

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, MARCH 22, 2010

Mayor Randy Voller called the meeting to order at 7:09 p.m. and called for a brief moment of silence.

ATTENDANCE

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

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

AGENDA

Commissioner Fiocco requested that an item be added under New Business as #9 regarding revising parking for multi-family housing and directing the Planning Board to undertake consideration of a text amendment to the Zoning Ordinance that established those standards.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to add as #9 under New Business an item regarding revising parking for multi-family housing and to direct the Planning Board to undertake consideration of a text amendment to the Zoning Ordinance that established those standards.

Vote Aye-5 Nay-0

Mr. Terry stated it was necessary to withdraw Item #3, Piedmont Biofuels Rezoning Request, from the Public Hearing agenda, noting there had been an issue with proper notification of the hearing to all nearby property owners. He said that would mean that #5 under New Business would be withdrawn as well.

Motion made by Commissioner Bryan seconded by Commissioner Harrington to withdraw Item #3 under Public Hearing and #5 under New Business.

Vote Aye-5 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to approve the Agenda as amended.

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the March 8, 2010 regular meeting.

Motion made by Commissioner Fiocco seconded by Commissioner Bryan to add a resolution of support for an application to Google's Fiber for Communities Experimental Program.

Vote Aye-5 Nay-0

Mayor Voller indicated that Commissioner Harrington had made a correction to the March 8 minutes on page 20. He stated that halfway down that page, the paragraph beginning with "Commissioner Harrington said the Master Plan says hotels and high-density residential would be overlooking the lake, and this was a high-density residential." would replace the language "Commissioner Harrington said that hotels were multi-family, and this was a high-density residential."

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the Consent Agenda as amended.

Vote Aye-5 Nay-0

A RESOLUTION OF SUPPORT FOR AN APPLICATION TO GOGGLE'S FIBER FOR COMMUNITIES EXPERIMENTAL PROGRAM IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 23

REGULAR MEETING AGENDA

Citizens Matters

Mayor Voller recognized members of Troop 93 who were present to observe the meeting.

David Richter, 30 Dunmore Lane, Powell Springs, expressed his thanks to the Board for taking the time to listen to Powell Place residents' concerns, noting it was truly appreciated by him and the community of Powell Place. He said the Powell Springs issue would be coming back very soon, but there was also an article coming out where he believed the Powell Place residents were being terribly misrepresented by East West Partners. Mr. Richter said he wanted to make it clear that that article had nothing to do with the residents, noting that the Powell Place residents had no issue with the future residents of Powell Springs, but they did believe that the current proposal needed much work.

Mr. Richter said the other issue that had come up was that a resident of Powell Place who was an expert familiar with residency services and evacuation processes had done an analysis of the current Powell Springs proposal and came to the conclusion that if there was some emergency such as a fire or a chemical spill that evacuation would be hampered.

PUBLIC HEARING

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to go into Public Hearing.

Vote Aye-5 Nay-0

1. Major Transportation Corridor (MTC) Zone Text Amendment.

Mr. Monroe stated that the proposed text amendment would amend the language of the MTC to remove the requirement that would demand the submittal of a site plan in order to petition the Town for a rezoning. He said it was a conundrum to ask a property owner to submit a site plan for a property that was not zoned to support that site plan, and the recommendation was to eliminate that requirement. Mr. Monroe said the Planning Board had reviewed the issue and recommended that the Board approve the text amendment.

Commissioner Fiocco said then the language proposed removed the site plan requirement which was to be submitted prior to a rezoning request. Mr. Monroe said that was correct. Commissioner Fiocco said that he believed there was intent in the MTC language that a site plan would be concurrent with a rezoning request, similar to a Conditional Use District. He said he wanted to make sure that the Planning Board had discussed that as an impact of removing that language, and asked was it their intent to change the MTC language to remove the site plan being concurrent with the rezoning. Commissioner Fiocco said he understood removing the site plan prior to submittal. Mr. Monroe said the Planning Board's conclusion was that requiring submittal of the site plan was imposing a standard that was higher than other zoning districts without having a Conditional Use Permit, noting there was no place in Town in the MTC district where commercially zoned property was currently located. Mr. Monroe said in order to bring a commercial site plan you would have to develop that site plan and submit it concurrent with the rezoning.

Commissioner Fiocco said they did that with conditional use districts. Mr. Monroe said but they did not do that with rezoning for conditional use districts but did it with a conditional use permit review. Commissioner Fiocco said you had to rezone a property for it to be a conditional use district, so in that process you would have a site plan concurrent with the request as part and parcel of the rezoning. He said he had wanted to see if the Planning Board had explored the ideas and if the desired outcome was for it to not be similar to a conditional use district rezoning. Mr. Monroe said that was not discussed, and his thought was that it was a redundancy because they would have a site plan requirement if and when a property came forward for development. So, he said, they were not giving up the ability to review a site plan, but were only putting it in a more normal order rather than having it concurrent with rezoning.

Commissioner Fiocco said when you did it that way you got a little more knowledge of how the property would be developed so that you could impose conditions to make the property more in line with its surrounding area. He said he had mentioned it for the Board to consider, in that they would be removing the site plan requirements from rezoning and therefore letting all uses within that zone come forth during the site plan process. Commissioner Fiocco said he was trying to discover what the intent of the original language was, in that if the intent was to have that much more control over the uses that were going to occur, then they would be undoing that intent with

the language change. So, he said, he was trying to identify the basis for the original language and whether it was the intent to now undo that.

There were no comments from the public.

2. Blair Rezoning Request at Foxfire Trace and US 64 Bypass.

Mr. Monroe said that this was dependent on passage of the MTC text amendment. He said there were currently 3 properties at the intersection of Foxfire Trace and US 64 Bypass, with the first zoned C-2 and the balance zoned R-A. He said John Blair was requesting to have all the property zoned C-2. Mr. Monroe said absent the MTC text amendment, this application could not proceed.

Mayor Voller asked had there been discussion by the Planning Board about making it a conditional use zoning district versus what was being requested. Mr. Monroe replied no. Mayor Voller asked what his thoughts were on that. Mr. Monroe said it would place a burden on the applicant. Mayor Voller asked would it be less risk, more, or the same, noting he understood Commissioner Fiocco's point. Mr. Monroe said a conditional use would be a higher burden than just doing a MTC rezoning, but both would require a site plan and both would be subject to conditions that the Town could impose. He said in essence it made it less speculative. Mayor Voller said then it was more proscribed. Mr. Monroe said that this piece of property had particular burdens that other properties did not have. He said the volume of traffic on the bypass was high and produced much noise, and this was a very narrow lot being sided on two sides by highways. So, he said, its marketability for residential was minimal to none.

Mayor Voller asked was there anyone present to speak to the application. There was no member of the public who expressed a desire to speak.

3. Piedmont Biofuels Rezoning Request at Lorax Lane.

Withdrawn.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to close the public hearing and return to open session.

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 – The plans and specifications for the ferric sulfate feed system have been reviewed by NCDENR and returned for minor corrections. They anticipate final approval within the next 2 to 3 weeks. Change order #6 was approved in the amount of \$71,979.07 for the installation of new caustic storage tanks and 4 new caustic feed pumps to control pH at the 4 filters and connection to the SCADA system, a necessary precursor to the ferric feed system installation. Change order #7 was

expected to be about \$30,000 and would be prepared after NCDENR forwards the final approval of the ferric feeds system plans and an authorization to construct. A budget amendment was on tonight's agenda to add the \$182,500 in Rural Center grant funds to the project budget. Last week a letter had been sent to the Rural Center asking for an additional extension of the grant period, noting it had been extended a couple of times before but the Rural Center had been very accommodating to try to help them get the TTHM issue under control. The request was to extend the grant for another 6 months past the April deadline so that all the items could be completed that had been requested in the settlement agreement with the State.

- 3M Reclaimed Water System Project – Work in progress on the masonry pump house building and the freeze damage has been repaired on the pump station. A construction progress meeting is scheduled for March 18 to go over the tasks remaining and to finalize the plans for the inspection and start-up of the system. The deadline for completion of work to be paid for by the Clean Water Management Trust Fund grant is March 31; therefore, they were making a concerted effort to complete all construction on or before that date. The deadline for completion of all work to be paid under the EPA grant is May 31, which gave them some safety net for the completion of final punch list items that emerged from the final inspection and start up.

Commissioner Harrington stated they were very lucky to have had a cold snap since freezing had been a problem. Mr. Terry said that was true, noting that if it happened next year it would not be an issue.

Mr. Terry continued his update:

- Short-term Wastewater Treatment Plant Improvement Project – The floor of the equalization basin is almost completed and the framework for the east wall of the basin is very close to completion. The project is about one week ahead of schedule.
- 3M Park – The Mayor, Town Manager and Paul Horne have scheduled a meeting with the 3M staff including representatives from the 3M Minneapolis office to finalize the arrangements for the transfer of the park land to the Town.
- Rock Springs Park – Some landscaping work has resumed at the park and they expected that the concrete pad at the picnic shelter would be poured this week. The erosion problems they had experienced had now been addressed and the landscaping around the entryway stairs had been improved. They have reached agreement with the contractor regarding compensation for the 19 erroneously removed trees, with the contractor agreeing to provide about 170 linear feet of large natural boulder retaining walls, to provide additional landscaping along those new retaining walls, and to pave seven additional parking spaces.

Commissioner Harrington asked where the retaining walls would be located. Assistant Planner Paul Horne responded there were actually two retaining walls, and pointed the locations out on a map. He also pointed out where the additional 7 parking spaces were located. Mr. Horne stated he was pleased with the settlement, noting he believed park users would appreciate the new amenities more than they would the 19 trees that had been removed.

Commissioner Bryan asked what type of monetary value was placed on that work. Mr. Horne responded about \$14,000.

Mr. Terry asked if there a projection for a completion date on that project. Mr. Horne replied he would be attending a progress meeting this week, and April 6 was the date they were aiming for.

Mr. Terry continued his update:

- Pedestrian Conveyance System Project – In discussing this project with NCDOT, Hydrostructures discovered a mechanism whereby they can “piggyback” on the existing NCDOT contract for sidewalk work being done in conjunction with the roundabout in front of the community college. By applying the unit prices from that contract, the work could be done for substantially less than the original estimate. Accordingly, they have withdrawn the advertisement for bids and are negotiating with NCDOT for completion of the work. Concurrently they are trying to work out an issue with the grant authority which was now balking at including the engineering and design costs in the reimbursable elements of the project. If they were unsuccessful at negotiating that point, the Town may be asked to pay unbudgeted design and engineering costs on the order of \$40,000.

Mr. Terry noted that when that project was pitched to the Town it was pitched as a 100% CMAQ grant with no cost to the Town, and there was no funding budgeted by the Town for those engineering fees. He said he had encouraged NCDOT to search through their regulations and attempt to find some way administratively to cover those costs for that project. Mr. Terry said he had been promised that they would do that and would get back to him. He said he had held in his possession the supplemental agreement that the Town would have to sign to allow the Town to use the piggybacking method, but he was choosing not to ask the Board to decide on that until they determined who would pay for the engineering work. Mr. Terry said he had told the NCDOT engineers that he believed the Board had every right to shelve the project, although contractually they would have to pay Hydrostructures. He said they could take those plans and specifications and make them available to NCDOT or the County, and allow them to purchase them from Hydrostructures, or they could just accept the fact that there had been a misunderstanding and pay the \$30,000 to \$40,000 in engineering fees.

Mr. Terry said if the Board remembered, they were told that the 100% funding were available only if the Town met a certain deadline to get the grant application in, which was September of 2009. He said they had had to hustle to do that and had asked their de facto Town engineer, Hydrostructures, to do that. Mr. Terry said now they were being told that because they had not put out a Request for Qualifications and searched for engineers all over the State that the Town had not followed procedure.

Mayor Voller asked was that the justification. Mr. Terry said he was being told that the Town had disqualified itself because they had not competed for the engineering design. Mayor Voller asked what the law was on that issue.

Mr. Messick said you did not, as a matter of law, have to advertise for services such as engineering services, but it was typical for government contracts to require that. Mayor Voller said the Town had signed a contract with them when they had done the resolution. Mr. Terry responded they had accepted the grant and then signed a contract with Hydrostructures. Mayor Voller said he did not recall the grant making a stipulation, noting there was some argument in the grant about conduit. Mr. Terry said in digging into the issue with NCDOT, they had said it

was a federal requirement. But, he said, he believed the Mayor was correct that it had not been mentioned in the initial processing of the grant that there was some federal requirement to compete.

Mayor Voller said these were congestion mitigation funds that came to the State to go to the RPO, and that was why they had it. He said the funds went to Orange County but had then come to the Town because Orange County could not use it. Mayor Voller asked what their next step should be. Mr. Terry said he had talked with NCDOT engineers today and they had been very sympathetic, and had agreed to search for some method or person further up the NCDOT chain that might allow NCDOT to cover the engineer costs.

Mayor Voller said the project was under budget, or would be. Mr. Terry said he believed it would perhaps be dramatically under budget. Mayor Voller said yet, NCDOT was giving them problems about an element to reimburse for engineering costs. Mr. Terry said yes, because the Town had not had competing bids for that work.

Commissioner Harrington said the project was funded at \$193,000, and asked minus the engineer costs what the cost would be. Mr. Terry said that Hydrostructures was estimating about \$100,000, which was about half.

Mayor Voller said the people that lived in that area had long advocated for a sidewalk, noting it had been an issue and had been on the Town's plans for quite a long time. Mr. Terry said there was no doubt it was a good project. Mayor Voller said the Town had received the funding and it appeared that NCDOT now wanted their hands on that funding.

