

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, MARCH 26, 2012
7:00 PM

Mayor Randy Voller called the meeting to order and called for a brief moment of silence.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Pamela Baldwin, Jay Farrell, Michael Fiocco, Bett Foley, and Beth Turner.

Staff present: Manager Bill Terry, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass, Assistant Planner Paul Horne, and Water Treatment Plant Superintendent Scott Jewell.

CONSENT AGENDA

Mayor Voller asked for a motion on the Consent Agenda or if we have any changes. Commissioner Fiocco had a change to the minutes, page 20; about midway down the page it says Mayor Voller asked over what kind of time period you would use a million or two million gallons of water. That was actually me that asked that question. Mayor Voller had a change, intending to use the word Marcellus shale; it should be changed, as it is referring to the basin in Pennsylvania and New York. It shows up a couple of times here. It is just a spelling issue. It is on page 15, second paragraph, this is the first time I saw it but I know we are talking about Marcellus. Commissioner Fiocco presented motion to approve minutes with said changes. Motion seconded by Commissioner Foley.

Vote Aye-5 Nay-0

Commissioner Baldwin presented motion to approved regular meeting agenda. Motion seconded by Commissioner Foley.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

Mayor Voller noted there are two speakers that have signed up as public expression speakers. The first one is Sara Brinson, if you would like to come up and state your name and address for the record and subject matter.

My name is Sara Brinson. I live at 85 Midway Street, Pittsboro. I just wanted to say that I am in the midst of working on a proposal for a community garden in our neighborhood. Some of you know where Midway Street is. There is a lot owned by the Town at the top of the street where the old water tower was. There is a little parking lot where sometimes the maintenance guys park their trucks and then, back behind that away from the street, there is a big crafty, funny area, which I have been jealous of for a couple of years because we don't have much sun in our yard and I am working with Paul, who has been very helpful in helping me look at the area. I have also talked to Mike Shepherd, who is the manager at Lowe's and he lives on Credle, right near us, and he has been really helpful and said that he would love to donate things from Lowe's and I have talked to a few other people, neighbors on Midway Street and I haven't gotten over to Lindsey and Launis yet, but everyone seems to be excited about this idea, so I am just looking for a place to grow some tomatoes and maybe some okra. I guess once I get a proposal written up I will be back but I wanted to know if anyone had any questions or any ideas. I know about growing vegetables but I don't know about getting a community garden started so I'm working my way through that. Mayor Voller said so you are interested in putting a community garden where the old water tower was? Ms. Brinson responded yes. Mayor Voller addressed Mr. Horne. Mr. Horne said I think it is great. I think she is doing the right thing. I would check with people in the neighborhood and make sure they are in favor of it. It is started already and extending that out. I've provided her with some resources and think it is a good thing. Mayor Voller asked what we would need to do to move this forward if the community wants it. Mr. Horne said you all would have to say yes, we are in favor of using that property for a park and for a community garden. Commissioner Fiocco said I like the idea and in fact Paul and I talked more than a year ago about how to use that property and one of the ideas that were kicked around then was a community garden so it is a nice spot for it. Commissioner Turner asked Ms. Brinson so you have talked to all the neighbors. Ms. Brinson said she hasn't spoken with the Perez family; every time I go by they are not home. They live right across the street so I still have to talk to them and I have talked to Sara who lives right next door to the lot and she is fine with it. She said she would like to have something pretty to look at through her window. Her friend, Mark, who works with Town maintenance, I'm hoping to get him to help me too because I know he is a good gardener. We can get a fence so the deer won't eat all the crops. Commissioner Foley said I think community gardens end up growing a lot of other things besides just vegetables, I think it is a great thing that brings communities together and I think it is a great way to strengthen the community. Ms. Brinson said we have a lot of kids in the neighborhood too, and gardeners, which is a good mix and I am excited about having them come and help out. I remember we had a garden growing up and I remember working out there with my dad and I'm hoping more of those memories come back to me as I get back into it a little bit more. Commissioner Foley asked what if someone wants to get involved that does not live in your community. Ms. Brinson said I think that would be great. I've been looking at different ways of different community gardens around the country and how they are set up and some of them are really just communal where you come on a Saturday and this is what we are doing. And others are set up where different groups or individuals have a certain plot and that's all to be seen. So I'm not really sure what we will work out. It might just be me out there, weeding. Commissioner Foley said it is something that maybe your community will decide together as a group. Ms. Brinson said that is what she is hoping. Mayor Voller asked Mr. Messick how we would translate this from a desire

of the community to actually making this happen. Attorney Messick said I think you ought to wait to see what she wants to do and how she thinks the community is going to organize but I would think in the end some sort of contract between the Town and whatever the group is. There may be issues – fencing probably doesn't need to be permanent without the Town's approval or seeing what it is going to look like. You may want to regulate pesticides; some folks don't like using those maybe that may be an issue. Ms. Brinson said as far as a group, right now I have talked to almost everybody and everyone says that would be great there. But would I need to get a committee, I guess at this point I am kind of the coordinator. Attorney Messick said you will do. Mayor Voller said it will usually be a few people doing that work. Ms. Brinson said she needs help with the process. Attorney Messick said he believes somebody needs to be responsible and if there is an issue then somebody from the Town could contact them with whatever the issue is. Manager Terry said she should get in contact with Paul and we can perhaps prepare a resolution for your next meeting that declares it to be a community garden names her as the point of contact. We can do a pilot test for a year and see how it works out. Ms. Brinson said that would be great. Commissioner Farrell said I live in that neighborhood and it is an eyesore lot for sure. It belongs to the Town and I am very disappointed in how they keep it up so I hope you would do the whole lot and not just where you are going to have the garden. Ms. Brinson said I actually talked to Paul about this a little bit, but up front where those trees are, I would love to do some shade beds and perennials there, and Paul talked about doing a wall to separate it off and just kind of make it look nice. It is one of the first things you see when you come in so it would be nice to be able to slide your eyes past the derelict brown house and see some flowers and pretty stuff. Mayor Voller said I'm sure if you work with Paul on it and the Rec. Board could come in and we do a resolution we can move this ahead. Commissioner Baldwin said also I know the Chatham County Fairgrounds has built a community garden and individuals from Chatham Together, some of the students, they actually planted some things there so you might want to check with them when you get ready to do that and maybe get some volunteers from those students. Commissioner Foley said there may be funding too, there may be grants we can get.

Mayor Voller recognized next speaker, Tom, and asked that he state his name and address for the record. Tom Harville, 104 Backlands Drive, Cary, North Carolina. I am the president of the North Carolina Native Plant Society. A little bit of history about the Native Plant Society, we are the oldest one in North America, formed in 1951, and the Botanical Garden at Chapel Hill actually got started through plant rescues. I have talked with Ms. Foley on one occasion and we are in agreement that there is a lot of development that is going or will be going on in your area and what I would like to do is suggest to you that we could help you conduct plant rescues from these areas that are going to be destroyed. We don't go in and take plants out of an area that is not going to be destroyed. I don't know if you are familiar with it, Lake Randleman was a 3,000 acre reservoir that went from pristine forests to water. But we rescued in there for five years and probably dug out a third of what was in there. But I see a direct connection between landscaping the front of this lot you are talking about with North Carolina native plants. I don't have a botanical background, I don't think of myself as a tree hugger, but I wanted to say to you that one of the considerations, or the major consideration that we run into, is the concern with liability because it would be somebody owning the land or a contractor who is going to develop the land letting us come in and dig plants off and they are worried about somebody falling and

then suing. We can meet with them, everybody that I know that has gone to the rescues that we have will sign a release waiver. We use the plants in our own gardens and public gardens, we have given them to Duke Gardens, the North Carolina Botanical Garden, J.C. Raulston Arboretum, Greensboro Arboretum and we have talked about, you all were looking at some community gardens. That is a perfect cheap place to get plants that are well suited for this area and that is one of the things that you consider when you're not talking about vegetables but getting maybe plants where they survive and putting them back into an area where they will continue to survive. I would like to answer any questions that you might have.

Commissioner Turner said so you say you have identified plants in areas that are potentially going to be developed and you want to rescue species from those areas. Mr. Harville said what we would volunteer to do if somebody has a plot of land, we would go in and look at that land and find out if there is anything there that would be rescue able or desirable and then go back in and rescue it. In a perfect world, ideal situation, we would be like the Randleman situation where we had 5-6 years to go in all different seasons and look at all the plants that come up and dig them out. That is usually not the way it happens because developers are usually on a short schedule so it is get in/get out and we will not get in their way. We like to sit down with developers and ask them what their rules are and abide them. But what I am asking for is your support. I don't know if you need a resolution to put forth. I talked with the town council in Cary and they had a resolution that contractors/developers should have a plant rescue plan. I haven't been contacted yet. It is a great idea. It fits right in with some of the ideas that I've heard that you all are going forward with in this community. Commissioner Foley just wants to add, I know in our conversation, you were talking about that you all study the plats and you only take plants from the areas that are going to be...these are very professional teams that come in and get it done quickly. Mr. Harville said another concern that will come up. A lot of developers will say no, I don't want you on my lot because you are looking for a rare plant to stop my development. It may own the land; there is nothing you can do about it. The laws of North Carolina say if you own the land you can do whatever you want to with it. Now we would like to go in and move it and get it out of there, if we could, but there is no way anybody is going to stop somebody from building a development so we look at it the other way, if we can't stop you why don't we just get whatever we can get out and then move on. That is the part of looking at greenways. If there is a greenway or a green area or usually there is anywhere from a 25 to 100-foot buffer around streams and you leave that alone. So yes, we do go in and look at the plats.

Mayor Voller said it would seem that the Town might be able to facilitate introducing this group to various developers and letting those relationships and agreements happen outside but at least we could facilitate that. Each developer will make their own decision but it sounds like a reasonable idea but I can't speak for other groups. Mr. Harville said that is true, we do have to sit down with each developer and a lot of times they won't sit down with us or with the Native Plant Society and that is why I am here hoping that you would say something and put a bug in their ear and understand. Philip Culpepper said that we will sit down with them. Mayor Voller said okay, so there is your single, biggest potential, future developer right there. Commissioner Farrell asked if there was a cost on this to the developer. Commissioner Foley said and it would be nice if the Town could receive some of the plants. I know I personally would love to see a native plant garden behind the new justice center along the greenway. There is a wonderful space back

there for a sitting area and I think people from the justice center would use it and it would be great to showcase some of North Carolina's native plants and if there is some way we could say you would be willing to share some of the plants that are rescued. Mr. Harville said absolutely. Mr. Culpepper said we have also discussed creating a native plant nursery ourselves; moving things out and then moving things back in, because there is no sense in just tearing things out and buy something else that's not native. Commissioner Foley said they could work together.

Mayor Voller asked how you would anticipate we go forward. Commissioner Foley said and also finds out what you recommend as far as from a development perspective. Mr. Culpepper said we have no problems working with you. Mr. Harville said I can leave my contact information and anytime something comes up, Ms. Foley and I are in contact, she could let me know. Mayor Voller said please do and I think maybe you should come and give a presentation to the Rec. Board and Planning Board and talk about this so everyone has heard what you are talking about. Obviously Philip represents the biggest group and if they work with you, you will probably get others to work with you. If you leave your information I'll see that the developers have it.

PUBLIC HEARINGS

Mayor Voller said we have a number of public hearings. We will just do these one at a time. Would the Board have any problem with going 1, 3, and 2? Commissioner Baldwin and I are going to recuse ourselves from Item No. 2 because Commissioner Baldwin is involved with a Chatham County CDC and I am involved with the Greater Pittsboro CDC, so we want to recuse ourselves because we have potential relationship working with the CDC Brick Capital but the others we don't. I call for a motion to go into public hearing for the request for annexation. Commissioner Fiocco made a motion to go into public hearing. Motion seconded by Commissioner Foley.

Vote Aye-5 Nay-0

Request for Voluntary Annexation of the Northwood High School Property

Mayor Voller said we have one speaker signed up, the Honorable Charles R. Devinney, former Mayor of Pittsboro. Manager Terry said we have the certificate of sufficiency prepared by the Clerk for this action and that is in your package. Planner Bass has prepared a staff memorandum which I also contributed to. Basically I will just tell the Board that the staff recommendation is that we not approve this request for voluntary annexation and the reason is stated in the memorandum here that typically the staff recommendation for any voluntary annexation will be based on a cost benefit analysis, where the staff analyses what the potential revenues associated with the annexation might be and compares that amount to what additional expenses the Town might bear to serve the area being annexed. In this case this wasn't a very complicated one, it was fairly simple. Single property, single property owner, it is tax exempt so there is no revenue to the Town. On the pro/con analysis, we have basically no pros to list for you. On the con side, we have a loss of about \$45,000 a year in revenue to the enterprise fund. That is difficult to say yes to, particularly a year after we experienced a 10% reduction due to the Townsends bankruptcy. I'm somewhat sympathetic to (Superintendent) Logan's concerns about budget as

every local government is right now and every school district. I would point out to the Board that the \$45,000 that we are talking about here that Superintendent Logan mentioned that was almost enough to support a future salary. We also mentioned that he has a \$70 million budget. That \$45,000 is 6/100% of his budget where it is almost 1.8% of our enterprise fund budget so the impact of approval would be far greater on the Town than denial would be on the school district. With that, that is the end of the staff recommendation.

Mayor Voller called the Honorable Charles Devinney. Mr. Devinney said if I had known he was going to say all that I would have stayed home. I agree with what he said when I read in the paper that this was satellite annexation (Charles R. Devinney, 443 Oakwood Drive). Satellite annexation is the reason, I guess it is, but that is not a good reason why we should choose to just lower somebody's water and sewer rate. That is not appropriate because that is a tool that the Town would have at its disposal to grow in an orderly manner. Also, when you talk about satellite annexation you are only talking about 10% of the size of your town and you have to include Pittsboro Christian Village down here because they were satellite annexed so you can virtually use up all your percentages on something that doesn't pay taxes and then when something comes along that you really may need that would be an enhancement to the Town you won't have it available for you. And I was responsible for them tying into our sewer system and frankly we saved them \$100,000 in fines by doing so. They had no other way out so the Town helped them. We also didn't charge them any fees. They paid no fees that I know of to connect or even for capital improvements or anything to pay it back. They also tied into that new line that 6-inch force main at our expense. And if you notice, the town today still services and maintains that lift station for them and that has to be done every day, at least no less than two or three days, and I know the policy hasn't changed so that is a lot of work and if they had to hire somebody to do that they would pay a lot of money. So I am against using this satellite annexation. It is a very bad and risky thing for the Town to do. I can't tell you all how you feel about their water and sewer and their rates, but I know you have an autism center up there the same way. They might want the same deal. If you are going to do something the best thing to do I think would be to look at your water and sewer policy and see what... I don't know that you did with the jail. I know you gave them over 10,000 gallons of sewer but it could be used in Town to build up the revenue in Town. So if you keep giving things away you are not going to have growth, and when that Walmart comes that is going to hurt Pittsboro. That is going to take a lot of the business away from Pittsboro. The town better get its shoes in a row because things are going happen around here and we need to be prepared and I know you are going to run a line down through town and that is another thing that is going to be an expense for the Town. I don't know what that is going to cost. But if you are going to give money back give it to the people that live in town because we deserve it. I appreciate it.

Mayor Voller asked if there was anyone else who wished to speak on the matter and for any discussion from the Board. Commissioner Farrell said, personally I agree with Mr. Terry. I don't see any reason why we should lose \$45,000 a year and as far as Mr. Logan, he said he is going to have to cut a teacher. He's got salaries over there that's way more than the little \$45,000; I don't know why he needs to worry about cutting a teacher, when he could cut some administration. But I think we should go with our recommendation.

Mayor Voller asked Mr. Terry, to be clear, we haven't collected that money from a year ago, we did collect from three past years so the loss of revenue would be something going forward it's not something that the Town has been getting. Manager Terry said we have been getting it since the error was detected and that's about a year ago now. Mayor Voller said so you have been collecting it since then plus we pulled in the \$98,000? Manager Terry said the \$98,000 was the three years of back payments, or 2 1/2 years of back payments. We pulled up their records for a year, annual water and sewer is about \$90,000, if you cut that in half that is a \$45,000 reduction. And, again, on the enterprise fund budget, which is running at just about \$2.5 million now that is 1.8% of that budget so it is not insignificant to the enterprise fund.

Mayor Voller asked Mr. Messick the questions that Commissioner Fiocco raised off line about the variable rate structure – you got an answer to that. I don't know if the whole Board read it. Attorney Messick said Mr. Fiocco and I were talking about that earlier, I'm not sure I either understood the question or he understood the answer but obviously if you annex then they would presumably receive the same benefit as any other in-town customer. If they are an out-of-town customer in the ETJ, one then the policy of course is that you ignore that and allow them to have sewer. But if you could determine if Northwood somehow or other was entitled to a different classification of service than any other out-of-town customer then you perhaps could have a different rate schedule. I'm not sure what the classification would be. Rates are generally supposed to be uniform, uniform within a class. If you can distinguish the class based upon some kind of rational basis then you could have different rates structured with that class. I'm not sure how Northwood varies from any other class except to the extent that it may be more expensive to service Northwood than it does any other out-of-town customer if it doesn't have a pump station and the other infrastructure that is available for that. So, yes, I think you can have a different rate structure for customers but it has got to be based upon some rationale. Commissioner Fiocco said that was the basis for mentioning that statute was that we don't automatically annex the property and say you get in-town rates. There is the opportunity to add a different class of rate assigned to that group because it costs more for the Town to provide service and we have the right to recoup the cost of our service that we provide. So that was where I was exploring the question of what would be an appropriate rate if, in fact, the annexation were to go through as a satellite annexation and the statute provides for the ability to ascertain that reasonable charge. Attorney Messick said then you are going to open the door for any other in-town customer that thinks that their circumstances are different. Commissioner Fiocco said the statute that we were looking at was dealing exclusively with satellite annexation. Attorney Messick said true, and you have one other satellite customer. Commissioner Fiocco said when we talked I'm not sure that we were conclusive whether or not it would be reasonable to have two different satellite annexation rates schedule but if one goes on the idea that you are trying to recoup your costs, Northwood has a lot of infrastructure that costs a lot to maintain and to provide that service whereas perhaps Christian Village doesn't. Attorney Messick said it has some; it has a pump station too. Commissioner Fiocco said there could be analysis done to say what is the appropriate rate for either and they wouldn't necessarily have to be the same. Commissioner Foley said we may need time to explore this option. Commissioner Fiocco said I don't want us to do a satellite annexation and find ourselves now costing more than the \$45,000 that we are losing in revenue by the \$45,000 that we do receive not covering the costs of providing the service. So I think we would do well to do the analysis to make the important decision. Attorney Messick said I think the school board is

offering to be annexed in anticipation of a cost savings. If they are not going to have a cost savings, I'm not sure they would be as amiable to annexation. Commissioner Fiocco said they might not. Commissioner Foley said it may be there would be a cost savings still but not as much as \$45,000. Commissioner Fiocco said right, there might be something in between. Manager Terry said or we might find that \$90,000 a year is a real bargain and we should be charging more. We'd have to do the analysis. Manager Terry said at any rate you are at public hearing so you can decide that later.

Mayor Voller said the issue raised by Mr. Devinney was, one, on the basis of the money and the other on the basis of the satellite annexation. So, Mr. Messick, isn't it true that you can have a local bill but not in the short session, and if you do annexation that way you wouldn't necessarily have an issue with satellite. Attorney Messick said it is not contiguous, it is still a satellite, whether the General Assembly... Mayor Voller said I wonder if it would fall under our rules or is that just a state statute that the 10% is harden fact. It is raising an issue that if you have too much in that then you lose that opportunity if someone came outside of town you wouldn't be able to annex them. Attorney Messick said what the General Assembly giveth it can take away, but it could give you a contiguous annexation if it wanted to do that. But if it annexed it by a local bill then it is still a satellite. Mayor Voller said then, of course, if people in between it were annexed in then it would be contiguous. Attorney Messick said presumably they would have to be doing it voluntarily. Commissioner Fiocco said and by the math that staff has presented it would leave 115 acres of future satellite annexation if Northwood were successful.

Mayor Voller said the Board doesn't have to take action on it tonight but I do think there needs to be a tangible and intangible benefits analysis. So the tangible benefits are pretty easy. You are getting x amount of dollars and you are not. We don't know if they are going to continue buying water. What if they drill a well? Or they can get it from the county but if they drilled a well then what would they be paying us? Just to discharge the sewer? Attorney Messick said he was not sure they would be able to drill a well in the first place. Mayor Voller said but if you read the minutes of their meetings over the last year that was brought up so I don't know whether they have explored it and determined they can't but it was brought up at one of their meetings about how do we lower the costs. The well was an issue as well. So at that point we don't have them as a water customer. Attorney Messick said if they are in town you can have a mandatory connection policy and not allow a well. Mayor Voller said there is the answer to that question. Commissioner Foley said the other issue here too is about as a Town Board we are not necessarily a business, sometimes the decisions that are made are about the quality of life and about providing service to the town, so that's the quirk side of this. Mayor Voller said right and we don't have to do this tonight. We can spend time mulling it over but I think we need to understand what the intangible benefits may or may not be. Will this have other impacts that could be helpful to the Town? Former Mayor Devinney brought up the issue of the autism center is across the street, should they be part of the discussion? We know that there is a potential development that may be coming across the street, a medical center, so these are things that we should be talking about and the idea that Pittsboro would actually be north of 64, which is right now a little bit of a barrier about extending our corporate limits. These are the kinds of issues that should be discussed before we make a decision.

Mayor Voller asked is there anything else that anyone wants to say before I call for an end. Commissioner Fiocco asked Mr. Devinney there were some questions raised about the whole arrangement with fee structure that Northwood has been paying the Town. And apparently there is no record of establishing that fee structure, do you recall any ...? Mr. Devinney said the only thing I recall is that I thought they were just paying the rate from outside, I didn't know the difference. I know that the Board has asked questions several times and everybody paid what they were supposed to. I don't think anyone ever said anything and they never asked for inside rates that I know of. All I know is we didn't charge them because we knew they were in a very bad bind and at that time we didn't have a lot of sewer customers and you have to look at how much that school has grown out there so there are using quite a bit of your services now compared to what there was when we tied on to that system. You all should take a good look at the whole thing, I would think, because if you look at all the way around like a regular citizen, like I am, I'm looking at the schools, I'm looking at the county jail, I'm looking at the big center they built down there, it looks like the county is using more of our facilities than we are. I'm worried about the tax base, myself. If we are going to grow and have the means to do it with and we keep giving all our sewer away to everybody then we have got to generate money back in order to keep this town going because you have got to grow, if you don't grow the town dies, and all you are going to get a few houses built, you aren't bringing in no businesses and you don't have any industry, what are you going to do? You are confined to this area unless you do and add some. There is a lot for you all to think about. It is not a simple matter and should weigh heavily on everybody really. I am concerned about the town. I know the schools have concerns. I have kids teaching school but they got more money than you all got, I tell you that. And you have to remember that the folks in town paying taxes, so let's give a little something back. But you all have a hard job. We just tried to help the school out.

Mayor Voller asked for any other comments. Commissioner Baldwin said I think that we need to review this carefully and look at the pros and cons and make a decision in reference to what you are going to do. Commissioner Foley asked where are the school board minutes posted from the last year or so? Mayor Voller said if you go on line. At some point they discussed that idea - whether you will find minutes I don't know but I know Flint O'Brien talking about that. They are basically acting like we're acting. They are saying we have such a budget, how we can save money and that idea was floated out there. Now whether it was realistic idea or not I don't know. Mr. Messick pretty much squelched it here; maybe their attorney told them the same thing. I don't think they can tap on to county water. Attorney Messick said he didn't think it was close enough to them. Mayor Voller said I do think we should take time to review all the ins and outs of this on the intangible and tangible benefits of why we would open up to it, including something that was just brought up. If someone else was to develop around here, and you have a possibility, you might want them to give easements across there for sewer. Other things that would come into play and that has not been discussed. All the properties around there that could be affected and potentially could have positive growth potential for the Town. Commissioner Fiocco made a motion to go out of public hearing for item number 1. Motion seconded by Commissioner Baldwin.

Vote Aye-5 Nay-0

Mayor Voller said we want to do item number 3 first and then Pam and I will recuse ourselves. Do I have a motion to go into public hearing on gaming? Commissioner Fiocco made the motion. Motion seconded by Commissioner Turner.

Vote Aye-5 Nay-0

Zoning Text Amendment 2012-01: Electronic Gaming

Mayor Voller said nobody signed up to speak on this. Mr. Bass would you like to talk to us about the gaming business. Planner Bass said this is a proposed text amendment to the zoning ordinance which would provide a definition as well as some standards and requirements for electronic gaming or internet sweepstakes operations. Currently we don't have any language for this particular use. It is proposed the use would require a special use permit and the C2 zoning district. I attached some news articles to the packet. This has been a contentious issue in North Carolina for several years now and continues to be litigated and I suspect it will be in the future as well. The proposal would require a special use permit in the C2 zoning district and then attached there are conditions A-H which would also apply to any electronic gaming establishment that received this special use permit. And also, as part of this text amendment, would include a definition for a tattoo establishment and that is proposed as a matter of right in the C2 zoning district.

Commissioner Baldwin said it would be nice if we had some additional stipulations for that as well. Mayor Voller said if you make it for a special use permit you could do that. Planner Bass said you might set up some development standards in the ordinance, I think you can. Manager Terry said the health department licenses operators. I don't know what other kinds of conditions you would be interested in. Commissioner Baldwin said for licenses would we not have to list those in here? Attorney Messick said not if it is a matter of right. If it is a special use permit it is suggested that we have standardized conditions. But I thought the proposal was to have tattoo parlors as matters of right, not special use. Planner Bass said yes, that was the proposal and it was also the recommendation from the Planning Board as well. Mayor Voller asked if only in the C2 district. Planner Bass said that was correct. Mayor Voller asked what happens if someone comes around and wants to do it. It doesn't speak to it? Planner Bass said there is this catch-all use in the tables permitted uses. Commissioner Fiocco said other businesses not listed above. Planner Bass said this is just an attempt to define it and bring some clarity to the proposal.

Commissioner Fiocco said moving to a different topic, in the electronic gaming stipulation E makes mention of a license fee and an annual fee per computer which shall be set by the Board from time to time. Do you have any recommendations on those fees? Planner Bass said no sir, not at this time. Attorney Messick said that is an issue that is part of the litigation and we can have a proposal for you. If you are willing to do this, then we can come back with that. Commissioner Fiocco said well I don't think it would make sense to adopt the ordinance without having those fees in place. I think the fees that were litigated were \$5,000 and \$2,500 per computer. That is awfully steep. Attorney Messick said well they really didn't get to the issue whether it was reasonable or not but you can have a fee, the second question then is how much. Commissioner Foley said if there is somebody that has just one game machine in a place is that

considered an operation in an establishment – are these rules applying to that sort of thing? Planner Bass said there is some language in our Town code that permits three machines. This is sort of a new animal and municipalities all over the state are trying to play catch-up. That kind of language was written for arcades, foosball, pinball machines, that kind of stuff and so I wouldn't envision this ordinance is an attempt to go into a convenience store that has a single machine of some sort. That is not the intent. It is for these places that come in and have 20, 30, 40 seats. Commissioner Fiocco said the definition includes all businesses, whether as a principle or accessory use, so are we saying anything less than three machines does not qualify as an accessory or principle use? Planner Bass said yes. Commissioner Fiocco asked and if I've got four video games in my bar ... Planner Bass said that is not what this is. Commissioner Fiocco said a video game is not going to fall under this. Planner Bass said it is for the gambling issue, part of it. Commissioner Fiocco said I know I said this last time, but if I play Pac Man and I win a game through my skill and chance, am I not fulfilling the definition of this? Attorney Messick said skill is not included. Commissioner Fiocco said but I took a chance. Attorney Messick said it is a term of art. Gambling is chance. Even though you might have somebody that thinks they are a shark, it's not luck. But a game of chance is gambling. Commissioner Fiocco said I don't want this to impact somebody who's got a pinball machine in their bar. Attorney Messick asked if they redeem prizes with those things. Commissioner Foley said they get extra balls or games. Commissioner Turner said doesn't Virlie's have the thing with the claws so they are getting something for putting your money in. Attorney Messick said but being able to grab it is your skill. Commissioner Turner said it is supposed to be based on if there is no skill involved, just luck. That has been the whole problem. Commissioner Fiocco said gamblers will tell you they are not just using luck. Attorney Messick said I have heard these machines have a predetermined winner. You just feed your card and it already knows who is going to win and you just happen to be the right person at the right time.

Commissioner Foley said it is my understanding a town can't say that you can't be in our town at all that we have to allow them to be in the town if they want to be here. Attorney Messick said it is a legal business so far. Planner Bass said towns have been sued. Commissioner Fiocco said in this definition could we add things that are not included in the definition just to be clear? Attorney Messick said as long as you don't make it more restrictive than this is then you don't have to have another public hearing. Commissioner Fiocco said if we were to say video games and pinball machines were not part of this definition? Attorney Messick said I would say that is less restrictive. Commissioner Foley said we have a state lottery based on chance. I like the way that this is written in the sense that this cannot be in our downtown –it would be on the outside of the downtown area. Commissioner Fiocco said we put a pretty high standard on making this special use permit. Planner Bass said I didn't make the definition up; I just looked at a half a dozen ordinances that are in effect. Attorney Messick said to make this special use permit with some specified conditions is sort of a compromise. Alternatively, you could make it as a matter of right, anybody could do it anywhere they could find a place to do it. It is really your call on how you want to deal with it but this was an effort by Mr. Bass to have some regulation and have the Town have some say in it with the special use permit process. Commissioner Foley said I think it is great that you called this to our attention before it actually happened. Planner Bass said I have been getting phone calls. I got one today, in fact. Mayor Voller asked what the nature of the call was. Planner Bass said they wanted to know if they could locate one of these in

Pittsboro. Mayor Voller asked Mr. Bass if he wants to bring the zoning map up so everyone can see what you are excluding or not? That should be understood...we are not a big monopolies'. Commissioner Turner said when you say they want to put one in Pittsboro, like a gaming casino, is that what you mean or a room with more than three machines? Planner Bass said they wouldn't go into a lot of detail; they just wanted to know what our rules were. I kind of said we are working on it. (Referring to the zoning map), Planner Bass said the pink area is the C2. Mayor Voller said technically speaking the house right next to ...there are a lot of C2s. Planner Bass said it is the primary commercial district. I think this is really the only district that one of these things could possibly fit into. Remember the proposal is for a special use permit so the Board would see every application and it would be based on all those factors. Commissioner Baldwin asked and this is for the gaming, not for the tattoo? Planner Bass replied right. Commissioner Foley said these are residences so that means ... why are they zoned C2? Planner Bass said that I cannot answer. Attorney Messick said at the time it was done it would be a non-conforming use, but the theory was that even though it is actually being used as a residence it would be better as a commercial. 64 West has houses but it is zoned commercial. Commissioner Turner said if ever a resident decided to turn their commercial property into a business it couldn't be a residence again? Attorney Messick said it couldn't go back.

Mayor Voller said on the tattoo parlor Commissioner Baldwin thinks that perhaps with the C2 it should be a special use permit as well because there are a lot of former residential and still have people living in them. Planner Bass said although I am not familiar personally with tattoo parlors, I understand that tattoos are given at lots of places these days. Planner Bass said they are so ubiquitous – they go in beauty salons and art galleries. Commissioner Foley said that is what I was thinking because we have a tanning bed place in downtown – they could put tattoos in there. Commissioner Baldwin said I'm saying that and I'm sure other people in this community would too. Attorney Messick said tattoos are an art form now. Manager Terry said I hesitate to get in the attorney's area here, but it seems to me if we hold tattoo parlors to a higher standard than we do nail salons, beauty salons, places where you go to the tanning bed or get an ear or tongue piercing, that you might run amuck there, if you treat tattoo parlors differently from some of these other sorts of things that can have an unsavory reputation. If you want to get into having a special use permit for every nail salon or piercing salon and beauty salon that makes an application due to start doing business in town. Attorney Messick said it is more work for you all too. Commissioner Baldwin said well that is just my opinion. Everyone else may feel differently but that is my opinion. Attorney Messick said this is just a public hearing; you don't have to take any action on any of this. Mayor Voller asked if anyone else wants to say anything, nobody had signed up. Mayor Voller recognized a man from the audience and asked him to state his name and address for the record.

My name is Michael Cheek, 15 Anthony Street. I have been a resident in Pittsboro all my life. I have been well known as an artist. I have been doing my art for a very long time. People look at the tattoo as back in the day gangsters, bikers, and all types of stuff but now it has revolved into a very nice art form and I have a very nice clientele of people that I work with. I have NFL players, I have MBA players, I have R&B singers, and I am just trying to bring their revenue to Pittsboro. That is all I'm trying to do. Mayor Voller said you are saying you are an artist and it is has become a form of art. Mr. Cheek said and I am also about to be in a magazine and it is a

pretty big magazine when it comes to tattooing because I am a well-known artist in North Carolina right now. I don't want to take my revenue nowhere else because I was born and raised in Pittsboro and would like to bring it to the town. It is going to be an upscale place; it is not going to be a run-down dump. Commissioner Foley said tattoos are definitely different connotations than what they used to be. Mr. Cheek said it is way different than it used to be. Mr. Cheek said most of clientele now are people that thought it was bad and now they are getting into them in their late 30-40 year olds people are now getting tattoos because they thought it was bad but now they see it is really nice. Commissioner Foley said self expression. Mr. Cheek said I am just trying to bring to the town – I've been trying it for a couple of years now. I would like you all to just take it into consideration.

Mayor Voller said I think this is about to move forward. The only question Commissioner Baldwin has is whether it would be a special use permit which essentially means it is presumed by right with some restrictions or whether it is just going to be given by right and you have heard the argument by staff why it should be by right. At this point I think it is moving forward and you can see the district in pink there that they are talking about that would be able to do it. Mr. Cheek said Mr. Bass was telling me about the locations and I found a location that is in the C2 zoning so I am just waiting on you guys to give me the okay.

Mayor Voller asked for any more input. You have heard Commissioner Baldwin's concerns. We don't have to deal with that until we go forward with this and get it on the agenda. Can we get a motion to go out of this public hearing? Commissioner Baldwin said so moved. Motion seconded by Commissioner Fiocco.

Vote Aye-5 Nay-0

Mayor Voller said the third public hearing Pam and I need to recuse ourselves. Commissioner Baldwin said I need to recuse myself from this because I am involved in that. Mayor Voller said Pam is involved with the Chatham County Community Development Corporation as a board member and they potentially have a relationship with Brick Capital and I am involved as a board member of the Greater Pittsboro Community Development Corporation so we are working together and need to recuse ourselves from the issues here. Which puts us in a conundrum because you have to decide who gets the gavel...the senior member should. Commissioner Fiocco made a motion that we recuse Commissioner Baldwin and Mayor Voller. Motion seconded by Commissioner Foley.

Vote Aye-4 Nay-0

Attorney Messick said just as a matter of public information, there should be a sheet at your table that the new commissioners may have gotten the other day but it has a check list to figure out if you have a conflict or you don't have a conflict or can go to jail or both. You might find it helpful in the future.

Commissioner Fiocco asked for a motion to go into public hearing for item number two. Commissioner Turner made a motion that we go into public hearing for item number 2, Brick Capital Request for Rezoning. Motion seconded by Commissioner Foley.

Vote Aye-4 Nay-0

Brick Capital Request for Rezoning of Four Parcels on Small Street Ext. from R-12M to R-10

Planner Bass said this is a rezoning application 2012-01 Brick Capital Community Development Corporation proposing to rezone 2.159 acres of vacant, undeveloped property off on North Small Street from R-12M to R-10. Both are residential zoning districts, the primary distinction is that the R-12M allows manufactured housing and mobile home parks and the R-10 allows duplexes, townhomes, and multifamily units. You have in your packet the staff analysis as well as the map of the area proposed for the rezoning (outlined in red). Staff recommends approval of the proposed rezoning. The subject property is located in an area within the vicinity and adjacent to existing R-10 zoned properties. The proposed rezoning is reasonable considering the size of the tract and potential impact to the surrounding community and its specific location. It will also be keeping with the residential character of the existing land use in the area as a reasonable location for such uses as allowed in the R-10 zoning district. The proposed rezoning is also consistent with current land use plan and other adopted plans, policies and documents. The Planning Board reviewed this proposal at a special meeting on March 20, 2012, and also recommended an approval of this proposed rezoning. This is just a straight rezoning, just to be clear, there is no development plan or site specific development being proposed at this time, it is just a mapping change. As you can see there on your map, there is a finger of R-10 zonings on one side of the street and so this proposal would just be there to have the proposed R-10 zoning on both sides of the street.

I am Kate Rumley and if I could I would like to speak over here so but before I do that because of the time I don't know how long you run, and because this is just for zoning we are planning to build supportive housing and I thought I would bring a slide show that shows some of the houses that we've built. It is not very long and if you would like to see it I will play it, otherwise, I can have it wait until another night. Commissioner Foley said if you are here and set up I'd like to see it.

Ms. Rumley said I would just want to tell you first of all this is a slide show that I presented to the Chapel Hill School of Government about layered financing. When we have built houses in Lee County, Brick Capital is a CDC, a community development corporation in Lee County. That is why our name is there and we partnered with the city to build several units of supportive housing. This is Brick Capital's mission, it says: "What is the American dream? We believe it begins with an investment in communities. Brick Capital Community Development together with our investors, both public and private, provides affordable housing, education, community, human and economic development to improve the life of citizens of Lee and surrounding counties." I am going to skip over that. This is a picture of a triplex. We don't plan to build any triplexes there but this is supportive housing that is in Lee County and it is a triplex. This is

another piece of supportive housing we don't plan to build this either but this is Lee Haven; it is a supportive housing for victims of domestic violence. This is the triplex again.

So who benefits from supportive housing? The community and everybody in it, the residents of the apartment, the construction company, and the workers. When we build it, it is going to create some jobs. The local banks, local insurance companies, the city or the town, and the funders because the funders come to us to spend their money, which is good because we bring money in from outside the area. And, of course, the community.

Who are the partners when you build supportive housing? We use the housing finance agency out of Raleigh; the Federal Home Loan Bank of Atlanta, sometimes the developer puts in money, community development block grant money, the town or city, and the county. We get money from all over so it becomes layered financing. This is a duplex. This is one of the buildings that we plan to build. This is the same building in a different lot. It is a duplex that has two bedrooms. Both of these are for people with disabilities. This is another picture of the duplex and these are the kinds of apartments that we build. We keep them landscaped; we take care of all the maintenance. Our tenants, in this case, do not pay any electricity or any water. We pay all of that and all they pay is their rent. That is what I wanted to show you.

When I look at an apartment or a project there you have all the stakeholders who have a financial interest but there are other stakeholders. In this case, we got money from the State Employees Credit Union, but the other stakeholders are the community, the planning department, disabled individuals, the caregivers, the neighbors, and the whole community. This is a budget and from here on out there's nothing that I need to show you so that's the end. If anyone has any questions and you want to entertain them I'll be happy to answer them. Commissioner Fiocco asked for any questions from the Board.

Commissioner Farrell asked do you guys have an application that you go through to see who is in your houses or qualifications or anything like that. Ms. Rumley said for our houses we put in an application to the housing finance agency and the housing finance agency determines whether they are going to chose us or that project based on the application. Commissioner Farrell asked is it going to be local people, Pittsboro people, and residents of our community. Ms. Rumley said that is one of the keys of this project and that is one of the reasons why the Mayor and Commissioner Baldwin stepped down because Brick Capital has experience in building supportive housing and there are two CDCs here in Pittsboro and they are going to partner with us during which time they will shadow me in a sense and they will give me names of contractors to bid on this project. Then when the project is built hopefully the idea is they will have an office in one of the buildings and they will oversee the management of the units. So the idea of the whole thing is share information to share learning, to make it so that the Chatham CDC can gain experience from Brick Capital. Commissioner Turner said I think what he wants to know is how do you find the residents? Ms. Rumley said it depends on the funding but in this case, typically, we will call the housing authority and see if the housing authority has any disabled people who need housing. There is also an income ceiling or limit. The person cannot be above a certain income. We check in the neighborhood. It would typically be somebody from this community. In our community in Sanford, we just rarely had someone from outside the community and then it

has been because some family member lived in the community and they wanted to bring them there from somewhere else. We currently have five units in Pittsboro and we were given those five units because the North Carolina Housing Finance Agency owned them. They didn't want to own them, they were owned so the organization that previously owned them went bankrupt so they wanted to find someone with experience to run these units. So we have five units in Pittsboro at this time: four of them are on Old Graham Road and one is on Eastwood Street. So we are already working with people locally, the housing authority and people to do things for us there.

Commissioner Fiocco asked Mr. Bass for the distinction from R-12M and R-10 includes that R-10 is suitable for multi-family units, apartments, so the idea of having an office in one or part of these units would not be contrary to the zoning? Because apartments typically have some kind of management facility, so I assume if that's permitted? Planner Bass said that is customary use associated with multifamily housing. Commissioner Fiocco said I wouldn't want a zoning for R-10 claim to have an office and then for some reason that not work out. The other question has to do with North Small Street. It says it is a local street only partly within the town's system? Help me understand that, please. Planner Bass said the Town only maintains x number of feet. Commissioner Fiocco asked if it maintains the entire right of way. Planner Bass said no, it is unimproved, so obviously it is part of the development process that the street would have to get built. Commissioner Fiocco said so you are saying adding paved roadway to the system because the public right of way is clearly the Town's responsibility.

Commissioner Foley made a motion that we go out of public hearing. Motion seconded by Commissioner Turner.

Vote Aye-4 Nay-0

Commissioner Foley made a motion to bring Commissioner Baldwin and Mayor Voller back in. Manager Terry suggests that we adjust the order so that we go ahead and take your vote on this before you bring Mayor Voller and Commissioner Baldwin back and then we will deal with the other two, and save some steps. I think the agenda has going out of public hearing and old business. Commissioner Fiocco said we would have to move Old Business number 4. Manager Terry said it was just a suggestion if you wanted to not have to go through the recusal steps again later you could do that now. Commissioner Foley asked if we need a motion to do that. Commissioner Fiocco said lets go with a motion. Commissioner Turner made a motion to move Item 4 of Old Business to Item 1. Motion seconded by Commissioner Foley.

Vote Aye-4 Nay-0

OLD BUSINESS

Brick Capital Request for Rezoning of Four Parcels on Small Street Ext. from R-12M to R10

Commissioner Fiocco said I believe staff's analysis is that it meets the goals of the land use plan. I think it is the kind of rezoning that is perfect for a straight rezoning without conditions and

without plans. I think it is the kind of thing we want to do. Commissioner Fiocco made a motion that we approve the rezoning. Motion seconded by Commissioner Foley.

Vote Aye-4 Nay-0

Motion passes. Property is rezoned.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 6-7

Ordinance reads as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF PITTSBORO

WHEREAS, the Board of Commissioners of the Town of Pittsboro has considered the application of Brick Capital Community Development Corporation to amend the zoning map of the Town of Pittsboro to rezone the property described on Exhibit A attached hereto and incorporated herein by reference from R-12M to R-10 pursuant to the provisions of NCGS 160A-385 and Article X of the Town of Pittsboro Zoning Ordinance and finds that the amendment is consistent with the Land Use Plan of the Town of Pittsboro; and

WHEREAS The Town Planning Board reviewed the application in detail, considered public comment and forwarded the request to the Town Board of Commissioners with a positive recommendation for approval; and

WHEREAS a Public Hearing was held on March 26th, 2012 to solicit comments and concerns which were duly considered and acknowledged; and

WHEREAS, the Town Board of Commissioners makes the following findings and conclusions:

1. The subject parcels, located on North Small Street, Tax Parcel ID #'s 83208, 83209, 83210, 83211, and as shown on Subdivision Plat 2006-4, Jonathan C. Starr and Lindsay Staff, Lots 2, 3, 4, and 5, are located in an area that is adjacent and within close proximity to existing R-10 zoned property.
2. That the Board has examined the application and associated public testimony to rezone the property described in Application REZ-2012-01 and incorporated herein by reference and finds that the amendment is

consistent with the Land Use Plan of the Town of Pittsboro and other applicable adopted plans, policies and documents.

3. The proposed rezoning is a reasonable location for residential uses and would be suitable for those uses permitted within the proposed district.
4. The proposed rezoning is reasonable considering the size and location of the tract and the potential impact to the surrounding community.
5. The proposed rezoning is in the public interest due to the expansion of equitable housing opportunities.
6. The location is subject to relatively low traffic volumes compared to other locations within the community.

BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro as follows:

1. That the property described on Exhibit A attached hereto and incorporated herein by reference and in Application REZ-2012-01 and incorporated herein by reference, be rezoned from R-12M to R10.
2. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

Commissioner Foley made a motion to bring Commissioner Baldwin and Mayor Voller back to the meeting. Motion seconded by Commissioner Fiocco.

Vote Aye-4 Nay-0

Mayor Voller said for Ms. Rumley to continue to work with Mr. Bass and go forward.

Mayor Voller said since we have some people in the room and we just went around this to deal with Item 4, do we want to deal with Item 2, since we have Mr. Jewell in the room? So we are going to deal with Item 2 first.

Draft Jordan Lake Watershed New Development Stormwater Ordinance. Manager Terry, Planner Bass, and Mr. Doug Jewell

Manager Terry said the Board has in front of it a draft Jordan Lake Watershed New Development Stormwater Ordinance prepared by Jewell Engineering. The attached resolution we recommend that the Board approve the text of this draft ordinance for submission to the State of North Carolina for approval. We are not recommending that the Board adopt the ordinance tonight, only that they approve the text for forwarding to the State.

If the Board may recall, on February 27, 2012, you authorized us to hire Jewell Engineering to prepare this draft and they have worked with us to accomplish that. We distributed this a little

early because it is a rather lengthy document so the Board could have a chance to review it. We have already missed one deadline of the state but we need to submit in order to get this to the Environmental Management Commission. We hope we can respond to the Board's questions tonight and incorporate any changes and move this draft ordinance along to the State hopefully by Wednesday of this week. With that I will turn the briefing over to Mr. Doug Jewell of Jewell Engineering.

Mr. Jewell said you have that in your packet and that is going to be the topic of my initial discussions here tonight. Let me just say we at Jewell Engineering, I in particular, appreciate the opportunity to work with you on this issue and so we look forward to moving forward and getting the State comfortable and with getting you all comfortable as well in this issue. My presentation, this is where all the pretty pictures are. I will give credit to whoever developed your website that is where they came from. The rest of it is just text and it is not too exciting, to be honest with you, but it is important and as I'm going through this feel free to interrupt me if you wish and ask questions and make comments as we go along.

These first few slides, I just want to go back and review with you for a few minutes this Jordan Lake stormwater rule that you are faced with. This is referring to the fact sheet for the most part that you've got there and I just want to hit some highlights, I don't want to go into detail over all this, but I just want touch on some highlights here. The first section there, this first group of items here, the stormwater rules relating to new development, that is what we are talking about tonight and what it is going to mean to you as the Town of Pittsboro and what you are going to have to deal with as this thing unfolds and develops are these items. You are going to get into the business of dealing with stormwater site plans, which is something that hasn't been high on anyone's priority list maybe forever but it is something that this Jordan Lake rule requires. You are going to see developers, when they come to town to develop pieces of property or when they are going to redevelop existing development in town that the redevelopment process would then result in an additional built-upon area, an impervious area, those kinds of activities are going to require stormwater site plans. You already have a set of water supply/watershed regulations that were adopted here a number of years ago and those rules will stay in place. The Jordan Lake rules are not going to replace the water supply/watershed rules, they are going to more likely augment them as you see them unfolding.

One of the big parts of this legislation and part of the requirement is that wherever these BMPs and this is one of those acronyms that come with the territory, BMPs are best management practice, it is a stormwater best management practice and it typically is something that is built...something that you can actually see and touch. One of the realities of all of this is that it is going to be necessary that there be maintenance and operation program for each BMP that is built here in Pittsboro. That BMP then becomes something that has to stay in place forever. There is no sunset for these things. These are things that you've got to deal with for what we see as the future. And then the local government is responsible as a part of this program to ensure that all of the above happens. You are responsible to enforce the program and make sure the program is complied with.

Those are the highlights on the new development rules and we are going to go more detail into that a little bit later with the ordinance itself. Also, other components of the program...this whole program is intended to improve the water quality in Jordan Lake and it is not just new development that is going to bring that about, there are a whole bunch of other components that the State has identified as being major players in this stormwater water quality business. So one of the things is to recognize is that there are nutrients coming into Jordan Lake, primarily phosphorous and nitrogen are the two ones that are of interest here. These nutrients are already coming into the lake and there is a need to slow down the entry of nutrients into the lake in addition to controlling nutrients that is coming in through new development. So one of the things that the State does is recognize that it can't all be accomplished in one location, even in one town. So they provide ways to deal with this nutrient loading situation and one of the things that they do is that they set standards for new development to say that certain amounts of nutrients are allowed to be discharged from new development but, in terms of reducing the overall nutrient delivery to Jordan Lake, you have got to have a certain amount of reduction in new development. So they say that there is a minimum on-site reduction in the amount of nutrients that can come off of new development but they also recognize that if a piece of property is developed and there is no way that you can achieve the ultimate goal that they need that they want to see reduction in the nutrient delivery from that particular property, if you can't achieve it all on that site, then they give the developer, the property owner the option to go and purchase nutrient reduction credits from other places within the watershed, so that is what that last bullet deals with there is the opportunity for local developers and property owners to achieve these nutrient reductions with both on-site and purchase credits in the watershed.

There are other rules in place and you are already dealing with the stage one of the adaptive management program, the CWP, and you are meeting your educational requirements through that program. Another component of the State's adaptive management system is the development of a MS4 system map, again another acronym; MS4 is the municipal separate stormwater/stormsewer system. As it stands today, the Town of Pittsboro it is not mandatory that you all develop a map at this stage, although you can probably expect that the State is going to come in and say you have got to have a map at some point in the future, whether that happens in the next year or two or three or four years down the road, it is hard to say. It is not mandatory right now but it would be helpful to have that map. That map will show things like information you have already got like zoning information and land use information around the town and it would also show the drainage patterns around town, it would show the interrelationship between the drainage patterns and your sanitary sewer system. There is a lot of good information that comes when you develop one of these maps so even though it is not currently mandatory for the Town of Pittsboro it is something that I would recommend that you consider.

You have to get into the business of the illegal discharge, detection and elimination process. That means you have got to have a program where you go out and search in likely areas for illegal discharges of pollutants into the environment. As it stands right now, through your annual report that went in, in conjunction with Chatham County last fall, the statement regarding the status of the illegal discharge protection elimination system is that you are developing an ordinance that authorizes you, commits you to perform in this function so that is out there to happen in the coming annual cycle which ends in August of this coming year.

Also you are directed to go out and find retrofit opportunities. Retrofit being to take existing stormwater management features that might be things like detention ponds that are existing in the town or other things that could be, if they were converted into a stormwater quality BMP, then you could claim credit for this retrofit thing. This particular item, this retrofit item, is the one that is going to be a costly component of this program in the coming years as the State raises the requirements for retrofits. We have worked with other local governments, based on data that is available out in the industry right now, we are working with the Town of Chapel Hill and we have done some very cursory estimates on the costs of doing retrofits to the State's standards in the future, in the next 10 to 15 years, they would be looking for \$150-\$250 million worth of work to retrofit if they maintain these standards and keep them in place. We are not 100% sure that is going to be the case going into the future, but as it stands right now they haven't backed off so that is something that would be of significant concern for the Town of Pittsboro going forward. Not immediately right now but something to think about in the future. And, again, this BMP maintenance component of the program is critical.

Stage 1 is in place now and is continuing to monitor the health of Jordan Lake and if Jordan Lake does not start to improve by the year 2017, then the State has in their regulations the authority to go to Stage 2, which would kick in things like the requirement to go to retrofits and that sort of thing. Mayor Voller asked what are considered illegal discharges. Mr. Jewell said the law of the country through the federal government is that anything that is not stormwater that is discharged into the environment is considered to be illegal. Now there are some caveats to that, things like, for example if you had a fire over here and the fire department goes to put the fire out and they spray the building down and, obviously, they are washing stuff off that building and out of that situation that would, otherwise if weren't an emergency, would not be environmentally sound. But there are caveats and exceptions to the rule but generally anything that is not clean rain falling out of the sky is considered to be illegal discharge.

Mayor Voller asked how is Senate Bill 709, hydraulic fracturing, going to get around the illegal discharge issue. Mr. Jewell said supposedly, and I'm certainly not an expert on that technology, anytime there is a discharge to the environment like that the discharger would have to get a permit to do it. They would have to have what is called a NPDES permit, a national pollutant discharge elimination system permit that would require the permittee to do everything that can reasonably be done to clean up that discharge before it leaves their site on their operation. Mayor Voller postulating that every one of these lagoons that they create above site would have one of these permits, we don't have a regulation in effect yet, but it occurs to me that this is interesting when considering this and that is also on the table, which would totally affect that. Mr. Jewell said there is already a standard program, and again since I haven't worked in the oil environment I'm not personally familiar with that, but I do know that for every industrial operation in the country that is of significance, that has the potential for polluting via runoff from that operation, the federal and/or the state government has already developed standards for those to require those people to meet in order to discharge into the environment. Knowing that this issue of fracking and all of that stuff that is going on I have great confidence to say that those draft permits are available and for anybody who is going to get in that business they are already complying, they are already following the standards of those permits.

Commissioner Fiocco said you made mention of anything that's not clean water falling from the sky, what about discharge of potable water such as flushing hydrants. Mr. Jewell said that raises some questions. There is concern on the EPA's part about chlorine in potable water and other chemicals that are added too, but primarily chlorine. The same question arises when you start to think about cleaning out swimming pools and discharging pool water. Generally they look for the chlorine to have dissipated to the point that it is not a threat to the environment and there are certain things like that...that would be one of the additional exempted items that would be allowed. Mr. Jewell asked Scott if he had any experience with discharging potable water. Scott replied chlorine would be a concern, I concur. Commissioner Fiocco asked but that would not be considered an illegal discharge. Mr. Jewell said as long as it is done without excess chlorine. Commissioner Fiocco said so normal, not super-chlorinated water. Commissioner Foley said how about runoff from golf courses and kind of thing too. Mr. Jewell said you can imagine how hard this is to police. But the laws still are there and the state and the federal government are doing everything they can to encourage and even require where it needs to be reasonable compliance with bad stuff getting into the environment. Golf courses are being encouraged, and some places mandated, but here in North Carolina generally encouraged to do things like integrated pest management programs where they minimize the use of chemicals and they figure out better ways to feed their crop, if you will, and manage their pests without undo discharge. North Carolina has historically been an agricultural state. The agricultural industry in North Carolina has lobbied very effectively not to have to deal with these regulations in the same manner that local governments have to deal with. But, none the less, there are programs that are administered typically through the Soil and Water Conservation Service in different counties to help ensure that pollution, particularly nutrients from agricultural operations, don't get into the environment as well.

Mr. Jewell said this nutrient load offsetting is a component and related to the existing development as well. There is another set of rules out there that is related that you have already adopted here in Pittsboro, the riparian buffer rules. This is where again town reviews and approves development plans and there is a requirement for a 50-foot buffer on all surface waters draining from the town and into the lake. There is also another component of that called the diffuse flow requirement where if you are going to discharge stormwater into a buffer you have to make provisions to spread that water out and try to get it to sheet flow, that is what we call it, into the buffer. Here in North Carolina in the piedmont that is often times a hard thing to do but we have to do our best to make it happen. Just a note that DWQ, the Division of Water Quality of DENR, Department of Environment and Natural Resources, DWQ reviews and approves plans that deal with government activity. So if the Town of Pittsboro itself wanted to develop a piece of property and was dealing with these buffers and all, you wouldn't be able to self approve, you would have to submit your plans to the state and they would review and approve them. So wherever you have governmental activities or multiple jurisdictions properties don't always need to be followed the ETJ of your town or whatever, the state will get involved there. And then, again, silviculture and agricultural activities are different than what the town seats have to deal with.

We also know that the waste water treatment plants around the state also discharge nitrogen and phosphorous, they have to abide by a whole different set of regulations than do the towns

themselves for their MS4s, so this is just to recognize there are limits on nitrogen and phosphorous discharges from the public treatment works. Again, the agricultural rules, there has been set up here in the state a watershed oversight committee for each watershed, there is one for Jordan Lake, and that watershed oversight committee is the group that makes sure that the agricultural rules are in place and that they are being followed. The state is also coming out with some fertilizer management rules and that is basically going to be an educational program where nutrient management is taught to people who are in the business, commercial businesses of fertilizing lawns, gardens, sod farms, etc. However, this component of the rule will not have any limitations on homeowners, if you are the homeowner you don't have to go to class and you are given a free pass.

That pretty much gives you the broad overview of the Jordan Lake nutrient management's strategy and so let's talk specifically about the ordinance that is before you, the one that with your concurrence, this ordinance will go forward to the state. It will be reviewed by the state staff in DENR, Department of Environment and Natural Resources, Division of Water Quality, after they review it they will then pass it on to the Environmental Management Commission, the EMC a political appointee group at the state level, they will review it and then if everybody is happy at the state they will send it back and say yes, we like it, go for it, and it would come back before you and you would then be expected to adopt it as the law of the land here in Pittsboro.

These, again, are just highlights. I didn't want to get too deep in this thing; it is deep enough as it is. The ordinance will apply to the Town and to the ETJ. Your town attorney raised the question early in our discussions on this as to the authority that the Town has to apply this ordinance within the ETJ and so I went back to the state and I raised the question to the state and they said that basically the underlying authority for this ordinance is the planning authority of the local government, not the police power but the planning department. You are authorized to be the planning authority not only within your town limits but also within your ETJ and so that is how this legislation is appropriate for you to implement here in Pittsboro and that is the same for all the other towns that have to do this. It applies to all new development and redevelopment except SFR, single family residences, DUPR, duplex residential, and then something they call recreational disturbing, that is if you are building a town park or something like that then you get a pass and as long as it is under one acre. If you start to exceed an acre on any of these you are going to be drawn into it. All other disturbing activities, say for the development of a shopping center or a school or any other land disturbing activities where you are exceeding a ½ acre, as long as you stay under ½ acre you don't have to comply but anything over ½ acre you have to comply. Also, development that is exempt from the Clean Water Act, section 404, those are the wetland permits that the Corp of Engineers administers, for activities particularly for if you are exempt from those requirements then you are also exempt from this. Typically, that is going to be agricultural and silvicultural activities.

The Town needs to designate a stormwater administrator, and that is something that is going to have to be looked at pretty carefully because this person is going to need to become your expert on the subject and is going to be the person who administers the program here for the Town of Pittsboro. That translates into one more qualified person. Commissioner Fiocco asked what kind of qualifications you would suggest meet those standards. Mr. Jewell said the state has some

preferences that they would like to see. They would like to see a professional engineer, if possible. They would like to see someone who is knowledgeable about municipal stormwater administration and management and design and all the various aspects of stormwater management, surface water management. That is kind of the wish list that they would have. There are no requirements for that but they certainly don't want ... they view this program as being very important and they feel strongly enough about it that they want to ensure that qualified people do the job. They would look very poorly at the assignment of this responsibility to a low level person without the education and without the experience and knowledge.

Commissioner Fiocco said one of the items that you describe as constructive BMPs, who is qualified to design those? Mr. Jewell said typically it is a professional engineer, more often than not, although landscape architects and in some cases surveyors might be qualified. Different level governments have adopted different requirements that they would be willing to receive a plan from to review. I would say certainly professional engineers and then also within some certain guidelines landscape architects and surveyors.

Then there will be a permit required and so that permit would involve a site plan and other data and information that would be necessary to be reviewed because the Town would have the responsibility to review, and ultimately approve whatever gets built so there has to be a process by which all that happens and gets in place. Also, this one right here has a lot of implications. The things that are done on the property to meet these regulations have to be permanently a component of that property. They have to be enforceable, they have to be a perpetual restriction on the property, and it has to be typically the way that panel is that a deed restriction or an easement is placed on the property to ensure that. Again, going back to what I said earlier, ensure that the BMP doesn't get built today and then in a year or two, after the property has changed hands once or twice and new owners decide they don't like that pond out there, they would rather build another building where that pond is or they would rather make a volleyball court out of it or something like that, you have to have a mechanism by which those kinds of activities can't take place so an enforceable, perpetual restriction on the property.

There will be nitrogen and phosphorous loading limits. There is also a requirement for TSS removal; TSS is total suspended solids, which is the stuff that makes the water dirty when it leaves the site - the clay, the sand, the grit, soil. There is a component that requires a certain amount of runoff volume reduction. As with any ordinance, you have got to have a process by which people who would qualify have the ability to apply for and obtain variances. There is the requirement to have operations, maintenance, and inspection processes in place. They want to see the Town require performance security. That is basically a situation particularly for homeowners' associations, where it is very hard to put your finger on who is responsible for that stormwater pond or structure out there, they want to see that you have a requirement that ensures that somebody is responsible and that there is funds available to repair or restore it if it falls into disrepair and the owners throw up their hands and say we don't want to deal with it anymore. That has been a problem in the past and they are trying to ensure that that doesn't happen anymore.

The ordinance has to have an enforcement component to it and it has to have remedies and penalties. The remedies and penalties aspect of the discussion also was one raised by Mr. Messick and he saw that the penalty aspect of this ordinance, if it were adopted the way the state had laid out the model ordinance originally, that there may be problems if the Town, for example, has to penalize someone for not following through with their stormwater program or their stormwater approved plan or they didn't maintain it or whatever and there were penalties involved then there is a state law, and Mr. Messick you might want to correct me if I misstate this, but there is a state law that says that any penalties that are collected for criminal acts must go to the Board of Education and so the Town would not then be able to receive the penalties if they were to impose them under that statute. We did some research and found that a number of local governments, to get around having to give those monies back to the Board of Education, if the Town goes through the cost and the hassle and all of fining or penalizing somebody, they don't want to see the money disappear to some other government agency, so the towns that I talked to have approached that problem to basically decriminalize the ordinance by taking out any reference to criminal activities and it becomes an administrative activity to penalize somebody rather than a criminal activity. Attorney Messick concurred.

Those are the highlights of the ordinance and let's stop there for just a moment and let me ask if there are any questions. Commissioner Fiocco said let me clarify, it sounds to me as though the need for the performance security and the enforcement by the Town leaves the Town with the ultimate responsibility for the proper function of the facility, or is that going too far. Attorney Messick said he thinks that is going too far. The response is you are making the permittee do what they are supposed to do. Commissioner Fiocco said and if we fail at that, then what actions are taken by the state? Mr. Jewell said you can, even though this has been decriminalized, you can go to the courts and file a suit with the court, I would suspect. Attorney Messick said true. Mr. Jewell said that is also what the security aspect of the thing would also help you in that situation. Commissioner Fiocco said I know most other municipalities are collecting hefty sums to ultimately step in and maintain these things if they have to. Attorney Messick said think this contemplates that there would be a fund, either with a letter of credit or some cash or some other mechanism, that the money would be available. It is not that you would have an annual fee. There may be a fee for inspections and so forth but the fund to fix or repair or replace the structure is going to have to be created at the beginning. Mr. Jewell said typically that is a percentage of the cost to build the thing to begin with, so it can be substantial. These things could easily, we have seen them cost in the hundreds of thousands of dollars in large situations. In small situations you may be talking \$10,000. Commissioner Fiocco asked what the basis for establishing those valuations of costs is. Mr. Jewell said typically they will do an engineered estimate of both the engineering costs and the reconstruction or initial construction costs and then take a percentage of that to value reconstruction costs. Commissioner Fiocco asked if that was typically the applicant performing those duties, to be reviewed and verified by staff. Mr. Jewell said correct.

Mr. Jewell said let's just get this drawn to a close. What can you expect to see in the short term? I would say you are going to need a stormwater administrator. You are going to have to have someone to run the program, and the state is going to want that person to be qualified. It is going to take some amount of existing support from your existing staff as well. There is going to have

to be some cooperation. That stormwater administrator is going to be responsible to run your program on a day-to-day basis, they themselves will need to be trained, they will also probably most likely be training internal staff and even some public training where it is required. It is logical that that person would also be the person to review and approve plans and do the plan review administration, that whole process. I put the mapping out here. You are not currently required to develop a map but you already have a bunch of the data in your GIS and it is very logical to build on that in the coming months and years. This IDDE program, illicit discharge, detection and elimination program that would logically be a responsibility of your stormwater administrator to oversee that program and participate in it to some degree. This is a good place where you can bring in some of your support staff that you already have on board to help be the manpower out in the field for the IDDE program.

You are developing a list of stormwater-related ordinances, you already have your buffer ordinance in place, and you already have your water supply/watershed regulations in place. This is a new one added to that list so it is appropriate at this stage of the game to start to blend these things, think about blending them together. Right now, for expediency, in coordination with Mr. Terry and Mr. Bass, we have approached this problem of getting the ordinance to you and then ultimately to the state as a stand-alone ordinance, so we can get it out there and get the state to feel that you are making progress. It does make sense to start to think about cohesiveness and blending of those three ordinances and then others that might be coming down the pike to you. You are going to have to get into the business of inspections. This does not necessarily mean that you, the Town, are going to have to do all the inspections but you are going to have to see that they are done and there can be different ways to do that. You can ensure that only qualified people out there are inspecting these and reporting back to the Town so that you are not actually doing all the inspections but they are coming in from people who are doing them and, of course, you have to make sure those inspections are being done reasonably so, going out and doing verification type inspections is appropriate.

You already happen to identify and provide data on these retrofit opportunities. Somewhere down the road you can expect that you are going to actually start to do some of these retrofit projects. Again, that is somewhere in the future, but you do have to do an annual identification of retrofit opportunities within the Town and then you also have to do your annual reports. These are the items here that this stormwater administrator, and this is just hitting the high points, there is a lot of stuff that fills that out, but these are the sorts of things that your stormwater administrator would be taking responsibility for and doing for you.

Some things to think about out in the future, I don't know a lot about your stormwater capital needs in Pittsboro right now and as I'm working with your staff I am developing a picture of what is out there. But there may be capital improvements out there that haven't been able to be dealt with because you just don't have the funds to do them. But at some point in time you may want to develop a capital improvement program to deal with some of the flooding problems or other stormwater-related problems that probably exist in various places around town. At some point in time it is likely that you will want to maintain your storm drainage system, the roadside ditches, and the pipes that go under the roads and city streets, and any other connective systems. Typically when we talk about that from the local government perspective we are talking about

things that are within the right of way that are clearly on your property, not on private property. Private property, generally we encourage local governments to craft their programs so that private property is maintained by the property owners, it is not you, so we don't want to encourage you to get in to that business.

This whole program of Jordan Lake rules, buffer rules, and water supply/watershed rules is all geared towards water quality. That doesn't address flooding. So you may want at some point in the future you may want to get into the quantity management in stormwater to help reduce and manage potential or existing problems of flooding. You may want to get into the monitoring business down the road. That is probably even further down the road, maybe five to ten years away or further.

Finally, just to say that there is not help coming from the state or the feds, you have to figure out a way to pay for it. They have given you an unfunded mandate and they are telling you, you have to do something. You have got to figure out how to pay for it – just recognize that could be an issue.

Manager Terry asked Doug could you back up a couple of slides and let me interject a couple of quick things here. As we have been going through the discussions with Doug and Stewart and I, we have been thinking about how the existing staff would take this on and get it done. Our initial thoughts are that the stormwater administrator, current diagram as it exists today, would have to be Stewart, but he is not highly qualified, not an engineer, so if we name Stewart as the stormwater administrator that assumes that you would have a heavy dose of support from an engineering firm like HydroStructures and there would be a significant cost associated with that. In terms of the BMP inspections and the discharge identification piece of it, I talked to John Poteat and we think that initially, as a small program beginning to grow, there may be some bandwidth with his staff with the people that do meter reading and flushing program that we might be able to carve some hours out of their day, that once we have this stormwater system map and we know where all the discharge points from the Town are into the various bodies of water and the streams, perhaps you could have those two individuals who have the meter reading and water distribution system flushing might be able to find a few hours a day or week to go out and periodically check our discharge points. We think we have a general feel for how we might tackle these initially but at some point as the Town grows we have been talking about adding an engineer - this is additional rationale to proceed with that. But in the meantime, if we don't have an engineer I think Stewart is going to have to take the lead with a heavy dose of help from a contractor. Mr. Jewell said the big ticket item here in the short run is somebody who can meet that need and at least bridge until you can hire somebody. So this not something, other than a person, this is not something that is going to be a heavy debt from day one.

Commissioner Fiocco said one of the things we want to talk about is the edits to the model ordinance, a couple of questions. We are making reference to DWQ's BMP manual as the design manual. Is that optional in this document or is that in that state mandate that you will at least be following that. Mr. Jewell said they would entertain if you were to say we are going to develop our own and what they would expect it to be is on par with theirs. I don't know that they mandate it but you have to do as good or better than theirs. There is probably no better way to do

it. Commissioner Fiocco said there is reference to two other documents – the Department of Transportation’s Standard Specifications for Roads and Structures as well as Town Utility Specifications. Tell me why they are in this document. Mr. Jewell said most often it is just practical issues. A lot of these BMPs have hyphens associated with them and so rather than reinvent the wheel for specifications and standard drawings and that sort of thing, most contractors – when you contract to have one of these things built, most of those guys are familiar with NCDOT standards and are used to working to those standards. Also, that kind of goes hand in hand, if you’ve already got standards within your water and sewer for things like pipes and other underground features, things like clearing and grubbing specs, things that are not necessarily covered in the BMP manual. The BMP manual assumes that you’re going to clear and grub land properly. We just think it makes sense that rather than to try and write standards let’s just chose ones that are already out and are in common use so that it is why added those.

Commissioner Fiocco said I am looking at the revision and subsequent review, which is section 202, Review Procedures, so it is 202(F)(3), 15 calendar days, is the re-review time that the Town has once a resubmittal is made. You can’t increase that, can you? Mr. Jewell said that is a local preference. Commissioner Fiocco said so we could go to 30 days. Mr. Jewell said sure, I discussed those numbers with staff and that is what we agreed. So if you would prefer that we change that. Commissioner Fiocco said I can certainly see a day when development activity when staff is small and they have got this 15-day deadline and I think several things are going to happen. Not all of which are good. So I would definitely like to add to at least 30 days for a re-review. Manager Terry said but the original review is only 30 days so you ought to be able to do a re-submittal in less than the original. Commissioner Fiocco said I think the applicant can probably take as much as time as they want, or I think we have maxed out 90 days to get it back in to the Board, but now, let’s say they take 90 days, the last time the staff member saw this design was 90 days ago, it is not like they are going to know it that well that they don’t have to dig into it again and maybe the work load on their plate at the time isn’t going to let them get to it for a week. I don’t see why we would put that pressure on the Town to perform. Manager Terry said in the second paragraph, it says if it is not resubmitted within 30 days but it says 60 in the thing as a new submittal. I am not sure which we intended – 30 or 60. Mr. Jewell said I think we intended 60 and that is my mistake for not making that change. Commissioner Fiocco said the one I’m reading is 60 days. Mr. Jewell said 30 is written down I think. Commissioner Fiocco said I went back to this one that you tracked. Mr. Jewell said our intent, based on staff discussions, was 60 days. My copy agrees with Mr. Messick’s. I’ll make sure that is correct. Commissioner Fiocco said so the 90 I was referring to is actually 60? Mr. Jewell said yes. Commissioner Fiocco said again my recommendation is that staff have more than 15 days to deal with this thing. Manager Terry said we were trying to be kind to the applicants and I think when Stuart, Doug and I were talking about this, we said well, we’ve already seen it once, we said we would check with a, b, c, and d and get it back. We thought our second review would be to just go back to a, b, c and d and verify that they had done what they are supposed to do. As the Manager, I’m always happy to have more time to get something done.

Commissioner Fiocco asked can you speak to the pros and cons of accepting BMPs for town maintenance. Mr. Jewell said it is expensive and my experience with this is that the cost of running this program is not going to be insignificant at all. As the years go by it will get more

expensive, as you have to add different components to it – as you want to add different components, so my recommendation would be that at some point in time, let me just give you an example. The City of Charlotte has been doing a stormwater program since the early nineties – 1992 I think. And it took them a good 15-18 years before they started to take over responsibility for the maintenance of these on private property. And it is just a cost issue. When you think about who is best suited to do it, the town has the staff, they have the equipment and they have the know-how, they have the inclination, all that says it ought to be a town responsibility. But it is just the cost. At some point in time it might be something that you want to do but I would not encourage you to do that. Wait a few years, get your feet under you, get your program running and then you should still bring it up and talk about it.

Manager Terry asked Doug if there was some text in here we wanted to change to respond to your comment about decriminalizing this. Mr. Jewell replied I don't remember exactly what section that is in. I think it is in section 5, I believe. Attorney Messick said it was on page 30, 502c. Mr. Jewell said based on the discussion the version that you got went out before we had this discussion about the decriminalization so thank you for reminding me. Mr. Jewell said section 502c, based on my discussion with other local governments and, Mr. Messick you might perhaps want to advise the Board as to whether this is a good idea or not, but just to take 502c out might be the best thing to do in that regards. Attorney Messick said Mr. Jewell stated the issue and it will work either way, it is just the Board of Education is going to get the fruits of your labors. But the point of penalties is to make somebody comply; it is not to make money. Sometimes the quickest, cheapest, easiest way is to go the criminal route. But you just have to understand that if you do go the penalty route, the civil route that the clear proceeds of that goes to the Board of Education. Manager Terry said that is not widely understood across the state. I get calls all the time from people who think that when a Pittsboro police officer writes a speeding ticket that the town gets the money, it's not true; it goes back to the State. Attorney Messick said it is the constitution that requires that, not just the statute, so it is a big deal. That is why the cameras have not been too terribly popular. Manager Terry said so I think that our recommendation is that we just strike C from this? Is that correct? Attorney Messick said yes. Mr. Jewell said yes. Commissioner Fiocco said I can support that. Manager Terry said you can always put it back in later if you want to.

Manager Terry said eventually we need a motion to authorize me to send this as amended with the various comments we have taken and various corrections to just approve the text for now and send it to the state for their review and approval, and if the state says they are happy with it we will bring it back to you later for adoption as a Town ordinance.

Commissioner Fiocco made a motion that we include the modifications discussed, making the re-review 30 days, and striking the criminal portion of the document. Motion seconded by Commissioner Baldwin.

Vote Aye-5 Nay-0

Mayor Voller asked about the follow-up that Commissioner Baldwin brought up. Do we go ahead and ask it right now? Commissioner Baldwin said I think it would probably be a good thing to go on and actually advertise for an engineer in as much as what it is going to cost to

even consult about this type of structure, because that is who we would have to consult with to be in compliance with what we are trying to do. Manager Terry said I can bring the Board a budget ordinance at your next meeting. We have the facts and figures and have had them for three years about what the related costs for creating that position would be and it is very easy for me to bring you a budget ordinance at your next meeting that would amend this year's budget for we are already approaching the fourth quarter, so it wouldn't be a lot of money for this year it would be for the upcoming budget year if you make the commitment now that you are going to have a county engineer wouldn't be a lot of dollars in this fiscal year because by the time we get them hired we would probably only have two months left in the year. Commissioner Foley said you would have to update the amount of work load that would come with the additional hours that we would need to hire. Manager Terry said when I bring you this item back I will need to remind the Board, especially the new Board members, that this is not an insignificant cost and that it entails some additional office space, a vehicle, and a bunch of other things, so I can bring that back at your next meeting. I hope to bring you the recommended budget at your next meeting. That is sounding more and more ambitious every week but that may have to slip if the schedule gets a little tighter than it feels right now. Is that the guidance you want me to bring a budget amendment? Commissioner Baldwin made the motion to bring it. Motion seconded by Commissioner Fiocco. Mayor Voller said so to bring all the information back to the next meeting. Commissioner Turner asked can you also provide us with information about how much HydroStructure's supplemental help would cost for Mr. Bass, to compare that. Manager Terry said that would be sort of trying to forecast the future a little bit. One thing I have done before is I can bring you back a bi-month itemization of what we are currently paying HydroStructures just for their work. Right now they review site plans, they inspect commercial construction sites, they represent us on the technical review committee of the Jordan Lake Partnership and just off the top of my head I can't give you a grand total but it is approaching \$60,000-\$70,000 a year already. Commissioner Turner asked is it your opinion that if we had an on-staff engineer that they would be handling not only the things that we are currently paying HydroStructures to do as well as manage this position? Manager Terry said you are never going to get out of the business of hiring a consulting engineer, even Raleigh with probably 30 engineers on staff, hires consulting engineers for specific projects. My personal experience in Chapel Hill has I think eight engineers, they do bridge inspections, they do their own plan review, and they manage the Powell Bill and the CIP for street and road construction, sidewalks and all that, but if there is a major construction project or a major piece of engineering design work to be done in-house engineers, in Chapel Hill, do not do that. I am not familiar with Raleigh, they probably have 30 engineers on staff and maybe they do some small projects in design. Nobody keeps all of their engineer work in-house, even Charlotte. So that is a long way around the barn to say no, we would still be hiring HydroStructures from time to time, specifically around their expertise on our water and sewer system and the mapping thereof and pressure zones and whatnot. And it kind of depends on the engineer you hire. There are electrical engineers, mechanical engineers, civil engineers, I think we would be looking for a civil engineer with experience with utilities, municipal government, and engineers are like hiring a doctor. You can hire a family practice doctor or you can hire a neurologist, but you can't find one doctor that knows every specialty. But we will still be hiring engineering consultants from time to time. Commissioner Baldwin said it would still be an advantage to have our own engineer. Manager Terry said absolutely, we are spending \$100 an hour now to have Becky Smith, very talented and she is doing a great

service for us, but she represents us at Jordan Lake Partnership meetings, she goes and sits in four-hour meetings so that Pittsboro has a presence at the table and it is very important that we do have a presence at the table, we don't want to get left out of the whole process and the allocation of the remaining what's available at Jordan Lake. I started going to those meetings and looked around and I was the only town manager in the room and the only non-engineer in the room and it was pretty clear that was mistake. Becky would get relieved of that responsibility and our town engineer would take it on.

Vote Aye-5 Nay-0

Mayor Voller said Mr. Terry will bring us all back this information at our next meeting.

Mayor Voller asked Scott do we do any water tests south of the circle when we test for TTHMs and HAAs. Scott Jewell said we do Town Hall and Chapel Ridge; those are our two required sites.

OLD BUSINESS

Grant Acceptance: Rural Center Building Reuse and Restoration Grant for Alpha Install

Manager Terry said this is an item the Board has seen before. As you well know, we have applied for this grant from the Rural Center. We got a letter dated March 5, 2012 and a copy of that is attached, where we were informed that we had been awarded the grant. Terms of the grant require a 5% match from the Town, or \$6,400. Also the terms of the grant require that the recipient shall create 16 new full-time jobs within the 24-month period after completion of their project. I am pleased to report that Dianne Reid, of the EDC, has volunteered to help us take on the role of monitoring and verifying that the numbers and jobs created and the length of retention of those jobs. She has experience in doing that in her role as president of the EDC and is willing to do that for us. The staff recommendation is that we accept the grant and we also amend the budget. The budget you see here looks like a capital project budget and that is on the advice of our auditor. I checked with Lynda Ward and asked her what was the best way to reflect this in the budget since it is going to bridge over two years and it would be fairly complicated if we allocate the money this fiscal year and the project doesn't get done and we have to do an accounting at the end of the fiscal year and reallocate it and it is just cleaner from an audit point of view if it is done in a capital style project budget so that was her recommendation and why the budget appears in the format that it does. The other point I'll make before the Board enters into discussion is I want to make one correction on the resolution at Mr. Messick's suggestion. If you go to the last be it further resolved, it says to sign and execute necessary contracts and promissory notes, we want to strike the term "and promissory notes." Attorney Messick correctly points out that the promissory notes are between the grantee, Alpha Install, and the Rural Center and nobody from the Town will need to sign that. So after "contract" strike out "and promissory notes." If anyone has any questions I will be glad to try and answer them.

Commissioner Farrell said I know this came up early after our elections, are we to be refunded back our 5%? Manager Terry said we have an informal offer. I think the Mayor can perhaps

speak to that. Mayor Voller said I believe they gave an informal offer as part of some how to monitor. There is a way that it can be done, as Dianne Reid stipulated, but that would have to be... Commissioner Farrell asked shouldn't that be in the resolution? Mayor Voller said that is an issue that should be taken up between us and the Rural Center. Commissioner Farrell said I thought we understood that we were going to be reimbursed. Manager Terry said my advice on that would be if the Board wants to accept the offer of the grantee to pay that money you could just instruct me that we should receive that check prior to the signing of any contracts between the Town and the grantee and before signing any promissory notes we should receive that check and deposit it into miscellaneous revenue for the Town. That would be the simplest and cleanest way to do that. The way the grant is structured is there has to be a town match of \$6,400. It doesn't say that the grantee pays that. The grantee is already paying another amount identified there. If the grantee wants to make a donation to the Town in that amount I'll happily accept it and deposit it. Mayor Voller said he thinks that is what Diane was referring to. Manager Terry said if the Board stipulates that I have to have that check in my hand and have it deposited before I execute this then we can add that as another. Mayor Voller said perhaps Mr. Terry can talk to the Rural Center about how it is handled and talk to Diane. But I know that the applicant made the offer but I don't think it can be in the resolution, I think it has to be separate. Manager Terry said if the Board tells me not to execute the agreement until I've got that money I won't execute the agreement until I've got the money. Mayor Voller said we are the intermediary between the Rural Money and the people doing the work. Dianne Reid is going to do the monitoring with EDC essentially. Commissioner Fiocco said I just heard the description of monitoring for the job but I think during the presentation she was monitoring the construction as well because I was very curious to think that they had people who were qualified to do that thing and they did say that the EDC was going to provide that service to the Town for the Town. If not, who do we think on staff is willing review the contractor's payment applications to ensure it was done. Manager Terry said it was my vision that Mandy Cartrette would be doing the grant administration and in discussions with the Rural Center, I called them and ask them how is the cash flow work on this thing? Are we just going to write the grantee a check for \$128,000 and he said, no, not at all, they will as they do work monthly they will send you pay applications with copies of checks that they have paid their vendors and then I said, okay, then what happens, do we reimburse them? He said no, they send it on to us and then we will cut a check to the Town, the Town will deposit that check in their accounts, and then the Town will write another check to the grantee, which is very convoluted, it is a long way around the barn to the money, but that is the caveat. Commissioner Fiocco said the other thing that strikes me as odd is on Exhibit B, Payment Schedule, it talks about the Rural Center will make all the checks payable to the local government grantee. The Rural Center will reimburse 50% of the eligible expenditures submitted. So it sounds like they have a 50% retainage of money and does that mean now that the Town is going to take care of the flow on that and when do we get the \$64,000, because assuming it is 128, at the end of the project, we have only been fronted 64 from the Rural Center. I don't see anything in this document that says when we get the remainder. So my question is, yes, how do we make the cash flow here? Mayor Voller said my understanding is that the 50% is predicated on they got \$256,000 of eligible up fed and the 128 is the 50%, so that if they are submitting \$100 for something they are only eligible for being reimbursed 50%, so they have to do upwards of \$256,000 of certified work to get the \$128,000. Manager Terry said I think the Mayor is correct. I think the way the Rural Center representative explained it to me is that when

we submit a claim they will turn it around in about two weeks and send us a check for the full amount. Then we deposit that in the Town's accounts and turn around and write a check to the owner. Mayor Voller said I am aware that the Town's architects are actually working with these clients so they would probably be one of the people involved with some of the certification with Mandy and the EDC. Attorney Messick said the proposed financing indicates that Alpha Install is going to be putting in \$358,000. Mayor Voller said which is above the 256, so essentially that's what I was told by Melody Adams that they are reversing 50 cents on the dollar. So they are not intending to do what Mike's talking about. They are not going to give you the whole \$256,000 but it is incumbent that the applicant would be submitting invoices and proof of work that would be getting the money in those chunks. So if they did \$100,000 worth of work we would only give them \$50,000 to the Rural Center. They are not going to get money above and beyond what is represented. That's what we were told. Manager Terry said and depending on how this project unfolds the speed in which they do it, we may be able to do quarterly draws. It sounds pretty cumbersome to have to do it every 30 days, might be pretty onerous and I think maybe after we sit down and talk with the owner and the project manager over there they might agree upon doing a grant claim every 90 days. If they proceed fairly quickly maybe we can do the whole thing in two or three claims. It seems like a lot of paper to move money around...they send a claim to us, we send it to the Rural Center, the Rural Center sends a check, we cash it, write another check and we pay the applicant. Commissioner Farrell asked so when is our money returned? I haven't heard an answer yet. Mayor Voller said it could either be returned before Bill executes the contract or at some point before we disperse the first funds. But in either case you can request for reimbursement subject to what the applicant represented to the Town back in December or January. I am pretty certain that they are going to want it before. Manager Terry said if the Board directs me I will call the beneficiary of this, the grantee, the Rural Center thinks we are the grantee so I guess it is the owner, to use their terminology, till we are ready to close this deal come on over to Town Hall and bring me a check for \$6,400 and we start signing some documents. Attorney Messick said one of the things I think Mr. Fiocco had asked about previously was collateral for this on the event of repayment. In the contract it says if the jobs are not created then they will pay the money back or some portion of the money back. Do you all want to have collateral as well, like a mortgage on the property? Commissioner Fiocco said I think that is prudent and I think at the time we discussed that we talked about working on what would be the most agreeable form of surety. Have there been any discussions with the owner? Mayor Voller said he is not sure that there has. Mr. Messick asked if there was a deadline for accepting this. Manager Terry said I believe there is, does the cover letter not say that? Mayor Voller said Mr. Messick I think you could probably just do a second on the property and then we would be sure, there is plenty of equity there. Manager Terry said another suggestion is that for a company that is putting upwards a \$1 million in this project, couldn't they just put \$128,000 in escrow somewhere? Mayor Voller said I don't think they would want to do that. Manager Terry said they don't seem to be impoverished. There is no better collateral than money. Mayor Voller said that what you are establishing here is if we do another one of these we want to do it in a way that other building owners, think of other people who have buildings downtown. Are you going to go and say, hey, put all this cash. You are going to want to do something that is going to work for them so they can get this building together. Commissioner Fiocco said one of the things I was concerned about was the language that said that the Town would have to do everything in its power to recover the money. And I had an email exchange with Melody Adams and ask her if a

lien would be sufficient evidence that the Town is doing everything that we can and basically she agreed that that was an acceptable path so I think the lien on the property is the way to go. Mayor Voller said I guess the motion would be to accept this with directing Mr. Terry to ask for \$6,400 upon signature, that would satisfy Commissioner Farrell, and add a surety which would be a second on that property that would terminate I guess when our obligations were terminated? Someone needs to make a motion to that effect unless someone else has something to add.

Commissioner Fiocco made the motion. Motion seconded by Commissioner Farrell. Commissioner Baldwin has one question about the agreement itself. It is that this agreement is entered into the 9th day of March, 2012, but on the back page it says the term of the agreement effective period shall begin on 02/29/12. Mayor Voller asked Mr. Messick a legal question - they are saying the effective date is when they actually gave the grant but they are reading that as the 29th of February. Commissioner Baldwin said but we didn't enter into the agreement on that date. Commissioner Baldwin asked if that was a problem or not. Mayor Voller said the only problem I guess would be the question is does that mean that the two years is running on them, from the 29th, it probably is. Commissioner Foley said the first report is due in September. Mayor Voller said they say it terminates on 02/28, look on page 2, so essentially we are already in the two years. So I guess to be fair to the applicant we are in support of they could be out of their time period quicker than they should. Mayor Voller asked for any other questions.

Vote Aye-5 Nay-0

A RESOLUTION ACCEPTING THE OFFER OF A GRANT IN THE AMOUNT OF \$128,000 FROM THE NORTH CAROLINA RURAL CENTER FOR THE ALPHA INSTALL UP FIT OF THE VEOLIGICA BUILDING IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 17

Resolution reads as follows:

A RESOLUTION ACCEPTING THE OFFER OF A GRANT IN THE AMOUNT OF \$128,000 FROM THE NORTH CAROLINA RURAL CENTER FOR THE ALPHA INSTALL UP FIT OF THE VEOLIGICA BUILDING

WHEREAS, the Board of Commissioners of the Town of Pittsboro are committed to enhancing economic development and job creation within the Town of Pittsboro; and

WHEREAS, the Town of Pittsboro has received an offer of a grant in the Amount of \$128,000 from the North Carolina Rural Center for the Alpha Install up fit of the Veologica Building; and

WHEREAS, the terms of the grant require that the business (Alpha Install) shall create 16 new full-time jobs within 24 months of the completion of the project and retain that level of job creation for a period of at least six consecutive months; and

WHEREAS, the President of the Chatham County Economic Development Corporation has offered and agreed to take on the role of monitoring and verifying the number of jobs created and retained during the period of the grant at no charge to the Town; and

WHEREAS, the terms of the offer of a grant require the Town to participate in the funding of the project in an amount equal to 5% of the grant amount.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town of Pittsboro accepts the offer of a grant in the amount of \$128,000 from the North Carolina Rural Center for the Alpha Install up fit of the Veologica Building and;

BE IT FURTHER RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town of Pittsboro accepts the offer of the Chatham County Economic Development Corporation to perform the role of monitoring and verifying the number of jobs created and retained during the period of the grant at no charge to the Town; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Town of Pittsboro that, the Town Manager is authorized to prepare a budget amendment creating a project budget for the Alpha Install Building Reuse and Restoration Project and transferring \$6,400 from the General Fund balance into the Alpha Install Building Reuse and Restoration project ordinance as the required 5% local match to the \$128,000 grant; and

BE IT FURTHER RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town Manager and Mayor are authorized to sign and execute the necessary contracts with the North Carolina Rural Center, Chatham County Economic Development Corporation, Veologica and Alpha Install as necessary to formalize the terms of the grant.

Mayor Voller said that is good news. It is the first one in Chatham County that's been done and hopefully Chatham County and Pittsboro can do a few more of these.

Voluntary Annexation of the Northwood High School Property

Mayor Voller said it seemed like the Board wanted to table this for more information unless you want to take action on it now but it didn't seem like we had a consensus on it. If you want to table it you need to table it for future reading and put a time/date stamp. Attorney Messick said we don't need to do that. Mayor Voller said so we can just table it indefinitely and deal with it when we want. Alice established it is sufficient the request, so this is just for us to discuss what the terms would be and whether we will do it.

Commissioner Fiocco said well I've got one question. The documents that I've received included a blown up version of a deed. Attorney Messick said he thinks that is the easement from CP&L, which I don't know why it is in there. Commissioner Fiocco said I don't know either, because it is a property in Siler City so it is not part of the packet. So Mr. Messick, the thing that we thought would be an old survey is just a drawing with topography on it and meets and bounds, doesn't identify the property in any way, shape or form. Attorney Messick said that doesn't, no,

and I don't know where that came from. Commissioner Fiocco said it was stapled. Attorney Messick said the map is the 1969 map by Smith & Smith Surveyors, which is incorporated into the legal description of the deed. If you want to see the actual 1969 map it is not in your package but I can get that for you. Commissioner Fiocco said I think the statute says that you have to have a map with meets and bounds on it. Attorney Messick said the legal description would be the same thing as is in the deed but if you want to see a picture we can get that. Mayor Voller asked Commissioner Fiocco if he is asking to see the map. Commissioner Fiocco said yes, I think so. Attorney Messick said I'm sure Mr. Logan will be glad to furnish it.

Mayor Voller asked do we want to communicate back to Mr. Logan some of our concerns and questions or just send him the comments from the public hearing. Commissioner Fiocco said I think all the discussion in the public hearing is probably good information for him to hear. We are concerned about revenue as much as they are. And as Mr. Terry points out, it is a more substantial percentage of our budget then theirs and I think that is worth consideration. Mayor Voller said one thing is we like the map; communicate back to them what the Board talked about and the public input. Manager Terry said if I understand my homework I am to get a copy of the plat and send a copy of the minutes of this meeting to Superintendent Logan. Is there anything else the Board needs before we bring this back? Commissioner Fiocco said I think it would be prudent to have an analysis of what it costs us to provide that service, water and sewer. Commissioner Foley said we want to follow up too about whether it has been at different rates. Commissioner Fiocco said I think it has been established that we can have separate. Attorney Messick is that a true statement that we can have different rate schedules for satellite annexations? Attorney Messick said when we had our discussion you can have a different rate to have it higher, I'm not sure you can have a different rate to make it lower. Commissioner Fiocco said than in-town rates. Attorney Messick said that is the difference. You can make it higher because of extra costs. Commissioner Fiocco said right, I think that's where we are headed with this too. That it costs us more to provide service out there than it does in town. Attorney Messick said yes, you can.

Commissioner Foley made a motion to table. Motion seconded by Commissioner Fiocco.

Vote Aye-5 Nay-0

Text Amendment on Electronic Gaming

Mayor Voller said the only bugaboo that seemed to come up was Commissioner Baldwin's concern about tattoo parlors being allowed in C2 versus a special use permit. Mayor Voller said during my brief sojourn being recused from you I asked Mr. Bass about this and his preference is that we do not pre-ignore special use zones so that every time you turn around we have special use requests. He would rather we have it as a clearly defined language so as to avoid having to go through hearings every time someone wants to put in a tattoo parlor. Commissioner Baldwin said if it is clearly defined language. Commissioner Fiocco asked what additional language...are we thinking of additional language? Mayor Voller asked Mr. Bass if there is anything that we need to be cleared that was in here or anything that needed to be added. I think what Commissioner Baldwin is trying to avoid is the kind of tattoo parlors you might see ...

something that is unseemly or something was in a house somewhere. Planner Bass said obviously they have to comply with the zoning ordinance but there would be other ways or means if something was not being utilized and functioning in a positive manner. Those avenues are always open. My experience in the last town I was at was that we had a number of tattoo parlors and like I said the old ones were kind of what you maybe remember back in the day but the new ones we were getting – one of them was in the art gallery – one of probably the nicest looking storefronts downtown. That seemed to be one typical of the new stuff. I don't envision we're going to get a ... suddenly everybody is going to move to Pittsboro. Commissioner Baldwin said I would hope not but I still want to make sure that we have things in place if there are any situations or any problems that arise. Commissioner Fiocco asked what classification a tattoo parlor would have to adhere to as far as parking standards. Would they be retail? Planner Bass responded yes, I think there is a general provision in there. Mayor Voller said if that satisfies everyone can we hear a motion on that. Commissioner Fiocco said one thing I don't think we have here is the fact that we have special use permits and we talked about we have a license fee and a annual fee for computer gaming but we've not established any numbers so to enact the ordinance without this information if somebody comes in tomorrow and they ask questions and we say, well, we've got to have it. Mayor Voller asked if that was separate from the tattoo parlor. Commissioner Fiocco said it was separate from the tattoo parlor. Planner Bass said I don't think the fee would be part of the zoning ordinance it would be part of the privilege license tax or the business license so you could adopt it. If somebody goes through the special use permit process I don't think you would come up with a fee before you could get it approved. Commissioner Fiocco said it seems to me if somebody comes in the door, puts in a valid application that is the starting point. If you change the rules after that ... Planner Bass said it is not a zoning rule change. Commissioner Fiocco said you change the policy? Attorney Messick said it will be the privilege license that is what you are changing. And until they get the special use permit, they are not authorized to do business here in town. So as long as you make a change before that. That does not necessarily include the tattoo parlors that Ms. Lloyd is plugging your ear about. But you could table this until we have changed that. If you have some opinion about what privilege license fee you would like to see that would be helpful too. Commissioner Fiocco said and we are talking specifically about the electronic gaming operation and not the tattoo parlor. Attorney Messick said Alice had raised a question about that. Commissioner Fiocco asked what a normal retail business privilege license is. Attorney Messick said I think the highest we've got is \$50. Manager Terry said my suggestion would be to take what the average citizen thinks of as similar services, which is what we were talking about before – beauty shops, nail salons, barber shops, that sort of thing. I think it is \$25. Commissioner Baldwin said I want to make sure everything is fine for the Town. Attorney Messick said we can have that for you at the next meeting if you want to wait until then. If you want to go ahead we can have it before anyone lines up for a special use permit. Commissioner Fiocco made a motion that we approve the zoning ordinance to include the tattoo parlors and the electronic gaming operations with a privilege license fee of \$50 for tattoo parlors seconded by Commissioner Foley.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE PITTSBORO ZONING ORDINANCE IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 8-10

Ordinance reads as follows:

AN ORDINANCE AMENDING THE PITTSBORO ZONING ORDINANCE

Whereas the Board of Commissioners of the Town of Pittsboro has considered a proposed amendment to the Pittsboro Zoning Ordinance with respect to electronic gaming and tattoo parlors; and

Whereas the Board of Commissioners has received and considered the recommendation of the Pittsboro Planning Board concerning the proposed amendment; and

Whereas the Board of Commissioners finds the proposed amendment is reasonable and would advance the public health, safety, and welfare of the Town; and

Now, therefore be it ordained by the Board of Commissioners of the Town of Pittsboro as follows:

That Article 5.2 of the Pittsboro Zoning Ordinance be amended as follows:

5.2.1 Table of Permitted Uses

SECTION 5.2.1

PERMITTED USE TABLE

Retail Trade

USE TYPE	C1	C2	C4	MU-PD	LUC
Drugstore within a medical office, hospital or nursing facility		X			3
<i>Electronic Gaming Operations</i>		S			4
Flea markets, open air farmers markets, etc.		X		X	4
Food stores		X	X		3
Fuel oil sales		X		X	4
Furniture, home furnishings	X	X	X	X	3

Garden center, retail nursery	X	X	X	X	3
LP gas refueling station		S		X	4
Manufactured home sales		S			4
Massage parlor		S			3
Nightclubs (except adult entertainment club), bars, taverns		S	S	X	3
Photographic developing, processing and finishing		X	X	X	3
RV, boat, agricultural implement, heavy machinery sales, rental storage		X			4
Restaurants	X	X	X	X	3
Restaurants, drive -in, drive thru		X	X	X	3
Retail businesses not otherwise listed		X	X	X	3
<i>Tattoo Parlor/Tattoo Studio Establishment and/or Body Piercing</i>		X		X	3

That Article 5.2 .3.3 of the Pittsboro Zoning Ordinance be amended as follows:

5.3.3 Regulations for Special Use Permits

Electronic gaming operations and establishments:

- a. In addition to any other restrictions set forth in this chapter, electronic gaming establishments shall be subject to the following conditions:
- b. All establishments shall be separated no less than five hundred (500) feet from any place of worship, school, day care, public park, residential use or zoning district, and any other electronic gaming establishment. The distance between any proposed electronic gaming establishments and any applicable existing use shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line of the lot on which the existing permitted use is located.
- c. Computer gaming use can be conducted or operated from the hours of 8:00 a.m. to 10:00 p.m. daily.
- d. Persons must be at least 18 years of age to enter the computer gaming area of the establishment. The age restriction applies to employees and patrons.

- e. Each computer gaming establishment will be subject to a privilege license fee and an annual fee per computer which shall be set by the Board from time to time. Such fees must be paid before the zoning permit is issued.
- f. No permit will be issued for any establishment that has an outstanding zoning or municipal code violation from the Town of Pittsboro.
- g. All persons applying for a permit to conduct a computer gaming establishment shall complete an application form. The Town Manager shall establish an application form and procedures for review and issuance of permits.
- h. All legally operating gaming operations made nonconforming by the adoption of this section shall be removed or brought into compliance with these provisions within 24 months of the date of the adoption of this section. Any business owner affected by this amortization may petition to the Town Council for an extension of the amortization period.

North Carolina General Statutes. This section does not apply to any game or process prohibited by G.S. 14-304 through 1-309 or any types of machines and devices prohibited by G.S. 14-306.1A

That Article 12.1 of the Pittsboro Zoning Ordinance be amended as follows:

12.1 Definitions

Electronic Gaming Operations and Establishments: All businesses, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the distribution is determined, by games played or are predetermined. This does not include any lottery approved by the State of North Carolina or any game or process prohibited by North Carolina General Statutes Sections 14-304 through 14-309.

Tattoo Parlor/Studio Establishments - An establishment where the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments to contact or puncture the skin.

SMALL TOWN MAIN STREET PROGRAM UPDATE (PAUL HORNE)

Assistant Planner Horne gave the following update of the Main Street Program:

At the March 12, 2012 BOC meeting I provided a brief memo and a plethora of information in the form of a printed PowerPoint from the last Main Street meeting. The PowerPoint was extensive and a lot to digest. Today I hope to articulate just a few key points.

In preparing this report I asked Robert Murphrey what he felt the top 3 take home messages were from an economic restructuring perspective. His response follows:

1. There are retail opportunities

2. There are retail development opportunities
 - a. Using vacant or under-developed buildings for retail space, upper floors for housing, offices, etc.
3. Economic incentives needed

Regarding this:

Our next meeting will begin the process of identifying possible retail businesses for a recruitment effort, as well as vacant space to put them.

Horne recommendations:

- Work with the EDC to develop and administer a Façade Grant Program.
 - Ben Townsend is working on a program for Siler City currently
- Invest in sidewalk improvements within the Main Street Boundary using existing Powell Bill funds. Horne will conduct a downtown sidewalk study to determine the areas of greatest need under Town control and feasible to complete within a reasonable time frame.
- Work with property owners to explore developing the alley behind the west side of Hillsboro Street.

NEWS BUSINESS

Appointment of a Chairman of the Pittsboro ABC Board

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to appoint Jim Nass Chairman and Ned Kelly Secretary of the Pittsboro ABC Board.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Manager Terry said they decided it was too much risk to schedule that paving until they were certain that we were actually going to move forward. In their point of view, until we open bids on the 5th and accept them and hire contractors, there are still doubts in their mind that that project is going to move forward. So they have pulled that paving off for this summer and will get it the next summer. Commissioner Foley asked if we have a schedule associated with the bid, a final completion date for certain. Manager Terry said Becky gave them I think 120 days from the date of signing the contract. We don't think it is going to take them that long. Commissioner Fiocco said anyway to kick the contract start date out until we marry up with the NCDOT paving schedule. It is going to look horrible. It is really going to be bad. Manager Terry said well we do have a deadline for the CDBG grant. We'll look at that. We have money disappear at some date. Mayor Voller said there might be a way the Town could avail upon them to do paving quicker. I mean they stop paving on the 15th of December so I'm not confident if the Town does this project and it goes as smoothly. Mike has a good point. Commissioner Fiocco said we're talking

August, September, October. Mayor Voller said the other issue is that we all know from Hillsboro Street to Powell Place there are two projects that made it to the top of the prioritization list that the previous Board approved and this Board may have seen. One of them is improving 15-501 with curb and gutter and sidewalks all the way. The other one was the sidewalk that Pam is very keen on, contacted district engineer and said if the town is in there doing this work it seemed ridiculous to spend money two or three times. Also, there is an issue that former Mayor Devinney brought to this Board a couple of times on Park Drive where it leads up to 15-501. If they are going to be doing improvement work perhaps they could get it so that the turn is right or that it is not as dangerous. That should be brought to the attention. Mr. Devinney said the entrance to Park Drive is too small. Mayor Voller asked if he was saying the apron was too small. Mr. Devinney said it is too small and with trucks coming in and out of there and you have people not supposed to be in there coming through there as a cut through. You have a telephone pole out here and if you have somebody stopped right here sometimes you can't get in. I've seen it locked. It needs to be corrected. Mayor Voller said it just seems that if we can perhaps throw this in there or advocate through the TARPO on this item, because they are intending to improve the whole thing. Mr. Devinney said you actually need a right-hand turn lane coming south into Park Drive. Mayor Voller asked does the Board want Mr. Terry to just continue to gather information and bring it back and Commissioner Fiocco brings up a valid point about this timing. But I'm not sure what you can do until you see these bids. The bids may not look so friendly. Mr. Devinney asked are they going to straighten out Main Street to get rid of the bumps. Mayor Voller said that is part of the whole process to get rid of the ripples. Commissioner Fiocco said that appear every eight years. Mr. Devinney said I hadn't intended on commenting on Main Street Program until I heard him talking about it. It happened to me the other night. There needs to be more lighting up there on Main Street. I don't know how you are going to get it but it is dark. I was coming going north and I told my wife that couple over there is going to come running right out in front of us behind that vehicle coming south and that is exactly what they did and they got caught right in front of me and froze but I was waiting on them cause I knew that is what they were going to do. It was so dark anybody else would have never known what they were doing. You have so many people who want to cross that street behind and between these cars and it is pretty hard to see and that is something that is really dangerous. I guess the trees have grown where it is not helpful. Mayor Voller asked for any other updates. Manager Terry said we had our pre-bid conference on the Hillsboro Street Line and our bid opening is on April 5, 2012. We had seven contractors show up. We were a little disappointed in the turnout. There were some contractors we hoped to see there that we did not. The contractor that did the 3M project was very, very good to work with and we hoped they would be there but they were not. But we had seven qualified general contractors so I am optimistic we will get at least two or three good bids and maybe we can proceed with this project. I think frankly that would be my advice is that rather than slowing the project down I'd take the option of accelerating because even if you were to take the action of delaying it up to match NCDOT's schedule, there is nothing to say that NCDOT wouldn't delay their paving. We don't know what their overall priorities are we could delay our project to have it match up with then and have them turn around and delay it another year. I think especially with the sunset date coming up on your CDBG grant I would recommend that you accelerate this rather than slow it down. Try to get it in the ground and then try to exercise some influence with NCDOT to maybe get them to change their schedule. I don't know if they have extra time and money at the end of the year to come on in

and get it done before they stop paving this fall. Mayor Voller said I believe Bill's advice is wise and if some of the Board members came with him to the Board meeting, once we got started, we could probably make a prevailing case to the division engineer and the Board members. I think it would make a show of real concern if we brought it to more people there. Commissioner Fiocco said and the courthouse is going to be unveiled before the end of the year.

Manager Terry said that is another part of the conversation I didn't share with you. You had asked me to talk to the county about water pressure and water pressure issues and they told me that they are fine at the new courthouse. The new judicial center they are good to go. They don't need any more help from us. But they said that they are very concerned that we get the Hillsboro Street project done because they are counting on coming out the front of the courthouse and tapping on that line to get the pressures that they need so that is another reason not to delay that project. Mayor Voller said and they are willing to prepay us fees. Manager Terry said if we have a cash flow problem with covering the development they would consider paying the excess fees on the jail line sooner than they would have. I'm not sure it gets the \$200,000 but maybe \$150,000. Commissioner Fiocco said and maybe we could pave downtown with it. Mayor Voller said so Mr. Messick what happens if they prepay the fees and then the jail doesn't get built. Do we have to refund the money? Attorney Messick said well we haven't crossed that bridge yet. Mayor Voller said he heard a rumor that they were going to put it up for referendum and if the voters decide not to fund it then it is a done deal. Attorney Messick said I think it is hard to get people to vote for jails. Manager Terry said he thinks they are changing their strategy on that. I have to verify this with Charlie Horne but I think the county commissioners have found a way to fund it other than floating a bond. I think they are moving forward with the jail. Attorney Messick said I think it is like any other contract we have for reservation of capacity, at some point they are going to use it or lose it. Mayor Voller said so we could collect the money. So how are they intending to fight fires at that building? You say they are going to pump it in. They have a pumping system inside the judicial center. Attorney Messick said a storage tank. Mayor Voller said I'm not a fire fighter but I'm not sure if that would be the only thing that I needed to rely on. We have some fire fighters in the room. Maybe they can weigh in on this but my intent was to fix that line on both sides. I heard that from Mr. Horne. I was at the meeting and I asked them and he gave that same response to the board and I told him I'm talking about south of the circle, not north of the circle. It just seems unwise to rely on a pumping system in some building. Things break. I'm just not convinced. Mr. Devinney said well they've got to have enough pressure to sprinkle both those buildings and they don't have a choice so where they get the pressure from is going to be from the town's tank that's where you get you pressure and you have a 6-inch line running down there and it's half closed so the only other line you've got is a 10-inch line which is south down there where it comes out at the Laundromat and at the convenience store. That is the one that circles around the right-hand side and comes out and goes by Pittsboro Primary and you have another one that comes out on the left side of town so the biggest line you've got is that 10-inch line down at the bottom of the hill. The rest of them were put in years ago. I can't tell what they are. Mayor Voller asked what size of the line we are putting back in the road. Manager Terry said it is 12. Mayor Voller said so the question I'd like to reframe to Mr. Hughes and Mr. Horne is would they work with us on extending a 12-inch line right to the entry point of their building? I mean why they would want us to stop on the north side and leave them without access to a 12-inch water line. It just seems logical, Bill.

Commissioner Farrell said I think that was brought up in one of the meetings with our Chief and they pretty much said they weren't going to help us at all. That might not have been exactly the words but that was the words that I understood. Manager Terry said what they said was that they had solved their problem and they didn't need to solve it twice, essentially. Commissioner Farrell said they were going to get their pressure up by going from a 12-inch to that 6-inch line, isn't that right Chuck? That is how they were going to get their pressure. Mayor Voller asked if you have a fire wouldn't you want the flow of a 12-inch line. Manager Terry said from hydrants you would but not necessarily from a sprinkler system. A sprinkler system they come on and do their work in about five minutes the fire's out. Mayor Voller said I have been beating on this thing since last year but it just seems absurd that they would stop it on this side when this is the one good chance to get to the other side of a 12-inch line in the road that could be useful. Mr. Devinney said so what are you going to tie the 12-inch into when you get downtown? Mayor Voller said it is all 12-inch. Commissioner Fiocco said the new line is going to be 12-inch. Mayor Voller said you will probably valve it into the 8-inch that is going east and west and you are probably going to have a 6 that's going south, I assume. Commissioner Fiocco said but if the flow is coming from a million gallon tank and you have got a 12-inch line all the way to the judicial center. Mr. Devinney said I know we ran a 10-inch line from that million gallon tank that's at the top of the hill up there so I was wondering are you all running a 12-inch all the way back to the tank again. Mayor Voller said what is going to happen with this new project we're replacing those old water lines. It is going to be a 12-inch water line from downtown all the way back to the tank. Mr. Devinney asked what part of downtown? Mayor Voller said it would be better quality water and more water.

Manager Terry asked the Mayor if he wanted to do his Commissioners Concerns before he goes into closed session.

Commissioners Concerns

Commissioner Farrell said I have one regarding the Haw River Christian Academy's Resolution A. It seems like some wording was either put in here that I'm not aware of or several other people aren't aware of regarding the parking and how it got put in and why I'd like to know. It is the third page, it says: "The area not involved in the construction of the school shall be available immediately." That is in the parking section. And I got this from February 13, 2012 that it is not even in this at all and it was put in without no recommendation or either I wasn't told about it and I don't know that anybody else was. How it got in here I'd like to know that myself. Commissioner Turner asked did we vote on it on the 27th. Commissioner Fiocco said yes. Commissioner Foley said I thought we talked about it that night. Commissioner Farrell said not parking immediately. Commissioner Foley said because you were talking about Main Street and you wanted it for the First Sunday, that's what I meant. Commissioner Farrell said correct me if I'm wrong, did we find it anywhere in the minutes? Manager Terry said I have not gone back and checked the minutes in great detail but my recollection is that we distributed the agenda packages on Thursday as we normally do. And there was some ongoing discussion fine tuning that between various Board members and Mr. Bass and Attorney Messick and some changes were incorporated between Thursday and Monday and new Resolution A was passed out I think just as the Board meeting was starting. So I can see how Mr. Farrell or many of us who weren't

involved in recommending those changes may have missed some of the handful of adjustments that were made. And perhaps we could have done a better job at the start of the meeting in pointing out or highlighting the differences between the original A and the substitute A. I apologize that we didn't highlight those in yellow or something when we passed out the revised version.

Commissioner Farrell said I don't understand why you would even expect anybody to open up parking that is going to be a future construction site. Commissioner Turner said because they weren't working on it yet and they used to open it for First Sunday and then they just stopped. I think I said that at the meeting. I was just hoping that they would be open for First Sunday because they had agreed to be good neighbors and let us have parking. That was my understanding. But if they are not going to let us right now then we don't get it. Commissioner Farrell said what now? Commissioner Turner said I wanted it opened for First Sunday because that is what they used to do. I am the First Sunday coordinator, I coordinate that event. We used to have parking for First Sunday in that parking lot. They stopped. It would really, really be helpful if we had it back but if that's not what they are agreeing to, although I thought that's what happened. Commissioner Farrell said it doesn't say anything about First Sunday in here though. Commissioner Turner said I was saying that was my point as the coordinator. That is why I would ideally like it to be open then. I didn't say anything about any other time just First Sunday. Commissioner Farrell said I mean I feel like if we have a resolution I just don't understand how we can just keep writing in anything that we feel comfortable with. Mayor Voller said well there were a number of changes. Commissioner Farrell said it should be documented it should be know. Mayor Voller said it should have been highlighted in yellow. Commissioner Fiocco brought up a point to me about he wanted to know how a change was made to something he had recommended and didn't understand when it dropped out and so obviously, that night, item 10 and 11 were different and so that was something I think that staff was working on with the various parties and then that was changed again and then changed again that night. But I know how the parking thing...there had been ongoing discussion of the whole issue of when would the parking become available and if you don't have a time stamp on it well if that's one of the concerns with why people wanted it to be approved then when would it become available? It could become available never. Nobody disagreed that. That had been discussed many times over the seven months that people want parking. There was even the dentist next door saying I needed parking. Commissioner Farrell said they did offer to give it to them but I think it was... Mayor Voller said there is nothing that says it has to be immediate. Commissioner Farrell said it does in this right here. Mayor Voller said it does because that was the intent that as soon as you could comply then it will be available immediately. I don't see why that is a problem. I do see a problem that all of the Board was not up to snuff all the way through on the changes that would include me and the other five of you because it seemed like it was changing from...there were two different versions. Commissioner Turner said there were two different versions that were brought in that night when we got here. Commissioner Fiocco said well let me ask this question. If the Board was not aware of the changes in the document are we to expect that the applicant was made aware of the changes in the document? And what is our typical protocol. Let's say we are not making changes between Thursday and Monday but on Thursday the package goes out. Does the applicant who has to agree or disagree with the conditions do they get the information on Thursday? When do they get the information?

Manager Terry said they got it on Thursday. They got a copy of the agenda and the agenda item on Thursday. I provided that to Mr. Robinson. Now with the different iterations that ensued between Thursday and Monday I don't know that he did get those. Commissioner Turner said but didn't he sign it after we voted on it? Manager Terry said he did. Commissioner Turner said well wouldn't he have read it? Commissioner Fiocco said well but now you are giving him a document that he thinks he has already seen because it was delivered to him on a Thursday without anyone saying, oh by the way the one you are signing is different. I asked about how a condition that I had placed in the document was removed that evening. At that time I'm questioning is this document changed. No one said, oh and by the way, there is this other change here you should know about. So we have got to tighten up because, quite frankly, it seems that the applicant has a case to say you guys snuck this one in on me. Mayor Voller asked Mr. Messick what he has to say on this. I went back when Mike called me about this and some of those changes were made and I didn't see an email that went out to all the Board members. I saw it went back to Mr. Terry. What protocol do you think should have been followed? And then, of course, it changed subsequent to that. Attorney Messick said well all of you are correct. I mean different parts of it. Obviously the applicant ought to see what is on the table and you all, too as well. That was not a particularly good one to be as an example but it was fairly fluid. It changed all the time. Hindsight is really good. But you all were under some extensive pressure to do something and to have waited while everybody got the same page would have meant another delay and that was not a really good option either. You were doing some things on the fly and it would have been better to have had everybody have the whole thing... I mean some of the conditions you all crafted at the end so. Mayor Voller said we read out a number of them to the applicant, including the issue that the intent of that picture back there was actually the ...he actually illuminated some things on the picture and said we are not going to do this so he put that in the record. Commissioner Foley said there were a lot of things there at the end. Commissioner Fiocco said but I think those were known by both parties. We are talking about things... Mayor Voller said you didn't know that. Commissioner Fiocco asked we didn't know what? Mayor Voller said well they presented that picture two times and said that is exactly what you are going to get so this Board didn't know until they said, oh by the way we are not going to do this part of it and the lettering will be different and... that wasn't known until that Monday. Commissioner Fiocco said well the site plan clearly showed something different on the ground for parking curb and gutter issues that was displayed there. Mayor Voller said I agree that picture was portrayed in meetings like you are getting this. Commissioner Fiocco said and I think he said, and by the way this doesn't comply with your sign ordinance so I won't be doing this. Commissioner Farrell said exactly. Mayor Voller said which we said fine.

Commissioner Farrell said I would like to see that sentence removed. Mayor Voller said well there are two issues here. First issue is the protocol for ensuring that if we get into another special use permit that there is some way to highlight so everybody knows and that, because obviously I don't think the whole Board knew about some of the changes you were making because we weren't seeing all these and it was pretty fluid and things that Mr. Bass was doing. The second issue is what the concern about the parking is. Make your case Jay. So when do you think that they want the parking to be available. Commissioner Farrell said I guess when the school opens the door, Mayor. What would you think? If you have a construction site... Mayor Voller said well what if the school never opens? Commissioner Farrell said if it may not open I

guess it will go back to Johnny Justice. It is his property anyway. Commissioner Turner said if it is something that would benefit the Town why would you like to take that out? Commissioner Farrell said because the applicant called me about this and said he had no idea and read nothing about this and how it got in here he would like to know and I would too. Commissioner Turner asked the applicant called you? Commissioner Farrell said yes. Commissioner Turner said I don't have my old stuff but... Commissioner Foley said it is interesting that he would object to it being open when he said all along that he wants to work with the Town so why would he object to it, I don't understand. Commissioner Farrell said I guess...it is pretty simple. You all are getting everything confused. He just doesn't want parking when he gets to start his construction. Commissioner Turner said but I thought we had that discussion that once the construction had started it was a given that nobody would want to park there because it is unsafe and illegal, I would think for a construction site but... Mayor Voller asked so what happened in the interim between when they start construction or not. What if they don't start for six months? Should the parking be available? Commissioner Farrell said no. Mayor Voller said I think that a lot of the citizens in the Town are going to disagree with that so that's where we are going to... Commissioner Foley said they said they were willing to share the parking as they weren't using it themselves so if they are not using it now why not let people in the town, why not let other downtown merchants. Commissioner Farrell said because they may not have a lease with Mr. Justice, he may still have all the property. Commissioner Fiocco said this special use permit doesn't go with the applicant, it goes with the land. Mayor Voller said it goes with John; it goes with the owner of the property. Attorney Messick asked if someone could read that sentence again because I've lost track of what it says. Commissioner Fiocco read the area not involved with the construction of the school shall be available immediately. Mayor Voller said so if the whole area is deemed to be involved with construction then there is no parking to be made available. Think this through. If they are working inside of the building and you are not doing site work outside you could have some parking made available. Commissioner Farrell said you don't have public parking where you are going to be just because you are working inside you don't have public parking out in that area. Commissioner Turner said they had said from the very beginning that the public would be allowed to use when they were not using the school like on weekends when they are not using the school. I don't understand why they would mind. They said they wanted to be good neighbors. Commissioner Farrell said that is right and I think they are going to be wonderful neighbors but you all are just turning things around all on me. Mayor Voller said not on you. Commissioner Turner said I don't think anybody is attacking you; nobody is saying anything about you we are talking about the parking lot. It is not you. Commissioner Farrell said that is right, it is a parking lot, but they should have the right to not open it up to public parking now when they are in the process of trying to get their construction going on. Not necessarily that they have a trailer there and a dumpster and a backhoe digging up the asphalt and all like that. Maybe we should have had the applicant here. Mayor Voller said I don't think it would change anything Jay it was approved. The question is what he wants to do to satisfy the condition. If he wants to deem the entire lot as a construction site and we say yea, I guess you're right, that would satisfy us and there's no public parking. But what happens between now and when the permits are pulled. So it could be 60 days, 30 days, 45 days a couple of First Sundays when that parking lot could be made available and that seems reasonable. Your argument is reasonable. If the parking lot is dangerous and it is a construction site then he just needs to say this whole thing is a construction site, this is what my engineer says, and nobody is

going park in there. But if it's not, it doesn't seem reasonable to keep a chain on there while nothing is going on or while they are doing plans. That just seems like that everybody wins. I see your point. You don't want to create a dangerous situation or a liability situation for him or the school, correct? And that is his concern. Manager Terry said I think some of the applicant's concern is that sentence was not in the document that he was provided. Mayor Voller said well you can make that same point about the whole item 10 and 11 too. That wasn't in the document he was provided either. Manager Terry asked isn't there a sentence right out there that says parking will be sorted out at a memorandum of agreement between the Town and the school. Commissioner Fiocco said the memorandum of agreement was always in there. Manager Terry said maybe the solution is as easy as instructing the Manager to provide some – you need the latitude to be reasonable in the interpretation of that and not expect it will have any public parking there while construction is ongoing. I would not have expected that anyway. If I am a construction project manager I am really going to like that site, there are plenty of places to put my construction trailer and lay down materials and have my employees park, I'm not going to want to give up any of it. Once they start the project. Commissioner Farrell said I'm using this for an example, what if Johnny Justice wants to leave his chain up. Mayor Voller said that is another question. Commissioner Turner said he has been granted a special use permit. Mayor Voller asked Mr. Messick how he interprets that. What if he never has a lease, nothing ever happens? Commissioner Farrell said I'm sure I guess the school is not going to get a lease until they make sure that everything is okay. I mean right now I understand they are getting their check for asbestos and lead paint and that was two things that Johnny Justice asked them to do before. He wanted to make sure all that was done because he didn't want to have liability with children or anything like that. Mayor Voller said Mr. Messick I guess the question is what the current situation right now is. If they are going through due diligence between the potential landlord, the lessee and the lessor, is that supposed to be made available for parking now while they are doing this. Attorney Messick said well the plain language of the resolution says immediately, now. Mayor Voller said I guess the answer is that that chain is supposed to come down right now. Commissioner Farrell said what if they don't have an active lease with Johnny? They are waiting to make sure everything is – hey I am just all these questions with all these questions maybe Mr. Robinson should have been here. Mayor Voller said no question is a bad question. Commissioner Farrell asked what is it Mayor? Something has got you so funny. Mayor Voller said I'm tired and I'm sick and I'm supposed to go see my father-in-law and I thought we were finally done with this but apparently we're not. Commissioner Farrell said that is exactly right. Mayor Voller said so what would you see as the point of compromise. A lot of people that was the main concern for them and nobody expressed that they weren't going to be going to do it. So you are only saying that they don't want to do it during construction, which seems reasonable. Commissioner Farrell said I just don't think that was put in there to be parking immediately. Immediately means now. Mayor Voller said it does mean now but the memorandum of understanding wasn't there the whole time and it could say immediately too.

Commissioner Fiocco said one of the issues that I think we have really got to establish a system and a protocol because Beth and Pam are over there looking at these documents trying to figure out which came first and when I went through my documents this afternoon I went, you know I've got about ten Resolution A's and we should code and I would like to see us establish a system where Resolution A is coded with something and if I look at Resolution A and it is coded

xyz up in the right-hand corner and the next time I see it, it says abc I know something is different. If it says xyz I don't need to look at it again. Some kind of system and maybe it is just highlighting but if the documents are changing it has to be brought to the public's attention. The Board needs to know about it. The applicant needs to know about it. The entire world needs to know about it. And we didn't quite get to that standard. Manager Terry said I will need to give that some thought because this document was even changed after adoption with some motions from the floor that before we could call the Mayor in to sign it there were things, it escapes me right now what all three were, but there these three things that changed the night we adopted that ordinance you know you have three provisions that we had to go type in the next day so those were in there too. Attorney Messick said Mr. Farrell is at somewhat of a disadvantage because the rest of you have email and he doesn't and that slows it down as well. Commissioner Fiocco said but I think that Monday night had these changes could have been highlighted as differences from the previous version that was distributed on that previous Thursday that the applicant was in possession of and some kind of system that lets everybody know this thing has changed since the package went out. Manager Terry said I agree that that needs to be done but also we might need to think about our practices in respect to modifying these things on the fly and there may be occasions where... I'm okay with moving some commas around and striking a word here and there and we can keep track of that but when we get up to change number 3, 4, 5 and 6 then the staff has got to do that the next day and the Mayor signs it without the Board members seeing it. It might just be better to table the thing and bring the corrected document back at a subsequent meeting. It creates better control. Commissioner Fiocco said one thing that the Mayor typically asks right before a vote is, do you all know what you are voting on? And I think in that case there were some of us that didn't know what we were voting on. Mayor Voller said well I think people had a tough time keeping track of the changes going back to Thursday and I am not without empathy for Jay's concerns. But concerns have been raised so the question is how you go forward to satisfy the intent and make sure that there is no harm done but also that you do have parking available. Maybe we just get Mr. Terry to go forward and work on the policy. I mean that was really the intent was to get this policy done. Manager Terry said Mr. Farrell has made it clear that he has had a discussion with the applicant and the applicant would like to see that sentence stricken from the document however we execute it. Commissioner Turner asked if the applicant had contacted you. Manager Terry said no. Commissioner Farrell asked did he not talk to you and Mr. Bass. Manager Terry said he didn't talk to me. Planner Bass said he gave me a call early. I haven't talked to him lately. Manager Terry said if removing that sentence doesn't materially change what the Board's agreed to then we can sort all that out in this memorandum of agreement around parking subsequently, maybe that's the most reasonable course of action. Mayor Voller said I am not going to sign the change resolution until I see this memorandum of agreement on parking first. Commissioner Foley said yes because what do we say to the surrounding businesses that was the one thing that they said that they wanted to see was parking and so now we would have to say to them ... Mayor Voller said the intent was to get moving on that so you could actually show people, all the community, that's following through so whatever needs to be done with the applicant and the Town move forward on it and if we need to bend strike that then. But until that happens I'm not signing another resolution because I don't feel like we have done right by all the people and we came 4-0 on that so I don't think it's very hard to get this agreement in place, memorandum of understanding. Manager Terry said we can begin work on that we haven't written the first letter of it yet.

Mayor Voller asked Mr. Messick for his thoughts on it. Attorney Messick said well there are a couple of things. One, you can't reconsider this since it has been the second meeting since you adopted it. So if you are going to change it you either handle it administratively or you start over again and delete that. Mayor Voller said I am not revisiting that special use permit hearing ever again. Commissioner Turner said even if that is deleted as per whatever the second or third thing that we got prior to the 27th, it says that there is supposed to be a parking agreement between the Town and the applicant. Commissioner Baldwin said we could probably double check to make sure all of those changes are in that resolution that you have signed because I don't know if all of that is in there, especially that item regarding about the traffic impact. I don't know if that is even in there. Commissioner Turner said and the parking set aside for Dr. Barringer we talked about that too. Commissioner Baldwin said we talked about several things. Does it say adequately handle the traffic impacts associated with the operation of the school – that it is the responsibility of the school? Commissioner Fiocco said this is the one with the language here – it was different. It tried to get there but I think the language was swapped out. Commissioner Baldwin said and we want to swap it back in. Commissioner Fiocco said yes. Mayor Voller asked Alice if she had a copy of the final. I imagine Jay has a copy of the final over there. Commissioner Farrell said I have 2/27, 2/13 and this copy is the final. Commissioner Foley asked would the dentist not make her own separate parking agreement with the applicant. Attorney Messick said that would be the preferable way to deal with it since it is two private folks who are dealing with it.

Commissioner Fiocco said we need to work on that agreement and get it established. It is standard language that says the continued validity of this is based on these conditions. So if you are not meeting these conditions your SUP is invalid. Attorney Messick said but it would be incumbent on the Town to notify the applicant that that is the position that you are taking. Commissioner Fiocco said right and I don't think we want to take that position. Let's work on this parking agreement and get it resolved. Mayor Voller said so I guess the answer is Mr. Robinson needs to talk to Mr. Terry and work on an agreement that everyone is happy with so then we cannot go back and revisit this and strike it for several reasons. But we can get this agreement done that everyone can be happy with and at that point if the Board directs me I will sign that agreement. I think that this hopefully brings closure to this. Is there going to be anything else or is this the only thing. Commissioner Farrell said no, that's it. Manager Terry said you just said something that gave me pause. You think that the Board needs to be involved in the review on parking or is that an administrative task? Mayor Voller said I want to see that MOU Bill. I don't want somebody draft it without our looking at it. I would like to see it...at least send it around. That was a component for what a lot of people were concerned so that has to be resolved and everyone has to be happy and if we don't get this done then the whole process...it has to be win/win for everybody. Again, I am empathetic to Commissioner Farrell and the concerns of the applicant but I am empathetic to the others in the process too so this needs to work for everybody. Mr. Messick can you get started on this – the MOU? Attorney Messick said sure but it is going to take two to tango though. Attorney Messick said he would meet with Mr. Robinson and get that drafted.

Attorney Messick said I don't know how fast he wants to dance. Mayor Voller said let's move this ahead.

Commissioner Foley said I was going to share that I attended a historic preservation workshop and I made copies of some of the handouts that describes some of the tax incentives there are for restoring old historic buildings. There is a brand new one, as a matter of fact, that is for preserving old mills so there are really big tax credits for lots of things that might benefit us. And I will tell you more about it later but it is late. It was a great workshop and makes me happy that we have a historical presence in Pittsboro.

Commissioner Fiocco asked Mr. Terry if he could give him an update on two things that I mentioned a couple of meetings ago our obelisks the street obelisks. Mayor Voller said street signs that are shaped like obelisks that are in disrepair. One of them is Farrell Street.

Commissioner Fiocco said the ones that are as I recall are easily slapped with a coat of paint and a stencil and we've got it. Well there are at least five of them that I have photographed this weekend that don't look good. I know John Poteat was working on the street light at Chatham Mills. Manager Terry said that one is not good. He said it's lighted just fine. Commissioner Fiocco said who said that, Reuben? Manager Terry said it might have been Reuben.

Commissioner Foley said Paul Horne said they could put a street light at Midway which is close to there. Commissioner Fiocco said maybe it is more lit than I thought. You know that 3-ring binder you gave us full of contracts, can we get a table of contents for that. Otherwise I can't find anything that I'm looking for. The other thing that I wanted to bring up, we had what two or three public hearings tonight. One of them was a slam dunk – real easy – it made sense, R12 to R10 just do it. But other ones are typically more difficult and I would like to propose that it be the policy of this Board that we not vote the same night that we hear the public hearing. Because often there is lots of information to digest and I think we should take the time to do it. Now, if it is policy that we wait, we can always break with policy if we think that's appropriate. But I would like the public to know that we are going to take the time to consider this. Manager Terry asked if that is what the Board wants to do because the historic practice has been just the opposite I think. The historic practice has been just the opposite to have the item on the same night but if the Board wants to stop that we can certainly change that. Commissioner Fiocco said that is what I am proposing. Commissioner Turner said we can vote to vote on it. We can choose to vote on it. Mayor Voller said if there is a compelling reason. That woman was trying to submit an application to the state and get it in and Mike's right it was a simple R12M to R10, not a lot of complications. Commissioner Foley said and there was no one speaking against it.

Commissioner Fiocco said I want to make sure I understand I want it to be our practice that we not vote the same night and we can chose to change that and vote the same night if we want to. Mayor Voller said that gives us flexibility. The other thing I want to mention is tomorrow evening at East Chapel Hill High is the DENR meeting or the fracking hearing. If you weren't able to make it to Sanford I suggest you go to that one. Mayor Voller said there may be one at Fearington – Joe Hackney was trying to do that one too. Some of us went to Sanford.

Commissioner Baldwin said she had nothing other than I have a Triangle J meeting on Wednesday and we'll be discussing fracking there also. If there is anything anybody wants,

because it is different municipalities and counties within the Triangle and outside the Triangle so if there is anything anybody wants me to bring up I'll be more than happy to do it – we will definitely be discussing fracking at that particular meeting. Mayor Voller suggested she take a copy of our resolution. Have Alice give you a bunch of copies and hand them out. Chapel Hill is, I think, is adopting our resolution. What they said they wrote back and said yours accomplished in three lines what Carrboro's took 50 or something. So Chapel Hill is going to use ours.

Commissioner Turner said the grants committee had their first meeting. Commissioner Fiocco was there. We have taken the charter and we are editing it just a little bit to fit the new and improved grants committee. They are doing some research on the millions of small town main street grants information that we've done and additionally Steve Snyder, who is on the grants committee, is looking up some federal and state grants that may be helpful, so there may be projects that are ongoing that we're talking about. I look forward to working with him; I think it was a good meeting. Commissioner Fiocco agreed and said in fact I contacted Bill about trying to coral previous applications and I know you said yea, give me a minute. The strategy is to identify and then decide which ones we ought to actually produce. I don't know that we need to print them. This is an electronic group so I think we could scan them and then just post them as documents so I don't think we need to waste the paper. Manager Terry said printing or scanning if we do all of them it will be upwards of 1,000 pages so we will try and print you a list and then you can cherry pick the ones that are of most interest and scan them. Mayor Voller said you know we can use geological and Alpha Install's application as a template. If you sent that to me in a Word document we could send out.

Mayor Voller said my items I sent out to the Board and I'm sure Commissioner Farrell should have gotten this too. What is the status of the leaning power poles in Pittsboro? Have we talked about replacing these older lights with energy efficient lights? John's not here but I would like to get an update, doesn't have to be tonight. Manager Terry said I got your memo; I was going to answer them all in one memo and get it back. Mayor Voller asked where we stand on the skate park on the property adjacent to the basketball courts. We need to move with the Board of Education on trying to extend that lease. Greenway behind 15-501, Piedmont Biofuels, where is that Paul? Is that going to be finished? Paul Horne said the county health department is managing the project and is trying to get it done by June of this year, extending it from the bridge to the town property. Speaking of Small Street, the B&B there is having some horrific problem with residual water pressure. They are getting readings of 10 and they are trying to put in a sprinkler system but it is 70 static pressure out there on 64, same problem Laurels had. Manager Terry said John Poteat spent a couple of hours with him today and I didn't get a report back but they went out and drove around and walked the grounds and I think John is looking at some alternatives for him. Mayor Voller said it doesn't seem reasonable to me based on the hydrology of our system that we can't produce residual pressures above 20 psi especially at that elevation. If we're not there is something wrong and take all of our guys and look for these valves that are closed. The one that we found had been closed for 15 years. Mathematically you shouldn't get a 10 out there on 64 when it is so far below our tank. It doesn't work. So something is wrong and it is not right to ask business owners to come in and address this when our system should provide this. Now it is different in some cases but we should be able to provide them a minimum of 20 psi residual to meet the state code. I don't know, Bill, what can be done but I know what happened with The

Laurels and miraculously Jr. did a wonderful job and found that valve that some landscaper buried 15 years ago and it was turned off. We have got to get on top of that problem if we are going to continue to have this issue going down there. Manager Terry said we are working with the developer on the bed and breakfast to sort that out now. I'm not sure we are going to find another magic bullet like we did at the senior center but we will do what we can. Commissioner Fiocco said do we know what size line is on Small Street? Mayor Voller said they are going to be pulling this off 64 so presumably it is a line big enough to provide this. Commissioner Fiocco said I mean I'm on a 2-inch line off of Caydence or 12 inch on 15-501 but I have better than 10 psi residual. Mayor Voller said we still have drainage issues in and around Blair Hotel, which is county property. The county needs to address this. Manager Terry said he needs to go down there during a rain storm and see what you are talking about I have no knowledge of it. Mayor Voller said either Charlie lets you have our guys fix it or we get them to fix but it is still an issue. Manager Terry asked public or private property? Mayor Voller said it is all public it is all part of the old square. The county owns it.

Commissioner Baldwin spoke about the leaning posts. I did talk with Marty Clayton again on Saturday about that. He said that basically those utility poles I think are owned by another utility and so he is trying to talk to them about that and so he is working on that. I did talk with him Saturday.

Mayor Voller said Scott has provided a lot of good information on water. I'm thinking that we should produce this into some kind of format that we can mail out to our citizens. They still don't know the work that we are doing. I was accosted today when someone said the water in Pittsboro is horrible and I said no, so we have got to get this information out and more than once. I don't know if we have to go into budget session and say this is for marketing but it is bad for us to not have the people know. So thank you Scott.

Commissioner Turner asked Mr. Horne if he wanted to know about this tonight. Mr. Horne just wanted to get an informal RSVP for that, it is May 12, 2012, at 2:00 pm, paddle trip on the Haw River. I wanted to get the date settled with you. I would love to get Max Jordan from Saxapahaw and he has done so much with the mill renovation at Saxapahaw. It has really turned that community around and they are capitalizing on Haw River and recreation. You have paddlers coming by to stop by the restaurants and cafes and music venues. That is the kind of thing that we could have in Bynum. Guilford and Alamance Counties have done such a good job connecting the trail all along there. I think it would be an enjoyable time and I'd love to get some people to commit to be there. Maybe someone from the Haw River Trails organization. Commissioner Turner said she would love to come but she works on Saturdays. Mr. Horne said I imagine Saturdays are better for most people but if the Board could come up with a date I will try to work with whatever he has. Commissioner Turner said a Sunday afternoon maybe. Mayor Voller asked him to try to work it out. Commissioner Fiocco said he could do either.

Mayor Voller said we need a motion to go into closed session and I assume Paul is staying for this. Commissioner Fiocco made a motion to go into closed session pursuant to G.S. 143-318.11(A)(3) to receive information or discussions with an attorney under the attorney client privilege. Motion seconded by Commissioner Baldwin.

Vote Aye-5 Nay-0

Motion to go out of closed session made by Commissioner Fiocco seconded by Commissioner Baldwin.

Vote Aye-5 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Farrell to adjourn at 11:45 p.m.

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk