

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, JANUARY 13, 2014
7:00 PM

Mayor Bill Terry called the meeting to order and called for a moment of silence.

PLEDGE OF ALLEGIANCE

Commissioner Farrell led the Pledge of Allegiance.

ATTENDANCE

Members present: Mayor Bill Terry, Mayor Pro Tem Pamela Baldwin, Commissioners Jay Farrell, Michael Fiocco, Beth Wilson Foley and Beth Turner.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass and Engineer Fred Royal.

REGULAR AGENDA APPROVAL

Mayor Terry asked if the board wanted to appoint a member to the TARPO Board tonight. He said it could wait until the next meeting. Commissioner Fiocco asked that it be added as New Business #3.

Motion made by Commissioner Turner seconded by Commissioner Foley to approve the regular agenda with the addition of New Business #3.

Vote Aye-5 Nay-0

CONSENT AGENDA

Commissioner Fiocco said he would like to table the minutes until the next meeting because he has not had time to read them (November 28, 2013 and December 9, 2013).

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the consent agenda as amended.

Vote Aye-5 Nay-0

The Consent Agenda contains the following items:

1. Table minutes of the November 25, 2013 and December 9, 2013 regular meeting until next meeting.

Motion carried 5-0

2. Appoint Ned Kelley to ABC Board for a term ending December 31, 2015.

Motion carried 5-0

3. Confirm Commissioner Baldwin as Board Delegate and Michael Fiocco as delegate alternate for the Town of Pittsboro delegates to the TJCOG Board.

Motion carried 5-0

4. Adopted Capital Project Ordinance Amendment for the Credle Street Rehabilitation Project Phase III & IV.

Motion carried 5-0

Ordinance is as follows:

TOWN OF PITTSBORO
ORDINANCE AMENDING CAPITAL PROJECT BUDGET
FOR THE CREDLE STREET REHABILITATION PROJECT PHASE III & IV

Be It Ordained by the Board of Commissioners of the Town of Pittsboro in regular session assembled on the 13th day of January, 2014.

To Amend the Capital Project Budget Ordinance for the Credle Street Sewer Rehabilitation Project Phase III & IV

Section 1. That the following **CREDLE STREET SEWER REHABILITATION PHASE III & IV REVENUE ITEMS** be amended to the amount indicated:

813850000	NC RURAL CENTER GRANT	\$496,126.00
813850100	TOWN CONTRIBUTION	12,467.00
813850200	LOAN PROCEEDS	248,000.00
813290000	INTEREST INCOME	459.00
TOTAL		\$757,052.00

Section 2. That the following **CREDLE STREET SEWER REHABILITATION PHASE III & IV EXPENDITURE ITEMS** be amended to the amount indicated:

813000000	CONSTRUCTION	\$647,552.00
813000150	GRANT ADMINISTRATION	14,500.00
813001100	ENGINEERING/DESIGN	95,000.00
813001800	CONTINGENCY	0.00
TOTAL		\$757,052.00

Section 3. That the following **WATER AND SEWER FUND REVENUE ITEM** be amended to the amount indicated:

303990010	FUND BALANCE APPROPRIATED	\$467.00
-----------	---------------------------	----------

TOTAL **\$467.00**

Section 4. That the following **WATER AND SEWER FUND EXPENDITURE ITEM** be amended to the amounts indicated:

303790081	TRANSFER TO CREDLE ST REHAB PHASES III & IV	\$467.00
TOTAL		\$467.00

Section 5. That the following **WATER PLANT EXPENDITURE ITEMS** be amended to the amounts indicated:

308100160	EQUIPMENT MAINTENANCE	\$38,000.00
308100930	TRANSFER TO CAPITAL PROJECT	12,000.00
TOTAL		\$50,000.00

AN ORDINANCE AMENDING THE FY 2013-2014 BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 1

REGULAR MEETING AGENDA

CITIZENS MATTERS

Esta Cohen, 688 Van Thomas Road, Chair Ag Advisory Board read the following prepared statement into the record.

My name is Esta Cohen, and I reside on Van Thomas Road in Pittsboro.

I Chair the Ag Advisory Board for Chatham County. The Board is made up of a diverse group of men and women from across the county. We represent a cross-section of Agricultural practices and Ag businesses.

We intentionally stay out of politics.

We are not big on having people tell us what to do on our land; and we're not big on telling others what to do with theirs.

So understand that for me to be here, it is a pretty big deal.

There are almost 7200 acres slotted for Chatham Park Development.

With 70% impervious surfaces projected. That's almost 5100 acres under cement, pavement or whatever else does not allow water through. That is a lot of rainfall diverted from its usual path.

There is nothing in the Chatham Park Development Plan that addresses the development's use of wells.

After the initial public presentation by the developers, I asked that very question. I was told by one of the presenters that he could not imagine more than 20 or 30% of the Parks needs coming from wells; I don't know where that leaves us. The issue has to be addressed clearly.

20% of the parks needs on top of diverting that many acres to rainfall, will have to have a significant impact on the County's groundwater supply.

Before this project starts, we respectfully suggest that quantification of water sources, including groundwater, be clearly addressed.

No farmer, or forester, or horticulturist stands alone in what they do. The feed supplies we buy the parts we purchase, the fuel we purchase, the places we bank. This is an agricultural county first and foremost and the impact on our shared water sources really needs to be considered before giving the green light to any project with this potential impact on our community.

Mike Watkins – 400 Prince Creek, an adjacent property owner, read the following into the record.

After the board's courageous vote to defer a rezoning decision on Chatham Park pending Consultant review, I was disappointed to discover that the RFQ Scope of Services was couched in such limiting, superficial terms.

1. The consultant is asked only to confer with the Town Manager and Town Staff.
 - A public input process is completely missing
2. The consultant "may be asked" to present findings to Town Board
 - Shouldn't that read "is required to present their finding to the town board"?
 - And at a public meeting?
3. Worse... the planning professional is asked for recommendations for "marginally" improving the document and development process...
 - Marginally?

There is only one city in the entire United States that even remotely compares to the population densities proposed in this Master Plan – that's Los Angeles, CA. Even LA comes somewhat short. Chatham Park proposes more than twice the population density of Cary, NC...and squeezes the entire population of Chapel Hill in to literally half the space.

I would suggest Mr. Mayor, Board of Commissioners; we need objective, thorough, exhaustive, expert examination and critique of this document at every level.

I also suggest that Chatham Park Investors should welcome that level of scrutiny and should be happy to cover the cost. If not, one must ask why.

Thank you for your time.

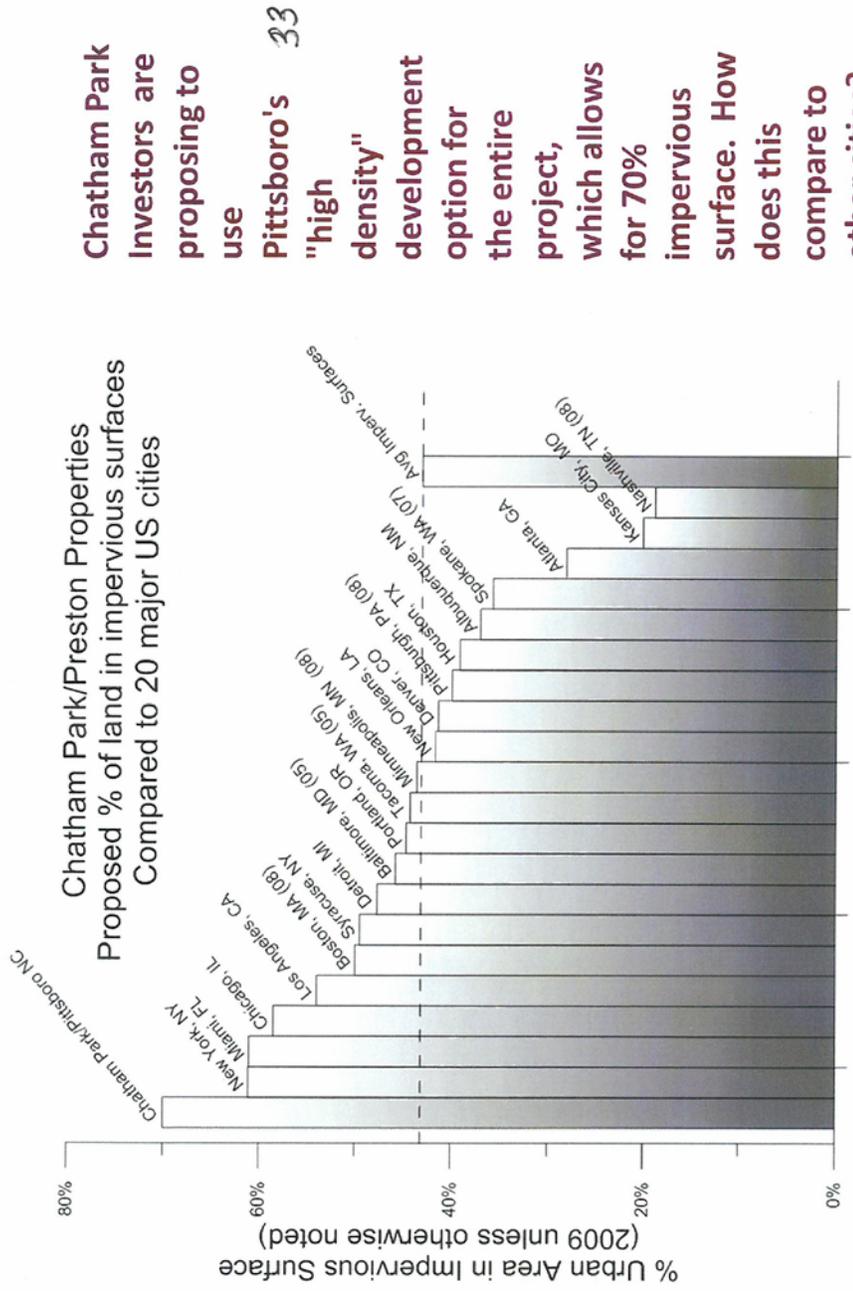
Elaine Chiosso- the Haw River Keeper went over the following graphs:

Allowing for commercial areas and open space, Chatham Park proposes a population density of almost 12 people per acre or 7,167 per square mile. Using current U.S. Census data we see that the highest density in the Preston area of Cary (zipcode 275123) is less than five people per acre. *(The density of Los Angeles is approx. 7,000 people/sq. mile*

Zip Code	Illustr.		Water		Net Sq.		Avg.			Density Ratio to CP
	Sq. Miles	Sq. Miles	Sq. Miles	Miles	Miles	Miles	Est. DU	Pop/DU	Pop.	
Cary 27511	10.02	0.217	9.803		10466	2.44	25536	4.070	34%	
Cary 27513	13.45	0.415	13.035		16228	2.51	40732	4.883	41%	
Cary 27519	10.08	0.09	9.990		8219	2.86	23506	3.676	31%	
Apex 27523	3.30	0.5	2.800		3317	2.59	8592	4.795	40%	
Morrisville 27560	8.10	0.2	7.900		6760	2.34	15818	3.129	26%	
Cum. Total	44.95	1.422	43.528		44990	2.54	114184	4.099	34%	
Pittsboro 27312	63.50	6.669	56.831		5956	2.25	13400	0.368	3%	
Chatham Park*	7.23	0.01	7.221		22000	2.50	55000	11.901		

*incl. CP Open Space 3.10 (1987 acres)

*incl. CP Commercial 0.79 (22,899,700 GSF or 526 acres)



Chatham Park Investors are proposing to use Pittsboro's "high density" development option for the entire project, which allows for 70% impervious surface. How does this compare to other cities?

Data taken from:
Tree and impervious cover change in U.S. cities
David J. Nowak*, Eric J. Greenfield
USDA Forest Service, Northern Research Station, 5 Moon Library, SUNY-ESF, Syracuse, NY 13210, United States
Urban Forestry & Urban Greening 11 (2012) 21–30

Jeffrey Starkweather – 590 Old Goldston Road stated he had sent an email to the Board earlier today and they may not have had time to read it so it went over the contents of the email as follows:

Dear Mayor Bill Terry and Town Commissioners

We want to thank Town Manager Bryan Gruesbeck for his work in getting the outside expert consultant review process for Chatham Park Investors' development proposal underway through his development and release of a Request for Qualifications (RFQ) on January 3.

It was our understanding that this will only be used to solicit qualification proposals from professional planning teams seeking to undertake the review of the master plan process and development process put forward by Chatham Park Investors. It was also our understanding that once the consultant team was chosen, the town board would determine through a public process the scope of work, the time schedule or completion of the work, and cost as part of a negotiation with the chosen planning consultant team.

Thus, it is our reading of this RFQ's listing of consultant services that these are just examples of what some of the services may be agreed to by the parties. This is confirmed by the RFQ language that states "shall include, but not limited to the following "services to be performed.

Still, our review of the proposed scope of services as listed shows them to be wholly inadequate. They do not address the most important questions raised by Mayor Bill Terry, the town board, staff, citizens and stake holders concerning the submitted plan and current review and implementation process. Likewise, we believe the proposed time of completion schedule in the RFQ is inadequate and unreasonable.

As to the scope of work, there is no reference to the most important input the town board needs from the chosen team of outside planning consultants – review of the process for approval and implementation. As we have factually documented in detail, the PDD ordinance and revised master plan would not provide the town, or its citizens, adequate protections in terms of the environmental, fiscal, transportation and socio-economic impacts. Moreover, it raises a number of vested rights and other legal and property rights questions. The principal task of this consulting work should be focused on reviewing the adequacy of our process in terms of protecting the town and its character and quality of life. Moreover, it should compare the current process with alternative processes that have been successfully utilized by local government in dealing with other large master planned communities. For example, we would suggest the planning consultant compare the proposed revised PDD process with the type of Development Agreement process that is currently be used in the Town of Chapel, where Mayor Bill Terry worked for a number of years. You can access that process at <http://www.townofchapelhill.org/index.aspx?page=2210>. We have attached a couple of short documents that outline their process as an example of the type of alternative review processes that consultants should compare with our current process so that Pittsboro's interests are adequately protected.

While the consultants should certainly compare the revised master plan to the PDD ordinance, as the RFQ requires, they likewise need to compare both of these documents with the current land use plan, since it is a legal requirement of North Carolina law that any rezoning be "consistent" with that comprehensive plan. We have pointed out in factual detail how both the PDD ordinance and revised master plan are in direct conflict with at least the implementation requirement of a design charette that builds on the Southwestern Shore Assessment.

Of course, it goes without saying that we completely reject limiting the consultants' scope to only making recommendations that would "marginally" improve the revised master plan document and development process. The Town should be leaving it up to the professional judgment of the consulting firm whether they recommend marginal or substantial improvements or even recommend a totally different design approach and development process.

As to the RFQ's proposed time schedule, it seems reasonable that before any time schedule is set out, the scope of the work be determined by the town board. The consultants should be given an opportunity to provide their expert advice as to how much time they will need to provide the type of quality review and well considered recommendations that the Mayor, town board, staff and citizens are seeking.

Finally, we are concerned that there was no mention of giving the citizens and stakeholders an opportunity to provide their questions and concerns directly to the contracted professional consultants. Moreover, the consultant review process should include a public dialogue with input and participation from the town staff, town board, citizens, stakeholders and the development team. This might be an excellent time and opportunity for the town to appoint Mayor Terry's proposal development review committee that he outlined at your November 25 meeting. If such a committee is appointed, we ask that you consider also including representatives of stakeholder groups in addition to in town and ETJ individual appointments. Such stakeholder groups should include, in addition to Pittsboro Matters, groups representing environmental, affordable housing, social justice, and local business, adjacent land owners, and similar interests and concerns.

We have previously submitted a number of detailed questions and concerns about the Chatham Park Investors proposals that have not been addressed in public by the staff, developer or the town board. Attached are three of those documents that we would like to be submitted to the consultant team to assist in the process of publicly determining the consultants' scope of work. We also believe there needs to be a process where citizens and stakeholders can directly express their concerns and questions in person to the consultants.

Thanks again for your decision to hire an outside expert planning consulting firm to review the substance and process of the proposed Chatham Park Investors development process. We look forward to working with the town board, staff and consultants in a collaborative public review process.

Pittsboro Matter, Stephanie Bass, Elaine Chiosso, Lyle Estill, Carol Peppe Hewitt, Paul Konove, Sonny Keisler, Greg Lewis, Robin Lyons, Mary Lucas, Maria Parker-Lewis, Alicia Ravetto, Amanda Robertson, Tammy Schwerin, Jeffrey Starkweather, Peter Theye, and Mike Watkins.

Mr. Starkweather went over some handouts with the board as well. Documents were: FAC's for New Chapel Hill Development, Agreement Process, Steps for Development Agreement Process, and Technical Team. Also attached to the email was Worksession December 19 Questions, Questions and concerns about the town subcommittee comments for Chatham Park and Missing from the original Master Plan Chatham Park.

Mr. Starkweather submitted and talked out the following documents: Development Agreement Process for Chapel Hill, ethical guide to land use policy, Beatley, David Owens, development agreement and back ground information on development agreements.

OLD BUSINESS

REZONING REQUEST (REZ-2013-03) – 117 EAST SALISBURY (C2 TO O&I)

Planner Bass stated James and Susanna Stewart are proposing to rezone approximately .244 acres at 117 East Salisbury Street from C-2 (Highway Commercial to O & I (Office and Institutional)).

He said the Public Hearing on the above referenced item was held on December 9, 2013. He said he didn't receive any other comments after the public hearing.

Planner Bass said the property was built as a residential home and has been used for an office for a number of years. This would represent a down zoning from the more intense commercial district to the office and institutional district while it also allows for residential use again. That was the primary reason for the proposed rezoning.

Motion made by Commissioner Fiocco seconded by Commissioner Foley to approve the rezoning and ordinance amending the zoning ordinance of the Town of Pittsboro.

Vote Aye-5 Nay-0

The ordinance reads as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO

WHEREAS, the Board of Commissioners of the Town of Pittsboro has considered the application of James and Susana Stewart to amend the zoning map of the Town of Pittsboro to rezone the property described on Exhibit A attached hereto and incorporated herein by reference from Highway Commercial, (C-2) to Office and Institutional (O&I), pursuant to the provisions of NCGS 160A-385 and Article X of the Town of Pittsboro Zoning Ordinance, and finds that the amendment is consistent with the Land Use Plan of the Town of Pittsboro: and

WHEREAS a Public Hearing were held on December 9, 2013 to solicit comments and concerns which were duly considered and acknowledged; and

WHEREAS, the Town Board of Commissioners makes the following findings and conclusions, that the Board has examined the application and associated public testimony to rezone the property described in Application RFZ-2013-03 and incorporated herein by reference and finds that;

1. That the Board has considered changes to this Ordinance after holding a public hearing on the proposed change and after receiving a recommendation from the Planning Board;

2. The proposed amendment and presented documentation, as submitted by the applicant, is consistent with the Land Use Plan of the Town of Pittsboro and other applicable adopted plans, policies and documents.
3. The proposed rezoning is a reasonable location for uses identified in the Office and Institutional and would be suitable for those uses permitted within the proposed District.
4. The proposed rezoning is reasonable considering the size and location of the tract and the potential impact to the surrounding community.
5. The proposed rezoning advances the public health, safety, and welfare of the Town.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO as follows:

1. That the property described on Exhibit A attached hereto and incorporated herein by reference and in Application REZ-2013-03 and incorporated herein by reference, as amended, be rezoned from C-2 to O & I.
2. That all ordinances and portions of ordinances in conflict here with are hereby repealed.

AN ORDINANCE AMENDING THE ZONING ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 2-3

SOUTH STREET CLOSING REQUEST

Planner Bass stated the Board of Commissioners adopted a resolution giving notice of the Town's intent to permanently abandon a portion of South Street on September 9th, 2013. A public hearing on the partial right of way abandonment was held on October 28, 2013. A weekly notice per state statute was published for four (4) consecutive weeks prior to the public hearing.

Planner Bass said the area referenced is now part of the County's site for the Justice Center. The area is part of the parking lot / pedestrian walkway. We currently have an encroachment agreement with the County. The area in question is approximately 230 feet in length and 75 feet in width.

Commissioner Farrell stated it looks like it is already abandoned. Commissioner Fiocco said you make a good point. It is already serving as part of the parking lot, pedestrian walkway and part of the Justice Center. We have an easement with the County as part of site plan approval so we just need to follow through.

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to approve the ordinance to permanently close South Street.

Mayor Terry asked if we have an easement so if we need to get to utilities we can. Attorney Messick said the ordinance does that.

Commissioner Fiocco said this makes the encroachment agreement void. Attorney Messick said yes.

Vote Aye-5 Nay-0

The ordinance reads as follows:

AN ORDINANCE CLOSING SOUTH STREET IN THE TOWN OF PITTSBORO

WHEREAS the Board of Commissioners of the Town of Pittsboro adopted a resolution on September 9, 2013 declaring its intent to close South Street pursuant to NCGS §160A-299 and called for a public hearing thereon for Monday, October 28, 2013; and

WHEREAS, the resolution was duly published and a copy forwarded to all owners adjoining the portion of said street proposed to be closed and a notice of the closing and public hearing were duly posted along said street; and

WHEREAS, after the public hearing on Monday, October 28, 2013 it appears to the satisfaction of the Board of Commissioners of the Town of Pittsboro that closing the street requested is not contrary to the public interest and that no individual owning property in the vicinity of said street would thereby be deprived of reasonable means of ingress and egress to his property;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO as follows:

1) That pursuant to NCGS §160A-299 the following street described herewith be, and it hereby is, permanently closed:

ALL of South Street from its northern terminus in the line of the County of Chatham and running thence southwardly to its intersection with Chatham Street.

2) That the Town does hereby reserve its right, title, and interest in any utility improvement or easement within the street closed pursuant to this ordinance. Such reservation also extends, in accordance with the provisions of G.S. 160A-299(f), to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the Town.

3) That, upon the effective date of this Ordinance, the Mayor and Town Clerk are authorized to execute quit-claim deeds or other legal documents to prove vesting of any right, title or interest to those persons owning lots or parcels adjacent to the street in accordance with G.S. 160A-299(c), provided all costs shall be paid by any adjoining landowner requesting such action, all documents must be approved by the Town Attorney and all documents, when appropriate, must reserve to the Town any easements retained by the Town. The intent of this paragraph is to authorize the execution of quit-claim deeds when requested by adjacent property owners; however, none are required and this paragraph is not intended to alter the vesting of title by operation of law as established by G.S. 160A-299(c).

3) That a certified copy of this ordinance be recorded in the Chatham County Registry.

AN ORDINANCE CLOSING SOUTH STREET IN THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 4-5

NEW BUSINESS

WASTEWATER ALLOCATION REQUEST – LEMONS CHILD CARE

Planner Bass stated a wastewater allocation has been requested, which is required prior to the submission of a development plan. This request is per the Town's adopted allocation policy, (December 12, 2011).

The request is for an allocation of 900 gallons of wastewater capacity to construct a child day care facility (first phase will be 30 children plus 6 employees).

Planner Bass stated will apply to the Town when they begin Phase Two (about two years) for full allocation. Second phase will be 70 children plus 12 employees.

Planner Bass said staff recommends approval of the proposed request.

Commissioner Foley asked do they plan to use the existing house. Planner Bass said no, it will be new construction. The Board will be seeing a site plan.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve the wastewater allocation of 900 gallons per day for the First Phase of Lemons Child Care.

Commissioner Fiocco stated in reference to the site plan. The driveway location is going to be awfully close to Hillsboro Street, with the idea of expanding the facility to upward of 70 individuals. That is a lot of folks dropping of children at the daycare. He thinks the queue would be a left turn trying to get into the facility. He thinks perhaps they should consider locating the driveway the farthest extent possible on their site plan. Planner Bass said okay.

Vote Aye-5 Nay-0

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE PERMIT MODIFICATION APPLICATION**

Mr. Royal included the following background letter in the agenda packet and highlighted portions of it during his presentation. He also stated it was discussed at the workshop on Saturday and he thinks it is fresh on everyone's mind. He said the big picture is the town has a 3.22 gpd permit for wastewater discharge with 2.47 permitted for Haw River discharge and .75 for Robeson Creek.

On June 2, 2011, the State of North Carolina Department of Environment and Natural Resources (NCDENR) issued to the Town of Pittsboro a major modification and renewal for a National Pollutant Discharge Elimination System (NPDES) discharge permit of 3.22 million gallons per day (mgd) of wastewater discharge. The discharge permit is divided into Outfall 001 (Robeson Creek), 0.75 mgd and Outfall 002 (Haw River at Hwy 64), 2.47 mgd.

The permit was a result of a great deal of work and expense performed by the Town and included an approved Environmental Impact Statement (EIS), public hearings, cost analysis, etc. The EIS developed five (5) alternatives for wastewater discharge increases. The recommended alternative in the EIS is Alternative 3 (the two outfall approach described above). Alternative 3 was selected for being the..... “most feasible (environmentally, technically and economically) for the Town of Pittsboro”.

Alternative 3 recommends a new 3.22 mgd wastewater treatment plant and the decommissioning of the existing 0.75 mgd plant. The estimated cost for this capital project, including a new lift station and force main to the Haw River is in excess of \$50 million. Annual operations and maintenance are not included in this estimate.

Since the time of this permit approval, the Town began to look at alternatives for several reasons. The primary reason was cost. The secondary reason was need. The alternative that began to develop was to find a more affordable approach and one that is based on the actual need for sewer capacity in the nearer term. This approach includes a capacity increase to the existing WWTP and it fully utilizes the 3.22 mgd permit; to transfer up to 0.5 mgd of the 2.47 mgd discharge from the Haw River over to Robeson Creek. This approach would not jeopardize the 3.22 mgd permit in any way, other than to modify it to better meet the needs and cost implications of the Town. On January 22, 2013, Mr. Gruesbeck and Mayor Voller met with NCDENR staff to discuss possible alternatives to the EIS Alternative 3. On February 20, 2013, NCDENR submitted to Mayor Voller a letter providing alternatives that were feasible for consideration.

On August 29, 2013, DENR staff visited Town staff to further discuss this issue. The meeting outcome is summarized in the attached e-mail, dated September 4, 2013, from Tom Belnick, Supervisor NPDES Complex Permitting Unit.

Recommendation

Mr. Royal said staff believes that transferring 0.499 mgd of permitted wastewater discharge from the Haw River to Robeson Creek would be prudent to meet near term wastewater needs of the Town in an affordable and more cost-effective manner. The result would be for Outfall 001 to increase to 1.249 mgd and Outfall 002 to decrease to 1.98 mgd. This major modification application and permit, if approved, would preserve the 3.22 mgd allowable discharge for the Town of Pittsboro.

The cost estimates for this alternative would be developed with the assistance of a consulting engineering firm and based on various value-engineering alternatives at the WWTP. This would likely include reviewing various technologies and process improvements at the plant using the existing property (footprint). The time-line required would be based on the actual capacity

demands since the total phosphorous (TP) and total nitrogen reduction limits for the Jordan Lake Rules have been extended to 2019. The existing TP requirements will continue to be met.

Mr. Royal said they recommend that the Town Board of Commissioners approve this approach and submit this application for a major permit modification to NCDENR.

Mr. Royal said the cost for submitting the application is \$1,030 and they will look at taking the funding from the current wastewater treatment plant budget.

Mr. Royal said this will not give us permission to build anything.

Mayor Terry asked the timeline from submission to approval. Mr. Royal said he believes the public hearing is a 90 day process and probably a month or so after that we would get permit modification. So maybe about five months out to get the modification completed. It will have an expiration of five years once we receive it.

Commissioner Fiocco asked will this request require us to revisit the EIS. Mr. Royal said it would not according to his understanding and that is the reason DENR advised them to keep it under .5 for that very reason.

Commissioner Farrell asked what type time frame we are looking at to do this if the permit is approved. Mr. Royal said we could be looking at letting a bid in two years if we want to be aggressive.

Commissioner Fiocco asked does this permit modification in any way lock in the point discharge at the existing plant or if it moves 1,000 feet downstream. Does this permit modification hinder the ability to change that point of discharge? Mr. Royal said right now it does not contemplate moving the definite location.

Commissioner Fiocco said so if a new plant is constructed and it is further downstream the discharge point needs to be back at the existing location. Mr. Royal said not necessarily it could be further downstream. He thinks the EIS assumed the current plant would be de-commissioned upon completion so the discharge location would go away and a new one will arrive.

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to authorize submitting the NPDES modification application as presented.

Vote Aye-5 Nay-0

APPOINTING REPRESENTATIVE FOR TARPO BOARD

Commissioner Fiocco said he is interested in representing the board and reporting back to the board. This is something he has an interest in since he is in that profession.

Planner Bass said they normally meet every other month in Sanford.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to nominate Commissioner Fiocco as the Town's representative on the TARPO Board.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

MANAGER'S UPDATE ON CAPITAL PROJECTS

Manager Gruesbeck submitted the following updates.

Chatham Park RFQ

UPDATE: The RFQ was released online and also linked to the American Planning Association (APA) website. The RFQ was also forwarded to other consultants that were referred to me. I have communicated with other consultants that expressed interest in the project last summer. Manager Gruesbeck stated he took his directions from page 26 of the minutes of the November 25, 2013 meeting. He said we don't have a cost estimate of budget yet for the project.

Mayor Terry said what a RFQ does is ask a few simple questions, inform citizens the Town is getting ready to do something and to let vendors know and if they want to participate to send their qualifications. Everything else in the RFQ is just icing on the cake to help them understand whether it's a project they are interested in.

Mayor Terry said so the RFQ in his mind was perfectly okay for the planning community to know what we are doing. He said after the consultant is selected the board may want the opportunity to view the scope. You can get the consultant to give a line item fee for items such as reading the minutes, land use plan, etc.

Commissioner Foley said she feels the Town Board should have some say. They should be able to review the resume'. She feels very strongly about that.

Commissioner Turner said she considers that a staff role actually.

Commissioner Foley said it's a pretty big deal. Commissioner Turner said it is an operational thing to her.

Commissioner Foley said she feels the board should have some say in who the consultant is. It is not a staff person. She said she finds it shocking the board would not be involved with something of this magnitude.

Commissioner Baldwin said she agrees with Mr. Terry and Commissioner Turner. She thinks Mr. Gruesbeck will have other staff helping him review the RFQ's. Mayor Terry said it is administrative.

Commissioner Farrell stated he agrees with the others. He has complete confidence in the staff and thinks that is the way it should be.

Commissioner Foley said she has complete confidence in the staff as well. She just thinks the board should be a part of the process.

Manager Gruesbeck said Commissioner Foley has made some good points and maybe he could share info with the board when he gets it, as needed. But as far as going through the proposals and bringing a recommendation back to the board, that is something the board charged him to do.

Manager Gruesbeck said he mentioned this in regards to some of the questions regarding the RFQ.

Mayor Terry said it is the consensus of the board that your charge remains the same.

Mayor Terry said what the board may consider is if we need to refine the scope of work based on some of the comments made.

Commissioner Fiocco said he is glad to hear it is to review the PPD and Master Plan and not all the ordinances. He thinks as part of the PPD plan they will need to look at the other ordinances.

PROJECT: Pavement Condition Survey

UPDATE: The report was submitted and reviewed by Staff. The consultant met with Staff on January 7, 2014 to discuss findings. The basic findings of the report were included in this agenda packet and was discussed at some level during the January 11, 2014 Strategic Planning retreat.

PROJECT: Annual Town Audit

UPDATE: The audit was approved by the Department of Treasury Local Government Commission (LGC). The following recommendations were made.

ITEMS THAT NEED ATTENTION IN FUTURE YEARS

Financial General Area Specific Issue

Transfer from Sewer Fund to General Fund – allocation of administrative costs

Local governments are making transfers to cover administrative costs from one fund to the other rather than actually recording the cost in the correct fund and reducing the cost in the originating fund.

Costs should be budgeted in the correct fund – the fund where they will end up when the allocations are made. When transfers are used, salary and benefit costs are overstated in the originating fund and not properly recorded as costs of providing services in the correct fund

(Memo 2014-07: Proper Accounting Treatment for Cost Allocations).

The Transfer note on pg. 44 indicates that the Transfer from the Sewer fund to the General fund was for the allocation of administrative costs. It is possible that part of, or this entire amount should have been accounted for as costs rather than a transfer.

PROJECT: Waste Water Treatment Plant - Generator Replacement Project

UPDATE: The concrete slab that acts as a base for the generator was installed last week. Electrical conduits are installed. The electrical transfer switch was delivered to the WWTP and will be installed on January 29, 2014. During installation, the plant will be temporarily running off the old generator. The new generator should arrive at the WWTP by the end of January. The anticipated date for completion is mid-February.

PROJECT: East Street Sidewalk Extension

UPDATE: Summit has completed the survey. Staff is developing a cost estimate of options for placing the sidewalk in different location and will report back to the Board. Following that, if appropriate, NCDOT will review and provide appropriate permitting. Construction could begin by April/May 2014.

PROJECT: Soil and Erosion Control Ordinance

UPDATE: This will be on the next agenda.

PROJECT: Energy Audit at Water Treatment Plant (WTP) and Waste Water Treatment Plant (WWTP)

UPDATE: Waste Reduction Partners (WRP) completed an audit of WTP and WWTP facilities on August 27. There is no cost to the Town for this service because it is funded by the State. WRP is looking at electric usage, water efficiencies (e.g. "non-revenue water"), water loss and other possible system improvements. WRP will submit the report to Town Staff for review by early November. The WWTP report arrived on October 11 was reviewed by Town Staff and will be included in the December 9, 2013 Board Agenda packet as an FYI.

PROJECT: Haw River Raw Water Intake

UPDATE: The Town received a letter from DENR stating that the maximum withdraw capacity could be 8.91 MGD. However, the Town may not need this amount from the Haw River exclusively.

PROJECT: Waste Water Treatment Plant Capacity Expansion

UPDATE: Staff received/prepared some information on a process to formally request a WWTP discharge capacity increase from .75 MGD to 1.249. This was discussed earlier by Mr. Royal.

COMMISSIONER CONCERNS

Commissioner Farrell said we have some really great news from the Fire Department. Our ISO rating in town went from 6 to 4 and in the district it went from 9 to 5. That is outstanding. There are some municipalities in NC that are not rated at 4. He said we should give a great thanks to our fire department. That also includes all the mutual aid departments in the county; they were involved in this also.

Commissioner Farrell said the homeowners need to take advantage of this and get their insurance down.

Commissioner Fiocco said he feels a good point to make also is the water line was a substantial cost, it was a substantial headache. But the dividend is a much higher water quality and more performance perspective for fire protection which gives us the ability for all citizens to hopefully recapture some of that expenditure on that infrastructure item by a reduction in their home insurance policy.

Commissioner Fiocco asked where we stand with the Jordan Lake Stormwater documents. There were some documents that needed to be created. Surety easements and that type thing.

Mr. Royal said they have them and he will email them out to the Board. Mr. Messick came up with the final copy about a month ago.

Commissioner Fiocco stated Commissioner Farrell was working on the sidewalk at 902 and he thinks we tabled that to get a rough idea on cost. Have we made any progress on that? Manager Gruesbeck said there has not been much progress. Staff has been working on the Jordan Lake Application and preparing the budget retreat. Commissioner Fiocco said he understands.

Commissioner Baldwin stated she had a citizen come to her after the issue with the wind on Saturday. She asked when Duke Energy restores the power (and have cut trees) are they responsible for getting the trees out of the street or is the Town of Pittsboro.

Manager Gruesbeck said to have them call Town Hall and we will direct the call in the right direction.

Mayor Updates

- EDC – will go to his first meeting tomorrow.
- RPO
- Solid Waste – Commissioner Turner said they haven't had a meeting in awhile.
- Fairground Association
- PBA/Downtown – Commissioner Fiocco said he normally attends those meetings.

Mayor Terry said there was a Mayor's & Chair's meeting last week. They had a nice meeting with Sec. Tata/NCDOT.

FYI -

1. Pavement Condition Survey (December 2013)
2. MEMO: ABC Board Distribution for 1st Quarter of FY 2014
3. FY 2013/2014 Financial Summary as of December 31, 2013
4. MEMO: FY 2012-2013 Audit Update and Memo from LGC

ADJOURNMENT

Motion made by Commissioner Farrell seconded by Commissioner Turner to adjourn at 8:30 p.m.

Vote Aye-5 Nay-0

William G. Terry, Mayor

ATTEST:

Alice F. Lloyd, CMC, NCCMC
Town Clerk

DRAFT