Commissioner Harrington said perhaps the solution was to construct another \$93,000 of sidewalk at some location. Mr. Terry said it was frustrating, noting that in his prior experience before coming to Pittsboro he had built many sidewalks and paved surfaces and he had never had an engineer to design a sidewalk. He said he had simply gone out into the field and said he wanted the sidewalk to start at one point and end at another, and that it be 4 feet wide and 4 inches deep with wire mesh imbedded.

Mayor Voller said sidewalks were pretty much standard, noting the same detail was used on every plan and it was not something that was complicated to build. Mr. Terry said according to NCDOT, in order to apply for this grant you had to have a very detailed plan of where the sidewalk would go and what the standard thicknesses and widths would be, along with other details.

Mayor Voller said as Chair of the RPO if the Board would allow, he would work with Mr. Terry to try to resolve the issue.

Commissioner Fiocco asked had the original budget number considered the design fees. Mr. Terry responded yes, it had, noting they had gotten a fee proposal from Hydrostructures for around \$25,000, although he could not remember the exact amount. He said to his mind that had always been a part of the contract, and reiterated that it had been pitched to him and to the Board as a no cost project to the Town.

Commissioner Fiocco asked if it was a part of the documentation to secure the grant. Mr. Terry said he would have to check that, noting that Hydrostructures had done the grant administration application on the Town's behalf as a part of their fee.

Mr. Horne said all of this process was new to NCDOT because they had never dealt with those types of grants before so it was all new to them. He said the Town had been focused on meeting the deadline to get the grant application completed, noting that there were so many branches within NCDOT that Hydrostructures had to pull together answers from one branch to another and coordinating those branches talking to one another.

Mr. Terry said as another example, the Wastewater Treatment Plant project was a \$2.5 million project, and the design for that was done before they had applied for the grant and they had already received the check for that grant, so they had been reimbursed for the Sterns and Wheler costs for design. So, he said, he did not believe this was an unsolvable problem.

Mayor Voller asked had they done a modification recently. Mr. Terry said some additional grant funds had become available, but they likely would not need it. Mayor Voller asked if that put them up to \$243,000. Mr. Terry responded yes. Mayor Voller said then they should run the sidewalk as far as that money would take them. Mr. Terry said they may have to pay for additional design work. Mayor Voller said he did not believe they would need to.

Commissioner Harrington said the issue was that the Town had done everything right and the fees were in the application, but the only issue was they had not bid out the engineering work. Mr. Terry said he believed this was a "Catch 22" situation, where NCDOT had said they had to get the application in by the deadline and the only way the Town could do that was to get an engineer on board immediately, so they had used their de facto engineer which was Hydrostructures.

Commissioner Harrington said if the Town had a Town Engineer then NCDOT would not have forced us to hire one. Mr. Terry said that was correct, they could have done the work in house.

Commissioner Brooks suggested they let Mr. Terry continue to work on the issue along with the Mayor. There was no disagreement expressed by the Board.

Mayor Voller asked on the Haw River water intake, would they be putting something out about hiring a Water Plant Superintendent. Mr. Terry said he had hoped to have hired someone by now, but his plan was to keep it in the CIP for next year.

2. A Resolution Accepting and Endorsing the Solid Waste Management Plan of 2009 for Chatham County (Robert Holden, Chatham County Solid Waste Director).

Robert Holden, the Chatham County Solid Waste Director, stated that the 2009 update to the 10-year plan had been provided to the Board, and he would be happy to respond to any questions.

Commissioner Harrington said for clarification, the resolution accepting or endorsing the plan was something they were required to do. Mr. Holden replied that G.S. 130A-309.09A(b)

required that each local government update its 10-year plans at least every three years. He said traditionally the County prepared the plan that the other local governments participated in.

Commissioner Harrington said then the resolution before the Board would satisfy that requirement. Mr. Holden said that was correct. Commissioner Harrington asked who had put together the goals noted for the Town of Pittsboro. Mr. Holden said they had taken the main goals from the plan, noting there were other points that had not been expressed on the goals sheet. He said the goal sheet was for the County as a whole to achieve 40% waste reduction, and fortunately the Town of Pittsboro did not generate a lot of the waste. Mr. Holden said a lot of the waste was generated by the unincorporated areas, so many of the items on the list reflected County goals.

Commissioner Brooks asked how many households were served in Center Township, which included Pittsboro, by the solid waste program. Mr. Holden said there were approximately 4,000 households served by 5 haulers, and at the collection centers they averaged close to 560,000 visitors annually. He said he did not know what the number was for just Center Township, but could get that information. Commissioner Brooks asked that he do so. He said he maintained that there were a large number of people who shopped in Pittsboro and would shop at other stores if they were available.

Mr. Terry said that they had about 1,750 water customers now, and those customers were also solid waste customers.

Mayor Voller asked if they were just Town of Pittsboro customers or did that number include others. Mr. Terry said it included some that were outside the Town. Mayor Voller noted that the Solid Waste Advisory Board met on the first Wednesday of every month should anyone want to attend, noting he attended as often as possible. He said that advisory board was responsible for setting the fee that customers were charged, and Commissioner Baldwin had commented that fee was the reason people did not recycle. Mayor Voller said he believed there was a feeling on the Board that they had helped to facilitate it and then the residents were charged a fee, and asked was that a correct assessment.

Commissioner Brooks said it was even more involved than that, explaining that the County had asked the Town for a special agreement where they could reserve part of the parking lot for employees. He said they were also supposed to keep a buffer zone between them and the cemetery, but there was not much of a buffer there. Commissioner Brooks said if people paid the fee and posted the sticker on their vehicle, they should legally be able to take things to the collection center and pick up things they might want that others had left. He said to him that seemed to be the goal of recycling so that such items could be recycled rather than just dumped. Mr. Holden said he understood the feeling, noting that the solid waste program used to be mostly supported by the General Fund from solid waste fees charged to unincorporated households. He said as those fees increased their dependency on the General Fund had gone to zero so they were a true Enterprise Fund. Mr. Holden said the idea was if you paid the fee, you were able to use the services. He said there were other services offered such as the household hazardous waste program, and the County also had an environmental enforcement program as well as an education program. Mr. Holden said the County had just offered a position to a Waste Reduction Coordinator, noting that position had been frozen for over a year. He said the reality was that the

collection centers were a large part of their expenses, and the disposal portion of that was paid by the fees.

Commissioner Baldwin remarked that it still defeated the purpose, which was trying to reduce the amount of solid waste and if there were a lot of residents within the Town limits who would like to recycle but had to pay the fee of \$120 or whatever it was now, then they would not recycle. Mr. Holden said the Town's residents paid a portion of that fee, which was \$91. Commissioner Baldwin said it was very unfair. Mr. Holden said the Town had a good recycling program and he did not believe there was anything that the Town did not already offer. Commissioner Baldwin said the Town may offer it, but the program had more than that small portion. She said as Commissioner Brooks had mentioned, there were things that residents could place at the center that others might want, and she just wanted to say again that the Town Board did not like that fee. Mr. Holden said he could bring that up at the next SWAB meeting.

Mayor Voller said in other communities you saw a lot of larger recycling bins out on the curb, but in Pittsboro there was still a resistance to recycling. He said if you were not getting the use then it was defeating the purpose, and he would like to find a solution.

Commissioner Harrington commented that he believed the intent of Resolution B was fine and made some good suggestions, but noted they were supposed to accept and endorse something and not accept and endorse something "if" they did something that was not in their current plan. He said it would seem that Resolution B was asking them to say they endorsed the plan "if" they also did something that was in the feasibility plan but not in the solid waste plan. Commissioner Harrington said his point was that he favored Resolution A but Resolution B made some good suggestions.

Mayor Voller asked Mr. Holden if he saw any issue between Resolution A and B, noting that the way B was worded may be somewhat vague although the purpose was to continue to explore the options of generating energy waste. Mr. Holden said to the best of his knowledge the County would be continuing to explore those options, so he did not see that as vague language.

Motion made by Commissioner Harrington seconded by Commissioner Brooks to approve Resolution B Accepting and Endorsing the Solid Waste Management Plan of 2009 for Chatham County.

Vote Aye-5 Nay-0

A RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN OF 2009 FOR CHATHAM COUNTY IS RECORDED IN THE BOOK OF RESOLUTIONS, NUMBER ONE, PAGES 24-25

3. Integrated Water Systems (IWS) Project Proposal (Dr. Hal House).

Dr. Hal House stated that a strategy had been presented to the Board several weeks ago and tonight he wanted to provide some of the objectives of their proposal and to receive comments from the Board.

Commissioner Fiocco said he had read through the material but would like more time to look at it in more detail. But, he said, he would also appreciate a short presentation on the proposal tonight.

Dr. House said first he wanted to point out a couple of corrections and clarifications. He said in Objective 1, stakeholders would include the Cooperative Extension Service who could facilitate connection with the farmers, provide technical expertise, and make on-site visits. Dr. House said they did not have a budget and that should be emphasized.

Commissioner Fiocco suggested striking the word “invest” to clarify that. Dr. House agreed. He said the budget would help them to connect with farmers, to get the farm machinery that was needed on site, and help to lay out the research plots for demonstrations. Dr. House said his proposed budget was the Manager’s budget.

Commissioner Brooks said all of that was what could be done by law by the Agricultural Extension Service through their work with the State college. He said they were an advisory agency for the County but they were in effect a State group. Dr. House said that was correct, noting he had worked with the Extension Service for 15 years and this was a technical transfer. He said they were very enthusiastic about this because it covered the Extension mandate as well as the mandates received from the Chatham Board of Commissioners. Dr. House said they would be facilitating resources out of NC State for the most part.

Dr. House said on page 3 under Objective 2, Tasks 6, 7, and 8, the budget projected 2 soil scientists making two trips for soil evaluations. He said that was already in the budget for the Master Plan, so those budget figures for those 3 tasks should be deleted.

Dr. House said their proposal offered 5 objectives: Objective 1 was to form a Master Plan for the 3M Park; Objective 2 was to form a green infrastructure design to manage 50,000 gallons of the total sent to Pittsboro’s wastewater treatment plant, and to control the flow seasonally to crops in the area; Objective 3 was a wastewater treatment plant energy audit to see how they could save money by managing nitrogen and phosphorus at 3M Park; Objective 4 was examining opportunities for reclaimed water usage in Pittsboro; and, Objective 5 was called an essentialization strategy which managed source control by reusing wastewater through a reuse network.

Commissioner Fiocco said the last sentence on the first page talked about during winter months storing nutrients, and asked how that would be done. Dr. House said it was basically nitrogen and phosphorus, and by manipulation of both wet and dry conditions you could either store nitrogen or denitrify it and keep it within your system. He said with phosphorus you could make things dry and process it to stay within the system. Dr. House said with a simple kind of valve you could make things wet or dry and control the flow of nitrogen and phosphorus.

Commissioner Fiocco asked how they controlled the moisture. Dr. House said the design was based on a natural model, which had a dry component and a wet component which they called an upland wetland strategy. He said it was designed based on the hydraulic of what wastewater was coming in plus the rainfall input so that you basically handled both loads. Dr. House said the

idea was to control both the wet and dry so that you got the mix of nitrogen and phosphorus you wanted.

Dr. House said that a fairly small scale program of 10,000, 15,000 or 20,000 gallons was easy to handle, but when you began to scale up that type of process you started to move to more of a natural larger scale feature. He said he typically used vegetative sand filters which was a very intensive process and was designed primarily for 50,000 gallons and under. Dr. House said in this case the dry and wet was provided by a wetland where you had dry and wet in the same space over time by a flooding and draining process.

Commissioner Fiocco asked had such a system been permitted anywhere by the State. Dr. House said not on this scale. Commissioner Fiocco asked what division provided the permit. Dr. House responded the Division of Water Quality, Land Application and Protection section. Dr. House said large scale you would use a wastewater treatment plant, and for small scale you would use a packaged treatment plant which was a metal box with pumps and valves. He said once you got larger you become more mechanized and would begin to use vegetative sand filters. Dr. House said as you got larger the machinery became more and more a part of the process, noting they could not treat one million gallons a day with just the green infrastructure design by itself in that it had to have a mechanical component at the front end. He said the green infrastructure design basically provided the tertiary advanced treatment.

Dr. House said there were many examples of that kind of process in Florida, using marshes to provide that tertiary treatment and also to provide a park. He said he believed that for Piedmont North Carolina a different type of ecosystem was necessary.

Commissioner Brooks remarked that Dr. House had some excellent ideas. He asked if he had understood that the process would use one pipe to send treated water to farms. Dr. House said during the growing season they would ask to upgrade the wastewater treatment plant to be designed so that they could send the nitrogen and phosphorus as opposed to trying to treat it. He said once you cut down your treatment process it would come to them and they would control the flow to the farms.

Commissioner Brooks said then you have to have a pipe to get to farms. Dr. House said that was correct. Commissioner Brooks said all of the farms were basically gone from this end of the County, and of the 70 dairy farms they had had in the past there were now only five. He said the only family farm he knew of between Pittsboro and Moncure was operated by the Robinson family. Commissioner Brooks said his point was it sounded great, but it would appear you would need a considerable amount of piping because the farms were in the western part of the County for the most part. Dr. House said what he was suggesting was something they were very sensitive to. He said he had watched the farms disappear over the last 20 years, and that was one of the reasons he had connected with the Agricultural Extension Service who had said they believed they could connect with someone in that part of the County that had farm machinery and could grow the necessary crops on the 3M Park property. Dr. House said once they had provided the demonstration where they could grow the crops and proved the concept within the park setting they could then decide how to get that concept to the farmers.

Dr. House commented that a very important part of that on the agricultural side was crop diversification. He said many farmers had been focused on growing tobacco and changing from that had been very hard. Dr. House said now, Chatham County was growing chickens and cows.

Commissioner Brooks agreed, noting you saw very few soy beans and cotton. Dr. House said the primary reason for that was that the soil was very thin. He said if they could deliver to the farms a liquid fertilizer in the form of a spray, then that would be of benefit. Commissioner Brooks said he believed that Chatham County was now the 2nd largest producer of beef, and almost every producer had a poultry operation as well so that the chicken waste could be used as fertilizer. Dr. House said he had been amazed that the Extension people had told him that horses were one of the fastest growing crops in Chatham.

Commissioner Fiocco said under Objective 2, it made mention of the idea that using a green infrastructure treatment system would enable the wastewater treatment plant to decrease the level of treatment of the water. But, he said, they were downstream of the Town, and asked would it be a part of the plan to have a specialized diversion of flow to be treated. Commissioner Fiocco said some of it would be pumped away but some of it would still go into the stream. He asked did that really mean they could decrease the level the treatment at the plant. Dr. House said that was correct, and explained that the wastewater treatment process infrastructure had to be in place to meet the discharge permit. He said during the growing season they would actually remove the organic materials, put a valve in and divert it and just send to them nitrogen and phosphorus. Dr. House said basically the wastewater treatment plant during the growing season would then have the organic materials removed.

Motion made by Commissioner Brooks that they receive the report and that the Board continue to study it, and after the Board had had the time to study the report in more detail they could then provide some guidance and direction to the Town Manager.

Commissioner Harrington suggested that the report be submitted to the Parks and Recreation Board as well as the Grants Committee. He said they were talking about using a park that they did not yet have, and believed the idea should be presented to the Parks and Recreation Board that this was a proposed use for the 3M Park and then get their recommendation on it. Commissioner Harrington said the Grants Committee could research to find if any funding was available for this proposal and then report back to the Board perhaps within the next two to three months. He said he would like for the Grants Committee to consider this a high priority in the near term.

Mayor Voller suggested that Dr. House interact with the Grants Committee to lend it the sense of urgency that it needed. Dr. House said he would welcome the opportunity to work with the Grants Committee as well as the Parks and Recreation Board.

Commissioner Brooks accepted those suggestions as a part of his motion. Commissioner Harrington seconded the amended motion.

Vote Aye-5 Nay-0

4. Progress Report on the Citizens' Committee to Research the Availability of State and Federal Grants (Faythe Canson Clark and Simon Lobdell).

Simon Lobdell stated that the Board had seen a copy of the Strategic Energy Plan, noting it was really just the procedural requirement for a grant to be acquired for \$40,000 from the State. He said the State Energy Office had completed its review but had not yet awarded the grant. Mr. Lobdell said the document itself was produced from a State Energy Office template, and they had tried to personalize it as much as possible for the Town. He said the main goals were to collect data, set some achievable goals for the Town, and to identify key projects related to achieving those goals. Mr. Lobdell said what he had identified in that plan was what the Town spent its energy dollars on, with the biggest being water and wastewater treatment, using about 80% of the budget at just those two plants. He said that came out to be over \$100,000 a year in electric bills, and if they wanted to talk about saving money then that was where they needed to target their efforts.

Mr. Lobdell said there was a lot of equipment at those plants that was not necessarily optimized, and there were some opportunities there to save energy. He said he had put together a fairly elementary spreadsheet that the Town could use to continue to track its energy use throughout the year, and the energy plan requested that the Town do that. Mr. Lobdell said that Mr. Terry had done a lot of energy-related work in the past and had contact with energy professionals who might be persuaded to work with the Town. He said essentially the goal was to track the costs, and if you did that you could monitor what you were spending and look for ways to reduce that cost.

Mr. Lobdell said in the mandate from the State you had to identify key performance indicators, noting there was one indicator for commercial property which was how much energy was being used per square foot, and another indicator that he proposed the Town begin tracking was how much energy they used per gallon of water they were sending down the pipe. He said those indicators were not a major effort to put together so staff time should be minimal, but as part of the energy plan one of the strategies was to have quarterly reports to the Town Board so that they would know how much energy was being used and how it was tracking from year to year, as well as if there were any projects ongoing and what sort of impact those projects were having.

Mr. Lobdell said another part of the mandate was the setting of goals, and one of the goals was that the Town should set out to reduce their energy usage by 5%. He said to do that he had identified a number of projects which he estimated could save a little over \$5,000 a year in energy savings, which was what they had submitted the grant for. Mr. Lobdell said he would hope that the Board would consider the mandate and approve it now so that it could be signed off on, noting that it was a draft nonbinding agreement and would not result in an audit of the Town. He said it was a good representation of what the Town could do and the process that could be used each year to achieve the goal of reducing energy costs. Mr. Lobdell said another area the Town might want to look at which was a big variable cost was the use of cell phones.

Commissioner Harrington said he did not believe there had been anything included in the agenda materials for the Board to act on. Mr. Terry said the plan had been provided two meetings ago, and he had not reproduced it again for tonight's meeting.

Mayor Voller asked exactly what Mr. Lobdell needed in order to move forward. Mr. Lobdell said he did not need anything tonight, noting that the mandate was a good thing to follow through on and would ultimately give them a goal to work towards. He said his recommendation was whether or not the grant funding came through, the projects identified in the plan were good plans and the Town should consider funding at least some of them.

Mayor Voller stated that Mr. Terry should bring that forward at the planning retreat.

Commissioner Harrington asked what was the total funding needed for their list of considerations and priorities. Mr. Lobdell said overall the total project funding was about \$46,000 of energy efficiency upgrades, with a total payback achieved in about 5 years with a 20% return on the investment.

Mr. Terry said if they were successful with the grant application that would be new revenue to the Town to support any capital projects. He said he agreed with Mr. Lobdell's point that some of the projects recommended had very short paybacks and should be put in the budget whether the grant came through or not. Mr. Terry said some of those projects could remain in the CIP but others could be funded from the annual maintenance and operating budget.

Mayor Voller said it would seem that what was needed was some simple language that could be converted into a resolution stating that the Town was in favor of energy savings, etc. He asked that some language be forwarded to Town Clerk Alice Lloyd for the Board to review at its next meeting. Mr. Lobdell said he would do so, noting that if the grant was awarded the State may want to make a site visit and that resolution should be on file. He said he would send the information to Ms. Lloyd.

NEW BUSINESS

1. Briefing on Flooding Issues along Park Drive (Phil Post, P.E., Phil Post & Associates).

Rick Williams with Williams Construction stated he had spoken to the Board several months ago about the flooding issue and had been told at that time that he would need to provide some hard evidence. He said he had done so, and introduced Phil Post of Phil Post & Associates to transmit that information.

Phil Post, a professional engineer with Phil Post & Associates, stated they had performed a scoping study to get an idea of the existing flooding problem basically at the corner of Hillcrest and Park Drive. He provided a photo of a house that happened to be Mr. Williams' house that showed water up to the front steps and the garage, which was the issue he faced but was also faced by a large number of homes in that area. Mr. Post said they had done the engineering scoping study and were requesting that the Town Board direct the Town Manager to place this particular issue in the CIP for further study and detailed engineering work.

Mr. Post displayed several maps and described the area where the drainage problems were occurring, noting the drainage area was indicated with a red line and totaled about 173 acres that drained down into that key intersection of Park and Hillcrest. He said about 16% of the drainage area was on the east side of 15-501 and included the redeveloped Chatham Mill, up to Chatham

Forest Drive, and up to Belmont Ridge, all of which drained under 15-501. Mr. Post said what they had found was that the Town's pipe under Hillcrest had a capacity of about 12 square feet, and they needed triple that size. He said the pipe on the south side of the intersection had a capacity of about 1½ square feet and it needed to be 6 square feet.

Mr. Post said as they walked up the drainage area, just to compare, the DOT pipe had about 28 square feet but the Town's pipe had only about 12 square feet. He said the driveway that came into the old Chevy dealership had over 30 square feet of size, which was just about sized correctly and had about 3 times the capacity of the downstream pipe. Mr. Post said those pipes seemed to be sized correctly but the drainage area was growing and by the time the drainage got down to that critical intersection the pipes were undersized. He said that was basically the issue at hand.

Mr. Post said the work that needed to be done was divided into two parts, because they believed that as part of a CIP project the pipes in the intersection should be brought up to proper size and would include some ditching work on both the north and south sides of Hillcrest. He said in conjunction with that work, Mr. Williams needed to do similar type work upstream of that in front of his 5 houses. Mr. Post said the critical work was that the CIP work should be done first, but Mr. Williams would not see any relief until he did the work in front of his houses and his future lots. So, he said, the Town's work should be immediately followed by Mr. Williams work.

Mr. Post said to put that in perspective for the Board and citizens, he had prepared a rough CIP cost estimate for the Town's part as well as for Mr. Williams' part, and they had surprisingly come out almost equal. He said the Town's portion of the work was around \$71,000 and the work Mr. Williams should do was around \$72,500. Mr. Post said the work was primarily ditching and upgrading pipes, with about 5 pipes to be upgraded by Mr. Williams with the 2 pipes mentioned as a part of the Town's project.

Mr. Post said his recommendation to the Board was to refer the issue to the Town Manager with the idea that the critical Town project would be added to the list of CIP projects, with the advantage that the two projects should proceed in tandem. He said Mr. Williams certainly had an interest to save and enhance and protect his property, noting that every dollar they invested to improve that part of the Town would be supplemented by Mr. Williams project and would solve the flooding issue in that area. Mr. Post said he believed it was a worthy project for the Town to consider.

Commissioner Fiocco said in the report it indicated that the design would handle a 25-year event. Mr. Post said if you used standard NCDOT methodologies for under street culverts, you used a 25-year storm or a 4% chance of it being exceeded. He said for major highways such as 15-501 the methodology would use a 100-year storm. Mr. Post said that for this area, using a 25-year storm methodology comported well with the NCDOT design that was used State-wide.

Commissioner Fiocco asked if all of the work was within the public right-of-way. Mr. Post said some of the ditching would be on private properties. Commissioner Fiocco asked would it be within the drainage easement. Mr. Post said he would presume that it was either in an existing easement or a presumed easement, because that was where the water was moving now. He said

it would be a great advantage on either side to do the work, noting you could see the damage that had been done by water flowing out of the channel and flowing through yards. Mr. Post said it would seem that homeowners would want to cooperate in order to halt the damage to their properties. He added that only a small part of the work would have to take place on private property.

Mr. Terry said the part that was on private property was on the north side, noting it was not a drainage ditch but rather an intermittent stream. He said they would need to cut and open that stream up wider, and they would need to check to see what the requirements were to do that type of thing. Mr. Post said there was definitely additional engineering work that would need to be done, noting that they had been trying to get their arms around the general idea of what was causing the problem.

Mr. Horne asked how they had determined the size for the sub-watershed and did they look at a larger watershed. He asked had any of the drainage area been forested recently and would that increase the drainage onto those properties. Mr. Post said that logging did not typically increase the amount of flow, but there had been some recent logging in one area but the ground had not been laid bare. He said they had identified two sub-basins, with water drainage down into the roadside ditch on the south side of Park Drive and that ditch needed to be enlarged. Mr. Post said if that ditch was properly sized 10% to 15% of that 173 acre drainage basin they were dealing with would not flow over Park Drive. He said there was also a 3-acre drainage area that needed the same kind of help. Mr. Post said his point was about 20% of the problem would be solved by doing some work on the south side of Park Drive in the ditch area.

Commissioner Bryan remarked that the south side of Park Drive had never been disturbed except, perhaps, at the far end of Hillcrest. Mr. Post said the ditch in that area sort of disappeared in places, but it had 14 acres flowing down to it and the ditch could not carry the capacity so it flowed over to the opposite side. He said if they could keep it on the south side they would reduce the problem by 20% and keep it out of front yards and the intersection.

Mr. Horne asked what if all of that was within the larger watershed. Mr. Post said that was correct, noting they had determined that the floodplain was not backing up.

Commissioner Baldwin said she wanted to hear Mr. Monroe's comments on this issue. Mr. Monroe said his concern was not so much with the existing development but the future development that would occur. He said that Mr. Williams owned an additional tract of land up the hill, which right now was generating additional runoff that had not occurred in the past. Mr. Monroe said at some point in time Mr. Williams would develop that land into a subdivision, and at that point the whole hydrology of Park Drive would change. He said his concern was that the existing conditions were not good and would be aggravated by future development.

Mayor Voller asked had he observed what was drainage now next to one of those houses, and asked what was the relationship to that and the house shown in the photo. Mr. Monroe said he had observed the drainage, noting that the photo obviously showed water that was flowing down Park Drive and met a number of obstructions, not the least of which were the driveways culverts that had been installed for the two houses that had been constructed and the future culverts that may be installed, as well as the Hillcrest culverts. He said there were several culverts crossing

Oakwood and all three were contributing from different stream flows, so there was no simple solution.

Commissioner Bryan asked if those culverts were there before those houses were built. Mr. Monroe replied not on Park but they had been on Oakwood.

Commissioner Brooks said it seemed that whatever was done would cost money, and the Town had none budgeted. He said he believed they should save the discussion until budget time.

Mayor Voller said he believed that the request was that the project be added to the CIP. Mr. Post said that was correct, noting they had produced a rough estimate of \$71,000 for the Town's portion. Mayor Voller said that the Board now had a lot more information than had been presented in the past, and believed it was obvious that there was a lot of water coming from several areas. He said he believed the Town would have to look at all of those culvert crossings and not just the ones mentioned here. Mayor Voller said he had said before to Mr. Williams that perhaps those houses should have been built higher, but that did not mitigate the fact that drainage was a problem. He said he hoped that Mr. Williams would take that into account as he developed his other properties.

Mayor Voller said the Powell Bill would allow them to make improvements to the stormwater, so he did not see a problem with adding this project to the CIP. He said he did not know what the Board might want to do, but they should certainly discuss the matter and consider actions at the upcoming planning retreat. Mr. Terry suggested that Mr. Williams consider rather than placing culverts in those driveways to just bridge the intermittent stream and leave it at full capacity. Mr. Post said they could do that, noting that with the part of the work that Mr. Williams would need to do they would be looking at the least costly way to achieve the objective. He said the side of Mr. Williams' ditch would be just as wide as the ditch that had to be built through a CIP project. Mr. Post said if he were doing the detailed engineering work he would be looking for the least costly solution to get that 35 or 36 square foot opening, and believed the Town's engineer would do the same thing.

Mayor Voller suggested that they get in touch with Karen Hall, Mr. Horne and Mr. Monroe about EPA section 319 funding, noting that this all fed into Roberson Creek and there might be some funding to help make sure that Roberson Creek was clean.

Commissioner Baldwin remarked that not only was there flooding in that area, it flooded all the way to 15-501. She said she did not believe it was fair to add this project in the CIP and not consider the area from Powell Place all the way down. Commissioner Baldwin reiterated that that area flooded and needed to be studied as well.

Mayor Voller commented to Mr. Terry that obviously they would need to look at stormwater projects perhaps over a 5-year period to address those issues. He said he did not believe the Board would be opposed to that. Mr. Terry said to address Commissioner Baldwin's concern, it was not exactly the same because in this case there was an intermittent stream going over private property and private driveways so the Town's ability to go in and cut those driveways was somewhat more reasonable than if they had to travel 50 or more feet off of 15-501 to fix a culvert and intermittent stream.

Mayor Voller said there was CDBG money available that was administered by the County, and they could discuss those other sources of funding at the appropriate time.

2. Appointment of New Members to the Parks and Recreation Advisory Board.

Mr. Horne stated that the Town had received two applications, both from in-Town residents. He said the Parks and Recreation Board had interviewed the applicants and had recommended that the Town Board consider appointing those applicants to the Advisory Board. Mr. Horne stated he would also suggest that the Town Board consider reducing the size of the Parks and Recreation Advisory Board, noting they had had vacancies for several months without any applicants or competition, and over time it had been very difficult to fill the positions. He said he believed the Town might be better served by having a smaller number on the Parks and Recreation Board, although he would want that Board to discuss that and bring a recommendation back to the Town Board before any action was taken on that.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to appoint Nanishka Albaladejo and Elizabeth Garcia-Dominguez to the Parks and Recreation Advisory Board, and that Mr. Horne ask that the Parks and Recreation Advisory Board look into possibly reducing the size of that board.

Vote Aye-5 Nay-0

3. Major Transportation Corridor (MTC) Zoning Text Amendment.

Motion made by Commissioner Brooks seconded by Commissioner Harrington to approve the zoning text amendment for the Major Transportation Corridor.

Commissioner Harrington asked the Town Attorney if he had made any comments on the text amendment. Mr. Messick said this related to one particular section of the Zoning Ordinance, noting there was the same language in another section of the Ordinance. He said there was a provision in the ordinance requiring a site plan for rezoning in the MTC, so if it was to be changed it needed to be changed in both sections. Commissioner Harrington asked was it his recommendation to do that. Mr. Messick said deleting the requirement in both places would solve the problem.

Commissioner Brooks amended his motion to delete the language in both places. Mr. Messick said if you made a substantial change from what had been advertised then it would require another public hearing. He said he had thought what was being proposed was to delete the word “rezoning” in the site plan requirement for the MTC in that one particular section.

Commissioner Fiocco said he would think that the other part would just be custodial to make sure that they did not contradict themselves in the ordinance. Mr. Messick said he did not think it was a significant difference that if you deleted it one place you would delete it in the other.

Mayor Voller asked if Commissioner Brooks wanted to modify his motion that the appropriate authorities could do the custodial work to make ordinances not be in conflict.

Commissioner Brooks replied yes, and asked Commissioner Harrington if he would accept the change. Commissioner Harrington responded yes.

Commissioner Fiocco said he was fine going forward, but not knowing how the history of how that language was derived originally because it was specific to the MTC might be an issue. He said it might have been construed at the time that the MTC was of such importance that a rezoning should be accompanied by a site plan. Commissioner Fiocco said he did not know if that was what had been behind that language in the ordinance.

Commissioner Brooks said he did not remember what was behind that original language, but they were in a recession and they needed businesses. He said making this change would allow for that without someone having to know exactly what they planned to do with a piece of property. Commissioner Brooks said not making the change, he believed, would discourage businesses from coming to Pittsboro and that was a concern for him.

Commissioner Fiocco said he could appreciate that sentiment and wanted to encourage businesses as well.

Mayor Voller said he believed the intent of MTC district was to have a coordinated plan for the highway district and not have ad hoc spot rezoning. Mr. Monroe said he would agree with that, noting it certainly removed the speculative aspect. Mayor Voller said the property in this instance was obviously not fit for residential.

Commissioner Brooks said the entire bypass had limited access, and there was also limited access all the way to Sanford because the State had put up a fence on the water line. Mr. Monroe agreed that was true. Commissioner Brooks said he believed the Town was in a great position to promote businesses.

Mayor Voller agreed, noting that Pittsboro was unique and he wanted it to remain that way. He said whatever the developer decided to do with that property it would be appropriate, and called for the vote.

Vote Aye-5 Nay-0

4. Blair Rezoning Request at Foxfire Trace and US 64 Bypass.

Motion made by Commissioner Bryan seconded by Commissioner Harrington to approve the Blair rezoning request at Foxfire Trace and US 64 Bypass.

Commissioner Harrington said the first tip of this area was already commercial, and they were just expanding the commercial. Mr. Monroe said he did not know when that area had been zoned, but believed it predated the MTC ordinance. He said if it did not predate that ordinance, then it was zoned in error.

Mayor Voller stated they needed to work with landowners to make the process easier rather than onerous, but also to needed to know what the Town would be getting so that they were not moving backwards. He said he would like to work with the landowner in this case to make sure

they got a business that would be good for the Town, and was sure the landowner wanted to do that as well.

Vote Aye-5 Nay-0

5. Piedmont Biofuels Rezoning Request at Lorax Lane.

Withdrawn.

6. Disinfection Byproducts Reduction Project Budget Amendment.

Mr. Terry stated that the budget amendment would increase the revenues for the Disinfection Byproducts Reduction Project by \$182,500 to reflect anticipated revenues from the Rural Center Grant for that project. He said that would also add \$182,500 to the expense budget for the project. Mr. Terry explained some of the nuances of the timeline of the project, noting that with the additional requirements placed on them for the project the expected final project cost including construction and engineering was \$394,370.07. He said the final estimated project cost exceeded the \$365,000 currently budgeted, but was well within the budgeted amount plus the \$182,500 in expected grant reimbursements.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the Disinfection Byproducts Reduction Project Budget Amendment.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE TOWN OF PITTSBORO 2009-2010 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 10

7. Recommendation to Accept a Grant of \$17,000 for the Rock Springs Park Project.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to accept a grant of \$17,000 for the Rock Springs Park project from the NCSU Water Quality Group that administered EPA section 319 grant funds.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE TOWN OF PITTSBORO 2009-2010 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 11

8. ABC Board Issues (Mayor Voller).

Mayor Voller said he wanted the Board to keep in mind the idea that the State was subject at any time to do something that could be detrimental to Pittsboro and the ABC Board, noting it could be privatized or folded into the County, and whatever happened would happen quickly and there would not be much opportunity to stop it. He said he had met with Mr. Powell and Mr. Sugg a couple of weeks ago and had talked over what had been happening in regards to improvements, capital investments, sales, and projections for the future.

Mayor Voller said the idea had been put forward in the past that perhaps the ABC Board should consider deeding the property to the Town and the Town leasing it back to them for perhaps \$1 a

year, in order to prevent the State from taking that asset. He said the lease would be constructed in such a way that the ABC Board would have the ability to borrow funding if another store was needed, and his only motivation in bringing that up was to protect the asset. Mayor Voller said the property could always be deeded back, but in these uncertain times he believed they needed to act. He said if the State folded them in, then they would have no choice.

Commissioner Brooks thanked the Mayor for all the work he had done on that issue, and said that he believed that Governor Purdue was going to push privatization. He said the number \$46,000 stuck in his mind as lost revenue for the County and the Town, but what concerned him even more was that they needed to do whatever was necessary to keep that building. Commissioner Brooks said the land it was on was likely some of the most valuable in the Town, and they did not wish to let the State take it. He said they should move with all dispatch to do what was necessary to see that did not happen.

Commissioner Harrington said obviously the State would do whatever it wanted, but asked how the State could take that land. Mr. Messick said the Pittsboro ABC Board was a separate body politic just like the Town. Commissioner Harrington said he believed the Town should take possession of the building and land if the ABC Board was in agreement, but wondered if from a legal point of view the State could snatch away the land. Mr. Messick said the State had given Pittsboro the authority to have an ABC Board, and it was unclear what the State's intentions were. He said privatization did not have anything to do with the ABC Board, but consolidation of the multiple numbers of ABC Boards was another issue altogether and believed the State could force a merger. Commissioner Harrington said he believed the State could make a huge windfall by selling private licenses to take over ABC functions. He said he believed that windfall could be astronomical and was what most people expected the State to do.

Commissioner Brooks remarked that the League had pointed out that this would be a terrible loss to counties and towns, while providing a windfall to the State.

Mayor Voller said he just wanted to protect the Town, noting they could also add to any agreement that once this danger passed the property could be deeded back to the ABC Board. He said they just needed to be smart and work together.

Kenny Powell, Chair of the ABC Board, said they had no problem with doing that, noting the land and building were the only assets they had of value.

Mayor Voller asked Mr. Messick what the Board needed to do at this point to move forward on this. Mr. Messick said they would need to have some discussions with the ABC Board about exactly what they would be doing. Mayor Voller said what they were talking about was having the ABC Board deed the property to the Town, and the Town would lease it back with terms to include that the Town would aid them when necessary if they needed to expand. Mr. Messick said a body like the ABC Board could not dispose of its property without going through certain procedures, which involved the receipt of fair compensation for the value of the property. He said one governmental unit could deal with another without that same degree of complexity. Mr. Messick said in this case there was significant value in the asset, and although it could be transferred to the Town there was a value that would be lost by the ABC Board and there needed to be some consideration of how that would be addressed.

Mayor Voller asked Mr. Messick to provide the Board with information and a recommendation of how they could proceed to make that happen.

Commissioner Harrington said to clarify once they owned it they could not just say that they would only sell it back to a particular person, but would have to dispose of it in the same way they would any other piece of property. Mr. Messick said if you were dealing with another governmental entity then you would have to dispose of it in the same manner as other property. Commissioner Harrington asked could they even say they would only sell it back to the ABC Board at some low price or would they have to put it out to bid. Mr. Messick said if you were dealing with another governmental entity you could do different things, and the ABC Board was considered a governmental entity as long as it was not disbanded of by the State.

Mr. Terry suggested that perhaps a subcommittee of the Town Board and ABC Board could get together to further discuss the issue.

Motion made by Commissioner Brooks seconded by Commissioner Bryan that Commissioner Harrington and Commissioner Fiocco along with Mayor Voller, Mr. Terry, and Mr. Messick work with the ABC Board to investigate how the ABC Board's property could be protected.

Commissioner Harrington asked when the Mayor had talked with Mr. Sugg and Mr. Powell, had they addressed the issue of capital expenditures and concerns that the Town Board had raised.

Mayor Voller said he had raised that, and the capital improvements were to the building itself. Mr. Powell explained they had been forced to make some improvements to protect the integrity of the building.

Mayor Voller called the question.

Vote Aye-5 Nay-0

9. Text amendment regarding revising parking for multi-family housing to be sent to the Planning Board.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to adopt the text amendment regarding revising the parking for multi-family housing to be sent to the Planning Board for a public hearing.

Vote Aye-5 Nay-0

Mayor Updates

Mayor Voller offered no updates at this time.

Commissioner Concerns

No Commissioners brought an item forward for discussion.

CLOSED SESSION

1. Closed session to receive information or discussion with Attorney under the Attorney-Client Privilege.

Motion made by Commissioner Bryan seconded by Commissioner Brooks to enter into Closed Session regarding G.S. 143-318.A(3) to receive information from the Attorney under the Attorney-Client privilege at 9:32 p.m.

Vote Aye-5 Nay-0

FYI

1. Pittsboro Town Manager's letter of March 6, 2010; RE: USDA REDLG Loan
2. Town of Carrboro Information Paper; RE: Why Local First?
3. Extract form the Town of Pittsboro Zoning Ordinance; RE: Off Street Parking Requirements
4. NC League of Municipalities e-mail of March 17, 2010; RE: ABC Information - Upcoming Committee Meeting

ADJOURN

After returning to Open Session, a motion was made by Commissioner Brooks seconded by Commissioner Bryan to adjourn the meeting at 10:35 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk