

**AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, JANUARY 18, 1994
7:30 P.M., TOWN HALL BOARD ROOM**

Approximate Time*

7:30 - 7:35 A. APPROVAL OF MINUTES OF PREVIOUS MEETING: January 4, 1994

7:35 - 7:45 B. RESOLUTIONS, PROCLAMATIONS AND CHARGES

7:45 - 7:55 C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

D. REQUEST TO SET PUBLIC HEARING

7:55 - 8:00 (1) **Conditional Use Permit Request/Bel Arbor Subdivision**

NP

Philip Post and Associates has applied for a conditional use permit that would allow the construction of an architecturally integrated subdivision on 8.259 acres at 609 Hillsborough Road. The parcel is identified as Tax Map 107, Block B, Lot 21A (portion), Tax Map 107, and Block B, Lot 21E and is zoned R-10.

E. PUBLIC HEARING

8:00 - 8:15 (1) **Community Needs Assessment/1994-95 Budget**

NP

This is a public hearing to receive citizen comments on town operations for consideration in the town's preparation of the Fiscal Year 1994-95 operating budget and capital improvements plan.

F. OTHER MATTERS

8:15 - 8:30 (1) **Conditional Use Permit Modification/Arcadia Subdivision**

P/5

The Chapel Hill/Carrboro Co-Housing Association has requested a modification to the conditional use permit for the Arcadia Subdivision that would allow the bridge serving the subdivision to be narrowed from 22 feet to 18 feet.

8:30 - 8:40 (2) **Request from Piney Mountain Subdivision**

P/5

The Piney Mountain Subdivision has a failing community low-pressure pipe sewerage disposal system. They have requested that OWASA permit the City of Durham to serve a pressurized sewer line to the subdivision. The Piney Mountain Homeowners Association is requesting approval of this connection with the City of Durham from the Town of Carrboro, Orange County and the Town of Chapel Hill. Representatives of the Piney Mountain Homeowners Association are here tonight to inform the Mayor and Board of Aldermen of this requesting in seeking a timely resolution to the problem.

8:40 - 9:10
P/5

(3) Report on Community Policing

On several occasions in discussion with the Board of Aldermen, the Chief of Police has referred to the concept of community oriented policing. The members of the Board have asked several questions about community policing and have requested more information about the subject. In response to this request, the Chief of Police has completed a report on community oriented policing which is attached.

9:10 - 9:20

BREAK

9:20 - 9:25
NP

(4) Appointment to Transportation Advisory Board

The chair of the Transportation Advisory Board recommends that Brian Taylor be appointed to the vacant seat of the TAB.

9:25 - 9:40
P/5

(5) Discussion of Format for 1994 Planning Retreat

The annual retreat is scheduled for February 13th and 14th. The format for this retreat needs to be set. The Agenda Planning Committee was given the responsibility to plan the retreat. The Committee wanted to discuss several issues about the retreat with the other Board members before setting the schedule and format.

9:40 - 9:45
NP

(6) Selection of Board Members to Participate in Discussions with OWASA

Attached is a letter from the Chair of the OWASA Board of Directors inviting the Chapel Hill, Carrboro and Orange County governing boards to have representatives participate in a discussion on February 5th regarding the Piney Mountain Homeowners Association's request and a second letter that requests a single member of the Board of Aldermen to participate on the Cane Creek Watershed Advisory Committee. The Agenda Planning Committee scheduled these requests for tonight's meeting. This item is on the agenda to confirm the delegates from Carrboro to participate in these discussions.

9:45 - 9:50
NP

(7) A Resolution Authorizing Execution of an Amended Agreement on Regional Assistance Arrangements for Water Supply Emergencies

In 1988, the Town of Carrboro joined other local governments in the Triangle J Region in a five-year agreement regarding cooperative intent to provide temporary assistance in emergencies involving water supply, treatment and distribution. This agreement expired in December, 1993. The Board of Delegates of the Triangle J Council of Governments recommend extending the agreement for five additional years, through January 1, 1999. This item is to consider a resolution to extend this agreement.

9:50 - 10:00 G. MATTERS BY MANAGER

10:00 - 10:10 H. MATTERS BY TOWN ATTORNEY

10:10 - 10:20 I. MATTERS BY BOARD MEMBERS

*The times listed on the agenda are intended only as general indications. Citizens are encouraged to arrive at 7:30 p.m. as the Board of Aldermen at times considers items out of the order listed on the agenda.

ITEMNO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: January 18, 1994

SUBJECT: REQUEST TO SET A PUBLIC HEARING ON FEBRUARY 8, 1994

DEPARTMENT: Planning	PUBLIC HEARING: YES <u>x</u> NO <u> </u>
Attachment(s):	For Information Contact: Wayne King - 968-7712 Roy Williford - 968-7714
The following information is provided: (x) Background (x) Action Requested (x) Analysis () Alternative (x) Recommendation	

BACKGROUND:

Philip Post and Associates has applied for a Conditional Use Permit that would allow the construction of an Architecturally Integrated subdivision on 8.259 acres at 609 Hillsborough Road. The parcel is identified as Tax Map 107, Block B, Lot 21A (portion), Tax Map 107, and Block B, Lot 21E and is Zoned R-10.

ACTION REQUESTED:

To Set A Public Hearing

ANALYSIS:

The Board of Aldermen must hold a public hearing for public input in consideration of a Conditional Use Permit.

RECOMMENDATION:

The Administration recommends that a public hearing be set for **February 8, 1994.**

BOARD OF ALDERMEN

ITEM NO. E(1)

AGENDA ITEM ABSTRACT

MEETING DATE: January 18, 1994

SUBJECT: Public Hearing/Community Needs for Fiscal 1994-95

DEPARTMENT: Administrative Services	PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
ATTACHMENTS: none	FOR INFORMATION CONTACT: Larry Gibson, 968-7701

PURPOSE

This public hearing is designed to solicit citizen comment on town operations for consideration in the town's development of the Fiscal 1994-95 operating budget and capital improvements plan.

SUMMARY

The administration has advertised this hearing in The Chapel Hill News, in The Village Advocate, on WCHL and on CVI's Community Bulletin Board station. In addition, copies of the notice of public hearing were sent to all advisory board members.

The advertisements invite written comments which may be submitted by those unable to attend the public hearing. Written comments will be summarized by the town staff and given to the Board following the public hearing.

ACTION REQUESTED

To receive public comment on community needs as they relate to the FY'94-95 operating budget.

BOARD OF ALDERMENITEM NO. F(1)**AGENDA ITEM ABSTRACT****MEETING DATE: January 18, 1994****SUBJECT: Modification to the Conditional Use Permit issued on May 25, 1993 for the Arcadia Subdivision**

DEPARTMENT: Planning	PUBLIC HEARING: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Attachment(s): NC Fire Prevention Code, Section 602.6.1 Memorandum from Kenneth Withrow Transportation Planner Memorandum from Mike Canova, Chief Building Inspector	For Information Contact: Wayne King, Zoning Development Specialist, 968-7712 or Roy Williford, Planning Director, 968-7714
The following information is provided: (x) Background (x) Action Requested () Analysis () Alternative (x) Recommendation	

BACKGROUND

The Chapel Hill/Carrboro Co-Housing Association was granted a Conditional Use Permit that would allow for the construction of an architecturally integrated subdivision (33 units) on 16.51 acres at the May 25, 1993 Board of Aldermen meeting. The property is zoned R-20 and is located north of the Barrington Hills subdivision. The parcels are identified as Tax Map 108, Lot 2 (partial, 6.5 acres) and Tax Map 108, Lot 2A (10 acres). Only one road will service this subdivision. The twenty two foot wide bridge design approved during construction plan review supported an eighteen foot wide, two lane travel portion and two foot shoulders on either side of the travel lanes. Giles Blunden representing the group that will comprise the Arcadia Homeowners Association approached the Board of Aldermen at the meeting on December 14, 1993 and requested a modification to the issued conditional use permit that would allow a reduction from the approved twenty two foot wide bridge to an eighteen foot wide bridge.

The Board of Aldermen at the January 4, 1994 meeting discussed the modification to the issued permit. However, the Board felt that more information needed to be presented regarding the NC Fire Prevention Code item noted within the staff report. Aldermen wished that the Chief Building Inspector review the matter and determine if Section 602.6.1 of the NC Fire Prevention Code (the twenty foot wide unobstructed surface rule) was a requirement of the NC State Building Code for this situation. The Chief Building Inspector determined after a conversation with the NC Department of Insurance that this section is not applicable to one and two family units.

Abstract, Arcadia modification, January 18, 1994

ACTION REQUESTED

Consideration of a modification to an issued conditional use permit.

RECOMMENDATION

The Administration's recommendations are noted in the attached staff report.

STAFF REPORT

TO: Board of Aldermen

DATE: January 18, 1994

SUBJECT: Arcadia - Conditional Use Permit,
Modification to CUP issued 5/25/93

APPLICANT: Chapel Hill/Carrboro Co-
Housing Association
c/o Giles Blunden
116 E. Main St.
Carrboro, NC 27510

PURPOSE: To allow a modification to an issued CUP
that would allow the bridge servicing an
Architecturally Integrated Subdivision
(33 units) to be narrowed from twenty two
feet to a total width of eighteen feet.

EXISTING ZONING: R-20 (Residential)

TAX MAP NUMBER: Tax Map 108, portion of Lot 2 (6.5 acres)
and Lot 2A (10 acres).

LOCATION: The property is located north of
Barrington Hills.

SIZE: 16.51 acres

EXISTING LAND USE: Vacant

SURROUNDING LAND USE: **North** R-15 Vacant
South R-20 Single-family,
(Barrington Hills)
East R-15 Vacant, Single-
R-20 family (Wexford)
West R-20 Vacant

ZONING HISTORY: 1988 to present zoned R-20
(Prior to 1988 this property was in
Orange County's jurisdiction)

PARTICULARLY RELEVANT ORDINANCE SECTIONS

<u>Section 15-187</u>	<u>Architecturally Integrated Subdivisions</u>
<u>Section 15-210</u>	<u>Streets and Sidewalks</u>
<u>Section 15-220(b)</u>	<u>Public Streets and Private Roads in</u> <u>Subdivisions</u>

Arcadia, CUP Modification request to The Board of Aldermen
January 18, 1994

BACKGROUND

The Chapel Hill/Carrboro Co-Housing Association was granted a Conditional Use Permit that would allow for the construction of an architecturally integrated subdivision (33 units) on 16.51 acres at the May 25, 1993 Board of Aldermen meeting. The property is zoned R-20 and is located north of the Barrington Hills subdivision. The parcels are identified as Tax Map 108, Lot 2 (partial, 6.5 acres) and Tax Map 108, Lot 2A (10 acres). Only one road will service this subdivision. The twenty two foot wide bridge design approved during construction plan review supported an eighteen foot wide, two lane travel portion and two foot shoulders on either side of the travel lanes.

The Board of Aldermen at the January 4, 1994 meeting discussed the modification to the issued permit. However, the Board felt that more information needed to be presented regarding the NC Fire Prevention Code item noted within the staff report. Aldermen wished that the Chief Building Inspector review the matter and determine if Section 602.6.1 of the NC Fire Prevention Code (the twenty foot wide unobstructed surface rule) was a requirement of the NC State Building Code for this situation. The Chief Building Inspector determined after a conversation with the NC Department of Insurance that this rule did not apply to one and two family units.

SPECIAL INFORMATION

Arcadia is a pedestrian oriented residential community of 33 units clustered around a common open space and a commons building. The commons building will provide space for dining, meeting, socializing and recreation. Thus, fostering cooperative efforts and discouraging duplication of private facilities. The development will cluster the thirty three dwelling units on the northern portion of the 16.51 acres.

REQUESTED MODIFICATION

Giles Blunden representing the group of homeowners that will comprise the Arcadia Homeowners Association approached the Board of Aldermen at the meeting on December 14, 1993. His request is for a modification to the issued conditional use permit that would allow a reduction in the total width of the bridge servicing this subdivision from twenty two feet to a total width of eighteen feet. The Board requested that staff report back to them about the possibility of this reduction. In the review, The Board requested that the Planning Staff confer with Police and Fire Departments on this issue.

Arcadia, CUP Modification request to The Board of Aldermen
January 18, 1994

RECOMMENDATIONS

After reviewing this situation with The Fire Department, The Police Department, The Public Works Department, conversation with North Carolina Department of Transportation, staff recommends the use of a twenty two foot wide structure that will accommodate the required bridge tonnage rating. If the Board of Aldermen does allow an eighteen foot wide bridge crossing the travel lane should be a one way, fourteen feet wide lane with two foot shoulders on either side. A signalized crossing will be needed for this bridge to control one-way traffic. The Town's consulting engineer will need to review the revised structure.

The following points were considered in this review:

1. The Interim Fire Chief, Wayne Lacock indicated that the bridge will not meet The North Carolina State Fire Prevention Code. The North Carolina State Fire Prevention Code section 602.6.1 states that;
"Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surface of not less than twenty feet of unobstructed width, with adequate roadway turning radius capable of supporting the loads of fire apparatus and having a minimum vertical clearance of thirteen feet, six inches."
At least on the paved roadway one can pull to either side to avoid an accident or make room for oversized loads. On an eighteen foot wide bridge a motorist will not be able to move out of the travel lane.
2. Due to an approaching curve and hills shown on the construction plans, it appears that the eighteen foot wide bridge may not align with the lanes of the road as it enters and exits the structure. Staff questions if large moving vans, fire apparatus, or a garbage truck will be able to negotiate the bridge due to vehicle length and overhang.
3. The bridge must be designed to accommodate a 46,000 pound fire apparatus. The Town's consulting engineer will need to review the revised structure.
4. The Town's Transportation Planner contacted Mr. Norm Miller of the North Carolina Department of

Arcadia, CUP Modification request to The Board of Aldermen
January 18, 1994

Transportation's Structures/Design Division regarding the potential of an eighteen foot wide structure. Mr. Miller stated that the eighteen foot wide bridge does not meet current state and federal standards for bridge width. The minimum width for a bridge built by the state is twenty four feet. Mr. Miller stated that he felt such a narrow bridge will be unsafe. While such a bridge may be feasible for a subdivision, the bridge could become an obstacle to emergency vehicles and regular traffic attempting to cross the structure in opposite directions. For example, if a vehicle is stalled or has an accident while on the bridge. The width of this bridge (distance between the handrails) is exactly the same distance as the width of the paved road surface. As a vehicle approaches the bridge the vehicle would need to be moving away from the edge of the pavement or this may present a problem. This road is narrower than an average twenty foot wide garage. Imagine having two feet less to negotiate with two vehicles travelling in opposite directions.

5. During a conversation with Dave Poythress, Street Supervisor of Carrboro Public Works, Mr. Poythress stated that a signalized crossing could be placed at the bridge to eliminate traffic crossing in each direction at the same time. A device in the pavement would activate a signal as a vehicle approached the bridge and allow traffic to cross while oncoming traffic waited for the signal so they may then cross. Additionally, emergency vehicles or evacuation of the site would be facilitated by such a crossing. Mr. Poythress suggested this idea without complete knowledge of other federal, state and local rules that may apply to this situation. During snow clearing activities, plowing the snow would lessen the travel width of the bridge due to additional snow layered on the sides of the bridge.
6. During a conversation with Carrboro Police Captain John Butler, he expressed concerns about a slightly impaired person meeting oncoming vehicles on the narrow bridge.

CHAPTER 6

FIRE PROTECTION

601 RESERVED FOR FUTURE USE

602 FIRE CONTROLS

602.1 Removal Of Fire Equipment

No person shall remove, tamper with, or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this Code except for the purpose of extinguishing fire, training purposes, recharging, or making necessary repairs, or when permitted by the Fire Official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.

602.2 Tampering With Barriers, Etc.

No person, unless authorized or a public officer acting within the scope of his public duties, shall remove, unlock, destroy, tamper with, or otherwise molest in any manner any lock, gate, door, barricade, chain, enclosure, sign, tag or seal which has been lawfully installed by the Fire Official or by his order or under his control.

602.3 Obstructing Fire Hydrants

No person shall place or keep any fence, growth, trash or other material near any fire hydrant that would prevent such hydrant from being immediately discernible or in any other manner hinder the Fire Department from gaining immediate access to a fire hydrant. A clear space of not less than 3 feet shall be provided on all sides of a fire hydrant.

602.4 - 602.5 RESERVED FOR FUTURE USE

602.6 Access To Buildings By Fire Apparatus

602.6.1 Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surface of not less than 20 ft of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 13 ft 6 inch. During construction, when combustibles are brought on to the site in such quantities as deemed hazardous by the Fire Official, access roads and a suitable temporary supply of water acceptable to the Fire Department shall be provided and maintained.

602.6.2 The required width of access roadways shall not be obstructed in any manner, including the parking of vehicles. Installation of No Parking signs or other appropriate notice, or of approved obstructions inhibiting parking, may be

MEMORANDUM

TO: Mr. Wayne King, Zoning Specialist

FROM: Kenneth W. Withrow, Transportation Planner

SUBJECT: Arcadia Bridge

DATE: December 20, 1993

I talked with Mr. Norm Miller in the North Carolina Department of Transportation's Structures/Design Division regarding potential problems faced when using eighteen foot wide bridges. Mr. Norm explained to me initially that eighteen foot wide bridges do not meet current federal and state standards for bridge width. The minimum width for a bridge to be built by the state is twenty-four feet. He also explained to me that such a narrow bridge is unsafe. While such a bridge may be feasible for a private subdivision, the bridge could become an obstacle to emergency vehicles attempting to access the site; and could be hazardous to both emergency vehicles and regular traffic attempting to access the bridge while trekking to opposite destinations. Pedestrian traffic would also be placed in a dangerous position if railing that would separate vehicle traffic from the pedestrian was not in place. The minimum specifications for bridges with pedestrian access include a five foot sidewalk and a twenty-seven foot wide bridge.

MEMO: January 6, 1994

TO: Roy Williford, Planning Director



FROM: Michael J. Canova, Chief Building Inspector

RE: Section 602.61 of the North Carolina State Building Code, Volume V- Fire Prevention

As per your request 1/5/94 I did further research as per Section 602.6.1 concerning the 20 ft. unobstructed width with adequate roadway for fire apparatus, I contacted Mr. Greg Kike with the Dept. of Insurance for his interpretation. He referred me to Section 103 - Exceptions to Applicability. Item 1 states "these provisions of this code shall not apply to 1 and 2 family dwellings." Attached is a copy of the scope of Volume V - Fire Prevention.

If there are any other questions, please do not hesitate to ask.

CHAPTER 1

ADMINISTRATION

101 TITLE AND SCOPE

Provisions in the following chapters and sections shall constitute and be known and may be cited as the "North Carolina State Building Code, Volume V, Fire Prevention," hereinafter referred to as "this Code." For Administration requirements, refer to the "North Carolina State Building Code, Volume I-A, Administration."

102 APPLICABILITY

Fire Prevention Code shall apply to the repair, equipment, use, occupancy, and maintenance of every existing building or structure. The provisions of the Fire Prevention Code shall apply to the installation of fire prevention systems for new buildings or structures.

103 EXCEPTIONS TO APPLICABILITY

Provisions of this Code shall not apply to the following:

1. One and two family dwellings.
2. Buildings for the use of any farmer or his immediate family located outside the building regulation jurisdiction of any municipality when use of the building does not involve the health and safety of the public. If the operation of such can be considered a business endeavor, it shall meet the provisions of the technical codes.

EXCEPTIONS: All buildings used for sleeping purposes shall conform to the provisions of the technical codes. All electric wiring of houses, buildings, or structures shall conform to the provisions of the North Carolina State Electrical Code.

3. The design, construction, location, installation or operation of equipment for storing, handling, and transporting liquified petroleum gases for fuel purposes up to the first stage regulator, liquified natural gases, and anhydrous ammonia or other liquid fertilizers.
4. The design, construction, location, installation or operation of equipment or facilities of a public utility, as defined in G.S. 62-3, or an electric or telephone membership corporation, including without limitation poles, towers, and other structures supporting electric or communication lines from the distribution network up to the meter location.

EXCEPTION: All buildings owned and operated by a public utility or an electric or telephone membership corporation.

5. The Storage and Handling of Hazardous Chemicals Right to Know Act, North Carolina General Statute 95-173—95-218.

104 CROSS REFERENCES

For all cross references which specify the Standard Building, Plumbing, Mechanical, Fire Prevention, or Gas Codes or NFPA 70, the North Carolina editions shall be the code indicated.

BOARD OF ALDERMEN

ITEM NO. F(2)

AGENDA ITEM ABSTRACT

MEETING DATE: January 18, 1994

SUBJECT: Request from Piney Mountain Subdivision

DEPARTMENT: Administration	PUBLIC HEARING: YES ____ NO <u>x</u> __
ATTACHMENTS: Petition from Piney Mountain Homeowners Assoc., Letter from OWASA	FOR INFORMATION CONTACT: Robert Morgan, 968-7706

PURPOSE

The Piney Mountain Subdivision has a failing community low-pressure pipe sewerage disposal system. They have requested that OWASA permit the City of Durham to service a pressurized sewer line to the subdivision. The Piney Mountain Homeowners Association is requesting approval of this connection with the City of Durham from the Town of Carrboro, Orange County and the Town of Chapel Hill. Representatives of the Piney Mountain Homeowners are here tonight to inform the Mayor and Board of Aldermen of this request in seeking a timely resolution of the problem.

SUMMARY

At this time the three governmental jurisdictions do not agree as to the approval process for this request. This will need to be resolved by the three staffs prior to any action being taken.

ANALYSIS

Attached is information on this subject provided by the Piney Mountain Homeowners Association.

The process that needs to be followed for approval of this request is unclear at this time. Due to an agreement between the City of Durham and OWASA, OWASA would need to authorize Durham to provide service to the subdivision. At the same time OWASA has a memorandum of understanding with the three governmental jurisdictions under which it is seeking input from each jurisdiction. The subdivision itself is under Orange County's planning jurisdiction. Under its ordinance the County Health Department could declare an emergency authorizing the sewer extension in the rural buffer. The question that is unclear is whether the joint planning agreement applies in this situation which would require a more elaborate approval process. This is the question that needs to be resolved.

ADMINISTRATION'S RECOMMENDATION

The administration requests that this matter be referred to the staff for coordination with the other governmental jurisdictions, review and development of a recommendation.

ACTION REQUESTED

To refer this matter to the town administration as recommended.

Piney Mountain Homeowners Association
Mount Sinai Road, Orange County, N.C.

December 22, 1993

Mr. Robert W. Morgan
Carrboro Town Manager
301 W. Main Street
Carrboro, N.C. 27510

Re: Piney Mountain
Request for Expedited Review by Carrboro Board of Aldermen

Dear Mr. Morgan:

Petition to the Carrboro Board of Aldermen

Thank you for meeting recently with Ms. Bes Baldwin, a member of the Piney Mountain Homeowners Association, concerning Piney Mountain's application to OWASA and the Orange County Commissioners for permission to install a pressurized sewer line from Piney Mountain to the City of Durham sewer line at Kerley and Mt. Sinai Road in Durham County. Such a line would be constructed in accordance with specifications of OWASA and the City of Durham, and would be restricted to existing lots in the Piney Mountain Subdivision. No new phases or additions to the subdivision or adjacent to the subdivision would be permitted to utilize the line. Mr. Ken Wright, Director of Engineering with the City of Durham is in the process of confirming by letter the willingness of the City of Durham to permit such a hookup to the Durham City sewer line, and I will forward to you a copy of his letter as soon as I receive it.

Enclosed (Attachment 1) is a draft of a nonbinding resolution which we would propose for consideration by the Carrboro Board of Aldermen at its January 11 meeting. We have drafted this resolution on the assumption that Carrboro will not approve or disapprove of Piney Mountain's request; instead, Carrboro will register its concurrence with whatever judgment is reached by OWASA and Orange County. Is this the correct approach?

How Can Piney Mountain justify an Exception to Current Policy?

As the attached nonbinding resolution shows, Piney Mountain is not requesting an exception to existing policy. Rather, Piney Mountain falls squarely within existing policy, which provides that sewer may be extended into the Rural Buffer in cases of public health emergency, such as a failing septic system. Since Piney Mountain has a failing septic system, it qualifies under the existing policy.

In addition, Piney Mountain has exhausted all other possible solutions to its sewer problem. You have already received from Bes Baldwin copies of the soil testing report dated November 16, 1993 performed by Barrett Kays & Associates, and engineering opinion dated November 24,

1993 from Paul Thames, Orange County Engineer. The Kays report indicates that 80% of the soils in the primary nitrification fields at Piney Mountain are unsuitable. Tom Konsler, of the Orange County Health Department has determined that only 1.5 of the 7 acres of designated repair area at Piney Mountain contain suitable soils. We have been unable to locate sufficient additional suitable land to purchase. The Thames letter indicates that even with suitable soils (he was not aware of the Kays report when he wrote his opinion), the LPP System at Piney Mountain is likely never to perform adequately, regardless of the funds spent. The attached additional report dated December 8, 1993 from Barrett Kays & Associates (Attachment 2) indicates that the Pine Mountain stream is not suitable for an NPDES discharge system (treatment plant). Individual septic systems are possible for only a few homesites (7 of the 58), and individual septic systems are prohibited under the restrictive covenants for the subdivision.

Will Granting Piney Mountain's Request Set a Bad Precedent?

The best way to prevent future requests like the present one is to make certain that government regulators look closely at proposals for subdivisions with a private sewerage system. In the case of Piney Mountain, regulators at the Division of Environmental Management (DEM) approved a system that did not meet existing state standards, and the Orange County Commission relied on the DEM approval in approving the construction of the subdivision. Attachment 3 is a sample of the complaint recently filed by owners of 30 lots in Piney Mountain against DEM.

Responsibility for enforcement of existing guidelines for sewer systems changed, effective June 1992, from the DEM to the Division of Environmental Health (DEH) of the State Department of the Environment, Health and Natural Resources. DEH, in turn, has delegated to local Health Departments primary enforcement authority, and it was the Orange County Health Department which initially identified defects in the Piney Mountain LPP System in the spring and summer of 1993. With proper administration of State regulations, future sewer systems in the Rural Buffer can be designed, installed and maintained properly.

It is certain that no purchaser of a lot at Piney Mountain can be blamed for the failure of our LPP System. The choice of unsuitable soils, the design, construction and maintenance of the LPP System were the responsibility of others. The key to prevention of similar requests in the future, therefore, cannot lie in penalizing current owners.

Staff Investigation As Soon As Possible

I am also writing to inquire whether it might be possible to accelerate the process by having your staff begin its investigation so that Aldermen might have your recommendation and take possible action at the January 11 meeting of the Aldermen. Such an investigation by your staff can be facilitated by their contact with the OWASA and Orange County staffs who have already begun extensive investigation of our LPP System and alternatives.

To explain further: the Piney Mountain LPP System is failing. On December 1, 1993, the emergency operator of the LPP System, Harrco Utility Corporation, submitted a request to make repairs totalling \$207,610.57 (Attachment 4). Harrco has never tested the Piney Mountain soils, and at the time it recommended these repairs, Harrco did not have the results of the Kays Report. Thus, Harrco has made no determination as to whether the LPP System will operate adequately even after these repairs are made. In fact, the Kays report indicates the LPP System will not operate properly for long. Attachment 5 is a copy of the objection to Harrco's proposed assessment for capital improvements to the current LPP System, which Piney Mountain Homeowners Association filed with the Utilities Commission.

Obviously, the members of Piney Mountain are trying to avoid paying for extremely expensive repairs to a system which will shortly have to be abandoned. In order to avoid making the futile repairs, we must be able to act quickly on the installation of the pressurized sewer line to Durham's municipal line.

We have already made a presentation (on December 10, 1993) to the OWASA Board. Attachment 6 is a copy of the statement we offered. OWASA Staff was instructed at that meeting to investigate further into the matter, and to determine the best method of communication with the governmental bodies which appoint members to OWASA (Chapel Hill, Carrboro, and Orange County). The next meetings of the OWASA Board are January 13 and 27, 1994.

The Orange County Commissioners meet on January 3 and 18, the Carrboro Aldermen meet on January 11, and the Chapel Hill Town Council meets on January 10 and 25. If Piney Mountain could secure the approval/concurrence of these governmental bodies on one of these dates, then OWASA could perhaps take definitive action on January 13 or 27.

On behalf of all of the members of the Piney Mountain Homeowners Association, I thank you for your patient understanding of our request. If not for the urgency of the situation, we would not ask you for accelerated assistance. I will be telephoning you in the next few days to speak further with you about our request. Bes has already provided you with a contact sheet with the names and addresses of various members of our Association. Please feel free to contact any of those listed.

Thank you for your assistance in placing the matter of the nonbinding resolution concerning Piney Mountain's request to OWASA and Orange County on the agenda for the January 11 meeting of the Carrboro Board of Aldermen, and for beginning staff investigation as soon as you can.

morgan

Sincerely yours,

Alan Whitaker

Alan Whitaker, President
Piney Mountain Homeowners Association

Attachments:

- 1) Draft of a nonbinding resolution
- 2) Report dated December 8, 1993 from Barrett Kays & Associates
- 3) Complaint against DEM
- 4) Request to Utilities Commission from Harrco dated December 1, 1993
- 5) Objection of Piney Mountain to Harrco's Request to Utilities Commission
- 6) Statement to OWASA dated December 10, 1993

c w/att:

Mr. Roy Williford
Carrboro Director of Planning

Mr. Calvin Horton
Chapel Hill Town Manager

Ralph Carpinos, Esquire
Chapel Hill Town Attorney

Ms. Sonna Loewenthal
Ms. Flo Miller

The Honorable Kenneth Broun
Mayor of Chapel Hill

Ms. Julianne Andresen, Chair
OWASA Board of Directors

Robert Epting, Esquire
Attorney to OWASA

Mr. Everett Billingsley
Executive Director of OWASA

Ms. Kathryn Kalb
General Manager of Operations of OWASA

morgan

Mr. John M. Link, Jr. Orange County Manager

Geoffrey E. Gledhill, Esq.
Attorney to Orange County

Mr. Marvin E. Collins
Orange County Director of Planning

Chapel Hill Town Council
Nonbinding Resolution
in regard to the installation of municipal sewer line
to the Piney Mountain Subdivision

WHEREAS the Piney Mountain Subdivision ("Piney Mountain") is located on Mt. Sinai Road in Orange County, N.C. in the area designated as the "Rural Buffer" by the Joint Planning Agreement dated November 2, 1987 among Orange County, Chapel Hill and Carrboro ("1987 Joint Planning Agreement"); and

WHEREAS, the 1987 Joint Planning Agreement and the Joint Planning Land Use Plan among Orange County, Chapel Hill and Carrboro (adopted in October 1986 and amended in April 2, 1990 - "Joint Planning Use Plan") each provides that the Rural Buffer "will not require urban services (public utilities and other town services);" and

WHEREAS, the Joint Planning Use Plan also acknowledges that the Orange Water and Sewer Authority ("OWASA"), as the provider of water and sewer in the Joint Planning Area, extends water and sewer in accordance with the adopted policies of the applicable local governments; and that the applicable policy of Orange County for the Rural Buffer is to extend water and sewer only to provide service to an essential public service, such as a school, or to remedy a public health emergency, such as a failing septic tank or failing package treatment plant; and

WHEREAS, Piney Mountain has a failing community low pressure pipe sewerage disposal system ("LPP System"); and

WHEREAS, Piney Mountain, after a complete investigation with the assistance of soil scientists and Orange County Engineers and Health Department staff, has established that the LPP System has been installed in unsuitable soils and that there is insufficient repair area either existing or available for purchase; that, even in suitable soils, the LPP System has been so poorly designed, constructed and maintained that it is likely that it would never perform adequately, regardless of the funds spent; that other alternatives such as an NPDES discharge system (treatment plant) are not feasible; and that the only solution to providing sewer service to its 58 homesites is to install and maintain, at Piney Mountain's expense, a pressurized sewer line from Piney Mountain to the City of Durham municipal line at the intersection of Kerley and Mt. Sinai Roads ("Sewer Line"); and

WHEREAS, Piney Mountain has secured the approval of the City of Durham to connect the Sewer Line with that of the City of Durham provided that Piney Mountain also secures the approval of OWASA; and

WHEREAS, Piney Mountain is in the process of securing the approval of OWASA and the Orange County Commissioners to construct the Sewer Line in accordance with OWASA specifications and such a manner that will deter additional connections; and

WHEREAS, the staff and Board members of OWASA have indicated to Piney Mountain that the towns of Chapel Hill and Carrboro have a strong interest in the Rural Buffer, and especially extensions of municipal water and sewer lines into the Rural Buffer; and

WHEREAS, Piney Mountain is also in the process of securing from the Town of Carrboro, a nonbinding resolution similar to this resolution;

WHEREAS, time is of the essence since the LPP System is in urgent need of replacement;

IT IS THEREFORE RESOLVED, that the Chapel Hill Town Council does hereby find that by virtue of Piney Mountain's failing LPP System, and with regard to the installation of the Sewer Line only, Piney Mountain does appear to fall within the already established exceptions to the general prohibition on the extension of sewer to the Rural Buffer, and Chapel Hill hereby does register its concurrence in the decision of OWASA and the Orange County Commissioners, whatever it may be and based on their more complete investigation of the facts and alternatives, with regard to the approval of the installation and maintenance of the Sewer Line to Piney Mountain.

Carrboro Board of Aldermen
Nonbinding Resolution
in regard to the installation of municipal sewer line
to the Piney Mountain Subdivision

WHEREAS the Piney Mountain Subdivision ("**Piney Mountain**") is located on Mt. Sinai Road in Orange County, N.C. in the area designated as the "Rural Buffer" by the Joint Planning Agreement dated November 2, 1987 among Orange County, Chapel Hill and Carrboro ("**1987 Joint Planning Agreement**"); and

WHEREAS, the 1987 Joint Planning Agreement and the Joint Planning Land Use Plan among Orange County, Chapel Hill and Carrboro (adopted in October 1986 and amended in April 2, 1990 - "**Joint Planning Use Plan**") each provides that the Rural Buffer "will not require urban services (public utilities and other town services);" and

WHEREAS, the Joint Planning Use Plan also acknowledges that the Orange Water and Sewer Authority ("**OWASA**"), as the provider of water and sewer in the Joint Planning Area, extends water and sewer in accordance with the adopted policies of the applicable local governments; and that the applicable policy of Orange County for the Rural Buffer is to extend water and sewer only to provide service to an essential public service, such as a school, or to remedy a public health emergency, such as a failing septic tank or failing package treatment plant; and

WHEREAS, Piney Mountain has a failing community low pressure pipe sewerage disposal system ("**LPP System**"); and

WHEREAS, Piney Mountain, after a complete investigation with the assistance of soil scientists and Orange County Engineers and Health Department staff, has established that the LPP System has been installed in unsuitable soils and that there is insufficient repair area either existing or available for purchase; that, even in suitable soils, the LPP System has been so poorly designed, constructed and maintained that it is likely that it would never perform adequately, regardless of funds spent; that other alternatives such as an NPDES discharge system (treatment plant) are not feasible; and that the only solution to providing sewer service to its 58 homesites is to install and maintain, at Piney Mountain's expense, a pressurized sewer line from Piney Mountain to the City of Durham municipal line at the intersection of Kerley and Mt. Sinai Roads ("**Sewer Line**"); and

WHEREAS, Piney Mountain has secured the approval of the City of Durham to connect the Sewer Line with that of the City of Durham provided that Piney Mountain also secures the approval of OWASA; and

WHEREAS, Piney Mountain is in the process of securing the approval of OWASA and the Orange County Commissioners to construct the Sewer Line in accordance with OWASA specifications and such a manner that will deter additional connections; and

WHEREAS, the staff and Board members of OWASA have indicated to Piney Mountain that the towns of Chapel Hill and Carrboro have a strong interest in the Rural Buffer, and especially extensions of municipal water and sewer lines into the Rural Buffer; and

WHEREAS, Piney Mountain is also in the process of securing from the Town of Chapel Hill, a nonbinding resolution similar to this resolution;

WHEREAS, time is of the essence since the LPP System is in urgent need of replacement;

IT IS THEREFORE RESOLVED, that the Carrboro Board of Aldermen does hereby find that by virtue of Piney Mountain's failing LPP System, and with regard to the installation of the Sewer Line only, Piney Mountain does appear to fall within the already established exceptions to the general prohibition on the extension of sewer to the Rural Buffer, and the Carrboro Board of Aldermen hereby does register its concurrence in the decision of OWASA and the Orange County Commissioners, whatever it may be and based on their more complete investigation of the facts and alternatives, with regard to the approval of the installation and maintenance of the Sewer Line to Piney Mountain.

Barrett Kays & Associates

Civil Engineering/Environmental Engineering/Environmental Assessment

December 8, 1993

Ms. Deborah Christie
c/o Piney Mountain Home Owners Association
5310 Taproot Lane
Durham, NC 27705

RE: Preliminary Low Flow Stream Analysis
Pine Mountain Creek
Orange County, NC

BKA Project #9311003

Dear Ms. Christie:

On your request Barrett Kays & Associates, P.A. has conducted a preliminary low flow stream analysis for Pine Mountain Creek in Orange County, NC. Pine Mountain Creek, adjacent to the Piney Mountain Subdivision, has a drainage area of 3.5 square miles. We utilized the United States Geological Survey methodologies for estimation of low flows. These are the methodologies used by North Carolina Division of Environmental Management (DEM) for waste load allocations for wastewater discharge permits to surface waters. DEM requests flow calculations from USGS. Ms. Nancy W. Lasater, P.E. of our office worked with Mr. Robert Mason, P.E. of USGS in determining the low flow values.

Using the regional equation methodology the 7Q10 is 0.00 cfs and the 30Q2 is 0.02 cfs. The 7Q10 is an estimated stream flow that would typically occur once every 10 years for at least 7 consecutive days. The 30Q2 is an estimated stream flow that would typically occur once every 2 years for at least 30 consecutive days. The USGS has previously completed a final flow analysis downstream at SR 1718 and their records showed a 7Q10 of 0.00 cfs. It was reported to DEM as no or zero flow under the criteria with DEM.

DEM's regulations prohibit a discharge of treated wastewater into a surface stream where the 7Q10 flow is zero. However, the regulations allow a discharge if the 30Q2 flow is greater than zero and where the waste load allocation modelling can demonstrate that the discharge will not impair the water quality below the standards for the stream.

Letter to Deb Christie
Page 2
December 8, 1993

The average daily wastewater discharge for Piney Mountain Subdivision would be 2.5 times the 0.02 cfs 30Q2 flow. This means that the wastewater discharge would frequently be the majority of the stream flow for extended periods of time. The peak daily wastewater discharge would be over 6 times the 0.02 cfs 30Q2 flow.

In addition, the 30Q2 flow is very close to zero. The difference between 0.02 and 0.00 cfs may be greater than the standard error in the flow estimation methodology.

Given these facts, it is my opinion than DEM would not desire to issue a discharge permit for Pine Mountain Creek. It is my opinion that DEM would want the Piney Mountain Subdivision sewer system connected into a municipal wastewater collection system.

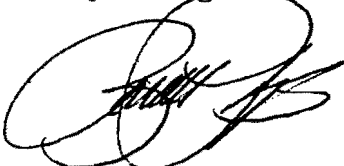
I trust that this information may be helpful to you in evaluating your options. Please contact me if you have any questions or need further elaboration.

Sincerely,

BARRETT KAYS & ASSOCIATES, P.A.

Nancy W. Lasater

Nancy W. Lasater, P.E.
Project Engineer

A large, stylized handwritten signature in black ink, likely belonging to Barrett L. Kays, is positioned above his printed name.

Barrett L. Kays, Ph.D.
President

BLK103/NWL001:cr

NORTH CAROLINA INDUSTRIAL COMMISSION

I.C. FILE NO. T- _____
N.C. PRISONER NO.- _____
(If applicable)

RALEIGH

CLAIM FOR DAMAGES UNDER TORT CLAIMS ACT, G.S. 143-291 et. seq.

STATE OF NORTH CAROLINA

AFFIDAVIT

COUNTY OF ORANGE

Lawrence J. Noe, being duly sworn, deposes and says:

(Print Name of Claimant)

That his/her name is Lawrence J. Noe.

That he/she lives at 5208 Piney Hollow, Durham, NC 27705.

and that his/her mailing address is same as above.

That he/she hereby files a claim against State of North Carolina Department of Environment, Health & Natural Resources, Division of Environmental Management

(State Agency or County Board of Education)

and that its mailing address is 512 N. Salisbury St., Raleigh, NC

for damages resulting from the negligence of See Exhibit A

(Print Name of Employee or Agent Involved)

That he/she has been damaged in the amount of \$ See Exhibit A by reason of the negligent conduct of the employee agent named above.

That the injury or accident giving rise to this claim occurred at Piney Mountain subdivision, Orange County

(Print Name of County and Exact Location Where Accident Occurred)

on _____, _____ 19____, at _____ M.

(Month)

(Day)

(Time)

That the injury or property damage occurred in the following manner: _____

(Give Brief Statement of What Happened, Names of Witnesses, etc.)

The Claimant is an owner of lot 30 and has a home on that lot served by the community sewer system in the Piney Mountain subdivision. The Claimant has been damaged by the actions of DEM in the manner described in Exhibit A. (Claimant owns the lot jointly with his wife, Susan Y. Noe.)

That the damages claimed above consist of the Claimant's costs in repairing and/or replacing the sewerage system and expenses of investigating how to mitigate this damage.

(Itemize Repair Bill, Medical Bills, etc.)

IN TESTIMONY WHEREOF, the said _____ Lawrence J. Noe has hereunto set
s hand and seal,

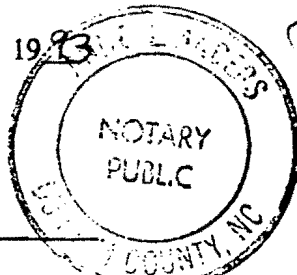
(Name of Claimant)

is 28th day of November, 1993

Subscribed and sworn to before me

is 28th day of November, 1993

Signature and Seal of Clerk of Court or Notary Public



James T. Noe
(Signature of Claimant)

My Commission Expires 10/3/95

FILE FOUR COMPLETE COPIES WITH THE INDUSTRIAL COMMISSION

(If estimates of damages are submitted attach 2 copies)

See reverse side of form for filing instructions

ATTACHMENT TO AFFIDAVIT

1. The claimant is one of several property owners of lots in the Piney Mountain subdivision located in Orange County. The subdivision has a low pressure pipe (LPP) sewerage system owned and formerly operated by North State Utilities, Inc. ("North State"). The subdivision's restrictive covenants prohibit individual septic tanks and there is no publicly-owned sewerage service available.

2. As of 1987 and until July 14, 1992, the Division of Environmental Management (DEM) of the N.C. Department of Environment, Health and Natural Resources (or its predecessor) had statutory responsibility for regulating and permitting the construction of privately-owned community sewerage systems such as the one built in the Piney Mountain subdivision and for overseeing the operation of such systems. Because of this responsibility, DEM had a duty to insure that such systems were designed, constructed and operated in compliance with applicable state laws and regulations and sound engineering practices.

3. On December 23, 1987, DEM issued a permit to North State pursuant to the regulations in 15 NCAC Chapter 2H of the North Carolina administrative code authorizing the construction of an LPP sewerage system in the Piney Mountain subdivision to provide sewer service to 59 lots in the Piney Mountain subdivision. On November 30, 1990, DEM issued another permit for the Piney Mountain system that voided the 1987 permit and again authorized the construction of an LPP system for 59 lots in the subdivision. On August 30, 1991, DEM issued a third permit, voiding the 1990 permit and authorizing the construction of an LPP system for 58 lots in the subdivision (the 59th lot is served by its own septic tank, which was in place before the subdivision was developed and the restrictive covenants were imposed).

4. After the time DEM issued the permits described above and pursuant to those permits, North State constructed the LPP community sewerage system at the Piney Mountain subdivision and received permission from DEM to commence operation of the system. To date, 55 of the lots in the subdivision have been sold. There are 34 houses hooked up to the sewerage system. There are 24 unimproved lots, four of which belong to the developer.

5. In 1992, jurisdiction for the permitting of privately-owned community sewerage systems, such as the one in place at the Piney Mountain subdivision, changed by statute from DEM to the Division of Environmental Health ("DEH") within the Department of Environment, Health and Natural Resources. DEH authorized the Orange County Department of Health to administer on its behalf the permitting of systems in Orange County.

6. On January 31, 1993, the DEM Permit for the Piney Mountain sewerage system expired. In the process of considering North

State's application for renewal of the permit, the Orange County Department of Health determined that the system does not meet the state requirements for a permit, despite the fact it was permitted by DEM previously. Among other things, the Orange County officials determined that the system does not have sufficient capacity to serve all of the homes in the subdivision and does not have sufficient "repair area", or land to be used as nitrification fields if the existing fields fail. This means that the system can only serve the 34 homes that are already built at the subdivision, and none of the remaining 24 lots in the subdivision. Orange County also determined that the existing system did not meet all applicable regulations and required that certain improvements be made. On the basis of these findings, Orange County issued only a limited permit for the system, authorizing it to serve only the 34 existing homes in the subdivision, and also required that certain improvements be made to the existing system or even this limited permit would be revoked.

7. Because the Piney Mountain sewerage system has only a limited permit, the property owners who have not yet built homes on their lots cannot obtain a building permit to build a home on their lots. They will not be allowed to build until the Piney Mountain sewerage system is expanded to accommodate more users or another provision is made for sewage disposal. North State has said it has insufficient land in the subdivision to expand the system. In fact, North State has abandoned the system and gone out of business. The North Carolina Utilities Commission has named an emergency operator to operate the system until a new owner for the system can be found. The emergency operator has also stated that the system cannot be expanded to accommodate any homes yet to be built in the subdivision without adding land to the system. The Piney Mountain property owners are informed and believe that only some of the unimproved lots have soil of a good enough quality to permit the installation of a septic tank and owners of such lots cannot do this under the current restrictive covenants. The other owners of unimproved lots have lots with soils that will not accommodate septic tanks and there is no other alternative available to them for sewerage service.

8. Because of inadequacies in the existing system, the current homeowners who are using the system will have to pay for repairs to the system required by Orange County. Furthermore, the current homeowners are informed and believe that some of the soil in the existing nitrification fields is not suitable for this use under the applicable state standards, and that as a result the fields may fail to adequately absorb the wastewater discharged by the system sooner than they would have if they had met the state requirements for this use.

9. The claimant and other property owners who are filing claims against DEM are informed and believe that the Piney Mountain sewerage system did not meet all applicable state laws and

regulations at the time it was originally permitted and thus did not in fact qualify for the permits DEM issued. They also are informed and believe that some of the deficiencies in the existing system result from the fact that the system was not built in accordance with the plans and specifications submitted to DEM; and that the system has not been monitored as required by the applicable state regulations and the DEM permit. They also are informed and believe that if the system had met all state requirements when DEM permitted the system, and if the system had been built in accordance with the plans and specifications submitted and monitored as required by state law, it would be adequate today to serve 58 lots in the subdivision.

10. At the time DEM issued the permits described above and at all relevant times subsequent, DEM knew the Piney Mountain sewerage system was to serve a subdivision with 58 lots needing the service and that purchasers of the lots would rely on DEM to require that the system was built with adequate capacity and quality to serve the lots. DEM also knew that the purchasers would rely on DEM to insure that the system was built in accordance with the plans and specifications approved by it and was adequately monitored after operation began.

11. At the time claimant and the other property owners in the subdivision bought their lots, they were informed by the developer of the subdivision or his agent that North State had constructed or was constructing a community sewerage system to serve the Piney Mountain subdivision. They also knew that the State of North Carolina required that North State obtain a permit to construct and operate such a system. Claimant relied on the fact that the system had been approved by DEM or would have to be approved by DEM in determining that the lot claimant planned to purchase would have adequate sewer service and thus would be suitable for use as the site of a residence.

12. Claimant is informed and believes that DEM, through the actions of its employees listed in paragraph 1³, infra., was negligent in permitting the North State system for construction and operation in the following respects:

- a. DEM permitted the system to serve 58 lots in the subdivision even though the plans for the system were based on a projected capacity lower than that required by DEM's own applicable regulations and insufficiently low given the size of homes planned for the subdivision and the quality of the soil in the subdivision. DEM continued to permit the system for 58 lots even when homes were built in the subdivision of a size much larger than the average size projected by North State, even though it was probable that the system would not have enough capacity to serve all the homes planned in the subdivision.

- b. DEM continued to permit Phase I of the system to serve 24 lots in the subdivision even after an engineer for North State reported information to DEM showing that the pipe actually laid in the Phase I nitrification fields was not as much as originally planned, and thus Phase I of the system could not serve this many lots. DEM also permitted Phase II of the system first to serve 35 lots and subsequently 34 lots, even though North State never submitted detailed plans showing how it intended to construct a system with this capacity; North State did not file a proper certification by an engineer showing that North State had installed the total linear feet of pipe required by its permit and depicted in its original plans and specifications. A visual inspection of the system would have disclosed that North State had not installed the total number of linear feet required by the permit.
- c. DEM permitted the system even though North State had not provided the amount of repair area required by the DEM regulations for a system serving 58 lots, and even though much of the area designated for repair area was not suitable either because of the quality of the soil or the location of the proposed repair area.
- d. DEM permitted the system on the basis of insufficient information about the quality of the soil for the nitrification fields and repair area from the soil scientist retained by North State. DEM was further negligent in the names in which it conducted its own investigation to determine whether the soil was suitable, and in concluding that the soil was suitable when in fact much of the soil was not suitable for this use.
- e. DEM allowed North State to operate the system when it did not have a certification from an engineer who had observed the construction indicating that the system had been constructed as set forth in the original or amended plans and the system had not been constructed as set forth in the plans. As discussed above, the system did not have the planned amount of linear feet of pipe. Also, the system lacked other components required by the permit and included in the plans.
- f. DEM authorized the system to go into operation even though the system did not have adequate monitoring devices to determine whether the system was operating properly, and did not have all monitoring wells required by the state, and some monitoring wells were not located in compliance with DEM regulations.

- g. DEM allowed North State to continue operation of the system even after it failed to receive the required monitoring reports from North State and when a visual inspection would have determined that North State was not monitoring the system properly and as required by the permit.

13. Based on information and belief, the individuals who are responsible for the negligent acts alleged are some or all of the following persons who had a role in the approval and oversight of the Piney Mountain sewage system: Arthur Mouberry, Babette McKemie, Donald Safrit, Timothy L. Donally, William A. Kreutzberger, Rick Hiers, R. Paul Wilms, Robert D. Harding, Lindsay L. Mize, George T. Everett, Carolyn McCaskell, Jeff Lautier, Edmond John Maguire, C. Brian Wootton, J. William Reid, Bob Cheek, Jay Zimmerman, Michael D. Cleary, and James R. Parker.

14. As a direct and proximate result of DEM's negligence, the value of the lots owned by property owners who have not yet built homes has decreased from the value they would have had without DEM's negligence. The claimant will present evidence at the hearing on this claim as to the amount of depreciation in the value of claimant's property caused by the negligence of DEM.

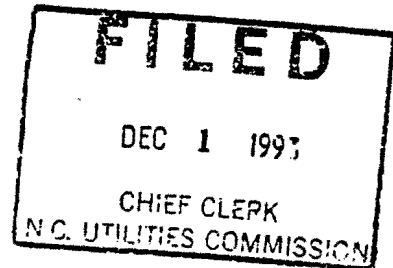
15. As a direct and proximate result of DEM's negligence, the property owners who have homes using the sewerage system must pay for the repairs to the system required by Orange County as a condition of the existing limited permit. The emergency operator has estimated this cost will be a total of approximately \$50,000. These property owners shall also have to bear the expense of replacing the system and seek from DEM the cost to them of securing a substitute system, which costs shall exceed five thousand dollars for each lot.

16. Also as a result of DEM's negligence, claimant has shared in the expense incurred by the Piney Mountain Homeowner's Association to investigate possible ways to expand the capacity of the sewage system and other steps necessary to provide an adequate system for the entire subdivision. These expenses exceed \$_____ for each property owner, and continue to grow at this time.

HARRCO

UTILITY CORPORATION

December 1, 1993



Robert H. Bennink, Jr., General Counsel
North Carolina Utilities Commission
P.O. Box 29510
Raleigh, NC 27626-0510

RE: Docket No. W-848, Sub ~~15~~ 16
Capital Improvements Requiring Assessment
Piney Mountain Subdivision

Dear Mr. Bennink:

In order to comply with ordering paragraph number nine of the "Recommended Order Appointing Emergency Operator and Approving Interim Rate", issued September 1, 1993 by the commission in the above referenced docket, Harrco Utility Corporation (HUC) has contracted with Mr. James R. Butler, a professional engineer with the firm of Bass, Nixon and Kennedy, Inc. Mr. Butlers' duties are to aid HUC in determining the improvements necessary to bring the existing North State Systems into an acceptable working order.

Mr. Butler has worked closely with HUC personnel and local health officials in making site visits and inspections in order to assess the condition of the North State Systems. Attached to this letter, is a copy of his findings and recommendations relating to the North State System serving the Piney Mountain Subdivision.

At the request of HUC, Mr. Tom Konsler of the Orange County Health Department conducted an inspection of the system serving the Piney Mountain Subdivision. Attached to this letter, is a copy of his findings dated October 29, 1993.

After review of these two reports and compilation of operating data by our staff since September 1, 1993, Harrco Utility Corporation formally recommends the following repairs and improvements be performed as a minimum in order to bring this system into an acceptable working order that can be maintained and operated with reasonable effort and safety to the operating personnel.

RE: Docket No. W-848, Sub 15 & 16
 Capital Improvements Requiring Assessment
 Piney Mountain Subdivision

- 1) Provide all weather access to Phase I dosing tanks and maintenance access to field areas. Remove brush and debris left on site by North State Utilities.

Materials:

ABC Stone (4" thick)	39 TN @	10.50	409.50
Dump Fees(Clearing debris)			150.00

Equipment & Labor:

Tractor w/Blade	3 hrs @	30.00	90.00
Skilled Labor	5 hrs @	15.00	75.00
Bobcat Loader	5 hrs @	35.00	175.00
Dump Truck	5 hrs @	30.00	150.00

ITEM # 1 TOTAL: \$1049.50

- 2) Repipe existing pumps in Phase I dosing tanks to allow for proper maintenance access, provide appropriate isolation valves for each pump, provide proper disconnect for pumps and floats adjacent to dosing tank, replace existing float switches, install non-corrosive float bracket, replace existing controls with new UL rated duplex control panel having suitable control logic to provide for reliable automatic and manual operation of control valves and valve-specific annunciation of improper operation of any given valve. New control panel will include event and time accumulators for each control zone. Replace inoperable telephone dialer.

Materials	20070.00
Equipment & Labor	584.00
Electrical	2420.00

ITEM #2 TOTAL: \$23074.00

- 3) Raise buried access covers to additional "Phase I" dosing tank to ground surface.

Raise Buried Covers: (2' dia. riser w/concrete lids)

Materials	910.00
Equipment & Labor	1104.00

ITEM #3 TOTAL: \$2014.00

RE: Docket No. W-848, Sub 15 & 16
Capital Improvements Requiring Assessment
Piney Mountain Subdivision

- 4) Replace all existing irrigation type solenoid valves at Phase I drain field with suitable "contaminant resistant" (effluent rated) valves, including the provision of independent ball valve for isolation and gate valve for flow control and flow sensing device. Valve assembly shall be installed in suitable enclosures such that normal foot traffic and mowing equipment may pass over them without injury to either enclosure or equipment, while providing sufficient room to repair and adjust the valves.

17 valve assemblies @ 530.00 ea.

Materials	4420.00
Equipment & Labor	4590.00

ITEM #4 TOTAL:	\$ 9010.00
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- 5) Locate and adjust to elevation acceptable to local authority all "turn-up" pipes at ends of laterals in Phase I drainfield and provide physical protection for those "turn-ups".

178 "turn-ups" @ \$9.50 ea.

Materials	890.00
Equipment & Labor	801.00

ITEM #5 TOTAL:	\$1691.00
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- 6) Provide and install such additional soil material as may be necessary to smooth surface contour of Phase I field areas so that surface water ponding and trench settling are eliminated. Seeding and mulching of all disturbed areas.

Removal of Pine Straw Cover	1.73 AC @	2000.00	3460.00
Furnish & Install Topsoil Fill	300 CY @	22.50	6750.00
Seeding & Mulching	2.16 AC @	1650.00	3564.00

ITEM #6 TOTAL:	\$13774.00
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RE: Docket No. W-848, Sub 15 & 16
Capital Improvements Requiring Assessment
Piney Mountain Subdivision

- 8) Provide boundary survey of existing nitrification fields and repair area.

Boundary Survey	8095 LF @	.50	4047.50
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ITEM #7 TOTAL:			\$4047.50
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- 8) Check and pump accumulated residuals from individual septic and pump tanks (STEPS). Repipe effluent pump to provide maintenance and repair from ground surface. Provide approved disconnect for pump, controls and alarm adjacent to pump chamber. Install proper access risers and covers to septic and pump tanks as required by local health department. Provide separate electrical circuit for pump alarm.

Materials	6841.89
Equipment & Labor	7738.50
STEP Pumping (33 @ 145.00/ea)	4785.00

ITEM #8 TOTAL:		\$19365.39
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- 9) Provide all weather access to Phase II dosing tank and maintenance access to field areas. Remove brush and debris left on site by North State Utilities.

Materials:

ABC Stone (4" thick)	70 TN @	10.50	735.00
Dump Fees (clearing debris)			450.00
15" RCP	40 LF @	8.60	344.00

Equipment & Labor:

Front-End Loader	16 hrs @	70.00	1120.00
Skilled Labor	16 hrs @	15.00	240.00
Bobcat Loader	6 hrs @	35.00	210.00
Dump Truck	16 hrs @	30.00	480.00
Backhoe	4 hrs @	45.00	180.00

ITEM #9 TOTAL:		\$3759.00
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RE: Docket No. W-848, Sub 15 & 16
Capital Improvements Requiring Assessment
Piney Mountain Subdivision

- 10) Replace existing pumps in Phase II dosing tank and pipe new pumps to allow for proper maintenance access, provide appropriate isolation valves for each pump, provide proper disconnect for pumps and floats adjacent to dosing tank, replace float switches, install non-corrosive float bracket, replace existing controls with new UL rated duplex control panel having suitable control logic to provide for reliable automatic and manual operation of control valves and valve-specific annunciation of improper operation of any given valve. New control panel will include event and time accumulators for each control zone. Replace inoperable telephone dialer.

Materials	43372.00
Equipment & Labor	2336.00
Electrical	3630.00

ITEM #10 TOTAL: \$49338.00

- 11) Replace all existing irrigation type solenoid valves at Phase II drainfield with suitable "contaminant resistant" (effluent rated) valves, including the provision of independent ball valve for isolation and gate valve for flow control and flow sensing device. Valve assemble shall be installed in suitable enclosures such that normal foot traffic and mowing equipment may pass over them without injury to either enclosure or equipment, while providing sufficient room to repair and adjust the valves.

51 valve assemblies @ 530.00 ea.

Materials	13260.00
Equipment & Labor	13770.00

ITEM #11 TOTAL: \$ 27030.00

RE: Docket No. W-848, Sub 15 & 16
Capital Improvements Requiring Assessment
Piney Mountain Subdivision

- 12) Locate and adjust to elevation acceptable to local authority all "turn-up" pipes at ends of laterals in Phase II drainfield and provide physical protection for those "turn-ups".

517 "turn-ups" @ 9.50 ea.

Materials	2585.00
Equipment & Labor	2326.50

ITEM #12 TOTAL: \$ 4911.50

- 13) Provide and install such additional soil material as may be necessary to smooth surface countour of Phase II field areas so that surface water ponding and trench settling are eliminated. Seeding and mulching of all disturbed areas.

Furnish & Install Topsoil Fill	600 CY @	22.50	13500.00
Seeding & Mulching	3.92 AC @	1650.00	6468.00

ITEM #13 TOTAL: \$ 19968.00

The above figures totalling \$179031.89 represent the estimated outside cost to be incurred by HUC in making the listed repairs and improvements. In addition, HUC anticipates an engineering cost of approximately \$9705.00 to include submittal of plans and specifications necessary to acquire the required repair permit from the Wake County Department of Health.

A fee of ten percent of the total cost for these repairs will be needed by HUC in order to cover overhead expenses incurred by HUC in supervising and coordinating these repairs and improvements.

A reconciliation of the total cost is as follows:

Cost for Items #1 thru #13:	\$179031.89
Engineering Fees:	9705.00
HUC Supervision & Coordination:	18873.68

TOTAL: \$207610.57

RE: Docket No. W-848, Sub 15 & 16
Capital Improvements Requiring Assessment
Piney Mountain Subdivision

As emergency operator for the Piney Mountain Sewer Sytem, Harroco Utility Corporation request the imposition of an assessment under G.S. 62-118(C) in the amount of \$207,610.57.

For your convenience and use in determining the breakdown of this assessment, we have attached a current customer list to this letter reflecting the following numbers.

Total System Capacity	57 Homes
Total Connections Served to Date	33 Homes

*Application and payment has been received from Mr. Clay Thomas to connect lot #8. No fees have been collected for repairs or improvements to existing LPP System.

The above repairs and improvements include only those items recommended or required by Mr. Butler or Mr. Tom Konsler in their respective reports. Items listed in either report and not detailed above have been determined to be normal maintenance items and are being performed by HUC under the existing rate structure in place.

The repairs and improvements covered by this report will bring the existing Piney Mountain System into an acceptable working order. The Orange County Health Department has currently suspended all connections over 34 until suitable "repair area" can be located to serve this system. The existing system, once repaired, should be capable of serving the total 57 lots, although "repair area" is not present. The suspension by the Orange County Health Department of future connections has caused difficulties to lot owners who purchased lots unknowing of these problems. HUC has been requested by several of these lot owners to explore alternatives available for future connections. Please advise HUC of its duties or obligations as emergency operator to serve future connections.

Please advise of additional information or assistance required of our office.

Respectfully Submitted,


Lexie W. Harrison, President
HARROCO UTILITY CORPORATION

LWH/msh

Copy: (w/enclosures) Mr. Robin Cauthen

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

Docket No. W-848, Sub 15
Docket No. W-848, Sub 16

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Piney Mountain Homeowners)	
Association, Inc.,)	
Complainant)	OBJECTION OF PINEY MOUNTAIN
)	HOMEOWNERS ASSOCIATION TO
v.)	PROPOSED ASSESSMENT FOR
)	CAPITAL IMPROVEMENTS
North State Utilities, Inc.,)	
Respondent)	

The Piney Mountain Homeowners Association ("Homeowners Association") objects to the request by Harrco Utility Corporation ("Harrco") filed on December 1, 1993, for an assessment to users of the system in the Piney Mountain sewerage system to pay for certain capital improvements and repairs and asks the Commission to postpone consideration of this request. In support of this motion, the Homeowners Association shows the Commission as follows:

1. Harrco has requested an assessment totaling \$207,610.57, which would result in an assessment of over \$6,000 to each current user of the system (assuming only current users would be subject to the assessment.) This amount is substantial and would impose a considerable financial burden on each user.

2. The Homeowners Association has information indicating that even if this substantial sum is spent to improve and repair the sewerage system, it still will not be adequate to serve the subdivision for the life of the homes in the subdivision. The Homeowners Association has a letter from Paul K. Thames, the Engineer for Orange County, stating his opinion that because of the poor design and construction of the system, "there is no way to assure that this waste treatment system will ever perform adequately, regardless of the funds expended on improving operational practices or mechanical flaws inherent in the system." A copy of this letter is attached as Exhibit A. The Homeowners Association also has a report from Barrett Kays & Associates, a private engineering firm hired by the Homeowners Association to test the soils in the existing nitrification fields, stating that much of the soil presently used by the system for nitrification fields does not meet the state standards for such use and that the

residents should consider other wastewater alternatives to serve the subdivision. A copy of this report is attached as Exhibit B.

3. Because of the information cited above, the Homeowners Association desires to have the subdivision served by the Durham municipal sewer system, so that the homeowners will not have to rely on the North State Utilities, Inc. system. The City of Durham has indicated it is willing to serve the subdivision. However, because of previous agreements made for planning purposes, Durham will not extend its service into Orange County to serve Piney Mountain without permission from the Orange Water and Sewer Authority ("Owasa") and OWASA requires approval from Orange County, the town of Chapel Hill and the town of Carrboro.

4. The Homeowners Association is in the process of petitioning all related governmental entities for approval of the Durham extension to Piney Mountain. If these petitions are granted, the North State system (or much of it) will not be needed and thus it would be a waste of money to make substantial repairs to the system at this time. The Homeowners Association is moving as fast as possible to have its petitions heard; however, it is informed that it will take at least a month and possibly two to gain the approvals needed to allow the subdivision to hook up to Durham.

5. Because of the facts cited above, the Homeowners Association objects to any assessments for capital improvements or repairs at this time. The Homeowners Association asks the Commission not to consider any such assessments (except to the extent required to meet an emergency situation) while the Homeowners Association pursues its effort to obtain approval for municipal service to the subdivision and, if approval is obtained, not make any assessments other than for emergency repairs before the subdivision can hook up to the Durham system.

This the ____ day of December, 1993.

POYNER & SPRUILL

By: _____
Nancy Bentson Essex
Attorneys for the Piney Mountain
Homeowners Association
3600 Glenwood Ave.
Post Office Box 10096
Raleigh, North Carolina 27605-0096
Telephone: (919) 783-6400

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the attached Objection of Piney Mountain Homeowners Association to Proposed Assessment for Capital Improvements on all parties to this cause by United States Mail, first class, postage prepaid, addressed as follows:

Robert B. Cauthen, Jr.
Staff Attorney, Public Staff
North Carolina Utilities Commission
Post Office Box 29520
Raleigh, NC 27625-0520

James F. Jordan
2840 Plaza Place
Suite 105
Raleigh, NC 27612
for North State Utilities

Karen E. Long
Assistant Attorney General
NC Department of Justice
Post Office Box 629
Raleigh, NC 27602
for Attorney General's Office

Martha K. Walston
McMillan Kimzey & Smith
Post Office Box 150
Raleigh, NC 27602
for Carpenter Pond Development Corporation

Harrco Utility commission
8601 Barefoot Industrial Rd.
Raleigh, NC 27613

Tri-County Waste Water Management
712 S. Hayne St.
Monroe, NC 28112

This the ____ day of December, 1993

Nancy Bentson Essex

PINEY MOUNTAIN HOMEOWNERS' ASSOCIATION

To the Board of the Orange Water and Sewer Authority

The vast majority of the members of the Piney Mountain Homeowners' Association chose to live in Piney Mountain because of its unique features within the rapidly developing Triangle area. As part of the rural buffer in Orange County, Piney Mountain offers a woodland serenity that is unsurpassed in its natural beauty and character. All of us are proud of and want to maintain Piney Mountain's natural heritage.

We share the concerns of OWASA and the pertinent governing bodies to preserve the planned character of the rural buffer. Through no fault of our own, due to failure of our community sewage disposal system, we find ourselves having taken an arduous and circuitous path that has led us to doorstep of OWASA.

As our problem is discussed by you this evening, and in the coming weeks, we confirm for the OWASA Board our commitment to protect the rural buffer environment not only for ourselves and for our children, but also for the benefit of those who live in neighboring areas and who visit the area to partake of its beauty. Our request to OWASA to connect with the Durham County sewer line comes as a last resort. Our petition is intended not to change the nature of the rural buffer but rather to assure its preservation. The failure of our community sewage disposal system poses economic and environmental health concerns. It behooves OWASA to consider seriously our unfortunate plight. A favorable response to our request at this time will help secure the future of the rural buffer for those who live in and around it, for generations to come.

For the December 9, 1993
OWASA Board meeting.

BOARD OF ALDERMEN

ITEM NO. F(3)

AGENDA ITEM ABSTRACT MEETING DATE: January 18, 1994

SUBJECT: Report on Community Policing

DEPARTMENT: Police	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: Report	FOR INFORMATION CONTACT: Chief Callahan, 968-7721

PURPOSE:

On several occasions in discussions with the Board of Aldermen, the Chief of Police has referred to the concept of Community Oriented Policing. The members of the Board have asked several questions about Community Policing and have requested more information about the subject. In response to this request, the Chief of Police has completed a report on Community Oriented Policing which is attached.

SUMMARY:

The report is an overview of information concerning Community Oriented Policing. The bulk of the material is taken virtually verbatim from a book titled Community Policing, A Contemporary Perspective by Dr. Robert Trojanowicz and Dr. Bonnie Bucqueroux. Dr. Trojanowicz is recognized as being one of the nation's foremost experts on Community Oriented Policing. Community Policing changes the way police think and act. It broadens the police mandate beyond the narrow focus of fighting crime, to include efforts that also address fear of crime, social and physical disorder, and neighborhood decay. Community Policing says that the police must form a partnership with people in the community allowing average citizens the opportunity to have input into the police process. Community Policing rests on the belief that contemporary community problems require a new decentralized and personalized police approach, one that involves people in the process of policing themselves.

ANALYSIS:

The attached report seeks to describe the most important aspects of Community Oriented Policing and gives the Board a more definitive explanation of what Community Policing is all about. The report is not meant to be a recommendation of the community policing strategy, but it should give

Page Two
Agenda Item Abstract F(3)
January 18, 1994

the Board more insight into this concept and allow them more understanding as this and other law enforcement issues are discussed in the coming months.

ACTION REQUESTED:

The report is presented to the Board of Aldermen for their review.

TO: Mayor Kinnaird and Members of the Board
of Aldermen

FROM: Ben Callahan, Chief of Police

RE: Community Policing

DATE: January 14, 1994

The attached report is an overview of information available on Community Oriented Policing. The bulk of the material presented is verbatim from a book titled Community Policing, A Community Perspective, authored by Dr. Robert Trojanowicz and Dr. Bonnie Bucqueroux. Dr. Trojanowicz is recognized as being one of today's most noted experts in the area of Community Oriented Policing.

The "Community Close-Ups" presented at the end of this packet are also quoted from Dr. Trojanowicz's book. They will give you some idea of how other communities have implemented Community Policing. There are a few cities in North Carolina which have begun Community Policing projects. The most notable is Lumberton, which, under Chief Harry Dolan, has a fully implemented program underway. Chief Dolan makes presentations and provides workshops to Police Departments and local governing bodies throughout North Carolina.

I apologize, in advance, for the length of this report, however, I feel that the information provided is necessary to put into perspective the philosophy of Community Policing, how it differs from more traditional law enforcement, and what type of changes will be necessary to implement such a program within Carrboro. The book, Community Policing, gives a much more extensive overview of the subject and you are welcome to read it any time you wish. Just let me know and I'll be glad to "check it out" to you.

The *TEN PRINCIPLES OF COMMUNITY POLICING* are:

1. Community Policing is both a philosophy and an organizational strategy that allows the police and community residents to work closely together in new ways to solve the problems of crime, fear of crime, physical and social disorder, and neighborhood decay. The philosophy rests on the belief that law-abiding people in the community deserve input into the police process, in exchange for their participation and support. It also rests on the belief that solutions to contemporary community problems demand freeing both people and the police to explore creative, new ways to address neighborhood concerns beyond a narrow focus on individual crime incidents.

2. Community Policing's organizational strategy first demands that everyone in the department, including both civilian and sworn personnel, must investigate ways to translate the philosophy into practice. This demands making the subtle but sophisticated shift so that everyone in the department understands the need to focus on solving community problems in creative, new ways that can include challenging and enlisting people in the process of policing themselves. Community Policing also implies a shift within the department that grants greater autonomy to line officers, which implies enhanced respect for their judgment as police professionals.

3. To implement true Community Policing, police departments must also create and develop a new breed of line officer, the Community Policing Officer (CPO), who acts as the direct link between the police and people in the community. As the department's community outreach specialists, CPO's must be freed from the isolation of the patrol car and the demands of the police radio, so that they can maintain daily, direct, face-to-face contact with the people they serve in a clearly defined beat area.

4. The CPO's broad role demands continuous, sustained contact with the law-abiding people in the community so that together they can explore creative new solutions to local concerns involving crime, fear of crime, disorder, and decay, with private citizens serving as unpaid volunteers. As full-fledged law enforcement officers, CPO's respond to calls for service and make arrests, but they also go beyond this narrow focus to develop and monitor broad-based, long-term initiatives that can involve community residents in efforts to improve the overall quality of life in the area over time. As the community's ombudsman, CPO's also link individuals and groups in the community to the public and private agencies that offer help.

5. Community Policing implies a new contract between the police and the citizens it serves, one that offers the hope of overcoming widespread apathy, at the same time it restrains any impulse of vigilantism. This new relationship, based upon mutual trust, also suggests that the police serve as a catalyst, challenging people to accept their share of the responsibility for solving their own individual problems, as well as their share of the responsibility for the overall quality of life in the community. The shift to Community Policing also means a slower response time for non-emergency calls and that citizens

themselves will be asked to handle more of their minor concerns, but in exchange this will free the department to work with people on developing long-term solutions for pressing community concerns.

6. Community Policing adds a vital pro-active element to the traditional reactive role of the police, resulting in full spectrum police service. As the only agencies of social control open 24 hours a day, seven days a week, the police must maintain the ability to respond to immediate crises and crime incidents, but Community Policing broadens the police role so that they can make a greater impact on making changes today that hold the promise of making communities safer and more attractive places to live tomorrow.

7. Community Policing stresses exploring new ways to protect and enhance the lives of those who are most vulnerable juveniles, the elderly, minorities, the poor, the disabled, the homeless. It both assimilates and broadens the scope of previous outreach efforts, such as Crime Prevention and Police/Community Relations units, by involving the entire department in efforts to prevent and control crime in ways that encourage the police and law-abiding people to work together with mutual respect and accountability.

8. Community Policing promotes the judicious use of technology, but it also rests on the belief that nothing surpasses what dedicated human beings, talking and working together, can achieve. It invests trust in those who are on the front lines together on the street, relying on their combined judgment, wisdom, and expertise to fashion creative new approaches to contemporary community concerns.

9. Community Policing must be a fully integrated approach that involves everyone in the department, with the CPO's as specialists in bridging the gap between the police and the people they serve. The Community Policing approach plays a crucial role internally, with the police department, by providing information and assistance about the community and its problems, and by enlisting broad-based community support for the department's overall objectives.

10. Community Policing provides decentralized, personalized police service to the community. It recognizes that the police cannot impose order on the community from the outside, but that people must be encouraged to think of the police as a resource they can use in helping to solve contemporary community concerns. It is not a tactic to be applied, then abandoned, but an entirely new way of thinking about the police role in society, a philosophy that also offers a coherent and cohesive organizational plan that police departments can modify to suit their specific needs.

While these *Ten Principles* appear quite appealing, a closer look shows that [Community Policing] demands profound changes in the way traditional police departments view their role. While traditional policing implies that the police department imposes law and order within the community, Community Policing makes the all important shift to understanding the police role must be to encourage and support people's efforts to police themselves. Community policing is not an add-on, deploying a handful of CPO's does not constitute a commitment to Community Policing. It is instead a new way of looking at the business of policing.

Though it is not generally acknowledged, since the 1960's, law enforcement, especially local law enforcement, has undergone significant changes in the way the profession conducts business. "No profession has asked questions about its reason for being as thoroughly and as painfully as have police." Much of this examination was done by police themselves in an effort to keep up with constantly changing laws, rules, regulations, budgets, crime patterns and social conditions within their various communities. Public scrutiny has demanded and continues to demand more effective and efficient law enforcement. Community Oriented Policing is the latest of many "innovative" approaches designed to better deliver police services.

The "philosophy" and strategy of Community Policing is actually a combination of many strategies developed over the past several years in cities such as Flint (MI), Santa Ana (CA), Madison (WI), Houston (TX), Newport News (VA), New York (NY), and Newark (NJ). The strategy was actually the outgrowth of these and other Police Department's attempts to develop new tactics to deal with increased crime and social decay in the face of decreasing budgets and greater demands by citizens for action. Flint, Michigan's "Neighborhood Foot Patrol Experiment" and later, Michigan State University's National Neighborhood Foot Patrol Center, first created to provide education and consultation about basic foot patrol, were two of the first organized attempts at a "community based policing strategy." Now called the "National Center for Community Policing," this organization, directed by Dr. Trojanowicz, is the basic clearing house for information and training on Community Oriented Policing.

From the Preface of Community Policing:

Community Policing...changes the way police think and act. This revolutionary movement broadens the police mandate beyond a narrow focus on fighting crime, to include efforts that also address fear of crime, social and physical disorder, and neighborhood decay. The Community Policing philosophy provides an organizational strategy that challenges police officers to solve community problems in new ways. It says that the police must form a partnership with people in the community, allowing average citizens the opportunity to have input into the police process, in exchange for their support and participation. Community Policing rests on the belief that contemporary community problems require a new decentralized and personalized police approach, one that involves people in the process of policing themselves.

What then is Community Policing and what is it not?

Foot Patrol - Because much of the early Community Policing strategy came from foot patrol experiments in various cities, many people see this as the basic tenet of Community Policing. "The distinction is that Community Policing is a philosophy while foot patrol is just one tactic that can be used to put line officers in closer contact with people." A police department can have foot patrol without Community Policing and it can have Community Policing without foot patrol.

Problem-Oriented Policing/Problem-Solving Policing - Problem Oriented Policing asks line officers to use their heads, to look for the underlying dynamics behind a series of incidents, rather than to focus on the individual occurrences as isolated events. Community Policing urges CPO's to use Problem-Solving techniques but it also demands that police departments make substantive structural changes, so that CPO's can act as the department's specialists in identifying, carrying out, and monitoring long-term solutions.

Working Together - Community Policing dramatically alters the relationship between police officers and the people they serve. In the traditional approach, administrators tell supervisors what to do, then supervisors tell officers what to do, and then the officers tell the people in the community what to do. Within the Community Policing philosophy, police officers become aware of what needs to be done through their contact with the community as well as through their supervisors. They solicit input from those they serve and they utilize all the resources available to solve the problem. The CPO, rather than waiting for his supervisor to tell him what to do, would inform his superiors that he and some other people in the community planned to work together on ridding the area of problems such as panhandling and vandalism.

Developing Trust - Community Policing suggests that to "get the facts," the police must do more than attempt to impose their authority, that they must find new ways to promote cooperation between citizens and the police. While traditional police efforts focus on getting information about crime from the perpetrators of crimes, themselves, Community Policing focuses on getting help from the law-abiding community which consciously or unconsciously possesses much of the information that the police need. This requires developing a relationship with the "everyday" citizen through formal and informal contacts which allows these citizens to pass on information in a way which does not arouse suspicion that they are "squealing to the cops."

Sharing Power - Another break from the traditional law enforcement methods, is that a CPO's agenda is influenced by the community's needs and desires, not just the dictates of the department. It provides for a quid pro quo relationship between police and citizens. If you provide information and assistance, in exchange, you will receive an opportunity to have input into the police priorities in your community. This is not as easy as it may seem. Empowering average citizens requires an important adjustment in the line officers thinking. While traditional officers believe their authority should be sufficient to demand compliance, CPO's must understand that people aren't obstacles,... but a tremendous resource that can be tapped to make the community a better and safer place.

The CPO's challenge also includes involving people directly in efforts to solve problems in the community. Not only does Community Policing encourage people to act as the eyes and ears of the department..., it also solicits their direct participation in solving problems far beyond the basics such as Neighborhood Watch.

Creative - With Community Policing, the shape of the solution is dictated by the nature of the problem. Creativity is encouraged and almost required. Community Policing provides accountable creativity, because new ideas must meet the needs of both the police and the community, since both set the boundaries concerning what the police role should be.

Crime..

Community Policing philosophy defines the police mission broadly. Police Officers must do more than concentrate only on specific crime incidents, by looking for pressure points in the underlying dynamics that might lend themselves to providing new solutions. Community Policing also means that the police must accept new responsibilities in dealing with fear of crime, disorder and quality of life issues. Experience shows that many people worry as much or more about seemingly petty problems, such as vandalism or barking dogs, as they do about crimes like murder, because they realize the threat of being murdered is relatively small, but the dog that keeps them up all night so they go to work exhausted is a real and immediate problem that directly affects their quality of life.

Like any law enforcement officer, a CPO's first priority is crime, but as we have already learned, arrest is only one of the tools that can be used to battle crime. Community policing demands a subtle, sophisticated shift in thinking, so that the entire department learns to focus on how certain problems can be solved, not on how many cases can be cleared.

Community Policing also recognizes fear of crime can be as much of a problem as crime itself. Traditional efforts have little, if any ability to reduce fear. Community Policing addresses the problem in new ways.

Research shows that most of the calls that police receive have nothing to do with a crime in progress. The bulk of calls involves other problems, often physical or social disorder. The traditional police mindset considers such calls as nuisances they interfere with the real business of policing. Yet the department's failure to help people cope with these kinds of problems fosters alienation between the police and the people they are supposed to serve.

To many traditionalists, Community Policing sounds like touchy-feely, New Age, social-work orientation, not real police work. Yet the police play only a limited role in the overall dynamics of crime, but a community in obvious chaos makes everyone feel afraid, and people look to the police for answers.

Community Policing Officers (CPO's) - A CPO is an officer who sees himself or herself as a community problem-solver and not just a crime-fighter. A CPO answers calls and makes arrests, just like any other police officer, but that is only the minimum requirement. The CPO acts as an innovator. The CPO is the police department's direct link to the community, providing policing with a human touch, an officer that people know on a first-name basis and as a friend who can help. The CPO acts as a catalyst, involving people in

efforts to police themselves. He or she acts as a referral specialist, the community's ombudsman who can link people to the public and private services that can help.

The hallmark of Community Policing is that the effort is tailored to local needs, which also means that elements of how the CPO operates in the community reflects local resources and local concerns.

Some CPO's may walk a beat, while others may ride a bike. The mode of transportation is not as important as the commitment to ensuring the CPO has the time and opportunity to talk with people formally and informally. It is also important that CPO's take calls like any other officer, though some departments have decided to phase this in over time, as a way to reduce internal dissent by allowing the CPO's to prove their worth first.

The traditional policing system focuses on generating numbers, while the Community Policing approach focuses on producing results.

Particular Geographic (Beat) Area - The importance of stationing a CPO permanently in a specific beat area rests on allowing the officer to *own* that particular piece of turf. The size of the beat is not as important as the goal to keep each area small enough so that the officer can get around the entire beat often enough to maintain direct contact.

Another important consideration in setting up beats is for the department to identify areas of community cohesion. Whenever possible, it pays not to divide a distinct neighborhood so that it falls into two or more beat areas. The goal is to decentralize police service, so that people can receive 'small town' police service regardless of where they live.

A major misunderstanding about Community Policing stems from the misconception that the goal in freeing the officer from the patrol car is so that the officer serves as a visible deterrent to crime on the street. While that may be a useful by-product of freeing CPO's from the car, the more important purpose is to involve the officer in the life of the community.

Daily..

same CPO in the same beat every day. The goal is to involve CPO's so deeply in the life of the community that the officers feel responsible for what happens in their beat areas. The people who live there learn to trust them and work with them. CPO's should not be used as 'pinch hitters' to fill vacancies elsewhere in the department, nor should they be rotated in and out of different beats. The only way that Community Policing can work is when both the officers and the residents can count on the CPO's continued daily presence.

Community Policing is not a technique - Community Policing is not a technique that departments can apply to a specific problem until it is solved, but an entirely new way of thinking about the role of the police in the community. The entire department must be infused with the Community Policing philosophy. It must also be supported by Town Administration and elected officials who provide support and funding. Community Policing is not something to be used periodically, but it is a permanent commitment to a new kind of policing.

Community Policing is not public relations - Improved public relations is a welcome by-product of Community Policing, not its sole or even primary goal. Community Policing enhances a department's image because it is a sincere effort to change the way the department interacts with people in the community. It departs from the 'us vs them' mindset of police and citizens alike and instead treats law-abiding people as an extension of us.

Community Policing is not anti-technology - It is assumed by many that Community Policing rejects technology, because it refuses to lock the officer into a patrol car and handcuff him to the police radio. In reality CPO's can make tremendous use of new technologies. Community Policing can actually enhance the Department's ability to apply new technologies, by improving the odds that people will provide the information that will allow them to be used.

Community Policing is not soft on crime - CPO's often face derision within their own departments, from fellow officers who call them "lollicops" or the "grin and wave squad." The reality is that CPO's make arrests just like any other officer, but CPO's deal with a broader variety of community concerns in addition to crime, not as a substitute for addressing serious crime.

Community Policing is not flamboyant - The media often reinforces the image of the macho police officer whose job is glamorous, tough and often dangerous. The public and other officers look up to those officers who have faced danger and survived. Maintaining this hero image becomes almost as important as the job itself. Officers and the community must change their views and expectations of what makes a good police officer. The focus must be on working together and on solving community concerns rather than on individual accomplishments and rewards. The police must learn to reward creativity, not stifle it. Being a hero can occur in many different ways. A successful Community Policing program sends a message that innovation and persistence can be as "heroic" and as rewarding as any of the more dangerous and dramatic aspects of law enforcement.

Community Policing is not paternalistic - Police Departments are organized as a paramilitary hierarchy where those at the top expect to set the agenda, based on their superior experience and expertise. This structure also extends beyond the police department in the way officers typically interact with the community. The message to the average citizen is that the police think people do not know enough about police work to do much more than pay taxes and answer questions, if asked. Community Policing threatens this traditional system by putting responsibility and decision making authority in the hands of the line officer - the CPO. It also implies a new set of trade-offs. Traditional departments often seek to make friends with the community by providing services such as helping people when they lock their keys in the car. Finding the resources to fund CPO's may require eliminating some services in favor of more direct interaction between citizens and police. Non-emergency calls may be responded to more slowly or by telephone.

Community Policing is predicated on the belief that an informed public will support intelligent choices about what the role of the police should be, especially once they see that Community Policing treats them as respected partners in the policing process.

Community Policing is not an independent entity within the department - The Community Policing philosophy must infuse the entire department, but the change-over can generate tremendous pressure on the CPO's. The challenge to these officers is to find ways to demonstrate to others in the department how the Community Policing philosophy benefits them directly. Integrating the Community Policing philosophy into the day-to-day operation of the entire department is a challenge, one that requires care and feeding over time.

Community Policing is not cosmetic - Unlike the traditional Crime Prevention and Community Relations programs, Community Policing goes beyond providing information and expressing goodwill. It seeks to make substantive changes in how the department interacts with the public. Community Policing is not limited to a special unit or program. CPO's are simply line patrol officers who serve as community outreach specialists, offering direct, decentralized, and personalized police service.

Community Policing is not a top-down approach - Within traditional police organizations, the power to make decisions concerning how the police will operate resides in the centralized authority of the police command. Community Policing decentralizes decision-making. It provides the department grass-roots input from both community residents and line officers. It goes beyond previous outreach efforts that talked almost exclusively to community leaders and deals directly with the citizen on the street regardless of community standing.

Community Policing is not just another name for social work - Traditionalists insist that the police have their hands full trying to battle serious crime, so efforts that detract from that effort not only waste valuable time and money, but they can erode the credibility and authority of the police. Their attitude is that police should leave social work to the social workers. This attitude ignores the fact that many police officers are already involved in many efforts that have little, if anything, to do with serious crime. The question thus becomes, not whether the police should become involved in efforts that do not directly focus on serious crime but on what kinds of other services they should provide. The fact is that social work has always been an important element of police work. Police discretion means doing more than just sticking to rules and regulation. It also means allowing police officers the freedom to make immediate decisions, including the freedom to solve problems in ways that have nothing to do with arresting bad guys. Though it often conflicts with the "hero" myth, good police officers have always tried to encourage youths to live within the law and help the elderly feel less vulnerable.

Community Policing not only sanctions but also broadens this role, urging all officers to focus on solving community problems and specifically allowing CPO's to use their uncommitted time to initiate efforts to address a wide variety of community concerns.

Community Policing is not elitist - One of the biggest difficulties with Community Policing is that CPO's often are seen as heroes within the community, but are objects of derision among their peers. CPO's tend to work "better hours" than their peers. They have more freedom to interact with the community and to set their own agenda. Left unchecked, this friction can erupt into outright hostility. Departments that launch new Community Policing efforts must pay particular attention to educating everyone in the department about the Community Policing philosophy and how it can benefit everyone within the department. If the department makes a sincere commitment to Community Policing, all officers will be accorded greater trust and respect by being treated as true professionals. Community Policing also implies allowing all line officers greater autonomy and respect, not just CPO's.

Community Policing is not a quick fix or panacea - As we are all aware, social problems such as crime and disorder do not lend themselves to simple solutions. Part of the difficulty in educating people about Community Policing is that it cannot be captured in a slogan. Community Policing is instead a sophisticated, subtle, logical, and flexible approach that focuses on street-level problems and concerns. Community Policing cannot solve all the community's problems of crime and disorder, and most new initiatives will take time before the results are apparent. The first thing that Community Policing will probably *not* do is help much with high-level crime. What Community Policing excels at is finding new solutions to street-level problems, by challenging the department and the community to find new answers. By accepting that the police should not dash about randomly trying to catch all the bad guys, especially since there is not room enough to lock them all away anyhow, Community Policing frees the police to look at a greater range of options.

Quantifying the results of many of the efforts of Community Policing is virtually impossible - who knows if another fight about the stereo could have ended in assault or murder? Community Policing brings with it a new set of problems, as well, primarily internal resistance within the Department and it will take much time and energy to head off this hostility.

Community Policing makes an important contribution, but it cannot and should not be expected to do more than it can. Enthusiasts tend to oversell the concept, as if it could work miracles overnight. There may well become a time as society changes that Community Policing may also seem dated and out of touch. For now, however, it provides the necessary tonic for a system that tends to view the police officer as a chess piece whose moves are controlled by the police radio.

Community Policing is not "safe" - Allowing officers the freedom to attempt creative solutions to problems carries with it the risk of mistakes that can range from the embarrassing to the disastrous. The traditional system instead focuses on routinizing tasks and codifying procedures as a way to eliminate the potential for bumbles that can threaten the department's reputation.

At issue, of course, is whether police officers are educated professionals who can be trusted to do more good than harm. Community Policing says that police departments must learn to suffer the occasional foul-up, so that officers can bring the full impact of their education, training, experience, professional instincts, and imagination to bear on

solving community problems. History shows that the traditional approach is far from error-free, and that you do not eliminate problems by treating personnel as if they cannot be trusted.

Community Policing says that the system benefits from treating people as individuals, allowing them to capitalize on their strengths and work on minimizing their weaknesses. Allowing people the opportunity to fail also offers people the chance to succeed brilliantly. One of the hardest things departments and the community often face in a new Community Policing effort is restraining the impulse to second-guess or censor. It is important not to be constantly looking over the CPO's shoulder, to allow some freedom, and to accept that some embarrassment might occur. If the end result is positive, then the effort is worth it.

In **closing**, it is very apparent that Community Policing is not a simple philosophy or strategy. It may not even be what this community needs or wants. The Carrboro Police Department has long practiced some of the strategies outlined within Community Policing. We continue to be, however, a fairly traditional law enforcement agency, using traditional approaches to problems.

My approach over the past year has been to apply some of the techniques of community policing to our operating system and to encourage more independence among officers within the Department. While this may seem simple enough, it can be seen through the discussion above that such a transition can be quite difficult to accomplish, even on a limited basis.

Police Officers are hired and trained to fit a certain community and departmental philosophy. They develop certain "routines" and work practices which they perceive are those desired and rewarded by the department and the Town. While the members of this Department are quite well educated and have adapted well to the current system, change does not come easily.

Like Police Officers, the community itself is familiar with the type of law enforcement we now have. While all citizens may not agree with way the system serves them directly, they generally support the overall operation of the Police Department. Change may not be easy for them, either.

If Community Policing is to be more fully implemented, extensive training of Police Personnel, Town Administrators, elected officials, and citizens will be necessary. Will Community Policing solve Carrboro's problems? Will it do a better job than the current system does? Will it be cost effective? Will implementing Community Policing cost more or less than what it is going to cost to keep the current system updated and responsive?

These are only some of the questions that must be asked and answered as discussions proceed concerning Community Policing.

In terms of the immediate future, this Department will be gathering information about how North Carolina cities and towns have implemented Community Policing and how these strategies might be applied to Carrboro. Decisions about changes in the present structure of the Police Department and requests for resources for the Department will be based upon the current strategy of getting the job at hand done while at the same time moving slowly toward a more community based police department. Requests for personnel, equipment, and other resources will reflect this, more or less, two-fold approach. In presenting information to Town Administration and to you, I will attempt, whenever possible, to address how I perceive these changes and requests impacting upon both aspects of the strategy.

COMMUNITY CLOSE-UPS

Short Descriptions of Several Police Departments' Community Policing Strategies

Philadelphia Police Department..

In Philadelphia, Community Policing means police accountability to the community for the quality of life in neighborhoods. This has involved the implementation of three inter-related programs to accomplish the mission of the department: to improve community quality of life; neighborhood advisory councils, decentralized experimentation; and the adoption of a problem-focus for management and tactical operations.

In each of Philadelphia's 23 police patrol districts, neighborhood advisory councils have been formed with the explicit purposes of (1) providing community access to police policy making and (2) establishing an accountability linkage between police and the consumers of police services, the public. These advisory councils meet regularly with district captains to identify and assess community problems, and jointly to determine strategies to resolve those problems.

Linked to neighborhood advisory councils is broadening of operational discretion at the patrol district level, and the mandate that captains have the managerial latitude to experiment in programs aimed at reducing crime, fear of crime and community disorder. In several instances, this has resulted in the opening of mini-stations to anchor deteriorating neighborhoods and to strengthen civic development. In others this has resulted in a full-scale decentralization of a police division as an alternative to traditional, centralized police functioning in the city.

The Philadelphia PD has embraced a problem-oriented approach to policing, wherein managers, supervisors, and patrol officers are challenged to solve community crime and disorder problems, rather than reactively responding to the problems once they are identified by the community. Here the department is in the process of elaborating on communications and analytic systems to better capture demand, conduct repeat call analysis, and isolate persistent problems in the community.

The Philadelphia strategy is to have in each patrol district a team of specialists that help to fulfill the many missions of Community Policing. In addition to the patrol force, Victim Assistance Officers, Police and Community Relations Officers, and Crime Prevention Officers are assigned to each patrol district. This core of community-oriented officers is not expected to become just another specialization within the Department. Instead, the ultimate goal is to transfuse the patrol force with the Community Policing idea and practice, so that community-oriented and problem-focused policing become the normal operational practice of the department.

Los Angeles Police Department..

The Community Policing effort in LA is called Police Assisted Community Enhancement (PACE) and is part of that city's effort to encourage more citizen participation in community policing. PACE assumes that quality of life conditions directly affect the morale of a neighborhood and, thus, the perception of the residents' control over their environment. Attacking these often-ignored conditions has the positive effect of lifting neighborhood pride, raising community standards, and thereby lowering the residents' tolerance for crime.

PACE expands the role of police officers in two important areas. First, the officers must enforce laws for minor violations. Second, they must serve as a catalyst to identify and use other resources to improve community conditions. This secondary role is a departure from traditional police work, but it is an essential part of the program.

LAPD selected one area of Los Angeles to use as a test area for PACE. Their experience proved very successful and has had a positive impact on the community. Resources had to be identified to effect such "routine" tasks as trash removal in alleys and abatement of abandoned houses used as gang hideouts. This required staff-level contact with other city departments to get them to commit their already strained resources on a consistent basis.

Although the department's staff was instrumental in obtaining formal commitments for inter-departmental cooperation, the really effective work was accomplished by the personal relationships established on a working level. The value of this individual commitment should not be underestimated. Logistical problems were usually solved by individual creativity and enthusiastic community support.

Other procedural methods were used to effect PACE. A short, easy-to-use manual was developed, one that allows enough flexibility to be useful in a wide variety of situations. A Community Enhancement Request citation-like form was developed to identify PACE-related problems and to keep the process simple.

Baltimore County Police Department...

Begun in 1982 as an experimental approach to alleviating fear among the citizens of Baltimore County, Citizen Oriented Police Enforcement (COPE) sought to identify and correct community conditions that contributed to citizen fear.

COPE is a unique, citizen-oriented approach that gives top priority to citizen perceptions, with an emphasis on community identification of problems and concerns. Using a refined problem-solving technique, COPE examines all facets of a community problem, looking beyond crime to identify the underlying causes of fear and doing whatever is necessary to restore the desired quality of life to a neighborhood.

COPE involves 6% of the department's patrol force and seeks to establish a close and positive interaction with citizens. Duties include attending community meetings, canvassing neighborhoods door-to-door, working with citizens to improve their efforts in crime prevention, tapping the resources of public and private groups, and using highly visible foot and motorcycle patrol to instill or regain citizen confidence in the police and to establish a rapport that encourages involvement of the community and its leaders in planned action to alleviate community problems.

COPE units tackle problems that are not normally considered to be within the realm of law enforcement responsibilities, but nevertheless contribute to fear among citizens, such as inadequate street-lighting, closed playgrounds, overgrown lots, neglected potholes, uncollected garbage, and dilapidated house or buildings.

A three year study conducted by the University of Baltimore concluded that COPE reduced fear by 19% in target communities, crime by 12%, and calls for service by 11%. Community awareness of police presence and satisfaction with police service rose 20% and 15%, respectively. A most unexpected finding was that there was a 26% improvement in attitudes of COPE officers toward police work and the community.

Initially, officers in patrol perceived COPE as just another public relations gimmick. These misconceptions were dealt with through in-service training to increase awareness of the COPE philosophy.

One underlying prerequisite became clear in this endeavor: support and leadership from the highest-elected officials are essential. COPE's success in combating fear by getting roads paved, shrubbery cut, panhandlers convicted, and parks cleaned depended on the active help of other agencies. Only elected officials have the position and power to support and facilitate that sort of government-wide cooperation and coordination.

New York Police Department...

NYPD's Community Policing program began in 1984 against a backdrop of reduced funding, manpower shortages and a massive increase in calls for service. At the time NYPD began the Community Patrol Officer Program (CPOP) the department's patrol force was basically responding only to 911 Emergency calls with no resources available to low level crime and disorderly conditions.

CPOP was implemented as a pilot program in Brooklyn's 72th Precinct to determine the feasibility of permanently assigning police officers to foot patrol in fairly large neighborhood beat areas and requiring them to perform a variety of nontraditional tasks in addition to their normal law enforcement duties.

All CPOP officers were volunteers, who were allowed wide flexibility in working hours. CPO's were recruited based upon their agreement to work those hours that permitted them to focus on the problems peculiar to their beat areas and to change those hours on a daily basis, if necessary. The officers were encouraged to solicit input from the residents and merchants on their beats in settling their patrol priorities, rather than being guided solely by crime incidence, and to involve the community in formulating solutions to neighborhood problems when possible.

One of CPOP's most notable deviations from normal procedure, was that CPO's were given the responsibility to work on problems over time. Rather than taking the traditional approach of responding to a problem, "stabilizing" the situation and then going on the next call, CPO's were encouraged to be available to follow up on community problems over time.

Madison Police Department ..

The Madison PD implemented a community-oriented policing team in 1986, after an employee planning group identified a need to " get closer to the people we serve." The team started with 6 officers and a sergeant and was expanded to 8 officers and a sergeant in 1987.

The neighborhood officers were assigned to a specific geographical area (approximately one-half mile square or less). Each officer had an office provided free by a public or private agency within the neighborhood. Officers each had their own telephone, answering machine, computer with modem, and printer. The neighborhood officers handled all responses to calls for service except traffic accidents (they did not have ready access to a vehicle, conducting their business on foot.)

CPO's attempted to follow up on as many cases as possible in which no detective was assigned. Most of the cases involved order-maintenance problems and officers had access to Departmental records to check for previous history of calls from specific locations. CPO's investigated the call and determined if any further action should be taken including verbal warnings, citations, criminal complaints, contacting the landlord, building inspector, Social Services, Housing Authority or any other agency. CPO's investigated some criminal cases if they were acquainted with the persons involved. Often detectives relied upon CPO's to assist them with investigations because of their familiarity with the area and the people. They also worked closely with district patrol officers, by sharing the workload and sharing information about the area.

CPO's were encouraged to try new, different, and nontraditional approaches to finding long-term solutions to chronic problems. The officer functioned as a facilitator, organizer, planner, and information gatherer, linking the community with other agencies to solve the problem.

CPO's met monthly as a team to discuss problems in their neighborhoods and to brainstorm about promising ideas. People from other agencies frequently attended these meetings to discuss how they could work better on mutual problems.

The management style is also a bottom-up approach. Officers share in decision making , planning, and organizing. It is important that the unit work as a team in order to best use the various talents and knowledge of the group to arrive at better decisions. CPO's reported a high level of satisfaction with their jobs compared to officers working in other areas.

McAllen Police Department..

The McAllen, Texas PD was racked by scandal in 1979-80 and the department's morale was at an all time low. Officers were taunted by citizens and the department had no pride, little effectiveness, and serious internal conflicts. The department was reorganized from top to bottom in 1981, a new chief was hired and a civilian review board was established to oversee and hear citizen complaints against the police.

In 1985 several officers were sent to the National Center of Community Policing at Michigan State University to receive training in the principles of foot patrol and Community Policing. Upon their return, the officers established their first neighborhood office at a city-run housing project. They also opened a Community Service Center in a strip mall.

Since that time the department has established two more neighborhood beat officers and two community police stations. A portable Community Policing station was established during 1989, bringing to six the number of outreach points in the Community Policing program.

The population of McAllen is about 85% Mexican-American and the relationship of the police to the majority of the population has been one of controller to those controlled. The perception was that the police represented the Anglo establishment and government, even though the majority of the police were Mexican-American themselves. Police received little help in resolving crimes or any other disorderly situation.

To establish a foothold in this environment, the department had to share something that police generally are reluctant to talk about, let alone, share with the community power - the power to determine police priorities, enforcement standards, levels of service, and other "exclusive" police rights. Not only had these never been shared with the community before, many were treated as exclusive police secrets.

The department separated its patrol force into two units, one responding to calls for service and the other responsible for the Community Policing mission. This separation met with some resistance and confusion. Some officers simply were not cut out to be CPO's and tended not to function well in a more independent environment.

The McAllen Community Policing effort is multi-fold and is centered around the neighborhood officer and the station. Officers are generally assigned hours that suit the neighborhoods served and civilian service personnel are used to run the stations during peak hours.

The success of the Community Policing effort in McAllen rests on the shoulders of the officers responsible for carrying out its mission and their first-line supervisors. No amount of training or written guidelines can replace desire and love of this type of work. It takes a very intense, yet flexible, officer who is willing to ask for help from the community and who is willing to help in return.

BOARD OF ALDERMEN

ITEM NO. F(4)

AGENDA ITEM ABSTRACT

MEETING DATE: January 18, 1994

SUBJECT: Appointment to Transportation Advisory Board

DEPARTMENT: n/a	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: Application from Brian Taylor	FOR INFORMATION CONTACT: Alex Zaffron, Chair Transportation Advisory Board

PURPOSE

There is currently one vacant seat on the Transportation Advisory Board. The Chair of the Transportation Advisory Board recommends that Brian Taylor be appointed to this vacant seat.

SUMMARY

Brian Taylor has submitted an application expressing interest in serving on the Transportation Advisory Board. Mr. Taylor's application was forwarded to the chair of the TAB for review and recommendation. Alex Zaffron, Chair of the TAB is recommending that Mr. Taylor be appointed to the vacant seat on the TAB.

RECOMMENDATION

The chair of the TAB recommends the appointment of Brian Taylor to the vacant seat on the Transportation Advisory Board.

ACTION REQUESTED

To appoint Brian Taylor to the vacant seat of the Transportation Advisory Board.

TOWN OF CARRBORO
APPLICATION FOR MEMBERSHIP ON ADVISORY BOARDS

Name Brian G. Taylor Date 10/29/93

Address 100 Old Pittsboro Rd.

Is this address located within the corporate limits of the Town of Carrboro? Yes

Phone (Home) 933-8950 (Business) 687-4686

Date of Birth 6/25/61 Race White Sex Male

Occupation Data Technician - Duke U. Med. Ctr.

Community Activities and Organizational Memberships _____

Are you a registered voter of Orange County? Yes

Length of residence in Orange County 32 yrs Town of Carrboro ~6 yrs

I wish to be considered for appointment to the following advisory board(s):

<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Appearance Commission	<input checked="" type="checkbox"/> Transportation Advisory Board
<input type="checkbox"/> Cable T.V. Committee	<input type="checkbox"/> Parks & Recreation Commission
<input type="checkbox"/> Human Services Commission	<input type="checkbox"/> Cemetery Commission
<input type="checkbox"/> OWASA Board of Directors	<input type="checkbox"/> Downtown Development Commission
<input type="checkbox"/> Orange County Economic Development Commission	<input type="checkbox"/> Other _____

If you apply for membership on more than one advisory board, please indicate your preference by number, with 1 being your first choice (please limit your selection to two boards). Please note that membership is limited to one advisory board at a time. You shall not be considered for appointment to another board unless you resign before filing an application or you are in the last six months of your current term.

Experience to aid you in working on these advisory boards: Familiarity with issues through contact and discussion with board members, and town officials and other interested citizens. Life long citizen of CA & Carrboro. (resident)

Reason(s) you wish to be appointed: Interest in the process of planning and transportation policy development and implementation. Desire for active involvement to help the town deal with those important issues. To serve the community w/ my own experience
Have you ever served on any Town of Carrboro advisory board? If so, which one(s)? No

& perspective, to play a part in maintaining & preserving the town, and also meeting the challenge of ~~dynamic~~ growth and dynamic evolution.

RECEIVED NOV 1 1993

Prior to being appointed to an advisory board, the Board of Aldermen asks each applicant to attend a meeting of the advisory board in which he or she has an interest. This helps each applicant to be more aware of the work of the advisory board. If you have not attended any meetings of the advisory board which you are interested, the chairperson of that board will extend an invitation to you. If you have attend a meeting of an advisory board, please indicate which board(s) _____

For further information on the duties and responsibilities of the various advisory boards, please contact the Town Clerk's Office, P.O. Box 829, Carrboro, N.C. 27510 (968-7705).

TOWN OF CARRBORO
APPLICATION FOR MEMBERSHIP ON ADVISORY BOARDS

Name James Morgan Date 11/30/93

Address 115 Hidden Valley Chapel Hill NC 27516

Is this address located within the corporate limits of the Town of Carrboro? NO

Phone (Home) 967-3788 (Business) 967-8505

Date of Birth 16/1/50 Race C Sex M

Occupation Architectural Designer

Community Activities and Organizational Memberships _____

Member, Nat. Trust for Historic Preservation, North Carolina Solar Energy Assn., etc.

Are you a registered voter of Orange County? NO

Length of residence in Orange County _____ Town of Carrboro _____

In business in Carrboro since March 1993. Resident of local area since Oct. 91

I wish to be considered for appointment to the following advisory board(s):

<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Appearance Commission	<input type="checkbox"/> Transportation Advisory Board
<input type="checkbox"/> Cable T.V. Committee	<input type="checkbox"/> Parks & Recreation Commission
<input type="checkbox"/> Human Services Commission	<input type="checkbox"/> Cemetery Commission
<input type="checkbox"/> OWASA Board of Directors	<input checked="" type="checkbox"/> Downtown Development Commission
<input type="checkbox"/> Orange County Economic Development Commission	
	<input type="checkbox"/> Other _____

If you apply for membership on more than one advisory board, please indicate your preference by number, with 1 being your first choice (please limit your selection to two boards). Please note that membership is limited to one advisory board at a time. You shall not be considered for appointment to another board unless you resign before filing an application or you are in the last six months of your current term.

Experience to aid you in working on these advisory boards:
I have worked with developers & planners as a design professional for over ten years in the U.S. and in Europe.

Reason(s) you wish to be appointed: Have a warm interest in Carrboro's future, & desire to serve the local community, and a wealth of professional expertise to enable me to make a useful contribution.
Have you ever served on any Town of Carrboro advisory board? If so, which one(s)? NO

RECEIVED NOV 30 1993

Prior to being appointed to an advisory board, the Board of Aldermen asks each applicant to attend a meeting of the advisory board in which he or she has an interest. This helps each applicant to be more aware of the work of the advisory board. If you have not attended any meetings of the advisory board which you are interested, the chairperson of that board will extend an invitation to you. If you have attend a meeting of an advisory board, please indicate which board(s) _____

For further information on the duties and responsibilities of the various advisory boards, please contact the Town Clerk's Office, P.O. Box 829, Carrboro, N.C. 27510 (968-7705).

BOARD OF ALDERMEN

ITEM NO. F(5)

AGENDA ITEM ABSTRACT MEETING DATE: January 18, 1994

SUBJECT: Discussion of Format for 1994 Planning Retreat

DEPARTMENT: Administration	PUBLIC HEARING: YES ____ NO <u>x</u> ____
ATTACHMENTS:	FOR INFORMATION CONTACT: Robert Morgan, 968-7706

PURPOSE

The annual retreat is scheduled for February 13th and 14th. The format for this retreat needs to be set. The Agenda Planning Committee was given the responsibility to plan the retreat. The Committee wanted to discuss several issues about the retreat with the other Board members before setting the schedule and format.

SUMMARY

The primary issue is whether to use an outside facilitator for the retreat.

The second issue is the timetable for Board members to submit issues for discussion at the retreat.

The third issue is a recommendation to conduct an evaluation of the retreat at a regular Board meeting shortly following the retreat.

ANALYSIS

The Board used an outside facilitator at the retreat two years ago. Board members had different views as to its usefulness. The Board decided not to use a facilitator last year. Over the years different means have been tried to keep the discussions on schedule with mixed results.

In the past, each Board member has submitted to the Agenda Planning Committee a list of topics that they wish to discuss at the retreat. The Committee reviewed these lists and identified broad groupings to schedule ample time for discussion. The Committee would need each members' list at the next meeting in order to have sufficient time to group the topics and set the schedule for the retreat.

The follow-up evaluation is being recommended to begin planning for next year's retreat while the last one is fresh in everyone's mind. It is always difficult to remember eleven months later what changes you would like to make to the format.

A final note, the retreat cannot begin until noon this year since another group will be finishing at that time. The retreat would begin then with lunch.

ACTION REQUESTED

To discuss the issues listed above and to give the Agenda Planning Committee suggestions on the retreat.

BOARD OF ALDERMEN

ITEM NO. F(6)

AGENDA ITEM ABSTRACT

MEETING DATE: January 18, 1994

SUBJECT: Selection of Board Members to Participate in Discussions with OWASA

DEPARTMENT: Administration	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: Memo and Letter from OWASA	FOR INFORMATION CONTACT: Robert Morgan, 968-7706

PURPOSE

Jaquie
Randy Attached is a letter from the Chair of the OWASA Board of Directors inviting the Chapel Hill, Carrboro and Orange County governing boards to have representatives participate in a discussion on February 5, 1994 regarding the Piney Mountain Homeowners Association's request and a second letter that requests a single member of the Board of Aldermen to participate on the Cane Creek Watershed Advisory Committee. The Agenda Planning Committee scheduled these requests for tonight's meeting. This item is on the agenda to confirm the delegates from Carrboro to participate in these discussions.

SUMMARY

Two delegates from the Town of Carrboro will need to attend the OWASA retreat on February 5th from 10:00 a.m. to 2:00 p.m. to discuss the request from the Piney Mountain Homeowners Association.

One delegate from Carrboro will need to attend monthly meetings concerning the Cane Creek Watershed. The first meeting will be January 20th at 7:30 p.m. in OWASA's community room.

ANALYSIS

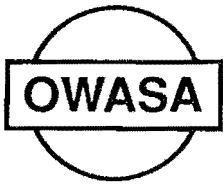
Since the town has received several requests to participate in discussions relating to OWASA, the Board may wish to consider appointing a standing committee to deal with OWASA issues. This would allow a couple of Board members to develop an expertise in this area as well as some historical familiarity concerning OWASA. This approach has served the community well in the transportation area and may be appropriate for this area also.

ADMINISTRATION'S RECOMMENDATION

The town administration recommends that the Board consider a standing committee for OWASA issues.

ACTION REQUESTED

To designate Board members to participate in these two OWASA activities.



Orange Water and Sewer Authority
400 Jones Ferry Road
P.O. Box 366
Carrboro, NC 27510
(919) 968-4421

MEMORANDUM

TO: Mayor Kenneth Brown
Mayor Eleanor Kinnaird✓
Mr. Moses Carey, Jr.

FROM: Julie Andresen

DATE: December 21, 1993

SUBJECT: Failure of Community Wastewater System in Piney Mountain Subdivision

During its December 9, 1993 meeting, the Orange Water and Sewer Authority Board of Directors received a request from residents of the Piney Mountain Subdivision to allow the extension of a sewer force main from their failing community wastewater system to a municipal system.

Piney Mountain Subdivision is located in eastern Orange County north of Mt. Sinai Road approximately one mile west of the Durham/Orange County line in the "rural buffer." The thirty four homes in the subdivision are served by a community low pressure pipe (LPP) wastewater system with the capacity to serve 58 homes, as permitted in 1987 by the North Carolina Division of Environmental Management, and operated and maintained until August, 1993 by North State Utilities, Inc.

Serious deficiencies in design, construction, and maintenance have resulted in a chronically malfunctioning system for which there appear to be no repair options. State DEM officials have advised the homeowners that an NPDES permit for a discharging wastewater system would be very difficult, if not impossible, to obtain. When North State Utilities petitioned the North Carolina Public Utilities Commission for permission to abandon service to Piney Mountain last August, the Commission appointed Harrco Utilities as the emergency operator.

Piney Mountain homeowners contacted the Durham City Engineer about extending a force main to the Durham sewer system, which is located approximately 1½ miles away. They were told that the City could allow this, but because the subdivision is located in Orange County, the City considered it to be in OWASA's service area. Under terms of the 1988 *Agreement Defining Service Area boundaries and Providing for Sale and Purchase of Water* between Durham and OWASA, the Authority would also have to approve such an arrangement.

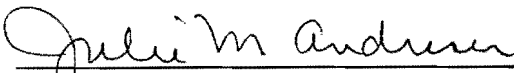
We are bringing this to your attention in recognition of the planning and policy implications of such a decision, and to solicit feedback from the Towns and County in order to respond to the Piney Mountain request. We are aware of the *Orange County Joint Planning Agreement* caveates concerning water and sewer service in the rural buffer. During our December 9 Board Meeting, we advised the residents that their petition should be presented to your respective decision making

Memorandum
December 21, 1993
Page 2

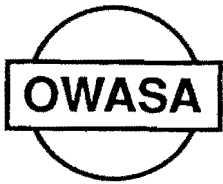
bodies as soon as possible. In the meantime, OWASA staff are developing additional background information, including cost estimates of extending a force main either to the Durham or OWASA system, as well as management alternatives for such arrangements. For example, if an OWASA-owned force main were extended to the Durham system, the Piney Mountain residents could be OWASA customers, paying sewer bills to the Authority, if a suitable agreement could be worked out with Durham regarding its acceptance of the wastewater. Ownership and maintenance of the community collection system, which consists of individual septic tanks and pump chambers, would also need to be resolved. Additional information is being prepared for the Board of Directors' January 13 meeting.

The Board requested that I discuss with you how we might achieve a process for addressing this failing septic problem as well as other failures that may follow. We want to provide an opportunity for you to discuss the issue of failing septic systems and related issues at our retreat on February 5, 1994. We request that two (2) members from your Board join us from 10:00 a.m. till 2:00 p.m. in the OWASA building. We think this forum would provide an informal setting for an open discussion on this complicated problem. Please call me at 541-5339 or Joni Gilgor at 968-4421 ext. 221 to accept this invitation. Lunch will be served at noon, and we will be happy for you to join us if you wish.

We welcome your advice and comments.


Julie M. Andresen
Chair, Board of Directors

cc: Board of Directors
Everett Billingsley
Mr. Allen Whitaker



Orange Water and Sewer Authority
400 Jones Ferry Road
P.O. Box 366
Carrboro, NC 27510
(919) 968-4421

December 28, 1993

Mayor Eleanor Kinnaird
Town of Carrboro
Post Office Box 829
Carrboro, NC 27510

SUBJECT: CANE CREEK WATERSHED ADVISORY COMMITTEE

Dear Ellie:

As Chair of the OWASA Board of Directors, I invite you to designate a member of the Board of Aldermen to represent Carrboro on the Authority's new Cane Creek Watershed Advisory Committee, which will be involved with the next phase of our Cane Creek technical study. The Committee's tasks will be to advise the Board of Directors on study design and consultant selection, and to periodically review the findings and recommendations of the consultant.

As you know, this work will form the technical basis for establishing an overall watershed management plan that will likely include elements of land use protection, agricultural practices, and land acquisition. We are proposing to the OWASA Board that the Committee comprise a range of landowners from the watershed, in-town water customers, technical experts, as well as staff and elected representatives of the Towns and County.

We expect the Committee to meet once a month through calendar 1994. The first meeting is scheduled for Thursday, January 20, at 7:30 p.m. in OWASA's downstairs Community Room.

I request that you put this matter on your next agenda. Thanks in advance for your help.

Sincerely,

Julie Andresen
Chair, OWASA Board of Directors

cc: Everett Billingsley

RECEIVED JAN 4 1994

BOARD OF ALDERMEN

ITEM NO. F(7)

AGENDA ITEM ABSTRACT

MEETING DATE: January 18, 1994

SUBJECT: A Resolution Authorizing Execution of an Amended Agreement on Regional Assistance Arrangements for Water Supply Emergencies

DEPARTMENT: Administration	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: Memo from Triangle J Council of Governments, Resolution	FOR INFORMATION CONTACT: Robert Morgan, 968-7706

PURPOSE

In 1988, the Town of Carrboro joined other local governments in the Triangle J Region in a five-year agreement regarding cooperative intent to provide temporary assistance in emergencies involving water supply, treatment and distribution. This agreement expired in December, 1993. The Board of Delegates of the Triangle J Council of Governments recommend extending the agreement for five additional years, through January 1, 1999. This item is to consider a resolution to extend this agreement.

SUMMARY

This agreement permits establishing mutual policies and practices for satisfying water supply needs during unanticipated disruptions of a short nature (a period of no longer than seven days).

This agreement does not apply to water transfers for meeting seasonal drought or long-term interlocal water needs. Those agreements would be separate mutual agreements of the parties involved.

ANALYSIS

The terms of the agreement are specified in the attached "Mutual Aid Compact" This agreement has worked well and is mutually beneficial to the communities in the region.

ADMINISTRATION'S RECOMMENDATION

The Towns of Carrboro and Chapel Hill have been parties to the agreement to date, along with OWASA. We believe it would be appropriate for the town to continue being a part of the agreement.

ACTION REQUESTED

To adopt the attached resolution.



W o r l d
C l a s s
R e g i o n

TRIANGLE J COUNCIL OF GOVERNMENTS

100 Park Drive, P.O. Box 12276
Research Triangle Park, NC 27709
919.549.0551 FAX: 919.549.9390

TO: Region J Parties to the Mutual Aid Compact for Water Supply Emergencies
FROM: John Lloyd, Chair, Triangle J Council of Governments
RE: Extension of the Mutual Aid Compact
DATE: November 23, 1993

In 1988, 29 local governments in the Triangle J region endorsed a mutual aid compact for water emergencies as a result of Triangle J's 1987 World Class Region Conference. The compact, by establishing policies for mutual aid to address temporary failures of the water supply treatment and distribution systems, strengthens the reliability of the region's utility infrastructure. Enclosed is a copy of the joint resolution.

The period of agreement for the joint resolution is December 1, 1988 to December 1, 1993, but may be extended upon mutual agreement of the local governments. The Triangle J Board of Delegates recommends extension of the Mutual Aid Compact from January 1, 1994 to January 1, 1999 and requests that you bring the enclosed compact amendment to your own Board or Council for action.

We hope that your Board can take action on the compact amendment in December; however, if holidays make this difficult, we could accommodate the action in January. Please send the signed amendment to Triangle J and we will send your manager a copy of the fully executed agreement in January.

Thank you very much for your timely attention to this matter.

cc: Triangle J Delegates
City and County Managers

enclosures



Mutual Aid Compact

A JOINT RESOLUTION ESTABLISHING COMMON LOCAL POLICIES FOR MUTUAL AID DURING WATER SUPPLY EMERGENCIES IN REGION J, NORTH CAROLINA

WHEREAS, the 1987 World-Class Region Conference expressed a broad based commitment to specific actions for enhancing the economic, environmental, and human resources of the cities and counties comprising Region J, North Carolina; and,

WHEREAS, utility infrastructure with sufficient capacity and reliability is essential to the Region's continued economic strength; and,

WHEREAS, the governing bodies of the parties to this Resolution recognize an increasing interdependence of water supply, development, and disposal activities expressed by the phrase "We all drink from the same bowl;" and,

WHEREAS, the increasing number of interconnections between local water systems provide the basis of a larger, more coherently planned water supply network; and,

WHEREAS, such interconnections should be designed to meet water supply needs ranging from short term emergency service measured in days; to seasonal drought supplements lasting for weeks or months; to longer duration transfers capable of satisfying interlocal water supply needs over a period of years; and,

WHEREAS, the Region's overall water resources are sufficient to meet most foreseeable local emergencies without undue hardship on neighboring water systems within the Region; and,

WHEREAS, an important element of the Region's high quality of life is the diversity and uniqueness of its individual communities, with those identities often expressed through different philosophies of growth, development, and capital facility expansion.

NOW THEREFORE, the governing bodies of the parties to this Resolution having determined that the public health, safety and welfare will be served and benefited by their cooperation as hereinafter set out; and, in the desire to assure adequate service during temporary disruptions caused by failure of the of the water supply, treatment, or transmission/distribution systems of any of the parties, do mutually resolve as follows:

1. COOPERATIVE INTENT

The parties to this Resolution intend to proceed cooperatively in utilizing water resources and facilities to support their respective service areas, and upon future mutual agreement, to enter into such joint administrative, financial, engineering or construction ventures which the individual parties determine support the best interests of their constituencies in assuring a reliable, high quality water supply during short term emergencies as defined herein.

2. ADDITIONAL INTERCONNECTIONS

The parties agree that emphasis should be given to creating or enlarging interconnections between water systems in the Region in order to provide for water transfers under short term emergency conditions.

3. WATER SUPPLY EMERGENCIES

The parties intend to establish mutual policies and practices for satisfying water supply needs during unanticipated disruptions of a short term emergency nature, such as those caused by human error, equipment failure, chemical contamination, fire, flood, or other disasters.

For the purpose of this Resolution, "short term emergency" shall mean a period of not more than seven days.

It is not intention of the parties to this Resolution that these policies and practices be construed to apply to water transfers for meeting seasonal drought or longer term interlocal water needs, unless specified upon separate mutual agreement of the parties.

4. ACTIVATING AN EMERGENCY TRANSFER

Any water transfers needed to meet a short term emergency, as described above, would be activated by the chief administrative officers of the entities involved. They shall immediately notify their respective governing boards that such an emergency exists. Any emergency transfer lasting longer than seven days shall require approval by the governing boards of all parties to the transfer.

5. CORRECTING THE EMERGENCY PROBLEM

The party experiencing the water emergency agrees to act expeditiously and adequately to mitigate and remove the causes of the emergency condition. Other parties do hereby agree to offer operational assistance to the affected party in correcting the emergency condition.

6. PRICE OF WATER DURING EMERGENCY

Unless otherwise specified by existing agreements, the price of water transferred during a short term emergency shall be the same as the commodity rate charged to residential customers within the provider's own regular ("inside") service area. It is understood that the party experiencing the short term emergency (the ultimate receiver of water) shall be responsible for paying any excess costs incurred by other parties (providers) to the transfer. These costs may include special operational assistance, as described in Section 5; startup activities, such as line flushing, valve switching, excess pumping or other operational costs attributable to the transfer; and, may include any difference in commodity rates paid by an intermediate provider for water transferred through its own system.

7. PERIOD OF AGREEMENT

This Joint Resolution shall become effective on December 1, 1988, and continue for a period of five years therefrom.

This Joint Resolution may be extended upon mutual agreement of the parties.

IN TESTIMONY WHEREOF, the undersigned parties:

**1988 MUTUAL AID COMPACT FOR WATER EMERGENCIES
LOCAL ENDORSEMENTS**

Town of Apex
Town of Benson
Town of Carrboro
Town of Cary
Town of Chapel Hill
Town of Clayton
City of Durham
Durham County
Town of Fuquay-Varina
Town of Garner
Town of Hillsborough
Town of Holly Springs
Johnston County
Town of Kenly
Town of Knightdale
Lee County
Town of Morrisville
Orange County
Orange Water and Sewer Authority
Town of Pittsboro
Town of Princeton
City of Raleigh
Town of Rolesville
City of Sanford
Town of Selma
Siler City
Town of Smithfield
Town of Wake Forest
Town of Wendell
Town of Zebulon

**AMENDMENT TO THE
MUTUAL AID COMPACT
A JOINT RESOLUTION
ESTABLISHING COMMON LOCAL POLICIES FOR MUTUAL AID
DURING WATER SUPPLY EMERGENCIES IN REGION J, NORTH CAROLINA**

WHEREAS in 1988, 29 local governments in the Triangle J region endorsed a mutual aid compact for water emergencies to address temporary disruptions caused by failure of the water supply, treatment or distribution systems of any of the parties;

WHEREAS the period of agreement for the Mutual Aid Compact is December 1, 1988 to December 1, 1993 but may be extended upon mutual agreement of the parties; and

Whereas utility infrastructure with sufficient capacity and reliability continues to be essential to the Region's high quality of life and economic strength.

NOW, THEREFORE, the undersigned parties have agreed to extend the Mutual Aid Compact. This Joint Resolution shall become effective January 1, 1994, and continue for a period of 5 years therefrom.

This Joint Resolution may be extended upon mutual agreement of the parties.

Everette Edwards, Mayor
Town of Apex

Attest: _____

Charles Matthews, Mayor
Town of Benson

Attest: _____

Eleanor G. Kinnaird, Mayor
Town of Carrboro

Attest: _____

Koka E. Booth, Mayor
Town of Cary

Attest: _____

Kenneth Broun, Mayor
Town of Chapel Hill

Attest: _____

Henry Dunlap, Chairman
Chatham County Board of Commissioners

Attest: _____

Douglas McCormac, Mayor
Town of Clayton

Attest: _____

Harry Rodenhizer, Mayor
City of Durham

Attest: _____

William Bell, Chairman
Durham County Board of Commissioners

Attest: _____

Alfred Johnson, Mayor
Town of Fuquay-Varina

Attest: _____

Don Rohrbaugh, Mayor
Town of Garner

Attest: _____

Horace Johnson, Mayor
Town of Hillsborough

Attest: _____

Gerald Holleman, Mayor
Town of Holly Springs

Attest: _____

Norman Denning, Chairman
Johnston County Board of Commissioners

Attest: _____

James Baker, Mayor
Town of Kenly

Attest: _____

Carl Moore, Mayor
Town of Knightdale

Attest: _____

Gordan Wicker, Chairman
Lee County Board of Commissioners

Attest: _____

Ernest Lumley, Mayor
Town of Morrisville

Attest: _____

Moses Carey, Chairman
Orange County Board of Commisioners

Attest: _____

W. Everette Billingsley, Jr., Executive Director
Orange Water and Sewer Authority

Attest: _____

Charles Devinney, Mayor
Town of Pittsboro

Attest: _____

George Carlisle, Mayor
Town of Princeton

Attest: _____

D.E. Benton, Jr., Manager
City of Raleigh

Attest: _____

Joe Winfree, Mayor
Town of Rolesville

Attest: _____

Rex McLeod, Mayor
City of Sanford

Attest: _____

Robert Lucas, Mayor
Town of Selma

Attest: _____

Earl Fitts, Mayor
Siler City

Attest: _____

Norwood Worley, Mayor
Town of Smithfield

Attest: _____

John G. Mills, Mayor
Wake Forest

Attest: _____

Lucius Jones, Mayor
Town of Wendell

Attest: _____

Thurston Debnam, Jr., Mayor
Town of Zebulon

Attest: _____

The following resolution was introduced by Alderman _____ and duly seconded by Alderman _____.

A RESOLUTION AUTHORIZING EXECUTION OF AN
AMENDED AGREEMENT ON REGIONAL ASSISTANCE
ARRANGEMENTS FOR WATER SUPPLY EMERGENCIES
Resolution No. 35/93-94

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board hereby authorizes the Mayor to sign on behalf of the town the Triangle J Mutual Agreement regarding water supply emergencies in substantially the form submitted to the Board on January 18, 1994, and including the proposed amendment to extend the agreement for an additional five years.

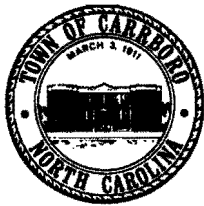
Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 18th day of January, 1994:

Ayes:

Noes:

Absent or Excused:



TOWN OF CARRBORO

NORTH CAROLINA

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Michael Nelson.

A RESOLUTION AUTHORIZING EXECUTION OF AN
AMENDED AGREEMENT ON REGIONAL ASSISTANCE
ARRANGEMENTS FOR WATER SUPPLY EMERGENCIES
Resolution No. 35/93-94

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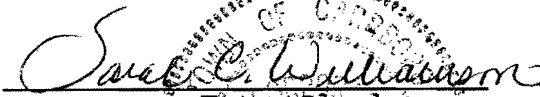
The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 18th day of January, 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

I, Sarah C. Williamson, Town Clerk of the Town of Carrboro, North Carolina, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Carrboro Board of Aldermen at its meeting held on Tuesday, January 18, 1994.


Town Clerk
1991
