in close proximity to their office. He said this should not result in an increase in traffic since everyone who works there already comes to 40 Camp Drive. This should actually help with parking since staff would no longer be parking at the 40 Camp Drive site.

Mary Youngerman, Heartwood Realty. She lives at 7863 NC 87s in Alamance County. She represents Amy Roberts, the property owner at 45 Camp Drive. She is interested in using this property for offices but she is also interested in maintaining the ability to use it as a residence.

Steve Jackson, his mother is Joyce Jackson of 48 Old Graham Road. Her house has a driveway on Camp Drive so they use it also. The house at 45 Camp Drive is a relatively new house, it is currently a residence and there is no good reason to convert it to an office. He said he has relatives who looked at it but thought the landlady was asking too much rent compared to a comparable house on Westfield Street.

He said he did not think it is a good idea to rezone this to O&I because once it is rezoned it will never go back to residential and after Mr. McKay is through with this somebody else might use the property for some other kind of institutional use that is less benign than his operation. The town should consider the ramifications of putting an office in the middle of a residential area. There are two large tracts, his mother's and the Lassiter property that could conceivably get developed and putting office in this residential area might make it difficult to keep it residential. The town might want to consider where you draw the line between County offices and the residential north of Camp Drive. The County is already parking cars north of Camp Drive at the Swimming Association property.

Ralph Davis, 36 Westfield Street. He said he was called about two months ago by a real estate agent because they thought he was the president of the homeowners association but he is not. He was told that Mental Health would like to have the property rezoned so they could use the property as an office for one year. He was also told that it would require 60-80% of the residents of the subdivision to agree to this. Nobody seemed too concerned about it since it would only be one year. Last weekend Mr. Jackson told him the property was going to be sold to a local psychologist or psychiatrist to use for his office. He expressed concern to Mr. McKay about what would happen to it after a year if it is rezoned O&I; there is no such thing as a one year rezoning. If it is rezoned, the

requirement for a buffer between commercial and residential must be met. He is concerned that if the town lets this commercial use occur, at some time in the future he will have commercial behind his house. He understood that risk when they came here and saw the surrounding uses. Buffer requirements must be met because once it is rezoned it is rezoned, not just for one year.

If it is zoned commercial, the zoning regulations prohibit vehicles backing out of a commercial property onto a public street which Camp Drive is. So there would have to be some sort of a turn around in there and now you have to be concerned about runoff. None of us want to sit on our back deck and see a parking lot.

He wonders if it should even be rezoned commercial. It is the one house of eight in the subdivision that doesn't have access to the cul-de-sac; it is kind of isolated, and in hindsight it looks like a bad decision on the part of the developer.

The Mayor asked if Mr. Davis is saying this house is part of the Westfield Subdivision. He said it is part of it. The Mayor asked if it was subject to the Westfield covenants. Mr. Davis said it was.

Planner Monroe said this property is a part of the Westfield subdivision and would be subject to its covenants. In talking with Rene Pascal of the County she indicated she had some reservations about the county being involved in leasing that building because of the restrictive covenants; she felt it would put the county at risk.

The house fronts on Camp Drive and does not have any physical access to Westfield Street. There is an easement on the east side of this property which provides access to the adjacent residence.

The application is consistent with the Land Use Plan and if it is rezoned, it is a permanent rezoning until someone seeks to rezone it to something else. If a rezoning occurs and an owner seeks to get an occupancy permit to locate in this building, buffering and parking requirements would be applied.

Commissioner Walker asked Planner Monroe to explain the difference between an O&I and commercial rezoning. Planner Monroe said there would be no retail kinds of activity that could occur here. The O&I district is intended to be a transitional district between commercial and residential zones so it is a little less intense in its use but it would allow for a whole range of office uses.

He noted that there will be no decision on this application tonight. It will be referred to the Planning Board which will make a recommendation and refer it back to the Board of Commissioners for a decision.

The Mayor said that if any citizens wanted anything else entered in to the record they could e-mail Monroe or drop a letter off before the packets go out for the next Planning Board meeting on November 6th.

Mr. Jackson asked if this is rezoned would a doctor be able to see patients on this property. Planner Monroe said he could.

**REZONING REQUEST/SUP REQUEST FROM
KARL NEAL**

The following emails were received and entered into the record:

October 18, 2006

Board of Commissioners
Town of Pittsboro
635 East Street
Pittsboro, NC 27312

RE: Rezoning of Neal Property

Dear Commissioners:

My family owns several parcels of land that are across the street to the Neal property that is being considered for rezoning to heavy industrial for a Salvage Yard. Our property runs along the Pittsboro-Moncure Road from Mt. Zion Road west to the creek. The property is owned by the Walters family and one track was the property of Eliza Bynum, deceased.

The total Walters family **strongly objects** to this rezoning request. We did not receive notice of the rezoning request for a Salvage Yard; however, we would be tremendously, negatively impacted if this request is granted. The effect of this rezoning request, for a Salvage Yard, goes far beyond the adjacent properties and would significantly damage the value of all surrounding properties. Our property is currently on the market (listed with Grubb and Ellis) and we have had several recent and quite serious inquiries about the purchase of this land. The projects anticipated by these developers would be impossible with a salvage yard in the immediate area. These tracks of land are too close to Pittsboro for Heavy Industrial and Salvage Yard development and would destroy future “attractive” development of the land that Pittsboro and Chatham County can be proud of.

The location of the planned Salvage Yard on International Woodyard Road would certainly be perceived as detrimental by potential developers of the surrounding properties. From what I understand our properties are the largest tracts among those close to the Neal property and thus it is potentially greatly affected by this decision.

In summary, it is felt that the requested rezoning, for a Salvage Yard, is inappropriate because:

- It is not in keeping with the best use of the land for the surrounding property owners, or for the Town of Pittsboro.
- The area is too close to the Town for this type of unattractive development.
- A Salvage Yard would destroy the beauty of the land for the surrounding property owners and the Town of Pittsboro.
- Property values would be negatively impacted. This would not only hurt the surrounding property owners but would destroy the potential of a much higher tax base for the Town of Pittsboro. The placement of a Salvage Yard in this location will significantly damage future tax revenue to the city and county if surrounding properties cannot be developed as anticipated.

Given this significant potential damage to both local government revenues as well as to the surrounding property owners, we have a **very strong objection** to this rezoning request.

Sincerely,

David B. Walters
8005 Netherlands Drive
Raleigh, NC 27606

October 17, 2006

Board of Commissioners
Town of Pittsboro
635 East Street
Pittsboro, NC 27312

RE: Rezoning of Neal Property

Dear Commissioners:

My family owns a parcel of land that is adjacent to the Neal property that is being considered for rezoning to heavy industrial. Our property is the tract labeled 7447 and "A" on the map that was enclosed with the hearing notice.

We **strongly object** to this rezoning request. If this request is granted, it will significantly damage our current plans for the sale and development of this property. This property is currently on the market (listed with Grubb and Ellis) and we have had several recent and quite serious inquiries about the purchase of this land. The projects anticipated by these developers would be impossible with a rezoning to heavy industrial of the adjacent property.

This property is listed along with the Walters property and the property that is jointly owned by me and my cousins (the former Eliza Bynum property) that are located on the opposite side of Pittsboro-Moncure Road. Given that this land is listed for sale as

one piece of property the effect of this potential rezoning goes far beyond the adjacent properties that were notified.

The location of the planned salvage yard on International Woodyard Road fronts a portion of this property and the location of this business would certainly be perceived as detrimental by potential developers of our land. It appears from the map that our property is the largest tract among those close to the Neal property and thus it is potentially greatly affected by this decision.

In addition to the potential and significant damage to the marketability of our property, the placement of a salvage yard in this location will also significantly damage future tax revenue to the city and county if our property and others around it cannot be developed as anticipated.

Given this significant potential damage to both local government revenues as well as to the potential development of our property, I reiterate our **very strong objection** to this rezoning request.

Sincerely,
Timothy S. Bynum

The following was faxed to town hall today:

Reference: Rezoning Request by Karl Neal

In reference to the request for a land rezoning made by Karl Neal, to rezone from M-1 to M-2 I feel like his parcel as well as my parcel should both be rezoned to M-2. Until recently we were under the impression that it was M-2, because we had been told as well as had the bank been told by a previous Town Planner it was M-2. The land adjoining ours owed by Townsend and the Woodyard are M-2 as I understand it. Because of the mistake of incorrect information given by the previous planner the value of my land changed and not for the better. Karl's land was until recently a part of the same tract as mine and I really think his parcel and mine should both be changed during your meeting scheduled for tonight October 23, 2006. I would really appreciate you all considering this change tonight. His tract is 10 acres and mine is 17 acres.

Sincerely,
Cynthia Crabtree

Planner Monroe explained that due to the nature of this application it has to be handled a little bit differently. Two hearings are necessary: the first is a legislative hearing to collect information on the rezoning request from M-1 to M-2; the second hearing must be quasi-judicial to receive sworn testimony on the Special Use Permit request.

As a matter of background Planner Monroe indicated that the tract of land that is the subject of this request was created by a Recombination Survey in August of 2003. There

was no signature by any representative of the town on the plat. Access to the tract is by means of a 20 foot easement across tract "A" but not intersecting the private International Woodyard Road. Ownership of the tract was accomplished by deed recorded June 1, 2005.

There are currently a number of junked vehicles stored on the tract as well as on the tract retained by Mr. Neal's sister.

Section 5.3.2j of the zoning ordinance indicates a site plan is required as part of the Permit review. The site plan must contain the following:

- The internal circulation pattern and provision for parking;
- Plans for control of noise, dust, traffic and visual impact;
- Surrounding land uses within 500 feet of the property.

In order to reach a decision on the Permit it will be necessary for the Planning Board to recommend and the Board of Commissioners to reach a finding of fact that the proposed development, if completed as proposed:

- Will (or will not) materially endanger the public health;
- Will (or will not) substantially injure the value of adjoining property;
- Will (or will not) be in harmony with the area in which it is to be located;
- Will (or will not) be in general conformity with the Land Use Plan.

David Walters, 8005 Netherlands Drive, Raleigh. He said he and his brother and sister and cousins own land in this area. He distributed hand outs (attached hereto). He said the first numbered page shows the proximity of the Walters and Bynum properties to the site in question. He noted the asterisk shows the Neal property and the outlined property is the Walters and Bynum property; you can see the magnitude of the impact they would have on our family. The second page is pictures of typical junk yards. He said he would like to demonstrate why a salvage yard in the town of Pittsboro would not be good for property owners in the town or really not even good for the town of Pittsboro.

He cited a news article from the Burlington Free Press regarding a salvage yard in Milton and noted that it points to a number of environmental concerns. It points out that the property, for one reason or another has gone under consideration for tax sale. He said the town manager in that community will not even bid on the property because of the potential for various hazardous waste. They do not want to be liable for clean up of the property which could cost millions of dollars. And they do not want liability for possible seepage into neighbor's yards or well systems from runoff from hazardous materials. And the article points out the mismanagement of fluids such as motor oil, fuels, refrigerant, antifreeze, etc. In spite of the problems, the owner has maintained that he has run an honorably managed business and doesn't think that anyone can do it better.

Mayor Voller asked Mr. Walters if Timothy Bynum was his cousin and if they owned the property outlined that is contiguous to the Neal site. Mr. Walters said that is correct. The Mayor asked if their property was for sale right now. Mr. Walters said that was correct. The Mayor asked if anyone had done a Phase 1 Environmental on this property to know where you stand as a base line. Mr. Walters said not that he is aware of. The Mayor suggested that would probably be a good thing to know where you are today so you can demonstrate your property is clean as a whistle and it would be good to know where you stand vis-à-vis your neighbor's property.

Timothy Bynum, 1171 Woodland Trail, Haslip, Michigan. He said he thinks everyone in this room is concerned about land use and land development and all of us want the best use for property that is going to benefit not only individuals but also the community. We would want development to enhance economic development in the surrounding area and adjoining properties. As Mr. Walters pointed out the property is for sale, and a number of properties around it have recently been sold and development is imminent in this area of the community given the potential location to a busy highway and a number of other things that are imminent in the coming years. It is their position that they strongly oppose this, not only for their benefit but for the benefit of the community.

Karl Douglas Neal, 1412 Monkwood Place, Raleigh. He said he appreciated the Board being willing to hear this. He said he had been in the towing business in Wake County for 10 years; he has commercial property in Cary. He said he is a 1978 graduate of Northwood High School and was raised in Chatham County.

The yard, right now is 10 acres of land split out from a 27 acre parcel that he and his sister owned (she has 17 acres, he has 10). He said it has been a problem that these properties were changed to M-1; it has been a problem. The land north is M-2 and south, east and west it is R-A. Townsend has some land and Louisiana Pacific has some M-2 directly in front of his land. The Bynum's land is residential. Right now, the yard's use is vehicle overflow from his yard in Cary which is also zoned industrial.

He said he is speaking of doing a salvage yard. Contrary to what Mr. Walters says, there has not been any spillage on the land, it is not up for tax sale, and the taxes have been paid. He said they had a chemical spill years ago when his father was in the hydraulic business but it was taken care of. When his father passed away he and his sister bought the business and the land from the estate. At that point when they bought the land they had a Phase 1 and a Phase 2 Environmental report done and it was clean as a whistle. So there has been no runoff from his automobiles onto adjacent property. It is clean, it is a holding yard at this point, and it is not a salvage yard. There has not been anything taken off the vehicles, basically it is a big parking lot. He said he has a fence to separate his property and his sister's property and the adjacent land is wooded area, and there is a fence between his land and Louisiana Pacific.

He said he is asking to rezone it from M-1 to M-2 to have a salvage yard there; to improve his business and to continue expanding that business.

The Mayor asked the name of the business that had a spill; he said he thought that was on Hwy 902, but it was a hydraulics business. Mr. Neal said that was not theirs, it was another property. Mr. Neal said the spill on their property was 20 years ago and Mr. Messick could give you details on that. He said that by the time it was cleaned up it cost the family between \$100,000-150,000. All the dirt was shipped off. After the clean-up when he and his sister bought it there was a Phase 1 and a Phase 2 done. He said that if he did do a salvage yard he would have to meet the state regulations as well as watershed runoff. He said they had already been through contaminated land and they don't need any more of it. He said if it is rezoned he plans on building a building, it is not going to be an old style junkyard. It will be very neat, very well maintained.

The Mayor advised Mr. Neal it would probably be good for him to bring the Phase 1 and Phase 2 for people to see. Mr. Neal said that the bank wanted that, that without passing the environmental they would not have loaned the amount of money they borrowed to buy the land.

Planner Monroe indicated to the Mayor that three letters had been received via fax and e-mail and he asked that they be attached and entered as part of the record of the hearing. The Mayor acknowledged the letter from Mr. Bynum and Mr. Walters and letter from the applicants' sister. He asked how the request in that letter is being handled. Planner Monroe said that it is part of the record but no action would be taken unless an application is tendered to the town. Mr. Neal said she was trying to say that that is the only piece of property on the south end of Pittsboro that is zoned M-1 and not M-2.

Planner Monroe suggested that the information provided by Mr. Walter, Mr. Bynum and Mr. Neal be entered in to the record of the Special Use Permit hearing. Attorney Messick advised that the parties should be sworn in and asked if the information provided is truthful.

Attorney Messick said that the quasi-judicial process is necessary because the Special Use Permit is requested for a salvage yard. The burden is upon the applicant to satisfy whatever the ordinance requirements are (as detailed by Planner Monroe). The Board is going to have to make certain findings so it is incumbent upon Mr. Neal to satisfy those findings through testimony or site plan or otherwise. The Mayor asked who else would have standing to speak at such a hearing. Attorney Messick said adjacent property owners would.

SUP REQUEST

Request by Karl Neal to rezone property on International Woodyard Road from M-1 to M-2 with a special use permit for a salvage yard.

The Mayor affirmed Mr. Neal. Mr. Neal asked that his testimony be submitted for the hearing as truthful. The Mayor asked if there was anything else he wished to submit. Mr. Neal said not at the moment.

The Mayor affirmed Mr. Walters and asked if there was anything else beyond what was said earlier that he would like to enter into the record. Mr. Walters asked that the handout be added.

The Mayor affirmed Mr. Bynum and asked if there was anything else beyond what was said earlier that he would like to enter into the record. Mr. Bynum said nothing more tonight.

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

Planner Monroe stated the Town will receive additional written input on the rezoning request but not for the SUP request, it is no longer open.

Vote Aye-5 Nay-0

Motion made by Commissioner Walker seconded by Commissioner Bryan to send the request from Amy Roberts and Karl Neal to the Planning Board for recommendation.

Vote Aye-5 Nay-0

INFORMATION RECEIVED REGARDING KARL NEAL'S REZONING/SUP REQUEST IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

BLAST LEASE

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the lease agreement with Blast with the modification that the agreement presented be changed to state it is a lease agreement and in (2) that it read ...have five (5) consecutive one year options to renew...at least sixty (60) days prior to the next Option.... (3) hotspots be provided to the downtown corridor area.

Vote Aye-5 Nay-0

A COPY OF THE LEASE AGREEMENT WITH BLAST INTERNET IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

Commissioner Brooks stated he would like to see someone recognize Dr. Camp for all the work he done. Dr. Camp started a hospital in the old brick house. He was a hero. He would like some sort of historical marker placed in that area.

Manager Misenheimer stated the Town can do a resolution and see about getting a historical marker.

OLD BUSINESS

UPDATE ON PROJECTS – HOBBS & UPCHURCH

Updates of Town WWTP, reuse project, River Oaks, and Engineering – Hobbs Upchurch & Associates, Fred Hobbs and Adam Kiker.

Mr. Kiker went over the letter he sent regarding various ongoing projects:

RE: Town of Pittsboro WWTP Modifications and 3M Reuse Line
Project Updates

This letter is to inform the Town of Pittsboro about the progress on the wastewater projects currently underway. We are working hard to keep the Town on schedule to meet both its short-term and long-term goals.

REUSE LINE AND STORAGE TANK TO SERVE 3M

NC Construction Grants and Loans (CG&L) is currently reviewing the revised plans for the reuse line and storage tank to serve 3M. CG&L will not give us clearance to bid the project until we have received full approval from their staff. HUA is following the review process closely in order to make sure any additional information is provided in a timely manner. As soon as the project is approved, an advertisement for bids will be issued so that construction can soon follow.

The cost estimate for this project is \$1,200,000 for the reuse line, \$400,000 for the tank, and \$120,000 for the pump station at the wastewater plant, totaling \$1,720,000.

WWTP MODIFICATIONS

Hobbs, Upchurch & Associates is nearing completion of the design process to provide the Town with an additional 0.600 MGD of wastewater treatment capacity. The design will feature the newest technology in nutrient removal providing the town with the highest quality effluent in preparation for a future discharge to the Haw River or Jordan Lake. However, the nutrient-removal portion of the plant will be bid in a separate fashion in order to provide the Town with quantitative options regarding the first phase of the plant expansion. The short-term plan for disposal incorporates three different parties—3M, River Oaks, and the Preston Development.

HUA is readying the plans and specifications for state review. The construction cost estimate for the new plant is \$4,850,000.00. Funding for this project will be provided by the loan/grant combination of the 3M project and the Advance Payments from Toll Brothers.

DISCHARGE TO HAW RIVER/JORDAN LAKE

Hobbs, Upchurch & Associates has begun the process of preparing an Environmental Impact Statement (EIS) for the two proposed discharge locations—one to the Haw River at the US-64 bridge and the other in Jordan Lake between Roberson Creek and Stinking Creek. The investigation will feature approximately 4.0 MGD of effluent discharge at one of the two sites.

The EIS will be comprised of extensive environmental, biological, cultural, archeological, and economic studies to determine the best methods to mitigate possible impacts of the effluent discharge. Environmental Impact Statements are fluid documents that require extensive governmental and public review. Based on similar projects and on information we currently have obtained, Hobbs, Upchurch & Associates expects to achieve final approval within 24 months.

We appreciate the chance to be of service to the Town of Pittsboro. If there are any questions or if you require any additional information, please do not hesitate to call this office.

Manager Misenheimer stated they are continuing to have monthly meetings on project updates and invited Board members to attend.

Commissioner Brooks stated regarding the future discharge points we are considering, he feels the Engineers should go much further to see if the Corp of Engineers and State would be amiable to the area we are considering.

Mr. Kiker stated all of that will come out of the EIS. He will initiate contact with the State.

Commissioner Cotten asked about whether the grant is still effective.

Mr. Kiker stated that Mr. Hobbs has been assured that it is still effective.

Manager Misenheimer stated Mr. Hobbs has provided a letter stating that and he will talk with the County Manager about this.

PROPOSAL FOR TTHM

Proposed recommendations to implement action plan that meets the TTHM MCL required limitations and water quality standards – Joe McGougan, Hobbs Upchurch and Associates.

Mr. Joe McGougan went over the letter he had sent regarding TTHM MCL.

RE: Surface Water Treatment Plant
Disinfection By-Products

The Town of Pittsboro North Carolina operates a surface water treatment plant with a raw water source of the Haw River. The surface water treatment plant was constructed in the mid-1960s and has been expanded to a current capacity of 2-MGD. The facility currently is in violation of the annual running average for THM and HAA. Hobbs, Upchurch and Associates (HUA) had the opportunity to review and evaluate the operation of the water treatment plant with regard to the residuals by-product issues with THM and HAA. Based on this review we offer the following comments and recommendations.

The water treatment plant currently adds free chlorine prior to the filters and boosts the chlorine residual following the filters and prior to the clear well. The Contact Time requirement is met through the detention time in the clear well with a free chlorine residual. Finished water with a free chlorine residual is pumped into the distribution system. At the sampling points in the distribution system, the disinfectant residuals level exceed the requirement of 80 PPB for THM and 60 PPB for HAA.

In order to reduce the disinfectant residuals levels in the distribution system, the system must either remove additional organic compounds prior to the addition of the free chlorine disinfectant, or the facility must change the type of disinfectant. In a review of the most recent sample results for THM, chloroform, which is normally the higher of the four compounds evaluated, was not exceptionally high. Two of the compounds, chlorodibromomethane and dichlorobromomethane were higher values than those normally anticipated for systems using surface water. While the bromine compound was not exceptional in the values of these test results, it appears that bromine may be significantly adding to the total level of disinfection byproducts. While additional treatment prior to the addition of chlorine would be beneficial in the reduction of TOC, we do not believe that the bromine compounds will be significantly reduced.

It is for this reason that we recommend as an alternative the use of Chloramines as the disinfectant in the distribution system. Free chlorine may be utilized prior to the filters and also added to achieve the contact time requirement, but ammonia would be added to form Chloramines prior to entering the distribution system. The use of Chloramines will minimize the formation potential of the disinfectant products and thereby reduce the THM and HAA levels at the sampling points in the distribution system.

Other treatment options in addition to the use of Chloramines may be beneficial and may be required as an alternate to reduce the disinfection byproducts residual in the distribution system. These alternatives may include the use of Chlorine Dioxide, the use of granular activated carbon, or an advanced filtration system such as nanofiltration or reverse osmosis.

Prior to the modification of any treatment process, a Preliminary Engineering Report is required to be submitted to the Plan Review Branch of the Water Supply Section of DENR. Following their review, a full-scale pilot study may be implemented to determine the net effect of modification of the distribution disinfectant on the disinfection byproduct levels. If the pilot study produces beneficial results, detailed plans and specifications will

be submitted and a permanent installation be constructed at the water treatment plant. Should the results indicate additional treatment is required, the use of chlorine dioxide or the use of granular activated carbon would be the next most logical alternatives.

HUA appreciates this opportunity to present its findings to you. If we can provide any additional information to assist you in your review of these alternatives, please feel free to contact this office.

Mr. McGougan stated he has 25 years of experience in the water field in North and South Carolina. There are different alternatives to use, the best technology is to use ammonia – by doing that you will bring system back into compliance.

Commissioner Walker stated this issue was addressed some time ago and it was reported that this type treatment process pulls lead out of pipes but he has found out since then that may not have been the problem. Siler City is currently using this method and they haven't seen any problems.

Commissioner Cotten stated it is not the sole solution to the problem from his standpoint.

Mr. McGougan stated the plant is well run and he doesn't think the problem is there.

Commissioner Baldwin asked if this will be a long term solution.

Mr. McGougan said yes, the disadvantage to having ammonia in the water is notification will have to be made to residents and notification given to people who have aquariums and those doing dialysis, and having a good flushing program.

Commissioner Brooks read excerpts from several articles (a copy of which are listed below).

Mayor Voller stated if we use this process we will be able to hook to Chatham County if necessary.

Jay Johnston stated this process could be a pilot study at the plant.

Commissioner Brooks stated he felt we should get in touch with the bio tech businesses here in town and the dialysis operation that is here now to let them know we are considering this process. He would like to see us get the bio tech people involved to see what concerns they may have.

A COPY OF RESOURCES USED BY COMMISSIONER BROOKS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

Mayor Voller stated he is for it – we have to do something.

Commissioner Brooks stated the chemical has a negative effect on rubber. We have to be able to give consumers the type information they need. He feels it is very important to

communicate with the public. Engineers and Town Staff have done a good job explaining the effects.

Mayor Voller would like to go forward with the pilot program.

Older homes need to be tested before the process is started and we can do some non-compliance testing for our own information. Mayor Voller stated there were 30 homes in Chatham Forest that could serve as test sites.

Commissioner Cotten stated he feels that some of this is because of the dead end lines we have within the system. We need to be flushing dead end lines on a regular basis. The pipes are a big part of our system.

Commissioner Cotten stated it was approved a couple of years ago to replace the dead end line on Cedar Lane, but it was not done. He has a concern that the letter was received here on September 25, but he was not made aware of it until October 13.

Commissioner Baldwin asked about us being penalized.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the preliminary study of the process (ammonia) and the study of the newer system and the older system comparison and Commissioner Cotten's concerns about the dead end line on Cedar Lane and Pittsboro Christian Village.

Vote Aye-5 Nay-0

TENNIS/BASKETBALL COURT IMPROVEMENTS

Recommendation for improvements at park and tennis/basketball courts located at Pittsboro Elementary School Road and McClenahan Street – Sarah Carr, Chairman Parks and Recreation Advisory Board and Sam Misenheimer, Town Manager.

Sarah Carr reported they received over 200 surveys back, which they felt was very good. The Parks & Recreation Advisory Committee recommend the tennis court improvement be awarded to Court One which is the only truly professional tennis court company that bid on the project. It could be done in phases.

Commissioner Bryan stated he was glad to see we are looking at a professional tennis court builder.

Sarah Carr stated they would be working on grants to help with the funding.

Commissioner Brooks suggested that Progress Energy (Marty Clayton) be contacted about lighting for the Tennis courts.

Motion made by Commissioner Walker seconded by Commissioner Brooks to award the contract to Court One and to set aside money for the park in stages, that we try to obtain grants and other means of funding and that we request \$60,000 or more from Chatham County Recreation Department.

Vote Aye-5 Nay-0

A COPY OF BIDS RECEIVED IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

REQUEST TO CHATHAM PARKS AND RECREATION BOARD

Request to Chatham County Commissioners and Chatham Parks and Recreation Board to assist with funding for improvements at tennis/basketball park located at Pittsboro Elementary School Road and McClenahan Street in the amount of \$60,000.00.

Motion made by Commissioner Walker seconded by Commissioner Brooks to request funding from Chatham County Parks and Recreation Board for \$60,000 or more to help with funding the improvements for the tennis/basketball courts.

Vote Aye-5 Nay-0

LETTER TO NCDOT

Request approval letter to NCDOT for directional sign along Hwy 64 – Pittsboro Downtown Merchants Association.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to authorize the Town Manager to send the letter to NCDOT.

Vote Aye-5 Nay-0

NEW BUSINESS

MAINTENANCE PLAN – NEW POLICE VEHICLES

Extra maintenance plan for new police vehicles with Ford Motor Company.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to approve the extra maintenance plan for the new police vehicles with Ford Motor Company.

Commissioner Walker stated he does not like warranties of any kind.

Vote Aye-4 Brooks/Bryan/Cotten/Baldwin
Nay-1 Walker

A COPY OF THE MAINTENANCE PLAN IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

UPDATE – HYDROSTRUCTURES

Presentation and updates on Credle Street sanitary sewer improvements (I/I infiltration and inflow repairs – Grant Project with NC Rural Center – Jay Johnston, Hydrostructures.

Jay Johnston went over the memorandum he had sent to the Board. (A copy of which is listed below).

A COPY OF THE MEMORANDUM FOR JAY JOHNSTON IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

Commissioner Brooks stated that the Town has a good relationship with Hydrostructures. He wanted to thank them for all their hard work. They are a local business that is growing.

Staff Reports/Manager updates

- Town projects status report/Hydrostructure’s report.
- Receipt of Powell Bill allocation of \$89,910.29 on 9/29/06.
- Letter to NCDOT requesting authorization for Christmas Parade.
- NCDOT letter/update on driveway and turn lanes for Chatham Mills on US 15-501.
- Letter regarding water agreement with Chatham Partners LLC and Polk-Sullivan LLC.
- Chief Collins-attending Law Enforcement Executive Program.
- Updates on community forum for parks and recreation PARTF Grants.
- Letter to Charlie Horne – requesting payment reimbursement on Spoon property irrigation fields.
- FEMA letter – implementing floodplain management.

COMMISSIONER CONCERNS

Commissioner Brooks stated the letter from the State (regarding TTHM’s) came to the Town on September 25th and he was not notified of it until October 13th. He stated whenever we are being threatened, the Board members need to be notified within two (2) business days of receipt.

Commissioner Bryan stated the Board should be notified and sent a copy of the letter as quick as possible after receiving it.

Commissioner Brooks stated he has congratulated a couple of the individuals appointed to the land use advisory committee and they have not been notified that they were appointed. He would like for them to be notified immediately.

FYI

1. Legislative changes to video franchising HB-2047 – Video Service Competition Act (SL2006.151).
2. Phase II Stormwater Legislation – SB1566/Session Law 2006-246.
3. NCLM Environmental Briefs – October 2006.
4. Strategic Leadership for Municipal Governing Boards – November 9, 2006.

ADJOURNMENT

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

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk