

**TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, DECEMBER 10, 2007
7:00 PM
CHATHAM COUNTY SUPERIOR COURTROOM**

Mayor Randolph Voller called the meeting to order at 7:15 p.m., and requested a moment of silence to think about recent incidents in the community, including the continuing drought and the need for rain.

Mayor Voller read over the Rules of Procedure.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Gene T. Brooks, Pamela Baldwin, Clinton E. Bryan, III and Max G. Cotten.

Absent: Commissioner Chris Walker was absent.

Staff present: Town Manager Bill Terry, Town Attorney Paul S. Messick, Jr., Clerk Alice F. Lloyd, Planner David Monroe, and Chief of Police David D. Collins.

APPROVAL OF AGENDA

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the Agenda as presented.

Vote Aye-4 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the November 13, 2007 and the November 26, 2007 regular meetings.
2. Approve 2008 Board of Commissioners Meeting Schedule.
3. Confirmation of Delegates to the Triangle J Council of Governments. (Adopt Resolution)
4. A request by Chatham County to rezone the campus of Central Carolina Community College from R-12 to O&I. (Schedule a public hearing for January 28, 2008 at 7:00 p.m.)
5. A request by the Town of Pittsboro to amend the Official Zoning Map to identify a Water Shed IV-Critical Area at and one half mile upstream from the new freshwater intake. (Schedule public hearing for January 28, 2008 at 7:00 p.m.)

6. A request by Chatham Habitat for Humanity for a Special Use Permit to allow a Planned Unit Development on property on E. Cornwallis Street east of Anthony Street. (Schedule a public hearing for January 28, 2008 at 7:00 p.m.)
7. Rural Center Grant Application. (Authorize submission of Grant Application and approval of resolutions.)

Motion made by Commissioner Cotten seconded by Commissioner Brooks to approve the Consent Agenda.

Vote Aye-4 Nay-0

A RESOLUTION CONFIRMING THE DELEGATES TO THE TRIANGLE J COUNCIL OF GOVERNMENTS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE

A COPY OF RURAL CENTER GRANT APPLICATION AND RESOLUTIONS ARE RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE

REGULAR MEETING AGENDA

CITIZENS MATTERS

Mayor Voller indicated that no citizens had signed up to speak.

PUBLIC HEARING

Motion made by Commissioner Brooks seconded by Commissioner Cotten to go into public hearing.

Commissioner Brooks stated that anyone having a financial interest or other connection should be recused from consideration of the public hearing items.

Mayor Voller questioned each Commissioner individually to ask if they had any connections with American Asset Corporation or DHIC. All Commissioners indicated they had no connections with either issue.

Mayor Voller indicated he had no connections to American Asset Corporation, but did own property contiguous to DHIC. He stated he had no involvement with DHIC or with the people that owned it. Mayor Voller stated the person who owned the property subject to this application did sell real estate for him, but that was a separate issue.

Commissioner Brooks suggested that the Commissioners use this process of disclosure at each public hearing. Mayor Voller stated he believed it was a good idea, noting the public had a right to know such information.

Vote Aye-4 Nay-0

Town Attorney Paul Messick swore in citizens who had signed up to speak.

A REQUEST BY AMERICAN ASSET CORPORATION FOR A REZONING OF PROPERTY THEY OWN AT THE CORNER OF RUSSET RUN AND HWY 15-501 FROM R-A2 TO C-2CD (HIGHWAY COMMERCIAL USE DISTRICT) FOR THE PURPOSE OF CREATING A SHOPPING CENTER

Planner David Monroe stated the property consisted of 46.88 acres and was located on the northeast and southeast corner of Russet Run and Highway 15-501. He stated there were two requests being considered tonight, one was the request to rezone from R-A2 to C-2CD, and the second was for a Special Use Permit. Mr. Monroe explained the documents that comprised the application for the SUP as follows; noting that the application sought to develop Phase I of the site. He then described what Phase I entailed.

Special Use Permit application
Rezoning application
Subject Properties List
Adjacent Owners List
Adjacent Owners Exhibit
Site Plan sets
CLLC Mitigation set (11 x 17 color reductions) and cover letter
NCDOT Traffic Operations Study on Northwood High School
Stormwater Impact Analysis & EIA
TIA as originally submitted (22 copies to be provided by week's end)
CD of PDF's

Joe Dye, representing American Asset Corporation, introduced others present this evening involved with the project and explained their roles.

Mayor Voller stated Mr. Dye had first come here about 15 months ago or perhaps a little longer. He said that Mr. Dye had taken a lot of time to work with the surrounding property owners. Mr. Dye said that was correct, as well as other stakeholders. Mayor Voller said one of the issues that had come up before was traffic around Northwood, and Mr. Dye had supplied the school system with a traffic assessment. Mr. Dye stated that was correct, and they had also gotten a study done around the high school itself. He said the study focused on peak hours, particularly in the morning.

Commissioner Baldwin asked if he was going to address those traffic issues. Mr. Dye stated that Mr. Llewellyn would provide specific details.

Catherine Deininger, 124 Mulberry Lane, Pittsboro, stated she was representing The Haw River Assembly, a non-profit citizen organization dedicated to the protection of the Haw River watershed. Ms. Deininger stated that creeks that drain directly to the Haw River through the State Park's Lower Haw River Natural Area bordered two sides of the property in question. She said the Haw River provided critical habitat for numerous plants and animals including threatened and endangered species of birds, mollusks, and wildflowers; it is one of only 3 remaining habitats for the federally listed endangered fish, the Cape Fear Shiner. She said the property was also located within the Watershed Overlay Protected Area and will fall under the new Jordan Lake Rules.

Ms. Deininger stated the biggest change that this rezoning would cause from a water quality standpoint was a huge increase in impervious surface which would mean a lot more polluted stormwater runoff. She said in reviewing American Asset's proposal, she saw no plans to reduce stormwater impact by inclusion of green space other than the stream buffers, and initially the spray field for their wastewater. Ms. Deininger said considering the water quality issues they were facing with the Jordan Lake water supply, Pittsboro should be asking all developers of any project and especially high-density development like this one to protect the streams by including low impact development strategies. She said at the very least the vast parking lots of this commercial project could include bioretention areas to reduce the stormwater flow.

Ms. Deininger said the 100-foot stream buffer was all that protected the creeks bordering this property from runoff from the wastewater spray field. She said she did not find anything in their proposal other than a line drawn on a site plan to describe where the stream buffers would be. She said these buffers needed to be undisturbed natural vegetation measured 100-feet from the top of the bank of the creek. As well, she said, the slope of the land next to the creek needed to be taken into account by measuring 100 feet horizontally rather than 100 feet up the slope. She said she was concerned about the retention pond that in the site plan appeared to encroach on these creek buffers. Ms. Deininger stated she was also concerned about the pocket wetland that was located in the northwest corner of this development turning into a sediment basin during construction and a stormwater basin after build out. She asked how this wetland was being protected.

Ms. Deininger stated that Planner David Monroe had explained to her the plans the developer had for using part of the property for a wastewater spray field until Pittsboro had more wastewater capacity, but the proposal was lacking any details on exactly how they plan to handle the wastewater. She asked what type of treatment facility were they planning to use; what level of treatment were they planning on; would this be reuse quality water; where would the treatment plant be located; do they need holding ponds for the wastewater; where would the holding ponds be located; and, where exactly would the spray field be located?

Ms. Deininger said again, today, she had reread the latest Pittsboro moratorium on development to give Pittsboro time to resolve its wastewater dilemma. She said the complexity of that dilemma continues to grow as long as you continue to allow developers to find ways to ignore the moratorium and bring proposals before you. She said as always, she offered these comments in the spirit of wanting the best for Pittsboro's future.

Rita Spina, 12 Matchwood, Pittsboro, stated she was speaking for Chatham Citizens for Effective Communities (CCEC) which represented citizens' views about the proposed Pittsboro Commons. She said she would not comment about the viability of this development and its proximity to CLLC as it was their understanding that mitigation had already been discussed with American Assets and CLLC and they could present their own views.

Ms. Spina noted their major citizens concerns. She said when this project first came before this Board in May of 2006, they had voted against the proposal to keep commercial development along 15-501 within the Pittsboro ETJ south of Russet Run. She said the Board was concerned about a strip mall in this area, and the loss of the rural, scenic aspect of this part of the County and had wanted to wait until the Land Use Plan was developed. She said some of the Commissioners had expressed concerns about the impact on CLLC as well.

Ms. Spina said in reviewing the present proposal, three issues stood out:

1. Pittsboro Commons would spread sprawl further up towards the Haw River, rather than concentrate commercial development inside Pittsboro proper;
2. Powell Place and Belmont Station, both of which have been approved, were finding few takers for their proposed retail businesses; and
3. There were serious traffic concerns.

Ms. Spina stated that the Traffic Analysis performed in May 2006 was already out of date and deficient in specific areas. She said it ignored the huge growth in development already approved in the entire area, and that a year and a half later there were already significant increases in traffic in that area. Ms. Spina said within 10 years, the new anticipated development would only add to that traffic jam. She said the report did not even address traffic from all the new development for both downtown Pittsboro and along Route 64 Business.

Ms. Spina said the computerized DOT model used a growth rate of 3% which was not applicable to this rapidly growing area. She said they were fast becoming a bedroom community which meant the 64 Bypass would see significant traffic problems at the 15-501 intersection. Ms. Spina said the traffic had already seen a buildup which often extended into downtown Pittsboro particularly as it reached the roundabout. She said Pittsboro was no longer considered a sleepy little town; it was fast being drawn into the heart of the traffic reports they all see on television.

Ms. Spina then stated what she believed to be the specific problems with this Traffic Report:

1. Intersection with Russet Run and school traffic at the light - there had already been work done at the school to improve the traffic flow in and out of their driveway and the drop-off and parking areas, but there had been little significant change and the additional 200 students must be considered.
2. There was now a drug store added for the southeastern entryway to this project – pharmacies open at 8 AM – heavy school traffic time.
3. There was no analysis data on "special events" at the school and how and when they

- affected traffic.
4. While the Traffic Report mentioned Powell Place, it included only 10-15% of the living units and retail space already approved there.
 5. It also totally ignored Bellemont Pointe and Bellemont Station, both of which have been approved.
 6. Looking at delay times when build-out occurred for Pittsboro Commons, there was a 4.5-minute to a 7-minute rush hour delay from eastbound 64 onto 15-501 (Category F); and on Russet Road at Suttles Road there was a delay of more than 10 minutes (and that does not include the traffic that would be created at the designated drug store/pharmacy).
 6. These delays were significantly noted in this incomplete report as already showing heavy increases in carbon dioxide, hydrocarbons, carbon monoxide emissions as well as fuel consumption.
 7. Mitigation would already be required in this study in order to avoid serious rear-end accidents. Deceleration lanes on 15-501 northbound at Site Drives 1 & 2 were needed - currently drivers would be required to make a right turn directly from a moving traffic lane. In total, you need a new comprehensive Traffic Analysis.

Ms. Spina noted two other concerns. She said major commercial developments do not have to turn rural, scenic land into commercial strip malls. She said the Lowe's store and its huge parking lot with little to no natural or newly installed buffers was an eyesore. Ms. Spina said although the plans for Pittsboro Commons provided buffers along 15-501, they were insufficient in depth, and they requested leaving any healthy trees or ground cover there and an increase of the buffer to at least 200 feet. She said that could be done by design and it would not interfere with the commercial aspect of the development.

Ms. Spina asked what about green building? She asked were the developers willing to achieve at least Silver LEED level as others in Chatham County were willing to do. Ms. Spina asked that they all be good stewards of the land.

Mayor Voller determined that no one else was present to speak on the rezoning, and they would move forward with discussion on the SUP.

Joe Dye provided an overview of the application, including the mitigation proposal, landscape, buffers, fencing, traffic circulation, placement of buildings, placement of driveways, site lighting to control light around the perimeter of the property boundaries, and noise control provisions.

Planner Monroe stated that he had since learned there were further actions that would be necessary for the mitigation offer to be accepted. CLLC rents the property from UNC and a further setp in the agreement would be acceptance by UNC.

Mayor Voller said then he was advising the Board in this case to do what? Mr. Monroe responded that there was one more step, getting UNC formal agreement of the mitigation plan.

Mayor Voller said he did not see any reason why a Board member could not make that statement. Mr. Messick said that if the Board wanted to continue the review it could make approval of the mitigation a requirement.

Commissioner Brooks stated when they had first considered this back in June, he had never received as many poignant letters or as many letters on any one subject since he had been on the Board, which was 20 years. He said those letters were from parents, relatives, and other citizens who were in school at the Learning Center, and they were all universally opposed to the shopping center. Commissioner Brooks said he had received letters from people who identified themselves as being associated with the university or the hospital and who were expressing great concern about the proposal. He said his research at that time had indicated that autism was the fastest growing diagnosed ailment of children in the country today, and they had welcomed the autism center. Commissioner Brooks said he did not understand why they were not here tonight, but he needed to hear their thoughts. He said the question was how they should go about getting the proper input the Board needed in order to make a decision regarding this project.

Planner Monroe stated that Ms. Reichle of CLLC and Gene Bober of UNC had received letters notifying them of this meeting and inviting them to speak.

Mayor Voller invited Nancy Tanquay to speak, noting she may not be ready but the question had been broached.

Nancy Tanquay stated she was speaking as a staff member with CLLC and as someone who had provided health care in this County for over 25 years. She said she was concerned about a development this size and its impact. Ms. Tanquay said she did not believe there had been enough input from the community, noting this meeting had not been well advertised although it had been in the newspaper. She said she was very concerned about the impact a development of this size would have on the community.

Commissioner Baldwin said in reference to CLLC, what were their concerns specifically? Ms. Tanquay said she could not answer that, noting she was present to represent her concerns as a nurse and her overall concern of the impact of the development.

Commissioner Baldwin said that did not clarify what she was asking. Ms. Tanquay said she was not representing CLLC, but was representing herself and Chatham County citizens who felt the same.

Mayor Voller added that the previous hearing was certainly one of the more difficult hearings they had ever had, but did know that Mr. Dye and others had made best efforts to meet and continue to meet with those involved to address any and all concerns. He said he understood that Ms. Reichle represented CLLC and Mr. Bober represented UNC, but that decision would have to be an agreement between UNC and the applicant. Planner Monroe stated that was correct.

Mayor Voller said he would not comment one way or the other, but did know that the developers had held numerous meetings, likely because of the letters Commissioner Brooks had spoken about.

Commissioner Brooks stated he could not speak for CLLC, but did remember that there was concern from a safety standpoint that a project like this and its proximity would interfere with their focus.

Mr. Dye stated he had met with Ms. Reichle and Mr. Bober to develop a list and the contents of the mitigation letter, and Ms. Reichle had also invited him to attend a meeting to include several parents at the CLLC. He said he had met with them the first weekend of September and had submitted their plans to address many of their concerns. Mr. Dye said that included that the fencing would be a safety measure as well as a way to define the boundaries of the property; that the noise abatement would be an effort to make sure that it would be much like what they enjoyed today; that the lighting provisions would make sure the impacts were retained on site; and, to show that they could be good neighbors to CLLC.

Mr. Dye stated to address concerns raised tonight, he did have a stormwater engineer present who had prepared some preliminary analysis as well as engineers who had looked at those measures for the site. He said he also had their traffic engineer present tonight who had updated the previous Traffic Impact Analysis and who could speak to the DOT report prepared for Northwood High School.

Mr. Dye said regarding buffers, they could add some more detail if needed, noting they had attempted to represent the current guidelines that guided that buffering requirement. He said for the record, the site was about 1½ miles away from the Haw River, and because the watershed was so important they had observed 100 foot buffers in those areas. Mr. Dye stated that Lucy Gallo was present to speak on the Economic Impact Analysis, and Earl Llewellyn would speak specific to traffic.

Mayor Voller said regarding the mitigation proposal, one of the issues was the distance to potential uses, such as sight, sound and smell. He said the center was going to be moved, and asked Mr. Dye to address that.

Mr. Dye stated that the multipurpose building was located further back on the CLLC property, and they had put it on the plan with the idea that it was in close proximity to the resident buildings. He said the building in front would be used for many different kinds of public meetings, including educational opportunities.

Mayor Voller asked would they be building something similar to what was there now. Mr. Dye said they were building something very similar based on their input and how it would be used. Mayor Voller asked what would be the status of the existing building. Mr. Dye stated it would remain. Mayor Voller asked would it become a community building for Pittsboro or Chatham County. Mr. Dye said he believed they had encouraged that kind of use to get better utility from the building, but could not speak for them.

Lucy Gallo, 2530 Meridian Parkway, RTP, spoke about the economic impact of this project. She stated her report was drafted in August 2006 and since that time the State had experienced some sales tax changes that added a small amount to the numbers. Ms. Gallo stated that generally the project was 335,000 square feet of retail space: a grocery store, two restaurants, and a variety of

anchors and junior anchors. She said around 567 jobs were anticipated at build out, both part-time and full-time.

Ms. Gallo said property taxes for Pittsboro were estimated at around \$205,000 and for Chatham County at around \$328,000, but property tax rates had increased since August 2006. She said Article 39 sales tax was based on 1% of point of origination sales tax, which was remitted back to the County for distribution among the municipalities on a per capita basis. For this project, she said, Pittsboro would net about \$34,000 under Article 39 sales tax distribution.

Ms. Gallo stated that beginning July 2009, Counties would no longer have any Medicaid responsibilities; it would revert back to the State. As a part of that, she said, the State would swap out that revenue previously received by Counties by phasing out Article 34 sales tax, which tax would revert to the State. She said another part of that legislation was Article 42 half-cent sales tax, which was where the wrinkle appeared for their report. Ms. Gallo said Article 42 sales tax had been collected and distributed up until this point in time on a per capita basis, but that distribution method was now on a point of origination basis. She said for Chatham County, they would need to anticipate the fact that that change would soon take place, but Pittsboro should keep its eye on the more minimal effects that might be experienced as they faced those sales tax changes.

Mayor Voller asked Ms. Gallo to describe the types of jobs she had mentioned previously, and what levels of salaries might be anticipated. Ms. Gallo stated the average annual compensation would be in the low \$20,000 for traditional retail employment, noting most of the jobs would be basic retail jobs.

Mayor Voller asked if all these businesses were to begin operation, how they would affect each other. He wondered how this Board could make the decision so that they ended up with the best possible result for the citizens of the Town and the County. Ms. Gallo stated she had not been engaged to look at the full picture, and believed Mr. Dye was in a better position to respond to how American Asset was going to position its tenant mix to compliment the tenant mix of other projects.

Mayor Voller stated a question a lay person might want to ask is if they had certain developments on 15-501 that had a grocery store as an anchor, as an example, how were they all going to work together so that they did not end up with empty buildings or difficulty leasing them, which would not help the neighbors or the tax base. Mayor Voller stated this Board had had two rezonings of very large commercial projects come forward in the last 5 months that talked about job growth and tax growth. He said with a population within the Town of about 2,500, it boggled the mind to think of how this would all work together. Mayor Voller said it was incumbent upon this Board to make those kinds of decisions on a rational basis. Ms. Gallo said she would defer to American Asset to respond to those concerns.

Mr. Dye stated they were long-term owners of their projects, so they view this from a long-term perspective. He stated they had been actively engaged with a sewer stakeholder group as part of bringing a long-term infrastructure solution to Pittsboro, which included several other developers in town. Mr. Dye said their plans for the first phase were done so that they could service it with

a combination package plant and spray field so that it was self-sustaining and did not rely on the current sewer infrastructure. He stated that as a condition of their rezoning they would ask for voluntary annexation once that capacity existed.

Mayor Voller said then they would voluntarily allow themselves to be annexed? He stated Ms. Gallo was talking about taxes to the Town, so at what point were they talking about being annexed. Mr. Dye stated they could be annexed whenever the Town liked, but doing that would force the Town to then provide water and sewer services. He said they wanted to be able to be self-sustaining now, and then be annexed at the appropriate time when those services could be provided.

Mayor Voller stated that theoretically the project could be operating for quite a long time, but because they did not have capacity they would not be receiving the tax revenue. Mr. Dye said they were willing to be annexed now, to the extent that that was not a burden to the Town.

Earl Llewellyn, a registered engineer with the John R. McAdams Company, stated he had prepared the traffic study for this project and entered the revised traffic study into the record. He pointed out the access points to the site and how they had changed since the original application was submitted last year: with coordination with CLLC they had eliminated a drive near the rear of the site; the closest drive to CLLC was now at a roundabout to delineate and separate the traffic for the two uses; on 15-501 they had added a mid-side drive and a northern side drive; one would be a right-in/right-out only, and the other would be right-in-right-out and allow leftover access to take traffic off of Russet Run and use the capacity more efficiently.

Mr. Llewellyn said as part of the traffic study recommendations they would be making several improvements, including: having the intersection provide a left turn lane into the site; providing right-turn lanes at each of the side drives on 15-501 and at Russet Run; improving Russet Run to a three-lane cross-section such that you would have duel left-turns exiting onto 15-501; and, adding signal modifications to make that work.

Mr. Llewellyn stated that off-site there was an intersection of US 64 Bypass and 15-501 and that intersection currently met the peak-hour warrant for signalization, and they believed that intersection should continue to be monitored to see when signalization was appropriate. He stated that was a requirement of the River Oaks development as well as others. Mr. Llewellyn said with these changes they would be looking at improvements throughout the corridor, and at each side drive and at the off-site intersections.

Mr. Llewellyn said regarding the school traffic, they had obtained the traffic study done by NCDOT, which contained 2½ pages of recommendations to improve internal circulation at the school. He said the important point to note here was that the concern was not with the capacity of the intersection, but with the spill-back from the school operations back to the intersection. Mr. Llewellyn said the recommendations in the study were to help improve those internal operations and circulation.

Mr. Llewellyn said they had visited the site several times and had noticed that since last year, things had improved dramatically. He said one thing that had obviously been done was

relocating or defining a student drop-off area farther away from the internal travel. Mr. Llewellyn said there was still work to be done to channelize that area to be less confusing, as well as the parking area.

Mr. Llewellyn stated it was also important to note that the special events from the school would not coincide with either the peak hour of the street or the peak hour operations of their site. He said there had been a mention of an intersection that had a level of service with a 10-minute delay. Mr. Llewellyn stated the analysis was unable to calculate accurately the delay at an unsignalized intersection, but rather they had to look at queues. He said instead of there being a 6 or 10-minute delay, there was only a 3-car que, which was really not a problem.

Commissioner Baldwin said Mr. Llewellyn stated there had been some changes in traffic since the previous study, but actually it was not that much better than it was. She said all of the recommendations listed were not implemented in terms of the school making the changes and constructing what was necessary, so the problem would still exist. Commissioner Baldwin stated the suggestions were good, but they did not alleviate anything if they were not implemented. She said that would leave them in the same position as they were before those recommendations were suggested, in that the students would still be at risk.

Mr. Llewellyn noted that a lot of the recommendations in the NCDOT report were not expensive recommendations, but involved things like defining an area with paint striping, and repainting the parking lot to eliminate people pulling in directly but instead feeding into the center. He said many of the improvements were that simple. Mr. Llewellyn noted another change would be education and enforcement to have students cross at the crossing guard rather than at other locations. He said when he had looked at this last year a lot of people were trying to avoid the left turn coming into the school by making movements onto Russet Run and then going straight across. Mr. Llewellyn stated he had not seen that at all in the past two weeks, whether it was through education or enforcement by the school, but it was no longer an issue.

Commissioner Baldwin said that may no longer be an issue, but if the recommendations were not implemented then the situation still existed, in that the students would still be at risk. She said in terms of the cost, it may not seem costly to some but it may be very costly to the school board.

Commissioner Brooks stated he did not know who had determined that extracurricular activities would not be during peak times, and asked where they had gotten that information. Mr. Llewellyn stated that typically the higher generating activities, such as football games, occurred post-peak, but that was not to say that there were not such things as club meetings or other activities. He said they were all very low-volume and low-impact uses that did not occur with the peak hour of the school operation or the peak hour of the intersection.

Commissioner Brooks stated he lived across from the shopping center and was a 30-year veteran of the public schools, and that was absolutely incorrect. He said people began arriving as early as 5:30 when the junior varsity was playing, and that was the very time that people might be visiting a grocery or drug store. Commissioner Brooks stated during special events people parked all the way up to the highway, and sometimes up and down the highway. He said he was sure there were some things that could be done to improve the traffic, such as police or security

personnel. Mr. Llewellyn stated when he had visited the site there was a police officer helping with pedestrian crossings, directing traffic, and the loading and unloading of buses.

Mr. Dye stated they had received a letter from Assistant Superintendent Moody last fall, and he would be glad to meet with Mr. Moody to address those kinds of concerns, in particular about how the high school operated and some of the recommendations from the NCDOT study. He said they could then see where there may be opportunities for improvements that overlapped and they could help to implement some of those recommendations as part of American Asset's traffic improvements. Mr. Dye said if they could move forward to the Planning Board they could bring back those recommendations for the Board's consideration.

Commissioner Bryan said he shared some of Commissioner Baldwin's concerns, noting he had witnessed the traffic particularly during pick-up in the afternoons. He said the school had changed the pick-up to another location, but it was still a problem because it only lengthened the line of cars. Commissioner Bryan said he did not see how restriping the pavement would help. He said there was a combination of several things that needed to happen, and what the applicant had said was they were willing to sit down with the school system and NCDOT and work jointly to figure out which of the recommendations could be implemented so that they did not clash and create more problems.

Planner Monroe said that he learned Speaker Hackney had located \$320,000 to accomplish the improvements listed in the DOT study but DOT had concluded that money could only be spent on state roads, not school property. He also reminded the Board the the River Oaks approval had expired so the signalization of the eastbound 64 exit ramp was up in the air.

Mr. Llewellyn said what they were saying was that that project, as well, was required to install the signal when warranted and approved by DOT. He said they understood that if they were the ones required to do that they would certainly like to partner with other developments because they believed it was an existing problem and a problem not created just by them but by other growth in the area.

Mayor Voller stated that Mr. Monroe had referenced that Speaker Hackney had been able to get some funding here, and asked what DOT had decided to do with that pool of funds if they were not going to help our schools. Planner Monroe stated he did not believe that decision had been made. Mayor Voller stated he believed they should remind DOT that the funds needed to be spent in Pittsboro since that was the intention regardless of this project, and not for DOT to move that money somewhere else. He said the intention was for the funds to be used in Pittsboro and DOT had found a reason not to, and that was not fair. Planner Monroe stated the district office was well aware of the situation.

Mr. Llewellyn added that their traffic study had been forwarded to NCDOT for review.

Mr. Dye commented that he had contacted the CLLC on Friday and spoke to Ms. Reichle to let her know that the meeting was in fact tonight and in the Superior Courtroom, but she had a prior commitment. He said he had talked with her about the content of the mitigation letter and it was his belief that she was satisfied with it, but understood that the Board needed to hear that from

her. Mr. Dye stated that he had made the effort to make sure that Ms. Reichle and Mr. Bober knew about the meeting tonight.

Mayor Voller asked was there anyone in the audience who wanted to speak.

Rita Spina, 12 Matchwood, Pittsboro, stated she was a licensed psychologist and had for many years operated a program to train other psychologists. She said through that program they had conducted many types of screenings and evaluations, and had not seen as high an incident of autism as you see today. Ms. Spina said in the spring of 2006 she and others had attended a meeting at CLLC to discuss the development, and CLLC was very upset about the possible development. She said at the time, they had tried to help CLLC and other stakeholders to work with American Asset to see what could be done if in fact the project moved forward. Ms. Spina said they had learned that day that CLLC was a part of UNC, and it was her understanding that even though there had been a mitigation that many parents continued to be upset by this development.

Ms. Spina gave examples of how people with autism were extremely sensitive to their environment, such as noise and light. She said disrupting these people in any way was a terrible thing to do, and right now in her view, no matter how much mitigation took place, it would be disruptive.

Patrick Bradshaw, 128 Hillsboro Street, Pittsboro, stated he was an attorney and representing American Asset Corporation. He asked Ms. Spina if she was authorized by CLLC to speak to the Board about this application. Ms. Spina stated no, that her statements were her personal view.

Mr. Bradshaw stated he had wanted to clarify that for the record since this was an evidentiary hearing. He said he wanted to object for the record on things Ms. Spina had commented on that other people had said to her, and suggested to the Board that they were not allowed to take those into account in the evidentiary portion of this hearing because it was hearsay. Mr. Bradshaw reminded the Board that there was evidence in the record that both CLLC and UNC were aware that this hearing was occurring tonight and did not appear to offer any evidence in opposition to the application.

Mayor Voller said to be clear, was Mr. Bradshaw objecting to Ms. Spina's entire statement or just portions. Mr. Bradshaw said he was objecting specifically to the portions in which Ms. Spina said that other persons not here tonight said things to her.

Mayor Voller said regarding the issue of retail leakage, he asked Ms. Gallo to provide the Board with an explanation of exactly what that meant. Ms. Gallo said if you compared retail sales dollars on a per person basis for Chatham County compared to surrounding counties, Chatham County on a per person basis was at least 1/2 of the retail sales tax dollars per person compared to surrounding areas. She said what that meant was that people who lived here were spending dollars in other areas, and that rather than having those dollars retained in the local economy, those dollars were supporting other economies.

Mayor Voller said then presumably, Southpoint Mall for example would have a pull factor of perhaps at 1.18 or 1.2 or 1.22, which was a percentage above the mean minimum, and Chatham County would be below that. Ms. Gallo said that was correct.

Mayor Voller said in the report, what was the impact to Chatham County and Pittsboro in terms of police and fire protection. Ms. Gallo stated she had not been required to do a fiscal impact analysis, but obviously there would be an impact. She said she had not been asked to measure that impact.

Mayor Voller said he had not seen any of the proposed buildings exceeding a height that would require new equipment, but would she imagine based on a certain square footage that they would have to add one officer, a half-officer, or zero officers. He asked if that depended on the retail mix. Ms. Gallo said there would be police protection needed. She said on a project-by-project basis what she was seeing related more to traffic-related incidents amongst the project, but most had on-site security that augmented local resources and helped mitigate the impact on staffing at the local budget level.

Mayor Voller said there were a lot of different views on the financial impacts of these kinds of developments. He asked where they saw themselves falling in that spectrum. Mayor Voller said they had both gotten letters from the Triangle Community Coalition and he had seen her name on there, and asked if that biased her in any way. Ms. Gallo stated she was a member of all kinds of growth-related organizations, and named several. She said to her they were all in their own way providing better education to the community. Ms. Gallo said any organization she was a member of was for the purpose of her own education.

Mayor Voller said it was important to have that in the record. Ms. Gallo agreed.

Mayor Voller asked when looking at tax revenues, how would you classify this particular land if it were rezoned and what impact would it have on that scale, such as so many cents per dollar that it would cost the Town or would benefit the Town. He said he was looking for something that would make the argument that residential was more expensive but farmland was something else. Ms. Gallo said typically commercial projects would consume far less fiscal expenditures than a retail project would. So, she said, if you wanted to look at the net income of a commercial project it would typically be higher than a residential project, unless you were talking about a high-end residential project. Ms. Gallo said it really depended on what the tax base consisted of, because that was the revenue generator.

Ms. Gallo offered to provide the Board with a list of all organizations she was a member of. Mayor Voller responded he believed that would be helpful for the record.

Mr. Dye stated he would like to thank the Board for their time, noting it was a lengthy hearing with a lot of information to consider. He said he would be glad to provide any information requested, and they would work on some of the recommendations specific to Northwood High School to come up with some solutions to address or alleviate some of the concerns. Mr. Dye said they would again make contact with CLLC to make sure their concerns were being adequately addressed as well.

Mayor Voller said he would like to go on the record to state that this was a difficult piece of property given its location, but this particular applicant had done a great job in trying to work with the people around it.

Mr. Bradshaw asked if the witnesses for this hearing could now be dismissed, or was it necessary for them to stay until the Old Business portion of the meeting.

Mayor Voller determined that it was not necessary for those persons to remain.

A REQUEST BY DHIC FOR A REZONING ON PROPERTY ON MASONIC STREET SOUTH OF CHATHAM MILLS FROM R-12M (MOBILE HOME PARK) TO R-12 WITH A SPECIAL USE PERMIT TO ALLOW A PLANNED UNIT DEVELOPMENT

Planner Monroe stated this was an application from DHIC to rezone approximately 7.437 acres of land on the north end of Masonic Street adjacent to Chatham Mills from R-12M Mobile Home Park District to R-12 Medium Density Conditional Use District. He stated the applicants were seeking to develop 60 multi-family dwelling units with a community center, playground, and recreational open space. Mr. Monroe said the community center would be 1,500 square feet; building heights would be limited to 45 feet; there would be no rear building facades along Masonic Street proposed; the provision of street trees along the Masonic Street right-of way was proposed; landscaping and screening of the stormwater detention pond was proposed; landscaping and screening of the periphery of the development was proposed; and, foundation and landscaping at the edifices of all buildings was proposed.

Mayor Voller asked were there any significant changes between the first application and the second application? Planner Monroe stated the only change that occurred was that an area along the frontage of Masonic Street that showed a proposed future development of townhouses was eliminated at this point in time. He said for the record, there were two letters received: one from Brad and Samantha Johnson expressing their opposition to the project, and a letter from the Affordable Housing Task Force signed by Robert Eby endorsing the project.

Mr. Sam Eyre, Project Manager for Rental Development at DHIC, provided a brief background on DHIC and its activities as a non-profit agency. He said since its founding in 1974, they had developed over 1,000 apartments and hundreds of single-family homes. Mr. Eyre said in addition to constructing affordable housing, DHIC provided homebuyer counseling and education; provided down-payment assistance; oversaw community and supportive services within their apartment communities; administered grants and scholarships for education and summer camps; and, other activities to families living within their apartment communities.

Mr. Eyre stated that they were proposing to develop 60 apartments and provide 20,000 square feet of recreational and open space, as well as construct a 1,500 square foot community center. He said the community center would include an on-site property manager's office, a business center for the residents with high-speed Internet access, as well as a meeting room for resident activities.

Planner Monroe asked about the make-up of the different types of apartments. Mr. Eyre stated that it was currently proposed to have 12 one-bedroom apartments, 12 three-bedroom apartments, and 36 two-bedroom apartments.

Mayor Voller asked was that substantially similar to what was currently in Siler City. Mr. Eyre said it was very similar, noting that development was known as Cardinal Chase Apartments.

Mayor Voller asked what they anticipated as the median income of the prospective residents. Mr. Eyre responded the market for these kinds of households were to people with decent or modest wages, such as those who work in the school system, Town or County employees, or many other Chatham County residents. He said that six of the apartments would be specifically designed for persons with disabilities living on a fixed income, such as those receiving SSI or VA assistance. Mr. Eyre said nine of the apartments would be set aside for households with incomes at or below 30% of the area median income, which for a household of four would be about \$22,000; nine of the apartments would be set aside for households at or below 50% of the area median income, which for a household of four would be about \$35,000; and, 36 of the apartments would be set aside for households at or below 60% of the area median income, which for a household of four would be about \$43,000.

Mayor Voller said then they were anticipating a wide range of occupants, from those near the poverty level to those such as police, firefighters, school teachers, etc. Mr. Eyre said that was correct.

Commissioner Cotten asked what the buildings would look like? Mr. Eyre responded they had not built the exact specific building type before, but it would be very similar to what had been developed in other apartment communities.

Commissioner Cotten asked what height they were proposing? Mr. Eyre said the specific building they were proposing was five buildings at three stories each, and one community building at one story.

Commissioner Cotten asked what building materials would be used? Mr. Eyre said it would be wood construction with a brick façade, as well as vinyl or Hardiplank siding, depending on what the Town required.

Mayor Voller asked what other municipalities they had built in and were managing facilities. Mr. Eyre said within Chatham County in 2005, they had completed Cardinal Chase Apartments in Siler City, consisting of 48 apartments; they had developed several apartment communities in Raleigh and Cary, one in Southern Pines and in Greenville, and some in Durham.

Cabell Regan, 365 Thompson Street, Pittsboro, stated that he was opposed to the rezoning request. He said it was a good project, but this was not the right place for it. Mr. Regan said traditional Pittsboro was a gem with extraordinary potential, and there were a few areas in Town that did not have the same aesthetic appeal as others. He said this proposed rezoning was very close to some of those extraordinary areas, and he did not think that this type of project on this

property would inspire economic investment in other areas on Thompson Street that would improve the area and increase the aesthetic appeal. Mr. Regan said he did not think it would inspire investment, but would continue to suck this portion of Town down and it was something that needed to be worked on.

Mr. Regan said the Pittsboro historic district extended up Hillsboro Street, and the property to the west of this requested rezoning that fronted Hillsboro Street was in the historic district. He said that Chatham Mills to the north was in the historic district, the property to the east was on the National Register of Historic Places, and these historic areas encompassed on three sides this project. Mr. Regan said this project would be a very modern creation in the middle of a significant historic area, and was not the kind of development that would foster the historic appeal of Pittsboro.

Mr. Regan said the rezoning would permit a Planned Unit Development, which would partially circumvent the Subdivision Ordinance that required subdivisions to take into account the access to adjacent property. He said he happened to have property adjacent to this, and a Planned Unit Development would in essence completely landlock his property from Masonic Street and if it were ever developed there would not be sufficient access for a fire truck. Mr. Regan said that provisions were included in the Subdivision Ordinance to prevent that very thing. He said for those reasons, the property should not be rezoned to allow a Planned Unit Development to be built there, and the Subdivision Ordinance allowing for access to adjacent properties should be upheld.

Mr. Regan said the southeastern corner of this project showed a water retention area, and that particular area had one of the most beautiful rock outcrops he had ever seen in that segment of Town. He said the Town had done a wonderful job of maintaining natural features such as rock outcrops, and putting a water retention pond in that location would destroy that natural feature.

Mr. Regan said another issue was that this property sloped downhill, and the applicant was proposing a paved parking lot with a point source discharge of runoff water across his property, which could create a flood with a good rain. He said if you were going to gather rainwater from 7 acres of land and dump it on him, someone should have come and talked to him about it.

Mr. Regan said he did not believe this was a valid project for this location, but it could be a good project somewhere else.

Mayor Voller said regarding the access, would Mr. Regan feel differently if he had access. Mr. Regan said it would be more palatable, but the economic and historic issues would continue to override the access issue.

Mayor Voller said obviously they would want them to preserve the rock outcroppings. He said there were a couple of projects currently serving people whose income levels likely met the requirements for this project. Mayor Voller said those people were living in mobile homes, and when he had visited some of them he was told that they would like to get out of that living situation. He said Mr. Regan's property was contiguous to at least one of those, and asked what his view was of that. Mr. Regan said whatever was permitted there should encourage the kind of

development the Town wanted to have on the next adjacent piece of property. He said each development should encourage what was on the piece of property.

Mr. Regan said regarding the residents in the mobile home park off of Masonic Street, they were good people that he liked a lot. He said as for the residents in the mobile home park closest to his residence, they had befriended him and were fine people. Mr. Regan said the issue was that the area down Masonic Street from Thompson Street to Chatham Mills was not so pretty, and it did not engender people to come in and invest in the area. He said this project, in his opinion, would solidify the development already there, and it was not in the Town's best interest to allow that project in that location.

Mayor Voller said he appreciated Mr. Regan's comments, noting it was a complicated issue. He said many of the residents he had spoken with wanted a better quality of housing but they were stuck in a cycle. Mr. Regan said Pittsboro should not be a town just for people with incomes over \$100,000; there should be a home for everyone. But, he said, when you affect the aesthetic appeal that was visible to people who wanted to come and live here, then you had to think about these issues.

Commissioner Baldwin asked what type of project he believed would be appropriate for that area and be affordable. Mr. Regan said there were two projects he believed would be very good in that location, one of which would be small cottage-like homes with some variety and aesthetic historical appeal, comparable to what you might see walking down Salisbury Street. He said those bungalow-style houses could be affordable, or could be for people who made modest incomes. Mr. Regan said the other type of development he could see in that location was an office park with office/condominium buildings that could be laced in with individual residential homes.

Commissioner Baldwin said Mr. Regan had stated that DHIC had not spoken to him about the potential development. Mr. Regan said he had never had a conversation with them at all.

Ms. Samantha Johnson, 300 Hillsboro Street, stated for the record she had submitted a letter. She said she lived in an historic home built in 1927, and had renovated the home to its original state in order to help keep downtown Pittsboro historic and beautiful. Ms. Johnson said they had been concerned about the nearby property, but had believed that in time it would be improved and perhaps some small homes would go in there. She said there were two homes behind her that provided two apartments per home, and gave people a sense of living in a real home as opposed to living in an apartment complex.

Ms. Johnson said she and her husband recognized that this was an emotional issue since it concerned people living in affordable housing, and believed that DHIC had good intentions. However, she said, she wanted to remind the Board that they had looked at this proposal several months ago and there were barriers then that still existed today. She said those barriers included the location, noting that locating affordable housing in one quadrant of the Town did not make sense to her, and living in apartments did not give the residents any sense of ownership. She said it also kept a certain mentality in one section of the Town. Ms. Johnson said regarding access to the property, the traffic going up and down Masonic Street was difficult to maneuver, and

additional traffic on that street would exacerbate the situation. She said water and sewer were also an issue, which was why there was a moratorium in effect; that the problem had not yet been rectified and continued to be the biggest barrier.

Ms. Johnson said therefore, this project still did not make sense and was not a better proposal than what had been proposed before. She said it did not better the Town, it did not better the people who were supposed to be reaping the rewards of this project by again being tucked away in this one quadrant of the Town; and, it did not help the current residents of the community in keeping with the historic district. Ms. Johnson said the idea of having affordable cottages on that property was a good idea, in that it would give residents a sense of ownership by providing real homes and not just a dwelling. She noted that Habitat for Humanity did an excellent job of that. Ms. Johnson suggested finding a prime spot in the community where such a project could be built and make it a part of the community, and help people buy those homes to lift them up, rather than putting people of low income into a corner of Town where they did not have to be dealt with.

Mayor Voller said to make it clear, this was not low-income housing. He said the other items Ms. Johnson had offered were what the Affordable Housing Task Force was addressing, particularly where to find property in Town where housing could be located. Mayor Voller said the Board appreciated her comments and noted her letter was well-written.

Mr. Eyre stated he wanted to apologize for not meeting with Mr. Regan and Ms. Johnson before the meeting, noting that was a mistake. He said they had 7 acres of land to be developed, and would certainly like to address with Mr. Regan the issue of his property becoming landlocked. Mr. Eyre said he was sure that issue could be resolved. He said they could also work on the site for the retention pond in order to preserve the rock outcropping, and to make sure Mr. Regan's property did not flood.

Mr. Eyre said the other issue brought up was the aesthetics of the development, and he understood those concerns regarding the historic feel of the neighborhood and the historic value. He said they would be happy to work with the Town to improve the look of their development so that it better fit the surrounding community. He said with that being said, if they were to do cottages they would not be able to make them affordable; higher density was required to make it affordable.

Mr. Eyre said regarding the traffic issue that was brought up, they would be happy to work with the Town on any improvements that could be made to Masonic Street to make sure the development worked well with the increased traffic. He said regarding Ms. Johnson's concern about not putting transient dwellings into one section of Town, they felt that this development would be an improvement to the aesthetics of the community because of the quality of units they were proposing. He said in addition, DHIC worked hard to provide affordable housing so that residents could live in quality rental while saving money to potentially become homeowners in the future. Mr. Eyre said that was why DHIC provided down-payment assistance and homeownership education, as well as education scholarships to their residents. He said they would hope that this would be an opportunity for people who could not purchase a home at this

time to rent and build assets and receive the education they needed to become homeowners in the future.

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

Vote Aye-4 Nay-0

OLD BUSINESS

A REQUEST BY AMERICAN ASSET CORPORTATION FOR A REZONING OF PROPERTY THEY OWN AT THE CORNER OF RUSSET RUNA DN HWY 15-501 FROM RA2 TO C-2CD (HIGHWAY COMMERCIAL CONDITIONAL USE DISTRICT) FOR THE PURPOSE OF CREATING A SHOPPING

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to refer to the Planning Board.

Commissioner Brooks stated it should be understood that this was a referral only to the Planning Board.

Mayor Voller asked Mr. Dye if that was understood. Mr. Dye responded yes.

Vote Aye-4 Nay-0

A REQUEST BY DHIC FOR A REZONING ON PROPERTY ON MASONIC S STREET SOUTH OF HATHAM MILL FROM R-12M (MOBILE HOME PARK) TO R-12 WITH A SPECIAL USE PERMIT TO ALLOW A PLANNED UNIT DEVELOPMENT

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to refer to the Planning Board.

Commissioner Brooks said he wanted to make sure it was understood that this was a referral only to the Planning Board.

Vote Aye-4 Nay-0

Mayor Voller remarked that this would give the parties involved in both of these items more time to meet and discuss the issues that were brought up.

NEW BUSINESS

ADMINISTRATIVE SCHEDULE FOR PREPARATION OF THE FY 2008-2009 BUDGET

Manager Terry stated they had discussed at the last meeting various strategic planning tools they would like to use to carry them through the second half of the fiscal year and arrive at a budget. He said to follow up with that he had prepared a plan of action and milestones. Mr. Terry said it would place a cap on the Capital Improvements Plan budget, and would suggest some management expectations that would lay out projects over time and assign some numbers to them. He said they may not have the funds to support many of the projects but at least they would have a plan.

Mr. Terry said at the last meeting they had also discussed the possibility of a Board retreat, and if it was the consensus of the Board that they would like to do that then he would be glad to work on that. He said if a retreat was scheduled he would suggest it be held in late January or early February so that it could be incorporated into the budget process.

Mr. Terry said that Commissioner Cotten had supplied the Board with a memo where he had laid out his key goals for the next few years, and he had added those goals to the form. He proposed that the form be used by the Board members to communicate their goals, which he would then consolidate into a master list of goals which the Board could then prioritize.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the recommended schedule.

Vote Aye-4 Nay-0

PLANNING BOARD APPOINTMENTS

Planner Monroe stated there were two seats available from the ETJ and one in-Town seat: there were three applicants for the ETJ seats, Mr. Hoyle who was currently the Chair, Mr. Collins who was currently a member, and Mr. Michael Hansen who lived in the ETJ. Mr. Monroe stated there were two applicants for the one in-Town seat, Mr. Shannon Plummer who was currently a member, and Mr. Fred Royal who lives on Hillsboro Street.

Mayor Voller asked what the status was for back-up members that had been discussed some time ago. Planner Monroe stated the last time it was discussed, there was a request by Commissioner Cotten that it be deferred, and so that was on hold.

Mayor Voller said that would have been one ETJ and one in-Town member. Mr. Monroe replied that was correct. Mayor Voller asked how long the terms were. Mr. Monroe replied two years.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to reappoint Mr. Hoyle, Mr. Collins and Mr. Plummer to the Planning Board.

Commissioner Baldwin asked what would be the issue with having back-up members to the Planning Board. She asked would those back-up members participate if there were conflicts of interest or other issues. Mr. Monroe stated the back-up members would attend meetings and be compensated and they would participate in the discussions, but they would not vote unless they were seated due to the absence of a regular member. He stated a member may be regarded as

absent if he or she had a conflict of interest. Mr. Monroe said in the past four years there had been two meetings that had been cancelled due to the lack of a quorum.

Mayor Voller stated one of those meetings was this fiscal year. Mr. Monroe replied that was correct. Mayor Voller asked Commissioner Cotten if he would consider amending his motion to appoint two individuals as back-ups, one for the ETJ and one for in-Town, and suggested the two individuals who were engineers.

Commissioner Cotten said he had no objection, but wanted it understood that those being appointed as alternates needed to attend every meeting to stay apprised of issues.

Mayor Voller stated that was understood, and this Board could remove them if they were not attending.

Motion made by Commissioner Baldwin to appoint Mr. Hoyle, Mr. Collins, and Mr. Royal to the Planning Board Members.

Commissioner Cotten noted there was already a motion on the floor to appoint Mr. Hoyle Mr. Collins, and Mr. Plummer.

Mayor Voller called for a vote on Commissioner Cotten's motion.

Vote Aye-4 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Brooks to appoint Mr. Hansen and Mr. Royal as alternate members of the Planning Board.

Commissioner Bryan asked had the Planning Board had alternates in the past.

Mayor Voller replied there had been a larger board at one time. Mr. Monroe stated four years ago the Planning Board was ten members; currently it was six members. He said with the two alternates the membership would be eight, two of whom would only participate in a vote if there were an absence or a conflict of interest. Mr. Monroe stated the ordinance stipulated that if any member missed three consecutive meetings that was grounds for dismissal by this Board.

Mayor Voller stated he believed it would be wise to appoint the alternates, noting there could be instances where several members would have a conflict of interest or were ill, and no quorum could be achieved.

Commissioner Brooks asked how it would be decided which alternate took which vacant seat for a meeting. Mr. Monroe stated if a member were absent, the appropriate in-Town or ETJ member would be seated, so an ETJ alternate would take the seat of an ETJ member, and an in-Town alternate would take the seat of an in-Town member.

Vote Aye-3 Nay-1 (Commissioner Cotten)

ABC BOARD APPOINTMENTS

Manager Terry stated they had solicited letters of interest from citizens who wanted to serve in this capacity, and had received four responses. He said one was from Mr. Harry Sugg who currently served as Chair of the ABC Board; one was from Pam Herndon who had provided a resume; one was from Samuel K. Powell; and, one was from Henry M. Smith.

Mr. Terry stated they had solicited the letters of interest to assist the Board in identifying potential candidates, but it was not necessary to limit the nominations to these four applicants. He said the Board could nominate anyone of their choosing.

Mayor Voller asked for the record what the process was. Mr. Terry stated the nomination falls to the Mayor, and then the Board must approve the nomination to assign the position by a majority vote. He reiterated that the nominations must come from the Mayor.

Mayor Voller nominated Harry Sugg to a three-year term.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to appoint Harry Sugg to a three-year term.

Vote Aye-3 Nay-1 (Commissioner Bryan)

Mr. Terry noted there was one vacancy with a two-year term, and one vacancy with a one-year term, and suggested filling the two-year vacancy first.

Mayor stated that Walter Harris, the Chair of the Chatham County ABC Board and a Pittsboro resident, was present. He asked if Mr. Harris was aware of the applicants and could he provide the Board with some guidance based on his experience with the ABC Board.

Walter Harris, 281 Hillsboro Street, Pittsboro, stated he served on the County ABC Board and had served two terms on the Board of Directors for the State Association of ABC Boards. He said he had also served a short stint as Town Manager for Pittsboro. Mr. Harris said his concern for the Town of Pittsboro and the ABC Store was typical of what was happening in small municipalities across the State, where there may be three different systems, as they had in this County. He said they were the Boards in Siler City, in Pittsboro, and in the County.

Mr. Harris stated the Pittsboro ABC Board had been profitable and gave money to the Town up until about 1994. He said what had been proposed was to merge the systems and have one County-wide ABC Board. Mr. Harris said speaking for the County Board, they would be pleased to sit down and talk about merger.

Mr. Harris said they currently had a vacancy on the County Board, and while the appointees had traditionally been one from Pittsboro, one from Siler City, and one from the County at large, there was nothing that stated that had to be the make-up. He said if Pittsboro would like to encourage those being appointed to merge, they could certainly work out who would serve in their current vacancy. Mr. Harris added he did not believe the County would be interested in

increasing the number of positions, since three was adequate to oversee the system. He said by merging, you would then become more efficient since only one audit would be required rather than three.

Mr. Harris stated Pittsboro could bring to the County system its own building, which the County was lacking. He said they were looking to expand but did not want to expand into a competitive situation, and would like to work to mutually benefit the County and the Town. Mr. Harris said he had no recommendations as to whom the Board should appoint to its vacant seats, but would be pleased to take one of the Town's appointees to serve on the County Board should they decide the two systems should merge. He said the Town then could enjoy more profits, noting a percentage would go to law enforcement and a percentage to the schools.

Mayor Voller asked what he would anticipate the revenues coming to Pittsboro would be. Mr. Harris said he could not answer that, noting it depended on sales, but he believed they could increase sales by expanding the variety of products sold which would increase the tax revenue available. He said they would like to do that in partnership with the Town of Pittsboro.

Commissioner Cotten stated it was his understanding that the ABC Board had to originate the request to merge. Attorney Messick stated the decision to merge was this Board's decision, along with the County Board of Commissioners.

Commissioner Brooks suggested putting this on the agenda for another meeting. He asked Mr. Harris if they had made a profit. Mr. Harris stated they had made a profit every year.

Commissioner Cotten stated the Pittsboro store had made a profit this year. Mr. Harris stated they had worked with the Pittsboro ABC Board by sending their manager down to work with them, and had suggested a bookkeeping service to help them. He said the County ABC Board, as were others, were required to reach a certain amount of working capital each year, which they had done, and were currently holding funds in abeyance for a building fund.

Commissioner Cotten stated he had a strong feeling that the County ABC Board was more interested in Pittsboro's ABC building than they were in a merge. Mr. Harris stated he did not believe that was true, because he believed they would look for a new retail location for a store.

Mayor Voller nominated Henry M. Smith to a two-year term.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to appoint Henry M. Smith to a two-year term.

Vote Aye-4 Nay-0

Mayor Voller stated the one-year term was left to fill. He said they had letters from Mr. Powell and Pam Herndon, and one person had contacted him directly, a Mr. Hackney, who had experience in the distribution area. Mayor Voller asked if any of the Board had a preference for one of the applicants and could indicate why they would be preferable.

Commissioner Bryan indicated that he knew Mr. Powell, and believed he would be a good member.

Commissioner Cotten stated he had no objection to Mr. Powell, adding he did not believe they should consider anyone who had not submitted an application.

Commissioner Baldwin asked Mr. Harris about his association with Mr. Powell. Mr. Harris stated he was retired from IBM and he was a good citizen.

Mayor Voller nominated Samuel K. Powell to a one-year term.

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to appoint Mr. Powell to a one-year term.

Vote Aye-4 Nay-0

Mr. Messick pointed out that the Board should settle the issue of appointing a Chairperson.

Commissioner Cotten stated that since they had appointed Mr. Suggs to a three-year term, that he be appointed Chairman based on his experience on the ABC Board.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to appoint Mr. Sugg as Chairman of the ABC Board.

Mayor Voller said the question was could the Board stipulate that the Chair be appointed for a specific time. He asked Commissioner Cotten if he perhaps could modify his motion to appoint Mr. Sugg as Chair for one year.

Commissioner Cotten stated he hesitated to do it because one year was not enough time to accomplish anything.

Mayor Voller stated he did not want to set up a situation where someone could be Chair in perpetuity, so a term limit should be set.

Manager Terry stated that one year from now there would be a vacancy, so they would have to consider the ABC Board again at that time and Mr. Sugg's chairmanship could be extended at that time if the Board chose to do that.

Commissioner Cotten modified his motion to appoint Mr. Sugg as Chair for a one year term.

Vote Aye-4 Nay-0

MAYOR UPDATES

Mayor Voller stated that both the EDC and the RPO would be meeting tomorrow. He said he would take the concerns expressed tonight regarding the DOT funding that should be spent for the school to the RPO meeting.

Mayor Voller stated the Christmas parade had again been a great success, noting the vast community participation. He suggested that perhaps the Town could sponsor a Fourth of July parade, but that could be discussed at a later time.

COMMISSIONER CONCERNS

Commissioner Brooks stated that recently DOT had done some scraping on 64, and said he would like an update on what was being done to correct the grass they removed so we don't have erosion. Manager Terry stated it was actually worse than he had thought it would be, noting all the grass had been scalped off the curb.

Commissioner Baldwin stated the Triangle J Council of Governments had been discussing the drought situation, and that would be discussed more in depth regarding individual wells, noting that some of those individuals did not realize their wells may be lower than thought. She said they were looking at ways to alert citizens to that problem, and what they could do as a community to conserve water.

Mayor Voller asked if there was a State-wide burning ban, and how did it apply to Pittsboro. Manager Terry stated he had not heard of one, but he would check into it. Mayor Voller said he was concerned about individuals who may be burning leaves or other materials, and would like to know if the ban applied in Town, out of Town, or exactly what it applied to.

Mr. Monroe stated that anyone who lived within the corporate limits of Pittsboro could not burn leaves, but should call Town Hall to have those leaves picked up. He stated that building materials could not be burned as well, unless they were a developer and had obtained a burning permit from a State agent.

Mayor Voller stated that at the last meeting the Board brought forth an action to try to send a letter to some of our Commissioners, and he would like to clean up the procedure where they take an action that was not on the agenda and tried to send a letter to their fellow Commissioners. He said in signing that letter, which he would normally do as a convenience to the Board, his concern was that the media assumed that he as Mayor had written the letter. Mayor Voller asked what procedure they might use so that that type of situation did not occur again.

Manager Terry stated that depending upon the subject of such a letter, he would be glad to sign letters expressing the intent of the Board on administrative matters. He said he was not sure the Manager should sign letters regarding policy issues.

Mayor Voller said that normally, the Mayor or the Manager, or the Mayor pro tem, would sign checks and other things as proscribed by the ordinance. But, he said, there was somehow a misunderstanding by certain people in the media that thought that since the Mayor signed the letter that it had actually been drafted by the Mayor rather than by the entire Board. Mayor Voller said he wanted to avoid such situations, noting that the media had the letter before the Chair of the Commissioners had even received it.

Manager Terry stated the letter had been released to the media because there were certain elements within the media that wanted to see all correspondence of the Town on a daily basis. He said in developing that relationship he had complied with the request which had resulted in it being made public before the County official had received it. Mr. Terry said in the future he believed they could avoid that situation.

Commissioner Cotten said he wondered how the media got the letter. Manager Terry stated that the day the letter was signed, it had been provided to at least one media representative in the County and one in Raleigh.

Mayor Voller stated it was not that big of a deal, but when they do those kinds of things on the fly and they were not on the agenda, you could end up with those kinds of misunderstandings. He said he did not want to get into a situation where he said he would sign one thing but would not sign another because of the way it might be interpreted. Mayor Voller said they all knew that the reason he signed such letters was because the Board voted unanimously to do that.

Commissioner Brooks they needed to make it clear that when the Mayor signed such letters it was because of an action by the entire Board. He said that could be done in the form of a motion.

Mayor Voller agreed, noting he did not want non-news items to become news items, resulting in inflamed actions between the two boards.

ADJOURN

Motion made by Commissioner Brooks seconded by Commissioner Bryan to adjourn at 10:15 p.m.
Vote Aye-4 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk