

**MINUTES
TOWN OF PITTSBORO
PLANNING BOARD REGULAR MEETING
WEDNESDAY, JANUARY 4, 2012, 7:00 PM**

ATTENDANCE: Kenneth Hoyle, John Clifford, Karl Shaffer, Raeford Bland, (Alternate, Shannon Plummer).

ABSENT: Alfreda Alston.

STAFF: Stuart Bass, Planning Director, Ileana Platon, Administrative Support Specialist, Paul Horne, Parks Planner, Paul Messick, Town Attorney.

A. CALL TO ORDER: Chairman Hoyle called the meeting to order at 7:00 pm.

Chairman Hoyle asked for a moment of silence before the approval of minutes.

B. APPROVAL OF MINUTES, November 7, 2011:

Mr. Hoyle requested the correction of some words and names which were misspelled, also the clarification of a statement concerning the ownership of property adjacent to the Haw River.

Mr. Shaffer's concern was on a statement which was made by Mr. Howard and not him. He also requested other corrections on statements he made, referred to the word "water fall" which was a misinterpretation when listening to the tape, also to remove parts of the dialog that are irrelevant to the topic at hand. He also suggested to high light the names of the speakers so it is easier to locate their statement. On the topic of the town not being business friendly he requested to be corrected since he was not told that, merely he heard the statement made repeatedly at the candidate's forum. **Mr. Bland** input on the minutes was the correction of a misspelled word.

Motion made by Mr. Hoyle for the minutes to be approved with corrections as duly stated.

Mr. Clifford seconded; approved unanimously.

APPROVAL OF MINUTES, December 7, 2011:

Mr. Plummer indicated a phrase made by him concerning the Haw River Christian School location being vacant and loosing valuable tax income which was incorrectly noted and requested the phrase "loosing valuable tax income" removed off the record which he did not mention in conjunction with that statement. **Mr. Clifford** commented on his statement referring he was displeased with the delivery of the materials to the planning board and requested his statement to include his big point which was the findings and conditions, the latest which was given to the board on the day of the meeting.

Mr. Hoyle request was to change the individual who adjourned.

Motion made by Mr. Hoyle for the approval of the minutes with corrections as duly stated.

Mr. Bland seconded; approved unanimously.

C. ELECTION OF OFFICERS

Mr. Hoyle stated that being the first meeting of the year it is time for election of officers. He opened the floor for election of chairman to the planning board.

Mr. Shaffer nominated Mr. Hoyle and Mr. Clifford seconded the nomination.

There were no other nominations and the vote was unanimous.

Mr. Hoyle then move to elect the Vice Chairman.

Mr. Bland nominated Karl Shaffer and Mr. Clifford seconded.

There were no other nominations and the vote was unanimous.

D. OLD BUSINESS:

1. ORDINANCE REVIEW

Mr. Hoyle stated that Mr. Bass had distributed to each member a copulation of what has been done so far in terms of the ordinances. **Mr. Bass** stated that the last time the ordinance review was discussed was on October 26th. As of his notes the discussion went thru the second page to topic number five on the nightclub. The board agreed and **Mr. Hoyle** then asked how they shall proceed on the votes in regards to this. **Mr. Clifford** stated that in reading the land use plan on page 97 under policy settings and regulatory, written contract with the consulting firm to develop a unified development ordinance to replace the outdated zoning ordinance he suggested to table this. He stated that Karl has consistently done his homework in reviewing the ordinance but in light of the fact that not knowing if this is going to be the final document on the new land use plan, or is the idea of the town manager or whoever it is to use an outside source he does not see why they should continue. **Mr. Shaffer** said that it can always be picked it up later depending on the final outcome of this document and asked Mr. Bass if he was keeping summary and notes all along. **Mr. Bass** responded that he just picked up where they had stopped base on the discussion last time, that there is two ways to look at it, one is to go thru it and have all these items as concerns should they come to pass or not. **Mr. Clifford** stated that they had already done that on the last meeting and it got knocked around. He also stated that it has to go to the town manager for review and whatever changes they then make on the zoning ordinance it will have to go thru legal. Since there is a consideration of going outside to professionals he does not think they should continue this on every meeting. **Mr. Bass** confirmed they have not discussed ordinance review since the workshop they had on Oct 26, 2011. **Mr. Clifford** stated that was his motion, **Mr. Bland** seconded the motion. **Mr. Hoyle** asked Mr. Clifford to re stated his motion. Motion made by **Mr. Clifford** to table this until further notice depending on the outcome of the final text of the land use plan. **Mr. Shaffer** then voted no, thinks they should continue their charge with the idea they all look at it and express their comments and anything that they have done up to this point would go into the preparation, whether it goes out to a consultant or whether Stuart or the town manager do it, they at least see their concerns on areas noted where they find some discrepancies or vagueness and language as it is right now.

Mr. Bland then asked if an outside firm or consulting outfit were contracted to do this that they would not do it all by themselves, but if possible to allow the planning board the opportunity to present concerns and could amend the motion to request that before reviewing it they have some input in light of this work that has been done up to this point.

Mr. Clifford then added that not knowing what the consultants would put forward he did not know where it would fit and based upon Karl's statement he will amend his motion to state that the work they have done to date be incorporated into his motion, that whatever the planning board has done stays current, stays part of the work and part of the minutes, because Mr. Bass has summary and notes and the work that Mr. Shaffer has done as reference so it's not lost regardless of who picks it up.

Mr. Hoyle then asked Mr. Clifford if he is amending his motion. Mr. Clifford responded yes and Mr. Bland seconded the motion.

Mr. Hoyle asked all in favor of the motion Mr. Clifford made in regards to the ordinance.

Vote was 4-2.

2. LAND USE PLAN

Mr. Hoyle continued to the next topic which is the land use plan. Copies of the draft were sent to the planning board in December. He stated that the draft was sent to them for review and there is no point in trying to alter the document, just review it and either come up with an individual report or composite report from the planning board in regards of how they view the document they have received. The decision does not have to be made tonight, it can be discussed or if anyone wants to make a final decision that is appropriate.

Mr. Shaffer's opinion was that in his first read thru he was still trying to find the plan he did not see the future. It is a real good summary of everything that is out there, a lot of Triangle J stuff included, a lot of fluff, many chunks several pages at a time. It is interesting reading if you want to know the history about carbon emission, different types of grass or soil conservation but not seen as a key component to the land use plan. This is the exact same comment most of the board collectively made for the Triangle J. On that comment it takes us back to what Dave Monroe was doing and what the planning board was doing after his departure which was to gather substantial information and put the rest into an appendix and that did not work out so well. His statement is that it spends much laborious time on data history and a lot of irrelevant verbiage but little to none on future land use decisions. However, on his second read thru and searching more for the future data he is retracting his previous statement. He believes there is some good decision policy making data in there based on the information it provides. He reviewed the 12 or 14 key issues that the board defined on the heels of Triangle J and some of the other documents and they are there. The actions items for this plan which appear to be the substation data are the last three pages out of one hundred pages or so. They are very short. They don't cover the entire range of perceived goals that he could find in the verbiage. There may be several pages describing a specific plan and when it gets to the action items none of the verbiage supports all the stuff seen in the action items that is kind of out of the blue. Having said that he thinks it's a decent document that is pretty but has no weight in his opinion. He graded the key issues which are in 10 categories, trying to look at each section as it produced a plan," what is the goal of Pittsboro", " what is their intended outcome in regards to those topics." Some he gave seven and eight's and others he gave one's. There is not a very consistent format on how they are laid out. There is not a very parallel way of dealing with these issues.

Mr. Plummer then gave his opinion by stating that he had read it and there are probably fifteen pages of substance the rest of it is fluff. It's fine because it is generally the way these documents are written as far as his experience here and the way the past ones have been. It will probably end up on a shelf in the office and six months from now the land use plan will again be

mentioned. He does not have any problem with the way it reads or the direction it says we should take, it seems they do this every four to five years.

Mr. Bland advised he read a brief summary of the first 50 pages. The other 20 pages had to do with Pittsboro being a historical preservation town, about its parks, police, public works and affordable and subsidized housing. That ends the land used plan. His remark at this point is that he has not seen anything about how the land may be used. It just talks about the character of the town and most of it centers on 1/3 of the area within the city limits and nothing about the 2/3 rd's of the surrounding vicinity, the ETA which is where things are happening. Then there is a list on page 97 of action items that

are going to be contracted outside of Pittsboro and he would like to see the work done locally.

Mr. Clifford was then asked for his opinion and he stated he could not add much more than what has been said. Lot of fluff and did not see any flow and got pretty confused on the population projection and how they got to that formula. The maps are pretty but it does not tell him anything, no summary and an unusual amount of green, which was confusing.

Mr. Shaffer agreed and wished it had more direction. There is certainly language in it on how we want our town to be a historic district but it does not all merge with the map. I understand that they have been told that the map is not the plan but the map is a component of the plan and the plan should correlate with the map at some degree.

Mr. Clifford agreed that even though the map is not the plan it is a go to document and is needed and is important that they are clear.

Mr. Bass also agreed and reminded that it was a 90% draft and there is no specific policies pointing towards future land usage.

Mr. Paul Horne then addressed the board by adding that description towards those classifications will be detailed in the plan.

Mr. Clifford stated that since this is 90% complete and believes that the deadline is March wanted to know if they are going to see a final document. **Mr. Bass** and **Mr. Horne** replied, yes.

Mr. Clifford then asked if the Advisory Committee was activated and part of this process.

Mr. Horne responded that up till now there has not been anything further reviewed. Now that there is a 90% plan all of the former members have been contacted, two of the non elected and none appointed have expressed interest and want to participate.

Mr. Hoyle stated that he has not received an invitation. **Mr. Horne** said that to his understanding invitations have gone out to everyone and two people responded.

Mr. Clifford again expressed his concern about the deadline and having the document finished.

Mr. Bland wanted clarification of everything discussed, that they have the map but no words that precede the map.

Mr. Horne's reply was yes, it all needs to be included he stated that what is there now is quite good, it was a first pass thru and as good as can be produced within four months and handling several projects simultaneously. They both welcome constructive criticism. It will not be set in stone, it can always be revised.

Going back to the Land used plan draft **Mr. Hoyle** requested photos of places in Chapel Hill and one of Mr. Hinkle removed. He thinks it's fragmented and does not see continuity, reduction of fluff is needed, it is very difficult to read and understand.

Mr. Shaffer suggested if it would help for each of the board members to write their concerns.

Mr. Bass answered by saying it would be serious time management, only if they had specific things they wanted to state it will be more than welcomed.

Mr. Shaffer then asked if the process of draft would be to go back to the consultant.

Mr. Bass answered that there is no consultant. Basically it was put together by him and Paul Horne and they did their best to comprise this into what they see today.

Mr. Horne added that the first step proposed was to use funds allocated from the existing planning budget to hire a consulting firm and that was rejected and here we are now.

Mr. Bass added that at some point they have both recognized there is formatting issues and probably would need to get somebody else that is much more skilled on word processing and in getting things more marginal and looking right.

Mr. Shaffer agreed and is willing to submit to Mr. Bass and Mr. Horne his comments which are lengthier than what he shared tonight.

Mr. Clifford believes they should report back as a board not as individuals. Since they have 90% of the document completed they should have a work session to write their prudence on what changes they would like to see and present that before the commissioners and if needed do it again before the final document is completed, work session needs to be done within the next few weeks. The other members agreed with that suggestion. **Mr. Hoyle** recommended having an extra session on January 11, 2012.

Motion made by Mr. Hoyle to have a special session on January 11, 2012 at 7:00 pm.

Mr. Plummer seconded, approved unanimously.

D. NEW BUSINESS:

1. TEXT ADMENMENT- ELECTRONIC GAMING OPERATIONS

Mr. Bass stated he placed this on the agenda for the consideration from the planning board. He has received several inquiries about electronic gaming or internet sweepstakes operations. Currently the zoning ordinance has no language on this kind of use, no definitions or standards. In light of this he gathered data from different towns that have these operations and composed a definition for the board's consideration as well as some restrictions. Our town attorney, Mr. Messick, has reviewed it. It would just get added to the table of permitted uses and it would be under a special use permit in our C-2 district.

Mr. Hoyle asked if there was anything there about gaming on that listing. **Mr. Bass** responded that there was language there about game rooms, which specified pool halls.

Mr. Plummer asked what the procedure would be if that language was not incorporated and somebody wanted to open a business now. **Mr. Hoyle** answered, it is a business.

Mr. Clifford asked if this was open for discussion. In section B he liked the list of where these electronic gaming houses can be set up. He would also add greenways but they are public. The 500 feet struck him, and asked why it can be 1000 feet. His concern was that at 500 feet there can be a part of this town that can have a concentration of these gaming houses. For him it brings a different element out, people that use these, and is not sure it fits in downtown or in this town. Also in Section C, why would they need 24 months to be in compliance, why could it not be less? The parking is also question. He also believes there should be a limit of how many machines can be used in a particular space.

Mr. Messick asked to be heard, he addressed that it is assumed they are legal business operations, if they are illegal it does not make any difference what the town ordinance says. If it is a legal business for somebody to conduct it is dangerous to try to restrict it. What is appealing to me may not be appealing to others. If it is a perfectly legitimate business and restrictions are

made prohibiting them to operate that is injury to somebody by making it impossible for them to conduct a lawful business. The presumption here is that if it is legal they ought to be able to do it somewhere. It still allows you to have some kind of restrictions or conditions to that use but you can't do it to the point which is absolutely prohibited. The 24 month compliance is a benefit to the town.

Mr. Clifford asked if 500 feet was reasonable and 1000 feet was not. **Mr. Messick** responded that the greater the distance the more difficult, if it is to be from a place of worship, school, daycare, etc. what is the connection between this type of business that is legitimate and those type of uses that are also legitimate. Is a place of work ship going to be contaminated by a gaming establishment within so many feet? The reason is listed in the ordinance is because somebody though there should be a distance from these establishments. If you needed data to support that, it may be hard to find. As long as there is a reasonable distance requirement most business will rather comply than sue.

Mr. Plummer inquired about nightclubs having to be 500 feet apart. Would it be unreasonable to add something similar to that in the ordinance so there would not be a cluster of these establishments on one side of town? He also added that these establishments are legal and they are not going to contaminate anything, especially if they are contained in a C-2. Our state made the Lottery legal whether we like it or not.

Mr. Clifford then asked if they would be a limit of machines per establishments. Mr. Messick did not know what the magic number would be and it would have to be per square feet.

Mr. Messick then explained Mr. Stuarts' problem when he is approached with these request, trying to accommodate and fit them into the list of retail business instead of telling them they can't do it and by having these restrictions you have some control of it.

Mr. Hoyle asked Mr. Bass if he had contacted Carrboro in reference to their gaming laws and **Mr. Bass** responded that he did and he also looked into Creedmoor, Sanford and some others. The conversations then went into the subject of parking and how many parking spaces should be allowed per square feet.

Mr. Hoyle questioned topic G concerning the hours of operations. He also commented on topic H describing the legal age for patrons.

Mr. Messick asked the board that the main topic is if this is a problem that needs to be addressed and if so by making a special use permit in a C-2 zone is that an appropriate place to locate these business. The details can be addressed later.

Mr. Hoyle agreed it is a problem that needs to be addressed.

Mr. Plummer feels comfortable with the C-2 restrictions and the rest can be detailed at a later time.

Mr. Bland expressed that he did see Mr. Messick's point, that being simple may allow them the most leeway.

Mr. Plummer asked if they should table this.

Mr. Hoyle suggested to table and recommended that Mr. Bass comes back with simple statements to be reviewed in the next meeting. Mr. Bland and Mr. Shannon moved to table.

Mr. Hoyle made motion to table until the next planning board meeting. Mr. Plummer seconded. Approved unanimously.

E. BOARD MEMBER CONCERNS:

Mr. Clifford had a concern regarding the storage/garage unit located behind the new Bed and Breakfast on Small Street. He stated that he was in the hospital when the board dealt with the approval of the structure and was wondering if it was supposed to be that size and if they are ever going to paint it.

Mr. Hoyle advised that they did approve a garage/storage unit to be built there but did not discuss the height of it.

Mr. Clifford then added that since they had discussed the gaming topic tonight he has had several inquiries about allowing a Tattoo shop in town and there is no ordinance for it. The individual who inquired about it advised he has been getting the run around since David Monroe. He advised the individual that he would ask the board. He believes that the business is an art form. This is an individual who is serious about his business and is talented.

Mr. Bass responded that it can be considered along with the gaming ordinance.

F. REPORTS AND ANNOUNCEMENTS:

Mr. Hoyle asked if there were any reports or announcements and **Mr. Bass** responded that there were none. Mr. Hoyle then distributed to the planning board members documents to be reviewed until the next planning board meeting.

Special meeting scheduled for Wednesday, January 11, 2012 7:00pm.

Mr. Hoyle asked for motion to adjourn. **Mr. Bland** made motion to adjourn. **Mr. Clifford** seconded. **Approved unanimously. Meeting adjourned at 8:40pm.**