

BOARD OF ALDERMEN

ITEM NO. D(7)

AGENDA ITEM ABSTRACT

MEETING DATE: June 19, 2007

TITLE: Board Discussion on Well Use to Maintain The MLK Jr. Park Community Garden

DEPARTMENT: Recreation and Parks	PUBLIC HEARING: YES/NO <input checked="" type="checkbox"/>
ATTACHMENTS: A. Resolution B. Licensee Agreement for MLK Park Community Garden C. Carrboro Community Garden Coalition Handout D. Diagrams for Well Configuration	FOR INFORMATION CONTACT: Anita Jones-McNair 918-7381 George Seiz – 918-7427

PURPOSE

The purpose of this agenda item is for the Board to discuss the possibility of using the well for the MLK Jr. Community Garden or uphold the current contract with the Parrish Brothers to seal the well while removing the house off the property.

INFORMATION

On March 13, 2007, staff was directed to prepare the MLK Jr. Park for interim use which would include a multipurpose field and community garden. Staff was also directed to collaborate with the Orange County Partnership for Young Children (OCPYC) and the interested community group which is now the Carrboro Community Garden Coalition (CCGC) to create an agreement in which the Town would permit the community group(s) to prepare, plant and supervise the garden and incur any costs associated with the garden. The Town entered into an agreement with the OCPYC and CCGC on May 15, 2007. (a copy of the agreement is included) The current agreement includes that CCGC will

- h. Purchase necessary supplies and equipment for rain water catching purposes that will be used on or near the enclosed shed and open storage area.
- j. Provide Orange County Partnership for Young Children a list and estimates for installation and maintenance for water services. Coordinate the installation, maintenance and usage of any connection to the existing water service. Any plumbing work will need to be in accordance with Town and OWASA requirements and regulations. The water account will be established in the name of and the bill sent to, the Carrboro Community Garden Coalition.

And OCPYC will

- b. Work with the Carrboro Community Garden Coalition to develop a feasible water plan for the garden, at the least cost possible following all necessary OWASA and Town regulations.

Alderman Coleman asked the Board on May 22, 2007 not to cap the well because the Carrboro Community Garden Coalition (CCGC) would like to install a solar pump which would be used in conjunction with the well to provide water to the garden. The Board took no action in regard to this

matter, but encouraged the CCGC to use rain barrels to collect water for irrigation. On June 5, 2007, representatives from the CCGC asked the Board to reconsider using the well that is scheduled to be sealed as a part of a contract with the Parrish Brothers. Mayor Chilton requested that the matter be placed on the agenda for discussion at the June 19th meeting.

Staff had an opportunity to speak with Melvin Parrish who is willing to renegotiate his contract once a decision is made concerning what will happen with the well.

Several Board members requested additional information for the discussion. Alderman Broun asked for information on how other community gardens provide water for their gardens and what Orange County requires for wells. Staff received feedback from various places in North Carolina and Virginia. With the exception on one garden that uses water pumped from a lake (not potable), other places use the city/public water system to provide water for the gardens. The Town currently contracts an "operator" to conduct monthly tests during the 8 months the Anderson well is operated at \$125 per month. It is only tested during the months the water is turned on at the park and is not tested during the winter. We spend a total of \$1,700 which includes testing and supplies.

Alderman Haven-O'Donnell asked for follow-up information on water testing by the Community Garden folks. Staff spoke to David Love, Ph.D student at UNC's School of Public Health. His explanation of the results are as follows: The test was done on a little less than one liter of water (.93 L) and was tested for total coliforms (which is a count of bacteria in the water). The results which were also in the packet provided by the CCGC:

E. coli = 0.1 CFU/100mL (1 E. coli colony was found in the 0.93-liter sample)

total coliforms = 2.84×10^4 CFU/100mL (total coliforms are less representative of fecal pollution as E. coli)

(CFU = colony-forming units)

Per David Love, 28,000 total coliforms were found in the liter, but only .1/100ML were E. coli, a very low amount in his opinion. He gave an example of a well he tested in Madison County, NC where 1400 coliforms in 100 ML, there were 42 E.coli/100 ML. They also found viruses such as Hepatitis A in that well. According to Mr. Love, E. coli are most often found in the stomach, so when found it typically indicates fecal pollution. Mr. Love could not give a good answer as to the health hazard of these findings. He said that only one test was conducted (after a rainy day) and more tests would need to be done to get a more accurate reading. He also said it would be good to test after the water had been chlorinated. Mr. Love stated that many strains of E. coli are non-pathogenic, but indicate the presence of bacteria that could or could not be hazardous. He referred us to OWASA for a more accurate assessment of the health risk.

Staff spoke with a Lab Tech at OWASA. They informed us that they don't work with wells, but as for their water lines, if a test comes back positive for coliforms/E. coli, they test up and down stream to locate the source and make sure it is an accurate reading, notify the state, and treat the water. We were then referred to the Orange County Health Department.

Staff also spoke with David Hacht at the Orange County Health Department. According to their standards, any bacteria in the water is a health risk. When they send samples to the state lab, they do not

get a breakdown of parts per milliliter of bacteria, they are told the sample is either positive or negative for bacteria. There is too much of a grey area in assessing risk when it comes to levels of bacteria. He said that using a well on Town Property would require an operator (like we have at Anderson) who is aware of the state regulations associated with well operations. The CCGC would have to contract an operator to conduct the monthly tests, monitor the filtering system (if required), and report the test results to the State.

Also included in this packet are solar well system drawings by David Delvecchio which provide a layout of the system and a more detailed breakdown for consideration. The Coalition included additional information. Which is as follows:

There are two options for the cistern.

- 1) the cistern can be raised, using gravity to feed the water to the garden or
- 2) a simple solar powered bilge pump can be used to move the water from cistern to garden.

They would like to see the bilge pump used to move the water. This option would be the simplest as well as least expensive. It would eradicate the need for a platform that the cistern would need to be raised upon. It will also give much more pressure to the water enabling more options to irrigate the garden. We will also use this bilge pump to move water from the rainwater catchment to the garden cistern. Given this, we have decided not to include the raised platform in the plan and specs that we gave you for the system. The cistern can always be raised in the future if we so decide to go that route.

Staff had an opportunity to speak with Robert Haynes from the North Carolina League of Municipalities concerning the Town's exposure. He reviewed the community garden agreement and information that the CCGG provided. His written response is provided below:

From: Robert Haynes [bhaynes@NCLM.ORG]
Sent: Tuesday, June 12, 2007 9:10 AM
To: Anita Jones-McNair
Subject: RE: MLK Well and Community Gardening

Anita:

As we discussed on the phone this morning, we do not believe the town should assume this liability exposure. The main issue we see is that you are unable to control whether the water from this well is consumed. Furthermore, the responsible party (as a coalition of interested persons) is not financially able to pay for any liability allegations that may arise. Again, we applaud the efforts to use the well in this manner, unfortunately, we think the risk assumed by the town is outweighs the gain.

Please let me know if you have any questions, Thanks, Bob

Finally, Town staff has provided over 200 hours to this community garden project thus far. We anticipate spending a tremendous amount of additional time should the Board decide to move forward with this solar powered well not only from staff but the community. One main concern is spending all of this time and effort on what is to be a temporary site. As the Town Manager pointed out at the March 13, 2007 meeting, there was a very long public process used for the 2004 Master Plan and a community garden was not approved for this property during that process. This project continues to increase in complexity and staff commitment which may result in increased pressure to make the garden a permanent fixture, thus bypassing the 2004 public process. However, the major concern continues to be the liability factor

involved in such a project with the Town being solely responsible for risk and exposure primarily associated with the proposed use of the well.

FISCAL IMPACT

Over 200 hours of staff time to date.

STAFF RECOMMENDATION

Maintain current agreement with the Parrish Brothers to seal the well.