

TOWN OF PITTSBORO  
CHATHAM PARK ADDITIONAL ELEMENTS COMMITTEE

MEETING FOR REVIEW AND RECOMMENDATIONS

Phasing, Parking and Loading, Signage, and Lighting

November 2, 2016  
7:00 p.m.

COMMITTEE MEMBERS PRESENT

JAMES NASS, Chair  
H. WAYNE BRITT, Vice Chair  
REBECCA MABE, Recording Secretary  
J. ERIC BRAUN  
KATHY MOHR  
CHERIE WESTMORELAND  
PATRICK FREEMAN  
SAMANTHA BIRCHARD  
DOUG EMMONS

ALSO PRESENT

JEFF JONES, Planning Director

At Pittsboro Town Hall  
635 East Street  
Pittsboro, North Carolina

Court Reporter: Betty Jordan

**B. Jordan & Co.**  
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C O N T E N T S

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3 P R O C E E D I N G S

4 CHAIRMAN NASS: I'll call the meeting to  
5 order at 7 o'clock, November 2nd, 2016. Just in the  
6 way of introductory remarks tonight, not much, except  
7 to say that I would like, as we begin, to get your  
8 idea of how I put this thing together in a way that  
9 it's useful to you, or if there's a better way to do  
10 it when we do this in about four weeks again, on the  
11 next elements, if it makes it easy.

12 And so I think that's really it in the way  
13 of introductory remarks. Jeff?

14 MR. JONES: Yeah, I want to briefly  
15 talk. We have Betty Jordan here, who is going to be  
16 taking our notes tonight, since this is a  
17 recommendation meeting. It was thought of that we  
18 would have someone here who would be able to  
19 professionally take the minutes of tonight.

20 So when you're speaking, speak clearly.  
21 And if you're the one making the motion, make the  
22 motion clearly. Jim is going to ask for a second, and  
23 someone will second that motion. There will be  
24 discussion. Jim will go through the rules of saying,  
25 you know, Cherie made the motion, Patrick seconded it,

2  
3 do I have a motion moving forward.

4 And so we're going to try to be as clear as  
5 we can of who is speaking, for Betty to be able to  
6 take the minutes. And then if there is anything that  
7 Betty needs, she is going to raise her hand and we'll  
8 call on Betty if she needs to jot down a name or  
9 something.

10 Other than that, we'll try to get through  
11 all the recommendations that you have tonight. If  
12 not, we'll meet again in a couple of weeks. Okay.

13 CHAIRMAN NASS: Very good. Thank you,  
14 Jeff. Anyone in the audience that would like to  
15 address the group before we begin?

16 (No response)

17 DEFINITIONS AND GENERAL PROVISIONS

18 CHAIRMAN NASS: Okay. We shall proceed,  
19 then. And the first order of business is to discuss  
20 the recommendations, comments that were developed  
21 relating to Definitions and General Provisions. And  
22 what I've laid out for you in that regard are the  
23 comments and recommendations and who made those  
24 recommendations.

25 And let me just preface it by saying that

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3 in general, there is concern with that section of the  
4 Additional Elements on page 4, which reads--and let me  
5 read it for you:

6 "Development in Chatham Park that complies with  
7 the Master Plan and the standards contained in  
8 the Additional Elements adopted by the Town  
9 shall, as a matter of law, be deemed to be  
10 consistent and conforming with any subsequently  
11 adopted ordinance of the Town including, but not  
12 limited to, any Unified Development Ordinance."

13 And so several of the recommendations in  
14 this section had to do with clarifying that piece of  
15 business, all the way from several talking about the  
16 Town being able to initiate a request for discussion  
17 over those items, to language to make it mandatory  
18 that if there is any conflict between future  
19 ordinances that that discussion would take place.

20 And then one talking about recommending to  
21 the Town Commissioners that they not approve the  
22 Additional Elements until any conflicts between the  
23 Additional Elements and the UDO are resolved. So I'll  
24 leave it to the folks that made the recommendations to  
25 say whatever they want to the group concerning those

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3 recommendations.

4 And so we can start, since Rhonda is not  
5 here--Rebecca, you had made one concerning the UDO  
6 vconflicts.

7 MS. MABE: Well, I tried to spell it  
8 out, but I just thought it would be in the Town's best  
9 interests to at least try to up front make sure that  
10 what we are planning to pass as a UDO is at least in  
11 sync with the Additional Elements and Master Plan.  
12 And before we approve this, we should resolve those  
13 differences. That's the bottom line.

14 I mean, we can't predict what a future Town  
15 Board might change in the UDO 20 years from now, and I  
16 don't know that necessarily Chatham Park should be  
17 held to those, because who knows what--they may pass  
18 something absolutely crazy 20 years from now. Because  
19 we won't be here--

20 CHAIRMAN NASS: To protect it then.

21 MS. MABE: Yes. But I think we  
22 should at least up front start on an even playing  
23 field. So that was the basis of my recommendation.

24 CHAIRMAN NASS: Any thoughts on that?

25 MR. EMMONS: I agree with your premise

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3 there. I think--one of my observations after kind of  
4 reviewing this and thinking about what we talked about  
5 two weeks ago was that we've got two moving targets  
6 that we're dealing with at the very same time as we're  
7 trying to review the Common Elements, one of which is  
8 the Town's UDO. The second of which is Preston  
9 Development's development agreement with the Town,  
10 which I think is still forthcoming.

11           And some of that, to my way of thinking,  
12 would also determine some of what we're talking about  
13 in these initial sections around phasing and overall  
14 planning aspects. So, I'm not sure how to phrase this  
15 as a recommendation, other than to recognize that  
16 there's got to be some give and take.

17           There's some things that are still not  
18 fully defined or understood, which will in some cases  
19 be offered up by Preston Development in the initial  
20 development agreement to be negotiated with the Town.  
21 And also, the Town, in defining its UDO, and then  
22 whatever give and take there is in that plan and how  
23 it gets resolved.

24           So, that, plus these Common Elements, we've  
25 got some things to kind of understand that there may

2  
3 be some give and take down the road that may influence  
4 what we recommend here or what they recommend from the  
5 development agreement or UDO as well. So, there's got  
6 to be some flexibility in dealing with these things.

7 CHAIRMAN NASS: You had commented that you  
8 wanted to know whether or not the Mayor and Town Board  
9 would be able to look at--

10 MS. WESTMORELAND: Just in terms of the  
11 way this works, whether or not any comments that are  
12 additionally coming from the public also make it--you  
13 know, even if we don't include them necessarily, that  
14 those go to the--

15 CHAIRMAN NASS: The Mayor and the Town  
16 Board.

17 MS. WESTMORELAND: Yes.

18 CHAIRMAN NASS: And I would agree with  
19 that. How does the Committee feel about that, though?  
20 If we get--for example, if we received a document from  
21 the Bynum folks and we shared that with you, I would  
22 think that that could be included with whatever we  
23 gave to the Mayor and the Town, for them to look at it  
24 as well.

25 MR. EMMONS: Yeah, of course.

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3 CHAIRMAN NASS: Yeah, okay. So that I  
4 don't think we need to--I think that we can do that.  
5 Now, Kathy had put together some language on that same  
6 section.

7 MS. MOHR: Right. And I wanted one  
8 thing to be discussed--what does it mean when it says  
9 "a matter of law"? Is this a legal document? What is  
10 binding? What does "matter of law" mean, in this  
11 context?

12 MR. JONES: That this would be the law  
13 governing Chatham Park.

14 MS. MOHR: Okay. So it would be the  
15 overreaching law, how everything is done in the  
16 Elements in the Master Plan and the--

17 MR. JONES: The aspects of the  
18 development as described in this document. And, yes,  
19 it would be the law. There are certain aspects of  
20 development that are not described in here and not in  
21 subsequent Small Area Plans or development agreements  
22 and things like that. There is some aspect of  
23 development that is not Chatham Park related. They  
24 are still subject to the Town's ordinances, whatever  
25 that might be. I don't know.

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3 But if there is a way of developing that is  
4 not adhered to in these documents, then our Town  
5 ordinances would come into play there. Unless there  
6 is some sort of catch-all that legal needs to--that  
7 this language here of "matter of law, be deemed to be  
8 consistent and conforming with any subsequently  
9 adopted ordinances"--I've asked the Town attorney  
10 about this, and he has not gotten back with me.

11 That, to me, is a little ambiguous. I  
12 don't know what that means, clearly, outside of being  
13 an attorney.

14 MS. BIRCHARD: Yeah, I think that would  
15 be a good thing to have that.

16 MR. JONES: Right. So that to me is  
17 one that is very legalese and doesn't afford this  
18 Committee of lay people and me as Staff the ability to  
19 read that sentence and know what it means.

20 CHAIRMAN NASS: Well, what I think we can  
21 say to the Commissioners is that we do have some  
22 concerns over that language. And that I think it's  
23 perfectly compatible to think about a recommendation,  
24 at least, such as, "We would recommend, Commissioners,  
25 that you not approve these until you have worked out

2  
3 the differences between them and the UDO." That's  
4 something we--if we feel like we ought to recommend  
5 that, we can certainly do that.

6           And I think we could take Kathy's language  
7 as it relates to, say, look, if later on down the  
8 road, even if it's five years down the road, the Town  
9 has an ordinance that is going to conflict with  
10 something that's already been adopted, that the Town  
11 can say, "We want to have a meeting with Chatham Park  
12 and work this thing out," rather than saying, as we  
13 were led to believe from the initial discussion, that  
14 the only way that would happen is if Chatham Park  
15 raised the issue.

16           And I think what Kathy is saying and what  
17 others are saying is, no, no, the Town ought to be  
18 able to raise that issue as well, and say, "The  
19 Additional Elements says X but our new ordinance says  
20 Y, and we'd like a meeting to figure out how we're  
21 going to bridge that," is what that--I mean, I see  
22 really three recommendations or three potential  
23 recommendations coming out of this.

24           The one being, if we feel that they ought  
25 not to approve these until they get the UDO done, and

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3 then see what the differences are between that and the  
4 UDO. That's a recommendation.

5 And then the second one being this language  
6 that Kathy put together. And then there's one we  
7 haven't talked about yet, concerning buffers. And  
8 that was also yours.

9 MS. MABE: Right. So, because when  
10 we--if you looked at the paragraph 3, it says,

11 "Any 'buffer' described or referenced in  
12 any Element that is to be located on real  
13 property in Chatham Park may be located on the  
14 Lot to which the buffer is applicable or subject  
15 to complying with applicable provisions of the  
16 Master Plan, including any applicable Additional  
17 Elements, the buffer may be located on an  
18 adjoining lot owned by a property owners'  
19 association or another person."

20 So when I read that, my concern was that  
21 they wouldn't necessarily have to create a buffer--I  
22 mean, that's what I'm inferring from this--if one  
23 already existed. And I started--okay, well, that  
24 might be perfectly fine within Chatham Park, but what  
25 about property that adjoins the perimeter of Chatham

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Park?

So, could Chatham Park say, "Hey, you know, I'm building here in this North Village right now, and--" in part I thought about this because of my association with the Carolina Living and Learning Center. You know, there may be a buffer that currently exists now on our property, and they say, "Okay, well, we're just going to use your buffer." But then what happens if we decided to--"

CHAIRMAN NASS: To take away that buffer.

MS. MABE: To take away that buffer for some reason. Then there is no buffer.

CHAIRMAN NASS: Right.

MS. MABE: They should be required, at least on the perimeter, to maintain all applicable buffers.

MR. JONES: And that's what the Master Plan calls for, is that there is a perimeter buffer. But I do read this to be very confusing.

CHAIRMAN NASS: Right. It's--

MR. JONES: And I think the comment from this group is, "This is confusing."

MS. MABE: Right.

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3 MR. JONES: This reads to me that it  
4 can be on someone else's property.

5 MS. MABE: Right.

6 MR. JONES: And it may be something  
7 that Chatham Park needs to react to, and say, "Oh,  
8 yeah, the intent is for it to be on our property."

9 MS. MABE: Internal.

10 MR. JONES: Right, "internal to our  
11 property." We just--the lawyers got really happy with  
12 this language here, to where nobody understands what  
13 this means.

14 CHAIRMAN NASS: Yeah, because even in a  
15 situation where it's a neighborhood that's been  
16 developed by Chatham Park but now has got its own  
17 covenants and bylaws through a homeowners association,  
18 those covenants and bylaws through that homeowners  
19 association may well allow for that buffer to be  
20 removed.

21 And at that point in time, Chatham Park is  
22 not going to have anything to say about that, if that  
23 homeowners association has become a legal entity of  
24 its own, and the developer is not in charge of the  
25 homeowners association.

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3 That could be five years down the road.  
4 But still, the point is that there is another  
5 recommendation in that regard. So--

6 MS. WESTMORELAND: And I also thought  
7 that the Additional Elements could be--you know, had  
8 higher power than the Master Plan. That was my  
9 understanding--no?

10 MR. JONES: No, you're right. So it's  
11 supposed to be levels of understanding of how  
12 development is going to occur. This Master Plan, that  
13 was very high level. The Additional Elements are  
14 supposed to tell us a little bit more about the  
15 development, how it's going to happen. Then the Small  
16 Area Plans are going to be even more refined.

17 And then with the Small Area Plans and the  
18 Developer Agreement, then those two things really tell  
19 anyone who wants to develop, who wants to live there,  
20 who wants to just know what the impact is going to be,  
21 to be able to read all those documents and piece it  
22 together.

23 And if we have questions here at this stage  
24 that should have been answered, because that was  
25 something that was left out of the Master Plan stage,

2  
3 then that's a comment that this Committee should make.  
4 This is a comment that the Staff would be making as  
5 well.

6 MR. BRITT: Well, I've seen this over  
7 the years. I've seen this come about in a couple of  
8 locations, one in Kildaire Farms, and then one in the  
9 complex--the industrial development south of Garner,  
10 off of 40 and 70. And the existing developer--because  
11 there was already an adjoining buffer, so when the  
12 other people got ready to develop their property, then  
13 that buffer was no longer there.

14 And so all it does, it ends up being  
15 lawsuits and ill feelings. And those should be worked  
16 out. I'm a firm believer, if John Doe is going to  
17 develop this piece of property, then he should abide  
18 with the buffers in that piece of property and not  
19 count on the adjoining property owners to regulate his  
20 buffer.

21 MR. JONES: In the normal developing  
22 world, both developing properties will have a buffer  
23 that are similar to each other if they're similar  
24 uses. If they're both industrial uses next to each  
25 other, both properties would have some sort of buffer

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between the uses.

And in the fact that if there was a commercial use and a residential use--

MR. BRITT: That's what we were up against.

MR. JONES: --the commercial use would have a buffer that's bigger and thicker than that residential buffer. But the residential piece would still have some sort of buffer, just because that's a developing piece of property. And that's how it works. You can't--a developer can't utilize property that's not theirs to buffer their development, their impacts on an adjacent piece of property. The way this paragraph reads, it seems like you can do that.

MR. BRITT: Well, a good example, say, for instance, the developer here, he was counting on this adjoining landowner having a pond in there, and that pond would always be there. He decides to drain it and start developing it--there goes everybody's buffers.

MS. MABE: So I would recommend that this be changed.

MR. JONES: Yeah, I think there's some

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3 sort of comment or clarification needed on this  
4 paragraph.

5 MR. FREEMAN: If that is the intent, we  
6 don't necessarily agree--we don't agree with that.

7 MR. JONES: That would be the thought.

8 MR. FREEMAN: I've never heard of using  
9 a buffer on someone else's property.

10 MR. JONES: Right.

11 MR. FREEMAN: I've heard of using  
12 existing vegetation on your property to count towards  
13 your buffer--

14 MR. JONES: Right.

15 CHAIRMAN NASS: Yes, if it's already  
16 there.

17 MR. FREEMAN: --but never using--right.

18 MS. MABE: I would want to--I mean, I  
19 would prefer that we recommend that the language be  
20 changed so that the adjacent cannot be used.

21 MR. JONES: Right.

22 CHAIRMAN NASS: Right. Okay. If we can  
23 get to, then--are there any more? I'm sorry. I'm  
24 jumping ahead here. But I was thinking of moving to  
25 actually making a recommendation here.

2  
3 MS. MABE: Well, my last point down  
4 there was just that in that very last paragraph on  
5 that page 4, I'd still have a concern about the  
6 wording about "submitted" versus "approved." It  
7 just--that bothers me. So, if nothing else, request  
8 clarification on that.

9 CHAIRMAN NASS: Okay. Do we have any  
10 comments on that? I read that to mean--and, Jeff, you  
11 may know more about this than I do--I read this to  
12 mean that while this process is going forward and none  
13 of these elements have been approved yet, someone  
14 might come to the Town proposing to develop a piece of  
15 ground and agree to abide by this element even though  
16 it hasn't been approved yet--is what I think that is  
17 saying.

18 So, in other words, the work that's already  
19 been done up there across by Bojangle's, in that area  
20 right there, none of these Additional Elements have  
21 been approved yet.

22 MR. JONES: That's right.

23 CHAIRMAN NASS: But in the submission to  
24 the Town, they could voluntarily agree to be held to  
25 these Additional Elements, even though they haven't

2  
3 been approved yet. Do I understand that right?

4 MR. JONES: Yes. So, now that we have  
5 the Elements in review, the next time we have a  
6 development plan, a subdivision plan that comes to the  
7 Town, the question to the Town from this developer is  
8 going to be, "Are you going to go by the Elements?  
9 And if so, I need documentation of that." Because it  
10 kind of spells out what that documentation needs to  
11 be, and the dates of when that needs to happen.

12 If not, then that just needs to be noted in  
13 the review, that we're going to just review by the  
14 Town's ordinances right now. We haven't had a plan  
15 that has come in--we had one that was recently  
16 approved by the Town Board, and they elected just to  
17 not utilize the elements in its entirety. They did  
18 use some elements, but not all of them. So we  
19 reviewed them against the Town ordinances, to what we  
20 had in place.

21 If they were to have said, "No, we're going  
22 to go to the elements," what's been submitted, more  
23 than likely it would have been the exact same  
24 development that we have, that was approved. That's  
25 my thoughts.

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3 MR. EMMONS: Jeff, do you anticipate,  
4 as the UDO comes together, that these elements as  
5 proposed by Chatham Park would be more stringent than  
6 what the UDO is going to require? Or do you envision  
7 that they will be pretty much on par?

8 MR. JONES: I think that there is  
9 going to be certain elements that will be more than  
10 what would now--that's going to be called for. Mainly  
11 along the development of buildings and how those look,  
12 and things like that. We're going to have the  
13 building standards in the UDO, but I think they're  
14 going to be light in comparison to what Chatham Park  
15 will require of their buildings.

16 There could be elements that look similar--  
17 stormwater being one of those. Or something like  
18 parking could be similar. I think the one difference  
19 in parking--and we will get to this later tonight--but  
20 where they're calling for EV stations, the Town would  
21 not be calling for those. Or--we would allow them,  
22 but the ordinance probably isn't going to say they're  
23 required. So, there's certain aspects that are going  
24 to be different.

25 MR. EMMONS: Is there any area that you

2  
3 envision the Town could be more restrictive?

4 MR. JONES: More restrictive. There  
5 are going to be some UDO articles, especially when we  
6 have--let me grab--

7 MR. EMMONS: And the reason I'm asking  
8 is I'm just trying to get a sense of--as we're trying  
9 to make recommendations, how does this align.

10 MR. JONES: So, there are articles  
11 in--especially Module 2, that speak to green  
12 development incentives and--what's the other one here.  
13 There was another one here, of how--hold on for a  
14 second. The green development incentives, that's  
15 totally new for the Town, and I don't know how that  
16 would apply to Chatham Park. That's giving developers  
17 incentives to green their buildings up and their  
18 developments.

19 Another one would be neighborhood  
20 compatibility. That's a new section for the Town,  
21 where we try to make sure that that buffer between  
22 that development and current residential areas in  
23 town--it might not apply too much to Chatham Park  
24 areas, but there's going to be some areas. I don't  
25 know how Chatham Park is going to address those types

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3 of things.

4           So those are going to be comments that are  
5 generated from Staff and/or the Committee, when we get  
6 to those types of sections and elements that we will  
7 put on the table for Chatham Park. So there's going  
8 to be some differences.

9           And it could be that they come back and  
10 say, "Yeah, we're just not going to do any of those  
11 things in our documents. You can apply the Town  
12 standards; whatever you adopt in those two sections,  
13 we'll adhere to those." That could be a way that  
14 they're going to have some UDO influence on their  
15 developments.

16           CHAIRMAN NASS: Rebecca, would you want to  
17 put your recommendation on the buffers into a motion?

18           MS. MABE: Yes. I would like to make  
19 a motion that we recommend language in the General  
20 Provisions that would not allow a developer to use a  
21 buffer on an adjacent property. Is that clear?

22           CHAIRMAN NASS: Yes.

23           MR. BRITT: Second it.

24           CHAIRMAN NASS: Seconded. It's been moved  
25 by Rebecca Mabe and seconded by Mr. Britt. So all in

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favor?

(Voice Vote)

CHAIRMAN NASS: Opposed?

(No Response)

CHAIRMAN NASS: Unanimous.

Now, given the discussion, do we want to make a recommendation on not approving the Additional Elements until we work out the differences between the UDO and the Additional Elements? If we do that--well, I think our discussion has covered that. So do we want to make that recommendation?

Again, that was yours, Rebecca. Did you make it?

MS. MABE: I will make a motion that we recommend to the Town to not approve the Additional Elements until an analysis is done and any significant differences between the UDO and the Additional Elements are resolved.

CHAIRMAN NASS: Okay. Rebecca Mabe has made the motion. Second?

MS. WESTMORELAND: I'll second it.

CHAIRMAN NASS: Seconded by Cherie Westmoreland. All in favor?

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(Voice Vote)

CHAIRMAN NASS: Opposed?

MR. BRITT: No. I think what you're doing there, you could be holding up development plans and so forth. It depends on how fast the Staff is going to act on some of this, and so forth. Because it's got to go through Committee review and so on and so forth. So I think we might be putting a crossroad there that we don't need.

MR. FREEMAN: And to Wayne's point, currently these Additional Elements are more cumbersome and strict than the current Town--

MR. BRITT: By far, by far.

MR. FREEMAN: So if we wait, and we just go by the current Town standards, we may even be getting less--do we have a time frame on the UDO?

MR. JONES: It's going to be a similar time frame. I would think early spring, at this point in time.

CHAIRMAN NASS: For both of these.

MR. EMMONS: Can we revisit that recommendation? Maybe it's the wording that's throwing us off here. I think it needs to be

2  
3 rephrased a bit.

4 MR. FREEMAN: I agree. It sounds to me  
5 like if we approve these elements right now, once  
6 we've said our approval, it's done, and we can't do  
7 anything about it. The only people that could  
8 initiate any change or agree to it would be the  
9 Preston Development, moving forward. And that's kind  
10 of a lot to soak that in right now. That seems like  
11 a--things will change, and there might be--even with  
12 the UDO, something may change 10 years down the road.

13 And if we decide that there needs to be a  
14 change made, from what I'm gathering is once we've  
15 said our piece with this and we've approved this, that  
16 we can't do any--there's nothing that can be done  
17 about it from our end afterwards.

18 MR. EMMONS: Yeah, that's what's  
19 troubling me, because--

20 CHAIRMAN NASS: There's another  
21 recommendation yet to be made here that we've already  
22 talked about. Right now, the language in the  
23 Additional Elements would lead you to believe that if  
24 ten years from now the Town passes an ordinance that  
25 significantly alters one of these elements, that

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3 Chatham Park would have to come to the Town and say,  
4 "We'd like to recommend" or "We'd like to discuss  
5 this."

6 And there is a recommendation here saying  
7 no, that in that situation the Town is going to  
8 initiate or require the discussion to determine that.  
9 But we may be confused. Because what this is saying  
10 is, there's a UDO process going forward at the same  
11 time there is the Additional Elements going forward.

12 And if I get the--but what was approved  
13 here is that we're saying to the Town, "Before you  
14 take the step of approving all of these Additional  
15 Elements, do an analysis of the UDO. And if there are  
16 significant differences, try to work those out before  
17 you approve them." That's the recommendation.

18 MS. MABE: That was what I was--yes.

19 MR. EMMONS: I think we need to  
20 rephrase the recommendation.

21 MS. MABE: Yeah.

22 CHAIRMAN NASS: Well, we would need a  
23 motion to--

24 MR. FREEMAN: Amend the motion?

25 CHAIRMAN NASS: Yes. We need a motion to

2  
3 rescind the approval.

4 MR. FREEMAN: An exception to rescind  
5 the recommendation.

6 MS. MABE: Second.

7 CHAIRMAN NASS: And there is a second.  
8 All in favor?

9 (Voice Vote)

10 CHAIRMAN NASS: All right. Do we want to  
11 rephrase the recommendation or move on to another one?

12 MR. BRAUN: Restate it.

13 MR. FREEMAN: Can we just talk about  
14 this openly without making a recommendation?

15 CHAIRMAN NASS: Sure.

16 MR. FREEMAN: Can you restate the  
17 original recommendation?

18 MS. MABE: So, the way I had written  
19 it here I think it comes closer to what I think I had  
20 said when we were talking earlier. In the written  
21 here, I said, "Recommend to the Town to do a careful  
22 analysis between the Elements and the drafted UDO, to  
23 determine any significant differences that should be  
24 resolved prior to approving the Additional Elements."

25 So, in my mind, what I was thinking is

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2  
3 that--I mean, they have their drafted UDO. They  
4 should just take a look at it and take a look at the  
5 Elements, and if there is any major conflicts, try to  
6 get those resolved before they pass the additional  
7 element.

8 MR. EMMONS: And I'm fine with the  
9 wording of that. That was different than what I  
10 think--

11 MS. MABE: Came out of my mouth?  
12 Sorry.

13 MR. EMMONS: It's all right.

14 MS. MABE: I should have just read  
15 off the piece of paper to begin with.

16 MR. JONES: Is the Committee's thought  
17 that the UDO--that the Additional Elements would be  
18 superior to the UDO? Is that the goal of this  
19 Commission?

20 MR. BRITT: We just need the  
21 clarification, basically.

22 MR. EMMONS: I don't think necessarily.

23 MR. BRAUN: I think complementary to,  
24 not superior to.

25 CHAIRMAN NASS: In my view, it does mean

2  
3 that. Because this development--the premise of this  
4 whole development, and this planned development, is  
5 this is going to be an exceptional, superior  
6 development. And they are going to--in exchange for  
7 some of the things that they're getting from the Town  
8 in terms of the approval of this, that this is  
9 supposed to be an exceptional development.

10 And there probably ought to be things in  
11 the Master Plan and in the Additional Elements that  
12 wouldn't necessarily be required of the rest of  
13 Pittsboro as a whole. So, in my view, yeah, it does.  
14 Now, that's only my view.

15 MR. JONES: And I think that's sort of  
16 the thinking, too. We're not taking comments from the  
17 audience.

18 CHAIRMAN NASS: No, we're not. No, we're  
19 not opening it up to the audience. It's not going to  
20 happen.

21 MR. JONES: The requirement of the  
22 zoning text or planned developments is that these  
23 communities are of an exceptional design character and  
24 quality that preserves critical environmental  
25 resources, open space. So it's--the zoning ordinance

2  
3 for PDDs is leading one to believe that this is going  
4 to be superior than what we currently have.

5 This document, this Additional Elements,  
6 does that, from our current zoning ordinance. I think  
7 this Committee is thinking in the future, of what  
8 we're reviewing in our UDO.

9 CHAIRMAN NASS: Right.

10 MR. JONES: And so the question I pose  
11 to you all is do you want the Additional Elements of  
12 Chatham Park to be on par or superior to what we may  
13 be adopting with the UDO?

14 MS. WESTMORELAND: We're not in conflict  
15 with. That was the simple--

16 MR. JONES: Right. You definitely  
17 don't want them to be less than the UDO.

18 MS. WESTMORELAND: Right.

19 MR. JONES: I think that is clear.  
20 That's clear from Staff's perspective as well. I'm  
21 just trying to help you all think about this comment,  
22 and how it gets posed to the Town Board.

23 MR. EMMONS: I can agree with Jim's  
24 statement. And that I believe, out of the box, at  
25 this point in time, what Preston Development and

2  
3 Chatham Park are offering should be superior, to the  
4 point that they are building a state-of-the-art live,  
5 work, play community that wants to be the envy of the  
6 nation, right?

7           The thing that I'm wrestling with a little  
8 bit is--a couple of things. One, as a committee here,  
9 we're making recommendations to the Town, right? So I  
10 don't view what we recommend as being the be-all  
11 final; it's up to then, the Town, to determine the  
12 final outcome and recommendations, and negotiation  
13 between the Town and Preston Development.

14           Secondly, this is a point in time. This is  
15 at the initial outset of a 40-year project. And,  
16 again, we have a couple of moving parts that we  
17 haven't really seen yet--the UDO, as well as the  
18 Developer Agreement.

19           So what I'm encouraging is that there be  
20 some level of flexibility that says if we recommend  
21 that these are the elements with whatever changes we  
22 make, I would also want to ensure that the Town has  
23 some way of revisiting these in light of their UDO,  
24 whether it's a five-year window, a ten-year window,  
25 whatever that periodic review of--hey, are we still

2  
3 doing the best that we possibly can or that we want,  
4 or that based on other things occurring nationwide as  
5 new standards, new capabilities, new technology, that  
6 this is significant enough that we should revisit.

7 I wouldn't want us to get locked into  
8 something today that 30 years from now could impact  
9 the last Small Area Plan, that if we had the ability  
10 to change something here, it could be significantly  
11 different and beneficial overall for Pittsboro and the  
12 bigger community. That's what I'm trying to ensure we  
13 have the flexibility.

14 MR. JONES: I think what the Committee  
15 and Doug and maybe Jim and some others are thinking  
16 is, how do you formalize into this document or other  
17 documents the collaboration with the developers of  
18 Chatham Park and the Town, and the people who will be  
19 here when we are not here, that there is a check on  
20 how things are going. And how is that formalized.

21 MR. EMMONS: And, again, maybe that's  
22 not the place for us to weigh in on here. Maybe  
23 that's in review of the Developer Agreement. Maybe  
24 that's where it goes. But it's just something that  
25 I'd like to call out because I think it's important.

2  
3 I think it has a bearing on--you know, if  
4 we agree that these are great today, but in 15 years  
5 from now we go, wow, there's a whole new capability  
6 for doing signs, for instance, that would be really  
7 cool. And we, as the Town, want to embrace that. But  
8 that would require that these elements be amended or  
9 adjusted.

10 CHAIRMAN NASS: Well, we'll just say that.  
11 I mean, that's the point, pretty much, of this  
12 discussion. Because on page 4, that final paragraph  
13 of the first section under General Provisions pretty  
14 much says, "You can't do that."

15 And what this Committee is trying to say  
16 is, "Yeah, you can." We ought to be able to do just  
17 what you said. This paragraph pretty much says you  
18 can't do that. I mean, that's the reason people have  
19 made recommendations on this, as near as I can tell.  
20 It's that they're concerned that they're going to be  
21 locked in. That whatever is in this book and the  
22 Master Plan, even if the greatest thing since sliced  
23 bread comes up 10 years from now, there will be no way  
24 to make any adjustment if Chatham Park says, "No,  
25 we're not doing that." Or unless Chatham Park comes

2  
3 forward and says, "We'd like to change it."

4           And what I hear everybody here saying is,  
5 there ought to be a way for the Town to initiate those  
6 discussions in ten years, rather than putting in this  
7 as a matter of law that only Chatham Park can initiate  
8 such a conversation.

9           And from my personal view, I thought it was  
10 important that this Committee make that statement that  
11 the Town has an obligation almost, but certainly the  
12 right, as things change, to go back and say, "Look,  
13 this additional element on--" oh, I don't know--  
14 "signing--might have been fine five years ago, but we  
15 just had this breakthrough in technology and we'd like  
16 to change that element." And give the Town the way to  
17 do that.

18           And if you look at, certainly--and I'm not  
19 sure--I think that's different than this  
20 recommendation on the UDO.

21           MR. EMMONS:           I think so, too.

22           CHAIRMAN NASS:       I think there's another  
23 one here that's--I think if you look at Kathy's  
24 language on the last paragraph here, what she says is  
25 that "require review and discussion between Town

2  
3 officials and representatives of Chatham Park to  
4 explore amending an Element."

5 And so it seems to me that that's the one  
6 that gets it--what you're talking about, if I'm  
7 hearing that correctly. I think the first one is just  
8 simply saying to the Town, the Commissioners, "Do an  
9 analysis of the draft UDO, and if there is a  
10 glaring--" you said "significant"?

11 MS. MOHR: I said "significant."  
12 Because there could be minor things.

13 CHAIRMAN NASS: So, see if you want to  
14 work that out before you approve it. Whereas this  
15 other one, Kathy's, it gets to the point you are  
16 making, I think.

17 MR. FREEMAN: They need to compare and  
18 contrast, just to make sure there is nothing we are  
19 overlooking, essentially is what--

20 CHAIRMAN NASS: That's what I think.

21 MR. FREEMAN: There may be something  
22 we're overlooking here. But it shouldn't slow down  
23 the develop--like, I agree with you. As long as it's  
24 happening at the same time, then it's not going to  
25 slow things down. And I do think that this should be

2  
3 at a higher level. I mean, I think that's what  
4 they're trying to accomplish anyway. I don't think  
5 they would disagree with that.

6 I think you'll--from what I've read,  
7 there's a lot of stuff that is a little more strenuous  
8 than any I've ever dealt with, in terms of landscape  
9 and buffers and street trees and things like that.

10 MS. BIRCHARD: Well, I'm not really clear  
11 on what you mean by "superior." I mean, does  
12 "superior" mean that takes legal precedence, or does  
13 it mean it has more detail? I'm not really clear on  
14 what you mean by "superior."

15 MR. JONES: That's--I don't know.

16 MR. BRAUN: It could be all of those  
17 things, I suppose. It could be aesthetically  
18 superior, legally superior.

19 MR. JONES: Yeah. If they're doing  
20 ten additional things that the Town doesn't require,  
21 is that superior? Or if they're doing one additional  
22 thing that the Town isn't requiring, is that superior?  
23 That's sort of debatable here. I don't know. The  
24 term "superior" is not defined. It needs to be  
25 better.

2  
3 CHAIRMAN NASS: But I'm not sure we have  
4 to really make that decision in this section. We've  
5 got two issues before us. One is do we recommend to  
6 the Town that they take a careful analysis of the UDO  
7 and see if there are some significant differences  
8 between that UDO and the Amended Elements, and try to  
9 resolve those. That's one.

10 And then the second one is Kathy's  
11 language, which says that as we move on down the road,  
12 the Town has an obligation to seek discussion and  
13 resolution of things that come up over the years.  
14 That's essentially the--to me, those are the two  
15 issues.

16 MR. EMMONS: Do you have an extra copy  
17 of that document you referred to?

18 CHAIRMAN NASS: Which?

19 MR. EMMONS: I'm looking at the one  
20 they had online, and it doesn't seem to have--

21 MS. MABE: Maybe he didn't get a copy  
22 from tonight.

23 CHAIRMAN NASS: No, I gave you a hard copy  
24 of it.

25 MR. JONES: Here's an extra copy.

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MR. EMMONS: Thank you.

CHAIRMAN NASS: And I think the first one is, we voted to reconsider the motion to advise the Town to do a careful analysis of the UDO and see if there are any significant differences. And then we still the Kathy language, too. So, I guess my question is do we want to reconsider the recommendation that was made on doing the analysis of the UDO at this time, with the change in language?

MS. MABE: I mean, we can recommend they do an analysis. If they decided they didn't want to, they don't have to. I mean--

CHAIRMAN NASS: Exactly, that's it. It's their decision, yes.

MR. FREEMAN: Is there any way to put the verbiage in there to--I liked Wayne's point, to make sure that the UDO doesn't--or analyzing the UDO or comparing and contrasting the UDO--as long as the UDO is done about the same time that these Additional Elements are being reviewed and they're not having to wait two years for the UDO to be formed before they can compare and contrast. Because that's an issue.

MR. BRITT: Well, that's what I've

2  
3 been getting at.

4 MR. FREEMAN: And that is an issue, if  
5 that were to happen.

6 CHAIRMAN NASS: Yeah, I think we can  
7 probably put something in there like that. But,  
8 again, remember, the Town Commissioners, when they're  
9 looking at this recommendation are going to know what  
10 the track of the UDO is and what the track of this is.  
11 And so we certainly could put something in the  
12 language, if you felt it was necessary, that just  
13 said--I don't know exactly how you would phrase it.

14 MR. FREEMAN: Yeah, it's tough. I  
15 just--I don't want it to be a roadblock, necessarily.

16 CHAIRMAN NASS: Yeah.

17 MR. FREEMAN: So do we feel like we have  
18 a motion now?

19 CHAIRMAN NASS: I don't know.

20 MR. BRITT: Go ahead.

21 CHAIRMAN NASS: You had amended your  
22 motion.

23 MS. MABE: Yeah, I'm just trying to  
24 figure out the best way to word it.

25 CHAIRMAN NASS: I think all you might have

2  
3 to do is take what you wrote, and you could say  
4 something like, you know, "Provided that in the  
5 judgment of the Town Commissioners it doesn't unduly  
6 delay the approval of the Additional Elements or the  
7 UDO." Does that sound--

8 MS. MABE: That sounds fine. Can I  
9 make a motion that you state that? That wording  
10 sounded good.

11 CHAIRMAN NASS: So, the motion would be  
12 what you recommended, that "The Town do a careful  
13 analysis between elements and the drafted UDO to  
14 determine any significant differences that should be  
15 resolved prior to approving the Additional Elements.  
16 It is understood that future changes to UDO may result  
17 in exemptions for Chatham Park, but nonconformities  
18 should be minimized to the extent possible between the  
19 Chatham Park Master Plan/Additional Elements and the  
20 Town's new UDO, provided that it does not cause undue  
21 delay in the approval of Additional Elements or the  
22 UDO."

23 MS. MABE: Does that work for  
24 everybody?

25 MS. BIRCHARD: No, it doesn't work for

2  
3 me. I don't understand why we have a 40-year plan and  
4 yet there's a sense of urgency. I mean, I think this  
5 is not--I like everything, but I think giving that--I  
6 don't understand the sense of urgency, that there's  
7 going to be this huge delay.

8 I mean, I think the UDO--it's preceded as  
9 in there, further on, as scheduled. So I don't  
10 understand the concern that the UDO--I don't  
11 understand why we would object to an analysis to pull  
12 things together.

13 MR. FREEMAN: Because they're developing  
14 now, and they're using standards that are less than--

15 MR. BRITT: Less than what's covered  
16 in here.

17 MR. FREEMAN: --less than what's in the  
18 Town of Pittsboro currently. So if it delays, the  
19 more it delays--

20 MS. BIRCHARD: The less you get that in  
21 fact. Okay. That's fair.

22 MS. MOHR: If we add the wording  
23 about "subsequently adopted ordinances," if we add  
24 that onto what you have said, that should cover the  
25 whole thing, at least for--both aspects. And having

2  
3 the Town have the ability to come back and review  
4 something and ask for a meeting with Chatham Park.

5 CHAIRMAN NASS: Uh-huh (affirmative).

6 MS. MOHR: Because it would be  
7 written in the Elements that the Town would have the  
8 right at least to ask for review, and possible  
9 amendment. Chatham Park wouldn't have to agree to it;  
10 that doesn't put it in stone for Chatham Park.

11 CHAIRMAN NASS: Exactly.

12 MS. MOHR: But it allows conversation  
13 to occur, within this document.

14 CHAIRMAN NASS: Right. Exactly.

15 MR. FREEMAN: I'll second the motion.

16 CHAIRMAN NASS: All in favor?

17 (Voice Vote)

18 CHAIRMAN NASS: It's unanimous.

19 And we want to do a second one on this  
20 page, from your language, Kathy. Any discussion of  
21 Kathy's language here at the bottom of the first page?

22 MR. FREEMAN: This is just essentially  
23 saying that--or suggesting to the Board that we do not  
24 agree to not being able to come back and review  
25 these--or revisit these elements, should the Town feel

2  
3 the need, based on whatever technological advances or  
4 whatever there may be moving forward. Is that  
5 correct? That's what we're talking about?

6 CHAIRMAN NASS: Right.

7 MR. BRITT: Put that in 15 words or  
8 less, and let's vote.

9 MS. MABE: I like Kathy's language.

10 MS. WESTMORELAND: You could just read  
11 yours the way it is.

12 CHAIRMAN NASS: Do you want to make that  
13 motion?

14 MS. MOHR: Yeah. I say we should add  
15 the language, "Subsequently adopted ordinances of the  
16 Town or changes to the UDO which may be novel to the  
17 aforementioned Master Plan and the standards contained  
18 in the Additional Elements require review and  
19 discussion between Town officials and representatives  
20 of Chatham Park to explore amending an Element."

21 CHAIRMAN NASS: Is there a second?

22 MS. WESTMORELAND: Second.

23 CHAIRMAN NASS: Okay, Eric?

24 MR. BRAUN: Second.

25 CHAIRMAN NASS: Were you a second? All in

2  
3 favor?

4 (Voice Vote)

5 CHAIRMAN NASS: Opposed?

6 (No Response)

7 CHAIRMAN NASS: Unanimous.

8 DEVELOPMENT PHASING

9 CHAIRMAN NASS: All right. So, that takes  
10 us through General, and we are now in Development  
11 Phasing. And at least in the material that I  
12 received, I did not receive any recommendations for  
13 anything on Development Phasing. We had the one  
14 comment from Eric, that it "seems as if this will roll  
15 out in an organic fashion that is adequately addressed  
16 in the Elements."

17 Was there anyone that had recommendations  
18 in this section that did not get those to me to put  
19 in?

20 MR. EMMONS: The only thing that I  
21 would--this is where I would offer a recommendation to  
22 the Town that the Development Phasing elements be  
23 reviewed once the Developer Agreement is made  
24 available for you. What's not clear is some of the  
25 things that I think we may have expected to see in a

2  
3 phasing may in fact be made available in the Developer  
4 Agreement.

5           And so, for instance, if you're really  
6 thinking about how does the Town work with the  
7 developer and think about supportive infrastructure  
8 per the phasing, right?

9           CHAIRMAN NASS:       Uh-huh (affirmative).

10           MR. EMMONS:       That's going to get  
11 spelled out somewhere. If it's not in our phasing  
12 element, then hopefully it's in the Developer  
13 Agreement, to the extent that it's going to articulate  
14 how do we work together between the Town and Preston  
15 Development to identify what that is and how it  
16 happens, right?

17           And then it probably gets spelled out in  
18 greater detail in the Small Area Plans. But I think  
19 the way I interpret what we have here is really kind  
20 of this big picture view of here's how we're expecting  
21 to kind of develop over 40 years. And what I saw was  
22 fine. It's just the additional detail, I think, is  
23 going to get identified in some subsequent documents.

24           So I guess if there's a motion, I would say  
25 to the Town, please insure that any concerns with

2  
3 respect to phasing related to infrastructure and  
4 implications for Town support are identified  
5 specifically in the Developer Agreement and  
6 subsequently in the Small Area Plans. Because, you  
7 know, the level of specificity is not at this stage--

8 CHAIRMAN NASS: Any discussion? The  
9 only thing I would point out is that the Public  
10 Facilities section of the Additional Elements does get  
11 into some detail on things like police, fire, schools,  
12 et cetera. But I have no objection to the motion.

13 Is there any discussion? Or a second? Is  
14 there a second?

15 MS. WESTMORELAND: I'll second it.

16 CHAIRMAN NASS: Any discussion?

17 MR. FREEMAN: I don't know what we're--I  
18 hear what you're saying, but I don't know what we're  
19 trying to accomplish.

20 MR. EMMONS: I think it's just the  
21 recommendation to the Town that--my sense is that we  
22 all felt what we read was okay. But we also all felt  
23 maybe it was lacking in some specificity that we would  
24 have liked to have seen. So the recommendation is  
25 that if we're expecting to see more detail or

2  
3 specificity, that, you know, this is subject to seeing  
4 that specificity and the subsequent documents that  
5 come forth, either the Developer Agreement or a Small  
6 Area Plan. Because otherwise, there is no  
7 understanding of how the Town accommodates in this  
8 phasing implications for water, sewer, public  
9 services, et cetera--police, fire.

10 MR. BRITT: I'm like Mr. Patrick. I  
11 understand what you're saying but I don't understand  
12 what you're meaning, if that makes sense.

13 MR. FREEMAN: I remember the phasing of  
14 it just being--they're trying to tell--they don't  
15 really have a--they don't know. I remember the one  
16 that stuck out to me the most was, "Well, this is our  
17 intentions now, to develop this North Village and move  
18 forward." But if the Mercedes dealership came and  
19 built a plant somewhere on 15-501 South near Sanford,  
20 that may change everything. We may put a village in  
21 the South Village.

22 MR. BRITT: Yeah.

23 MR. FREEMAN: I just don't--I want to  
24 make sure we're not restricting that. I mean, that  
25 makes sense from a development standpoint, whatever

2  
3 we're saying. If that's what they decide that they  
4 need to do and that's the best use of their  
5 investment, then I'm fine with that, based on--

6 CHAIRMAN NASS: What I hear them saying is  
7 that in the Additional Element that is written as  
8 Development Phasing, I think for a lot of us, we  
9 looked at that and said, "Why is that here? It  
10 doesn't say anything."

11 MR. FREEMAN: That's right.

12 CHAIRMAN NASS: And what Doug is saying is  
13 that just doesn't say anything. That our  
14 recommendation to the Town is that they insure that in  
15 either the Developer Agreement or other documentation  
16 that it does set forth in sufficient detail for the  
17 Town to be able to understand what requirements are  
18 going to be placed upon the Town as they move forward  
19 in terms of infrastructure.

20 MR. FREEMAN: So they can plan for water  
21 and sewer and stuff like that.

22 CHAIRMAN NASS: And it may be overkill in  
23 the sense that I'm sure the Town would want that, but  
24 we ought to--I think Doug's point is that we ought to  
25 recommend that to the Town, to insure that this

2  
3 Committee at least has said that's an important thing  
4 for you to require.

5 MR. EMMONS: It's just that it is--it's  
6 just the observation that we've got another moving  
7 part that's not present yet in the Developer  
8 Agreement, as well as Small Area Plans and the UDO.

9 CHAIRMAN NASS: Is there any discussion  
10 more on that motion? Are we ready to vote?

11 All in favor?

12 (Voice Vote)

13 CHAIRMAN NASS: Opposed?

14 (Voice Vote)

15 CHAIRMAN NASS: Okay. I think we had  
16 eight "ayes" and one abstention.

17 MR. BRITT: Yes.

18 SIGNAGE

19 CHAIRMAN NASS: Okay. All right, Signage.  
20 There was a good deal of interest in Signage. And if  
21 you want to look at the document that I put together  
22 and sent to you, or have put in front of you, we had--  
23 in several instances we had recommendations that we  
24 recommend to the Town Commissioners that they do not  
25 exempt villages from the Town review of signs, nor the

2  
3 requirement that there be a Master Sign Plan.

4 I think that was in several of the  
5 recommendations. People made the same recommendation,  
6 that the Town retain jurisdiction over signs in the  
7 villages. Any discussion on that topic?

8 MS. MOHR: I would say, in addition,  
9 that a signage plan outlining desired minimum  
10 requirements should be included for all development  
11 within the 7.1, "Guidelines and Recommendations for  
12 Lighting Characteristics also need to be included in  
13 7.1," because that's an important element of signage.

14 MR. BRAUN: Good point.

15 CHAIRMAN NASS: Is there anyone that  
16 disagrees with the proposition that villages ought not  
17 to be exempt from Town review and jurisdiction?

18 (No response)

19 CHAIRMAN NASS: Okay, so we have consensus  
20 on that issue. We just have to now find the wording  
21 of the proposition. We have several here before us  
22 that we can look at. I think if we maybe put  
23 together--

24 MR. EMMONS: I'd like to suggest just  
25 support of the document.

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CHAIRMAN NASS: Yeah.

MR. EMMONS: Maybe something as simple  
as--

CHAIRMAN NASS: As Rebecca's?

MR. EMMONS: "We recommend the Town  
have--"

CHAIRMAN NASS: Retain?

MR. EMMONS: "--retain approval for  
signage throughout all areas of Chatham Park."

CHAIRMAN NASS: Including the villages.

MR. EMMONS: Including the villages.

MR. FREEMAN: I just want to--we're not  
saying they have to follow necessarily a sign  
ordinance here. We're just saying that--because we do  
want to create--or--

CHAIRMAN NASS: Right, have creativity.

MR. FREEMAN: --have creativity. We're  
just saying that it needs--whatever it is--

CHAIRMAN NASS: It needs to be approved.

MR. FREEMAN: --it needs to be approved.

CHAIRMAN NASS: Right, that's what people  
are saying. I think we all agree that our discussion  
the last two weeks ago, that we wanted to maintain the

2  
3 creativity in the villages, we thought that was a good  
4 idea. But we also felt, I think, and this is  
5 reflected in your comments here, that the Town still  
6 needed to approve and still retain jurisdiction over  
7 what was going to happen.

8           And we would require a Master Sign Plan,  
9 Signage Plan, for these villages. So that the Town  
10 could say, you know, the paint dripping down the side  
11 of the building is just a little too much for us.  
12 They may do, or they might say it's the greatest thing  
13 since sliced bread. But at least the Town would have  
14 something to say about it.

15           So, do you want to restate it, because I  
16 think you--

17           MR. EMMONS:           Yeah. I think maybe the  
18 part that we're missing in what I said was the  
19 creativity aspects. Maybe it's something to the  
20 effect that the Town--we recommend to the Town that  
21 the Town retain approval jurisdiction over all signage  
22 aspects within Chatham Park, including villages, with  
23 the intent to retain control but not thwart the  
24 creativity aspect of what's intended to be made  
25 available for use in the villages. Something to that

2  
3 effect.

4 MS. MOHR: I guess where my  
5 recommendation was coming from, though, is just this  
6 first sentence under Section 2, "Sign Plans," that  
7 says, "For each Small Area Plan, but excluding  
8 activity centers in Section 7.1, a Master Sign Plan  
9 that complies with this element shall be submitted and  
10 approved by the Planning Director."

11 You know, they did a fairly detailed sign  
12 section here, but why are they exempting themselves  
13 from their own sign plan requirements for just these  
14 specific areas? So, that just did not make sense to  
15 me.

16 MR. FREEMAN: I think--because if you  
17 looked at the sign--what they had in the other areas  
18 as restrictions, it is very restricting for the signs  
19 in the other areas. Like, for maybe the HOAs or for  
20 the commercial office buildings. I mean, they're to a  
21 certain size, certain color, certain materials, things  
22 like that. You would be very limited with creativity  
23 if you were to follow the sign ordinance that they  
24 spelled out for everywhere else other than the  
25 villages.

2  
3 I think that's why they're saying they  
4 don't want to have the same--those sign requirements  
5 in these certain areas in the villages. But they  
6 would all look--they would all be rectangular, gray or  
7 taupe or something like that, look the same color.  
8 There wouldn't be any creativity whatsoever.

9 MS. MABE: Yeah. I guess I'm just--I  
10 mean, I'm all for the creativity in the areas. I  
11 mean, some of the stuff that they show as examples in  
12 other places is very cool. I just--I'm always  
13 hesitant to give somebody carte blanche.

14 MR. FREEMAN: Well, I think that's what  
15 we're saying with--someone has still got to approve  
16 it. They're wanting carte blanche, and saying there  
17 is no approval process, there is no nothing.

18 MS. MABE: Right.

19 MR. FREEMAN: What we're saying is, I  
20 think simply put, I think what I'm hearing that we're  
21 recommending here is in these villages, they don't  
22 have to follow their sign ordinance, but they do still  
23 have to get approval from the Town.

24 CHAIRMAN NASS: Right.

25 MS. MABE: Yes.

2  
3 MR. EMMONS: That's what we're saying.  
4 So, since you referenced that specific section, what  
5 if our recommendation is that for that section, we  
6 strike the language "but excluding activity centers,"  
7 and then we add a new sentence after this that says,  
8 "Specific to activity centers and the common desire  
9 between Chatham Park and the Town to encourage  
10 creativity, artistic elements, that signage may  
11 deviate from the Master Sign Plan but would still  
12 require Town review and approval."

13 MR. FREEMAN: I'll second that.

14 CHAIRMAN NASS: Okay, motion made by Doug,  
15 seconded by Patrick. All in favor?

16 (Voice Vote)

17 CHAIRMAN NASS: Unanimous.

18 I think that was--

19 MS. WESTMORELAND: I had that one little  
20 thing about--

21 CHAIRMAN NASS: Yeah, there was one more.  
22 Sorry.

23 MS. WESTMORELAND: --on page 19, under  
24 "Future Use." Because as there has been some  
25 discussion that a sign can go up that's talking about

2  
3 something that's going to happen sometime, but not in  
4 the near future--

5 CHAIRMAN NASS: Yes.

6 MS. WESTMORELAND: I don't know what  
7 other people were thinking about that, but that seemed  
8 to make sense to me, that you would want to have maybe  
9 some kind of parameters on that, so that somebody  
10 wouldn't put up a sign and it might be there for 20  
11 years saying that there's eventually going to be this  
12 thing there.

13 CHAIRMAN NASS: Yes. Does everybody  
14 understand that?

15 MR. FREEMAN: The temporary sign.

16 CHAIRMAN NASS: The temporary sign issue.  
17 And now, what you're saying is there ought to be some  
18 time limit on how far in advance of whatever it is--

19 MS. WESTMORELAND: Or that the Town could  
20 at least consider what parameters they might want for  
21 that.

22 CHAIRMAN NASS: Yeah. Any discussion on  
23 that point? Any disagreement on that point?

24 MR. FREEMAN: You've got to remind me,  
25 that's not like a leasing sign. So if I had a section

2  
3 of land out there and I wanted to, say, lease or  
4 design/builder for--we're not talking about that.

5 MS. WESTMORELAND: No. No, this is just--  
6 my understanding was this is about a sign like you  
7 were saying that in the future we may put a something-  
8 or-other here, but there's not really actually any  
9 definite plan, so that sign could be up there for 20  
10 years indicating that there might be that thing there,  
11 but--

12 CHAIRMAN NASS: Something coming.

13 MS. MABE: But in number 4 on that it  
14 says, "The permit for such a sign shall be limited to  
15 the earlier--the issuance of a certificate of  
16 occupancy for the project or 24 months from the date  
17 of issuance of the permit for the project's  
18 development."

19 MR. BRITT: I thought that would  
20 address that.

21 MR. JONES: And it could be renewed  
22 twice, so you're looking at maybe a total of six  
23 years.

24 CHAIRMAN NASS: Right.

25 MS. WESTMORELAND: In advance.

2  
3 MR. FREEMAN: So there is something in  
4 there that covers that concern.

5 MS. WESTMORELAND: So if that's what that  
6 says, that's--you know. I'm not saying that this  
7 language is very easy for me to get through.

8 MR. FREEMAN: I'd second that.

9 CHAIRMAN NASS: But I think the maximum--  
10 you're right, I think the maximum would be six years.  
11 I mean, I've seen some of those that last 20, like you  
12 were saying. But I think six--I don't know whether  
13 that's reasonable or unreasonable, quite frankly.

14 MR. FREEMAN: I don't think it's here  
15 nor there.

16 MS. WESTMORELAND: It's not a big concern  
17 for the group--but we can drop that.

18 CHAIRMAN NASS: All right. Was there  
19 something else on signs that I'm missing? Oh, yes,  
20 there was. Eric had the--

21 MR. BRAUN: Oh, yeah, the ban on video  
22 billboards.

23 CHAIRMAN NASS: Yes, yes, yes.

24 MR. BRAUN: Which, you know, actually  
25 might very well be covered under Illumination, because

2  
3 if we're going to set standards for maximum levels of  
4 illumination, those backlit LED billboards would blow  
5 past every constraint we would put on things. So my  
6 suggestion may in fact be redundant, or might better  
7 be incorporated under Lighting.

8 CHAIRMAN NASS: Lighting. And I'm  
9 wondering if--that might be a specific provision in  
10 the Lighting--

11 MR. BRAUN: It could very well be. I  
12 mean, the Additional Elements ban the flashing and  
13 blinking signs and so forth, but it's these billboard-  
14 sized video telescreens that are--

15 MR. FREEMAN: Well, and we were speaking  
16 specifically, I think, about that in--because you  
17 would be able to do that in the areas other than the  
18 villages that they don't have any--or they could in  
19 theory put an animated sign out there, or something  
20 blinking and flashing--

21 MR. BRAUN: You could put on the  
22 public highway.

23 MR. FREEMAN: But, hopefully, by us  
24 recommending that the Town have approval on that sort  
25 of thing, that the Town would--

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3 CHAIRMAN NASS: So you've got a line  
4 through that?

5 MR. FREEMAN: --not approve that.

6 MR. BRAUN: Fair enough.

7 CHAIRMAN NASS: I mean, if you want,  
8 though, there's no harm in the Committee, if they were  
9 to choose to recommend to the Town that they not  
10 approve these kinds of signs--

11 MR. BRAUN: Well, then, Mr. Chairman,  
12 I so move that the Committee recommend to the Township  
13 that video or LED billboards should not be approved.

14 MS. WESTMORELAND: And I'll second that.

15 CHAIRMAN NASS: Okay. Any discussion? So  
16 Eric has proposed and Cherie Westmoreland has  
17 seconded. Discussion?

18 MR. EMMONS: I'm not sure I could  
19 support that blindly.

20 CHAIRMAN NASS: No?

21 MR. EMMONS: No. I'm not a fan of  
22 those things, but then again, to me it's contextual.  
23 It might depend on where it is and for what purpose  
24 and whether it's a permanent kind of sign, or even a  
25 temporary sign. There might be value in having

2  
3 something like that for a short period of time for  
4 some purposes.

5 MR. BRAUN: Well, Doug, I'm not  
6 talking about the kinds of illuminated or LED displays  
7 that you see along the roadways for safety signage,  
8 you know, "Beware, Wreck Ahead," that kind of thing.  
9 I put a couple of links in my note that would show you  
10 the stuff I'm talking about. These are the size of  
11 the largest paper billboards you've ever seen. And  
12 even at midnight, they are as bright as the noonday  
13 sun. And are video, are animated. They're like these  
14 stadium jumbotrons. But Wilmington just seems to have  
15 been infested with them, and it's grotesque.

16 MR. EMMONS: If what you're suggesting,  
17 the size of like what you might used to see in the old  
18 paper billboard kind of--

19 MR. BRAUN: Right. They're that size  
20 and larger.

21 MR. EMMONS: I have seen a few of  
22 those, and I'd admit, I would not be a big fan of that  
23 either.

24 MR. BRAUN: No. And, you know,  
25 obviously, safety signs put up by the DOT and so

2  
3 forth, would not--

4 MR. EMMONS: I guess I was thinking  
5 more of a smaller scale.

6 MR. BRAUN: Yeah. But actually, I  
7 think the smaller scale stuff is already addressed in  
8 the Additional Elements, wouldn't you say, Jeff?

9 MR. JONES: Yeah, and--

10 MR. BRAUN: Because you pretty much  
11 boiled it down for us, you know, like the gas station  
12 pricing sign would be about as far as they could go.

13 MR. JONES: Right. And I'll point out  
14 that they have prohibited billboards by right. And a  
15 billboard would be "any off-premise outdoor  
16 advertising sign owned by a person or a legal entity  
17 that engages in the business of selling or  
18 advertising." So, just--

19 MR. BRAUN: So maybe this is  
20 redundant.

21 MR. JONES: Yeah, just the term  
22 "billboard," the use of a billboard is not going to be  
23 allowed in Chatham Park property.

24 CHAIRMAN NASS: Fair enough.

25 MR. JONES: And if the Committee is

2  
3 okay with some LED or some use of that message board  
4 internally to a site or something like that, you may  
5 just want to leave it as it is.

6 MR. BRAUN: I think my concern was  
7 that as traffic grows along 15-501, then the outdoor  
8 signage companies are going to want to come in and put  
9 those things up.

10 MR. JONES: Right. Hopefully, with  
11 that and the--we can just outlaw billboards.

12 MR. BRAUN: Fair enough. I withdraw  
13 my motion.

14 PARKING AND LOADING

15 CHAIRMAN NASS: Okay. All right, Parking  
16 and Loading. We have several recommendations here to  
17 deal with. I had done some work trying to consolidate  
18 some of these. But, at any rate, there's a couple  
19 having to do with bicycles. Rebecca has one that  
20 recommends that the element contain a minimum number  
21 of spaces that must be maintained. Spaces above the  
22 minimum could be traded for bicycle spaces.

23 And Patrick has a recommendation that there  
24 would be a limit set on the total number of parking  
25 spaces that can be substituted for bicycle parking.

2  
3 So there's that issue.

4 Then there's Rhonda talking about a limited  
5 number of--we should limit the number of spaces that  
6 are directly in front of a building, and so that's a  
7 little bit separate.

8 And Eric talks about--

9 MR. BRAUN: Encouraging green  
10 practices.

11 CHAIRMAN NASS: Yes, encouraging green  
12 practices such as permeable pavements on parking lots  
13 and loading areas to naturally cleanse rainwater, and  
14 then making the--

15 MR. BRAUN: Rather than capping the  
16 number of EV stations at 10 percent maximum--how are  
17 we going to get all those wealthy drivers of Teslas to  
18 want to locate their offices if we don't have plug-ins  
19 for them?

20 CHAIRMAN NASS: Yes. And then I made a  
21 recommendation that we provide the Planning Director  
22 the authority to reduce the number of required spaces  
23 for residential use within one-half mile of public  
24 transit. And that the Planning Director be given the  
25 authority to approve vertical and/or underground

2  
3 parking facilities.

4           So those are the recommendations. So we  
5 have the two dealing with bicycles in one way or  
6 another. And I'm not sure whether it's possible to  
7 combine those two into one or whether they need to  
8 remain separate for consideration purposes.

9           The one simply says that we ought to have a  
10 minimum number of spaces that must be maintained, and  
11 then if you have anything over that minimum, you can  
12 trade those for bicycle spaces. Whereas the other one  
13 talks about--that there should be a limit set on the  
14 total number of spaces that could be substituted for  
15 bicycle parking.

16           MR. FREEMAN:        I think mine is covered by  
17 what you said first.

18           CHAIRMAN NASS:     I think so, too, yeah.  
19 That's what I thought, if we could do that.

20           MR. FREEMAN:        Yeah, I'm fine with that.

21           CHAIRMAN NASS:     Okay. So, Rebecca, would  
22 you want to make a motion on your off-street?

23           MS. MABE:            Yes. I'll make a motion  
24 that we recommend that the element contain a minimum  
25 number of spaces that must be maintained. Spaces

2  
3 above the minimum could be traded for bicycle spaces.

4 CHAIRMAN NASS: So, Rebecca made that  
5 recommendation. Is there a second?

6 MR. BRAUN: I'll second that.

7 CHAIRMAN NASS: Okay, Eric Braun seconded  
8 that. Any discussion on that issue?

9 (No response)

10 CHAIRMAN NASS: All in favor?

11 (Voice Vote)

12 CHAIRMAN NASS: Unanimous. Okay. So that  
13 was the two on the bicycles. Then we had the one  
14 talking about the encouragement of green spaces--

15 MR. BRAUN: Green practices.

16 CHAIRMAN NASS: Green practices.

17 MR. BRAUN: In terms of the choice of  
18 paving materials, design of parking--

19 CHAIRMAN NASS: Do you think we could  
20 combine your two into one motion?

21 MR. BRAUN: Yeah, perhaps. Yeah.

22 That we move that green practices be encouraged in the  
23 construction of all parking areas as relates to  
24 paving, permeable surfaces, drainage, et cetera. And  
25 really all I was suggesting under Section 2 was that

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3 we change the language so that it doesn't cap the  
4 number of EV spaces, but say that we're setting an  
5 objective of equipping 10 percent of spaces for EV  
6 charging.

7 CHAIRMAN NASS: As a goal.

8 MR. BRAUN: As a goal, right. Rather  
9 than capping it. Why cap it? I mean, there may be a  
10 day where you wanted 50 percent to be EV spaces. So I  
11 just didn't see the reason for a cap. That's really  
12 just one word to be changed.

13 MR. FREEMAN: They're probably separate,  
14 though.

15 MR. BRAUN: Yeah.

16 MR. FREEMAN: Because permeable paving  
17 and electric vehicles are two completely different  
18 things.

19 CHAIRMAN NASS: Except that they both  
20 relate to green practices.

21 MR. BRAUN: To the goal of green  
22 practices.

23 CHAIRMAN NASS: All right. So would you  
24 want to put your first one into a motion?

25 MR. BRAUN: Yes. You know, pretty

2  
3 much as it is here in point (a), that we encourage  
4 green practices in the construction of parking and  
5 loading areas, such as the use of permeable pavements  
6 on parking lots and loading areas to naturally cleanse  
7 rainwater.

8 MS. WESTMORELAND: I'll second that.

9 MR. FREEMAN: Can we discuss that a  
10 little bit?

11 MR. BRAUN: Sure.

12 CHAIRMAN NASS: Absolutely.

13 MR. FREEMAN: It's just encouraging it,  
14 not requiring it.

15 MR. BRAUN: Right.

16 MR. FREEMAN: Because permeable paving  
17 is very expensive and it's very costly to maintain.

18 MR. BRITT: Very costly to maintain.

19 MR. FREEMAN: And there is--I think we  
20 haven't gotten to it yet, but if we read into the  
21 Stormwater Section of these elements, they're pretty  
22 stout in terms of dealing with the rainwater.

23 CHAIRMAN NASS: Right.

24 MR. FREEMAN: So I'm fine with  
25 encouraging this product.

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MR. BRAUN: Encourage, yeah, yeah.  
That's why I used the word.

MR. FREEMAN: I just don't want to--I  
want to make sure we're not recommending that--we're  
requiring it.

CHAIRMAN NASS: No, we're not requiring  
it, right.

MR. FREEMAN: Because it is costly.

MR. BRAUN: Yeah, my word is  
"encourage."

MR. FREEMAN: Just want to make sure  
we're on the same page.

MR. BRITT: I can go with "encourage."

CHAIRMAN NASS: Any further discussion on  
that?

(No Response)

CHAIRMAN NASS: All in favor?

(Voice Vote)

CHAIRMAN NASS: Unanimous. All right.  
Then the second one, Eric.

MR. BRAUN: The second one really is  
only in changing one word in Section 2, and that is  
rather than stating that the number of EV spaces is

2  
3 capped at 10 percent, that again we encourage green  
4 practices by not in any way capping the number of EV  
5 charging stations, but maybe setting some lower  
6 threshold.

7 I think there are probably what, three EV  
8 charging parking spaces in all of Pittsboro? And one  
9 of which is out of order.

10 MR. JONES: I think there's three or  
11 four at the current Chatham Park.

12 MR. BRAUN: Oh, are there? Okay. All  
13 right. So there are four there, and the one that used  
14 to be down at the Chevy dealership, that one doesn't  
15 work anymore.

16 MR. JONES: Right.

17 CHAIRMAN NASS: So what we would say here  
18 is something like, we are modifying the language to  
19 encourage--let me restate. Modifying Section 2, EV  
20 Charging Stations, to remove the cap on the number of  
21 EV spaces at "up to 10 percent," and instead, making  
22 10 percent as the goal. Yes?

23 MR. FREEMAN: Question about EV spaces,  
24 because they're relatively new. Are they the same  
25 size as a regular parking space?

2  
3 MR. BRAUN: Yeah, they just have a  
4 plug-in.

5 MR. FREEMAN: Nine feet wide, 7 feet--  
6 whatever. If there is one there and I park my non-EV  
7 vehicle in there, am I going to get a ticket?

8 MR. JONES: Well, that would be  
9 private property.

10 MR. BRAUN: Yeah.

11 MR. FREEMAN: I'm just questioning--I  
12 mean, because if there is--just in theory, if there is  
13 a parking lot full of these EV spaces and there's not  
14 a regular space available for me to park in, and I go  
15 park in the EV spot, am I going to be towed?

16 MR. BRAUN: I don't know. You know,  
17 if you go to Whole Foods in Raleigh you'll see a lot  
18 of non-EV cars parked in the EV parking spaces, and I  
19 think they only have to keep them--

20 CHAIRMAN NASS: I think that's something  
21 that--

22 MR. BRAUN: I think it's up to the  
23 property owner, right?

24 CHAIRMAN NASS: No, I suspect it's up to  
25 the state legislature.

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MR. BRAUN: Oh, interesting.

CHAIRMAN NASS: The state legislature has, for example--the state legislature actually controls where you can and cannot put a stop sign.

MR. BRAUN: Right.

CHAIRMAN NASS: And I think this would be very--and they patrol, they regulate the handicapped spaces.

MR. BRAUN: This would be controlled like a handicapped parking space?

CHAIRMAN NASS: Yeah, a handicapped space. I think, quite frankly--I'm not positive. I do believe, though, that the state legislature would have to pass a law that said that, that an EV charging station would be dealt with as a protected space.

Since we have a Commissioner here--

MR. JOHN BONITZ: I can clarify.

CHAIRMAN NASS: We will make an exception to--

MR. JOHN BONITZ: We've just recently been through this experience with deliberating over a grant opportunity from Duke Energy. And the funder in that case required that the space be designated for EV

2  
3 and signed appropriately. Now, there wasn't anything  
4 in there about making an ordinance for ticketing,  
5 provisions for ticketing. But it was clear that they  
6 expected their investment in EV charging to be  
7 dedicated to EVs.

8 I'm not aware of a state legislative  
9 process or laws already in place, but there may be  
10 some authority there.

11 CHAIRMAN NASS: Okay. thank you, John.

12 MS. MOHR: I have one comment, too.  
13 I think we should set the minimum of 10 percent. I  
14 agree with what you were saying. But we should also  
15 add, thinking to the future and future alternative  
16 energy sourced modes of transportation. Why just  
17 limit it to EV? We could just add that.

18 CHAIRMAN NASS: Fair enough.

19 MS. MOHR: Because 10 years down the  
20 road, there might be something better. And it  
21 shouldn't be--it should be in here, thinking ahead.

22 MR. BRITT: Well, I just got a  
23 national report from the insurance companies on  
24 vehicles. EV production has gone way down. It's gone  
25 way down. Usage has gone way down. You would think

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3 it would be increasing, but it's not. It's in certain  
4 localities that it does have a little--but nationwide,  
5 it's going down.

6 MR. BRAUN: Is that tracking to the  
7 price of gasoline, which is half of what it was?

8 MR. BRITT: Not necessarily. Most of  
9 your cars or vehicles that operate this way, they're  
10 subcompact anyway. So that's coming down.

11 MR. BRAUN: You think with the  
12 hybrids?

13 MR. BRITT: I would think that we  
14 would encourage up to 10 percent, but not making that  
15 a commitment that they have to have 10 percent. I  
16 mean, tell you what, you take the total licensed  
17 vehicles in Chatham County, they won't be one percent.

18 MR. BRAUN: Oh, absolutely.

19 MR. BRITT: So, I think going and  
20 putting 10 percent of parking places have got to be  
21 for EV vehicles, I think that's--

22 CHAIRMAN NASS: But I don't think the  
23 motion says that. I think the motion says that 10  
24 percent is the goal.

25 MS. MOHR: It's up to.

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MR. FREEMAN: Don't cap it at 10 percent.

MR. BRAUN: Don't cap it at 10 percent.

CHAIRMAN NASS: Ten percent is the goal.

MR. BRAUN: Ten percent becomes an objective, but not a cap. And Kathy's point also, you know, who knows? Hydrogen filling stations might be something, but unlikely to be found in a parking lot situation. Probably more a fueling and filling station kind of thing.

MS. MOHR: Right. But there would be a space somewhere within the development, though, or could be.

MS. WESTMORELAND: So that allows language for it to be sourced there.

MR. BRITT: Well, what I'm pitching here could happen, very easily happen. On the same scenario--now, don't get me wrong. If the handicapped--God bless them, pray for them--where the handicapped parking places are, that's for handicapped people. But if you applied this same--they would put all the EV stations up close because running power all

2  
3 over the parking lots gets very, very expensive. And  
4 in the event somebody tears the wiring out of one of  
5 them, then you've got a lot more expense.

6 MR. BRAUN: I'm going to guess they  
7 probably put them close to light poles.

8 MS. MOHR: Yes, didn't you say that  
9 in your presentation?

10 MR. BRAUN: Yeah, I think that was one  
11 of the indications I made, was that they would be  
12 sited fairly close to other electrical infrastructure.  
13 And handicapped spaces aren't necessarily close to  
14 light poles. They're kind of close to the front door.  
15 But I think your point is good. You want to  
16 distribute them through the parking areas.

17 MR. BRITT: Right, that's what I would  
18 say, distribute them throughout.

19 MR. BRAUN: And I think that's what he  
20 suggested.

21 CHAIRMAN NASS: All right, so the motion  
22 is--it's rephrased, if I understand it now. It's that  
23 in this section we remove the language--

24 MR. BRAUN: Capping at 10 percent.

25 CHAIRMAN NASS: --taking 10 percent as a

2  
3 cap, and rather as a--and changing it to as a goal.

4 And include--what did you say, Kathy?

5 MS. MOHR: For EV and future  
6 alternative energy sourced modes of transportation.

7 MR. BRAUN: Let "future" in, yes.

8 CHAIRMAN NASS: Yes, so that's the motion.

9 MR. BRAUN: I mean, I would just like  
10 to see people who are building a parking lot take  
11 advantage of what John was talking about back here  
12 with grants and opportunities.

13 MR. FREEMAN: But I'm not going to get  
14 ticketed parking there.

15 MR. BRAUN: Not yet.

16 MS. MOHR: It also covered golf  
17 carts.

18 CHAIRMAN NASS: Is there a second to that?

19 MS. WESTMORELAND: I'll second it.

20 MR. BRITT: One question before we go  
21 that way. Seeing this already happening, people with  
22 campers are parking in them and charging, and staying  
23 overnight in them. Now--

24 MR. BRAUN: You mean like up at the  
25 WalMart? Like you see up there?

2  
3 MR. BRITT: I'm not calling no names.  
4 But you'll see people plugging in to them, using them  
5 as a source of electricity.

6 MR. BRAUN: That's interesting.

7 CHAIRMAN NASS: That would be a--wouldn't  
8 it, Jeff? That would be a matter for a Town  
9 ordinance?

10 MR. JONES: Yeah. I'm looking here.  
11 They have a section 5, "Use of Vehicle Use Areas."  
12 And it says, "Required spaces may not be used for the  
13 display of goods for sale or lease or for long-term  
14 storage of vehicles, boats, motor homes, campers,"  
15 things like that.

16 I think you could ask--that's going to be  
17 one of my questions. Is the intent not to allow for  
18 motor homes or other types of vehicles?

19 CHAIRMAN NASS: I think there's going to  
20 be--these charging stations are going to be run by--  
21 owned and maintained by the municipality.

22 MR. BRAUN: On private parking lots.

23 CHAIRMAN NASS: And municipalities are  
24 going to pass ordinances that say that they cannot be  
25 used other than for short-term charging of vehicles.

2  
3 That is what they're going to say.

4 MR. BRITT: All right. Well, if they  
5 do that, because also--this was an insurance claim, is  
6 the reason I'm familiar with it. People were selling  
7 Christmas trees last year and they plugged their  
8 lighting in. And had the lighting and had a cord on  
9 it and getting electric heat and--

10 CHAIRMAN NASS: And that's theft.

11 MR. BRITT: Yes, sir.

12 CHAIRMAN NASS: No, that's theft. So the  
13 police go and arrest them.

14 MR. EMMONS: If they haven't, it's time  
15 for an ordinance, it sounds like.

16 CHAIRMAN NASS: Yeah, that's an ordinance.

17 MR. BRITT: Like that, I mean that's  
18 some of the things that has happened here.

19 MR. BRAUN: Very intuitive.

20 MR. EMMONS: I can see municipalities  
21 eventually implementing meters like they do in Chapel  
22 Hill, where you put a credit card in and put so much  
23 time in the meter. You put your credit card in for so  
24 much time on the power circuit.

25 MR. BRITT: Yeah, that's about the

2  
3 only way you're going to control it.

4 CHAIRMAN NASS: Anything further to  
5 discuss?

6 (No Response)

7 CHAIRMAN NASS: Ready for a vote? All in  
8 favor?

9 (Voice Vote)

10 CHAIRMAN NASS: Oppose?

11 (No Response)

12 CHAIRMAN NASS: Unanimous. All right,  
13 that leaves us then with--I think, with two things.  
14 One, the issue of--giving the Planning Director the--  
15 "The Planning Director, as an administrative  
16 alternative, may approve a reduction in the number of  
17 required spaces for residential uses that are within  
18 one-half mile of public transit."

19 Any discussion on that recommendation?

20 (No Response)

21 CHAIRMAN NASS: I would make that motion,  
22 then.

23 MS. WESTMORELAND: I'll second it.

24 CHAIRMAN NASS: All in favor?

25 (Voice Vote)

2  
3 CHAIRMAN NASS: Unanimous. And the second  
4 being, "The Planning Director, as an administrative  
5 alternative, may approve vertical and/or underground  
6 parking facilities."

7 MR. FREEMAN: I'll second.

8 CHAIRMAN NASS: Okay. All in favor?

9 (Voice Vote)

10 CHAIRMAN NASS: Unanimous.

11 MS. MABE: And what about my other  
12 one?

13 CHAIRMAN NASS: Yes. We have one more for  
14 you.

15 MS. MABE: Okay.

16 CHAIRMAN NASS: And that was the one on--  
17 yes, the parking. Do you want to talk about that, or  
18 just read that one?

19 MS. MABE: Well, it's just that when  
20 I had gone through and started trying to look at the  
21 schedule, I noticed there was a ton of things in here,  
22 as far as use types and the required parking that they  
23 were laying out. And I was like, but they don't  
24 actually allow these in Chatham Park.

25 And so my recommendation was that the

2  
3 off-street parking schedules be revised to reflect  
4 only those uses that are actually going to be  
5 permitted in Chatham Park. And that any future use  
6 that's not currently permitted that is proposed and  
7 permitted in the future would have to be submitted  
8 with the appropriate off-street parking requirements.  
9 That is my motion.

10 CHAIRMAN NASS: Yes. Is there a second?

11 MR. FREEMAN: Second.

12 CHAIRMAN NASS: Eric, discussion on that?

13 MR. BRAUN: Just cleaning it up a  
14 little bit.

15 MS. MABE: Cleaning it up, yes.

16 MR. BRAUN: It cleans it up. And  
17 there are some obvious ones, like the farrier and the  
18 blacksmith isn't required to have horse hitching  
19 posts, which seems completely illogical.

20 MS. MABE: Right. Where am I going  
21 to put my horse?

22 MR. BRAUN: Exactly. I think Rebecca  
23 is right. Strike everything that's not permitted.

24 CHAIRMAN NASS: All in favor?

25 (Voice Vote)

2  
3 CHAIRMAN NASS: Unanimous. All right.

4 MR. EMMONS: I think that looked funny,  
5 that particular example. I could see that coming  
6 about. You go to Wilmington and they have the horse-  
7 drawn carriage tours, right? And they stable the  
8 horses and they've got to stow them somewhere. You go  
9 to Siler City and there's a blacksmith downtown who is  
10 an artisan. He's the co-chair of the Arts Incubator.  
11 You know, some of those things may evolve.

12 MR. BRAUN: They might.

13 MR. EMMONS: And Wayne may ride his  
14 horse down the street.

15 MR. BRITT: You never know.

16 LIGHTING

17 CHAIRMAN NASS: Okay, lighting. Now,  
18 there were many--I think we had pretty general  
19 agreement at the last session when we discussed this,  
20 of wanting to push the Dark Skies issue. And so we  
21 have recommendations concerning the Dark Sky issue.  
22 And then we have a couple of recommendations in here  
23 that are separate from that, that I think are  
24 important.

25 One was Rebecca's, where Section J does in

2  
3 fact--she says, "Section J appears to allow lighting  
4 that is prohibited by Section F5." And she recommends  
5 "removal of J or language clarification." And she is  
6 absolutely right, if you look at that. So I think if  
7 you wanted to make that motion directly from what  
8 you've said, we can get that done right away.

9 MS. MABE: Okay. I will make the  
10 motion that Section J appears to allow lighting that  
11 is prohibited by Section F5. I recommend removal of J  
12 or a language clarification.

13 MR. EMMONS: I'll second it.

14 CHAIRMAN NASS: Doug has seconded. All in  
15 favor?

16 (Voice Vote)

17 CHAIRMAN NASS: Unanimous.

18 Okay. Now in terms of the Dark Skies  
19 Initiative, there are two major--Rhonda's  
20 recommendation, no lights without cut-off, ties into  
21 that. Eric has a recommendation on Dark Skies, and  
22 then I have one. And I'll speak to mine quickly.

23 What I would want to do is change the  
24 purpose in the initial section on lighting. We would  
25 change the purpose of the element, "To provide

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3 regulations for outdoor lighting that will permit the  
4 use of outdoor lighting that does not exceed the  
5 minimum levels specified in IES recommended practices  
6 for night-time safety, utility, security,  
7 productivity, enjoyment and commerce."

8 Point 2, "Minimize adverse offsite impacts  
9 of lighting such as light trespass and obtrusive  
10 light. (3) Curtail light pollution, reduce skyglow and  
11 improve the nighttime environment for astronomy." And  
12 next, "Help protect the natural environment from the  
13 adverse effects of night lighting from gas or electric  
14 sources." And then finally, "Conserve energy and  
15 resources to the greatest extent possible."

16 And then replace the remaining of that  
17 whole section with a simple sentence that says,  
18 "Chatham Park PDD shall incorporate the provisions of  
19 and comply with the Lighting Provisions of the Unified  
20 Development Ordinance."

21 And then I make the further recommendation  
22 that we recommend to the Town that they "adopt a Model  
23 Lighting Ordinance Lite that was developed by the  
24 International Dark Sky Association and the  
25 Illuminating Engineering Society with necessary

2  
3 changes to fit Pittsboro, N.C., needs, including any  
4 special requirements for Chatham Park PDD."

5           And then in the stuff I sent you, I  
6 attached the Model Lighting Ordinance so that you  
7 could look at it. What this does is say to the  
8 Chatham Park that we want you to follow the rules for  
9 lighting, then the Town is going to adopt in the UDO--  
10 and we are recommending to the Town that they adopt a  
11 Model Lighting Ordinance.

12           Now, there is a Model Lighting Ordinance  
13 that is not "Lite," and it's extraordinarily  
14 complicated and doesn't really fit Pittsboro. But the  
15 "Lite" one has fewer requirements, fewer zones, and  
16 does seem to fit Pittsboro.

17           And it seemed to me when I made this  
18 recommendation that that did a couple of things. The  
19 first thing it did is go on record that this Committee  
20 is supporting a reasonable approach to Dark Skies, and  
21 that we're then recommending to the Town that they  
22 step up and incorporate a lighting ordinance that  
23 encourages the purposes that are stated here,  
24 themselves.

25           And with those two things, then, creating

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2  
3 this environment that would produce dark skies. So  
4 that was the approach that I was taking. Eric made a  
5 similar kind of an approach--

6 MR. BRAUN: I think we're on exactly  
7 the same page.

8 CHAIRMAN NASS: The same page.

9 MR. BRAUN: Exactly.

10 CHAIRMAN NASS: Okay. So, that's kind of  
11 where--now, that's an approach. There are other  
12 approaches. We could simply write into the Additional  
13 Elements the ordinance, but I felt that it was  
14 stronger if the Town made that commitment in the UDO  
15 and then we required Chatham Park to follow it. Than  
16 rather if we just said, "This is Chatham Park."

17 MR. BRAUN: I think you're right, Jim.  
18 I think it makes it broader, more inclusive, and  
19 certainly more future-proof. So I'm completely on  
20 board with what you wrote.

21 MR. EMMONS: I think I'm not clear,  
22 though, on--because I'm not familiar with the IES  
23 recommended practices. When we say, in the language  
24 as written, "Permit the use of outdoor lighting that  
25 does not exceed the minimum levels for night-time

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3 safety, utility, and security." So, if we're saying  
4 here's the acceptable minimum and we don't want you to  
5 exceed that, does that mean that they would  
6 potentially have to implement more light fixtures at  
7 that minimum level to accommodate safety concerns,  
8 or--

9 MR. BRAUN: I don't think more  
10 fixtures; I think more sophisticated fixtures.  
11 Fixtures that are capped, fixtures that are more  
12 directional in the way the light is dispersed. But I  
13 don't think it necessarily means more fixtures.

14 MR. FREEMAN: With sophistication comes  
15 costs. Is this a--

16 CHAIRMAN NASS: This is going to be  
17 initially more costly. Over the long term, because of  
18 the reduced amount of energy that's going to be used,  
19 probably over the long term, not as much. Because  
20 you're going to reduce the energy used if you adopt  
21 these practices. As well as having an effect on the  
22 environment, with little cost--

23 MR. BRAUN: And there are incentives  
24 for doing these things.

25 CHAIRMAN NASS: Yeah, and there are

2  
3 incentives. Yes. There's a lot of grant money out  
4 there, tons of grant money out there.

5 MR. BRITT: I don't know if that  
6 applies to new development of this nature. Now, it  
7 might to government buildings or town buildings, or  
8 fire stations, police departments. But new  
9 development, I--

10 CHAIRMAN NASS: I think that you'll find  
11 that there are significant incentives.

12 MR. BRITT: Well, it might be like  
13 some of this solar. Yeah, it was. Everybody signs up  
14 for it, and then--no.

15 MR. BRAUN: Well, right now Duke  
16 Energy underwrites LED light bulbs. So if you want to  
17 change out all the light bulbs in your office, your  
18 home, your barn, wherever, Duke Energy underwrites  
19 that because they want to keep the energy consumption  
20 down so they don't have to build new generators. So  
21 that's what I'm thinking of in terms of incentives.  
22 There's going to be something from the electric power  
23 companies that incents it.

24 CHAIRMAN NASS: The lighting provisions  
25 that are written into the Additional Elements, to me,

2  
3 read as though they were written 10, 20 years ago.

4 Let's just do more of the same.

5 MR. BRAUN: Right.

6 CHAIRMAN NASS: And let's not try to do  
7 anything different. And I think it's--my viewpoint on  
8 this is that this ought to be an exceptional place in  
9 terms of dark skies. It has enormous benefits in  
10 terms of the public use, environment, the effect on  
11 wildlife.

12 MR. FREEMAN: What are your thoughts,  
13 Jeff? You're quiet over there, about this.

14 MR. JONES: No, I agree with Jim,  
15 though it seems to be a pretty boiler-plate lighting  
16 ordinance.

17 MR. FREEMAN: What about the Dark Sky  
18 Initiative? I just don't know enough about it to sit  
19 there and say--

20 MR. JONES: I don't either.

21 MR. FREEMAN: --that I want to just--I  
22 want to endorse it, because I'm just afraid of the--

23 MR. BRAUN: I had attached a thing,  
24 Jim, that boiled it down to just basically two pages  
25 of really clear, succinct objective language. And it

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2  
3 just really is saying you only use as much light as  
4 you need for the safety of a specific purpose. You  
5 cap all the fixtures so the light is directed to the  
6 purpose and not up into the--and use cut-offs. And,  
7 you know, essentially that--I would think--

8 MR. BRITT: Well, that's what they've  
9 got already in here.

10 MR. BRAUN: Well, but they use a lot  
11 of outmoded language, like wattages and so forth,  
12 things that don't have any concrete--

13 MR. BRAUN: Lumens.

14 CHAIRMAN NASS: And then there's also the  
15 issue here on this one of the cut-offs. I mean, they  
16 use the word "curfew," which will have to be changed,  
17 because it's got so much baggage with it.

18 MR. BRAUN: Right.

19 CHAIRMAN NASS: But there are certain  
20 sections of your zones where at a certain time of  
21 night, the lights have got to go out. Now, there's  
22 other zones where you require overnight lighting, and  
23 that's there. But what this is, it gives the Town the  
24 opportunity to put together an ordinance that fits  
25 Pittsboro and meets the purposes that we set forth.

2  
3 MR. BRITT: Well, one question. When  
4 this goes through, say, three years down the road,  
5 somebody else buys 150 acres of land over here and  
6 going to develop something, are they to then join the  
7 Town on the other--southwest side? Are they going to  
8 be subject to these same rules and regulations?

9 CHAIRMAN NASS: If the Town accepts this  
10 recommendation, they would, yes.

11 MR. JONES: So this would cover all  
12 7,500 acres.

13 MR. BRITT: Any future developments?

14 CHAIRMAN NASS: Right.

15 MR. BRITT: Okay. All right.

16 MR. JONES: That's within Chatham  
17 Park.

18 MR. EMMONS: But are you asking within  
19 Chatham Park or something outside of Chatham Park?

20 MR. BRITT: Something outside of  
21 Chatham Park.

22 MR. JONES: Well, that's where the  
23 recommendation is, is that the Town also in its UDO  
24 incorporate language that would support Dark Sky  
25 Initiative.

2  
3 MR. BRITT: All right. That's what I  
4 wanted to make sure, if everybody is playing with the  
5 same deck of cards.

6 CHAIRMAN NASS: Right. It's a good  
7 question.

8 MR. BRAUN: And to Patrick's question  
9 before--and, Jeff, you might know the answer to this.  
10 Walking around Fearrington Village at night, it looks  
11 to me like that comes pretty close to meeting the  
12 requirements of Dark Skies. All the fixtures are  
13 capped, illumination levels are sufficient but not  
14 excessive, et cetera, et cetera.

15 CHAIRMAN NASS: There's not any  
16 uplighting.

17 MR. BRAUN: No uplighting. And it's--

18 MR. JONES: And that's similar to what  
19 we heard in the presentation.

20 MR. BRAUN: Right, exactly.

21 MR. JONES: I don't think what they  
22 spoke about at the presentation is reflective of the  
23 document.

24 MR. BRAUN: In the document, right.  
25 And I think what Jim proposes is much more on point.

2  
3 MR. JONES: I think it's--we heard one  
4 thing, we're reading another. You need to kind of go  
5 back.

6 CHAIRMAN NASS: Exactly.

7 MR. JONES: And we're hearing you say  
8 "Dark Sky," but we're not reading that.

9 CHAIRMAN NASS: Right.

10 MS. MOHR: If they adopt the zones  
11 outlined in the lighting ordinance, I mean, that  
12 basically covers it.

13 CHAIRMAN NASS: Yes. Yes, you're  
14 absolutely right.

15 MS. MOHR: That's the critical  
16 element for Chatham Park. It would make it easier for  
17 them.

18 CHAIRMAN NASS: The critical thing. And  
19 that's why I think that Model Ordinance Lite is so  
20 appropriate here, because it only has those three  
21 zones.

22 MR. FREEMAN: I think I'm all for the  
23 Dark Sky, as long as (a) safety is met first and  
24 foremost, and that we're not compromising that. And  
25 then (b), it's reasonable in terms of cost.

2  
3 Especially if we're going to sit there and recommend  
4 the Town go to it. Because ultimately, that's  
5 taxpayer dollars, and we don't need to place a  
6 burden--a financial burden upon the Town and the  
7 taxpayers for things that--

8 MR. JONES: I think those, like street  
9 lights and things like that, would already be capped.

10 MR. BRAUN: Yeah. I can't think of  
11 any place where the street lights aren't capped in the  
12 Town.

13 MR. JONES: Right.

14 MR. BONITZ: Chatham Forest.

15 MR. BRAUN: Oh, are they not?

16 MR. BONITZ: Which was--

17 MR. BRAUN: Oh, that's right. Yeah,  
18 that's right. I forgot that.

19 MR. FREEMAN: Not at Potterstone  
20 Village.

21 MR. BRAUN: You're right. Chatham  
22 Forest.

23 MR. FREEMAN: They are non-cut-off  
24 fixtures.

25 CHAIRMAN NASS: Yeah, they are. And, see,

2  
3 this would finally start taking the steps--

4 MR. FREEMAN: And I'm not opposed to the  
5 cut-off--or requiring cut-off, or even eliminating  
6 non-cut-offs. I just--when you say "eliminating"  
7 something like not using non-cut-off, the only thing  
8 that scares me about that is--I can't think of a  
9 reason why you would need a non-cut-off light. But  
10 that's not to say that there isn't one that's  
11 legitimate.

12 MR. JONES: Yeah. I'm thinking some  
13 internal development for a pedestrian light, a  
14 streetscape or something. But there's an alternative  
15 light style that has a cap on it.

16 MR. FREEMAN: Yeah, which is fine.

17 MR. JONES: That would give you the  
18 same look.

19 CHAIRMAN NASS: Yeah. And, see, with  
20 this, though, the nice thing about this, too, is that  
21 if you had that kind of a situation, I mean, the Town  
22 could come in and approve the kind of exception you're  
23 talking about, because it would be in the UDO. The  
24 UDO has provisions where you can make an exception.

25 I could see, for example, at a hospital

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3 that's located in a certain area within Chatham Park,  
4 the emergency entrance, for example, might require  
5 additional lighting that was of a different nature  
6 than what might be occurring in--that's why the zoning  
7 that you're talking about is so important, because you  
8 could carve that out. And, certainly, Jeff and his  
9 people could approve the kind of exceptions that would  
10 be necessary in that emergency room situation.

11 If you go to the emergency room right now  
12 in Chapel Hill or Durham either one, at Duke, the  
13 lighting that's available in that whole emergency  
14 section is a completely different kind of lighting  
15 than you get in the outdoor areas of the rest of the  
16 hospital.

17 MR. BRAUN: I think the way you stated  
18 it, Mr. Chairman, should be put in the form of a  
19 motion, perhaps.

20 CHAIRMAN NASS: Okay. I would then move  
21 that we replace the "Purpose" language with the  
22 following:

23 "The purpose of this element is to provide  
24 regulations for outdoor lighting that will:  
25 Permit the use of outdoor lighting that does not

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exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment and commerce.

"Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.

"Curtail light pollution, reduce skyglow, and improve the nighttime environment for astronomy.

"Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.

"Conserve energy and resources to the greatest extent possible."

And to replace Sections 2 through 6 with the following:

"Chatham Park PDD shall incorporate the provisions of and comply with the Lighting Provisions of the Unified Development Ordinance.

"And the Committee further recommends that the Town of Pittsboro adopt the Model Lighting Ordinance Lite developed jointly by the

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International Dark Sky Association and the  
Illuminating Engineering Society with necessary  
changes to fit Pittsboro, North Carolina, needs,  
including any special requirements for Chatham  
Park PDD."

And that's the motion.

MR. BRAUN: Second.

CHAIRMAN NASS: All in favor?

(Voice Vote)

MR. BRITT: I guess.

CHAIRMAN NASS: Eight, and one abstention.

All right. Now, is there anything further  
that we missed on the lighting? Okay, I think not.  
Let me get to the following, then.

Before we move on to what will happen at  
the next meeting, I would like for the Committee to  
consider giving me permission to go before the Town  
Commissioners and present these recommendations. Is  
that acceptable?

MR. BRAUN: A very good idea.

(General assent indicated)

CHAIRMAN NASS: All right. The agenda for  
November 16th meeting, then, is that we will hear

2  
3 presentations from Chatham Park on open space, tree  
4 protection, landscaping and stormwater. So I would  
5 encourage everyone to read those sections, become  
6 familiar with them so that we can ask Chatham Park the  
7 questions that need to be asked while they are here,  
8 on things that we are confused about.

9 MR. BRITT: What were they, again,  
10 please?

11 CHAIRMAN NASS: They were open space, tree  
12 protection, landscaping and stormwater.

13 MS. MABE: Patrick, you're on.

14 CHAIRMAN NASS: Yeah, Patrick, you're  
15 going to be the lead in that section. And so I would  
16 encourage you to do that reading. And, again, thank  
17 you all for the recommendations that you sent. And if  
18 it's okay, then, for you to think about it between now  
19 and next week. But as we get to the recommendations  
20 for the next step, think about whether or not this  
21 format is a good way to go, or whether we ought to  
22 modify it.

23 So I would entertain a motion to adjourn.

24 MR. FREEMAN: So moved.

25 CHAIRMAN NASS: Second?

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MR. BRAUN: Second.

CHAIRMAN NASS: All in favor?

(Voice Vote)

MR. JONES: Thank you all.

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(Proceedings concluded at 8:48 p.m.)