

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, SEPTEMBER 28, 2009
7:00 PM

Mayor Randy Voller called the meeting to order at 7:00 p.m. and called for a brief moment of silence.

ATTENDANCE

Members present: Mayor Randy Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Clinton E. Bryan, III, Hugh Harrington, and Chris Walker.

Staff present: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe and Assistant Planner Paul Horne.

CEREMONIAL AGENDA

1. A Memorial Resolution Honoring the Life and Memory of Margaret Bryant Pollard.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the Ceremonial Agenda as submitted.

Vote Aye-5 Nay-0

Commissioner Baldwin read into the record the contents of the memorial resolution, which would be signed by the Mayor and the Town Clerk:

“WHEREAS, Margaret Bryant Pollard was born in Chatham County, North Carolina and passed away on September 16, 2009 at her home in Moncure; and

WHEREAS, Margaret Bryant Pollard, a native of Chatham County and a product of Chatham County Schools, demonstrated her strong commitment to improving education; and

WHEREAS, she was very active in her church, community and state, serving many civic and cultural causes and numerous causes benefiting the poor, the elderly and the less fortunate; and

WHEREAS, she continued the legacy of her father ensuring the continuation and improvement of the Chatham County Fair and its emphasis on the agricultural roots of the County; and

WHEREAS, Margaret Bryant Pollard was a tremendously positive influence on improving relationships between people of different races, ethnicities, faiths and backgrounds, and was recognized for her service in this area when she was awarded the 2009 Robert A. Siler Lifetime Achievement in Human Relations; and

WHEREAS, her life was characterized by humility, the Golden Rule, and a love of people; and

WHEREAS, she made many contributions to her community, as Chair of the Chatham County Board of Commissioners, as chair of the Joint Orange-Chatham Community Action Agency and her membership in the Mt. View A.M.E. Zion Church, Environmental Management Commissioner, Economic Development Board, and Family Resource Center; and

WHEREAS, the life and career of Margaret Bryant Pollard serves as a hallmark for all citizens and officials of this country, state and county, and her genuinely kind and respectful demeanor will be greatly missed by us all.

NOW, THEREFORE, BE IT RESOLVED by the Town of Pittsboro Board of Commissioners, that it expresses its sincere appreciation and respect for the life and career of Margaret Bryant Pollard, and expresses its heartfelt condolences to her husband, daughter, brothers, and the many others who held her in the highest regard and esteem.

ADOPTED this the 28th day of September, 2009.”

**A MEMORIAL RESOLUTION HONORING THE LIFE AND MEMORY OF
MARGARET BRYANT POLLARD IS RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGE 166**

Mayor Voller noted the need to add a Closed Session to the Agenda pursuant to GS 143-318.11(a) (6) to discuss a personnel matter.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the Agenda as amended.

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the September 14, 2009 regular meeting.

Commissioner Harrington said on page 8 of the September 15 minutes, first paragraph, the sentence should read “Commissioner Harrington clarified that the program only applied to inside the Town’s limits and that hunting was already allowed in the ETJ.”

Motion made by Commissioner Harrington seconded by Commissioner Brooks to approve the Consent Agenda as amended.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

Citizens Matters

Doug Jacobs, 288 East Street, said he had begun working with Seveli & Gandheldeid to find a suitable site for an outdoor recreational business. He said they had been able to identify a site within the Town's ETJ and they were excited about the prospect of bringing that new business to the Town. Mr. Jacobs said they had discovered that the Town's sign ordinance strictly prohibited any off-site signage, and understood how that made sense for store fronts in the business district. He said they were requesting that the Town Board allow off-premise signage in the ETJ, noting that the site they had identified was not on a major thoroughfare and off-premise directional signage would be crucial to the success of the business. He said they certainly viewed it as absolutely necessary in order to be able to move forward, and pointed out that the County had a provision in its sign ordinance to allow up to three off-site directional signs for individual businesses.

Commissioner Harrington asked for the location of the site that had been identified. Mr. Jacobs replied it was off Russell Chapel Road, called Elf Way, noting there was an existing business called Wood Technologies on that dead end road, and they were considering the adjacent site. He said it was certainly not the most visible place since it was at the end of a private dirt street, but was the perfect site for the activities planned for the site. Mr. Jacobs said the location was not far off the road, but was far enough that directional signage was crucial.

Commissioner Bryan asked how many signs they were talking about. Mr. Jacobs responded at least two, possibly three. He said one would be as you turned off of 15-501, then another at Elf Way, which was just a couple of hundred yards in.

Commissioner Walker said he was not familiar with the County ordinances, and asked had Mr. Jacobs read them enough to know if there were provisions for maximum square footage or other requirements. Mr. Jacobs said there were limitations on size and height, but he could not quote that. He said there were also limitations on wording, noting basically it allowed the name of the business and perhaps a logo with a directional arrow, but no advertising.

Commissioner Brooks suggested that a public hearing would be necessary, and that perhaps Mr. Monroe could provide some information at the next meeting so that the Board could discuss it. Planner David Monroe said a public hearing would be required to make a change to the sign ordinance since it was a part of the Zoning Ordinance. He said the appropriate action would be to refer the issue to the Planning Board.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to refer this issue to the Planning Board.

Vote Aye-5 Nay-0

Commissioner Harrington said he believed there was a directional sign posted for Lakeside Storage. Planner Monroe stated that sign had been posted before his tenure with the Town, and did not know its history.

Commissioner Brooks stated the Farmer's Market had one posted as well. Mr. Jacobs agreed that there were several such directional signs in the Town.

PUBLIC HEARING

Motion made by Commissioner Walker seconded by Commissioner Baldwin to go into public hearing.

Vote Aye-5 Nay-0

1. Development Moratorium.

Mr. Monroe said there were two issues before the Board this evening. He said first was that the current Development Moratorium was set to expire on October 22, 2009, and secondly was a revision to that Development Moratorium.

Commissioner Brooks asked Mr. Messick had he read the proposed revised Development Moratorium and if he had any comments. Town Attorney Paul Messick said the Board would be required to make a determination of how long they wanted the moratorium to be in effect, and they would need to state the steps that would be taken to alleviate the problems that caused the moratorium. He said if there were other reasons or steps then those should be included in the discussion.

Mayor Voller asked Mr. Monroe why he believed the Board needed to go forward with an extension as well as a revision to the moratorium. Mr. Monroe said if the Board allowed the existing moratorium to expire, then developers would assume that the Town would commit 90% of the Wastewater Treatment Plant's capacity. He said by imposing their own moratorium, they could set the terms of that moratorium and continue to allow small projects to move forward. Mayor Voller asked what small projects he was referring to. Mr. Monroe said minor subdivisions, and retail or commercial offices that would require less than 1,800 gallons per day.

Mayor Voller asked how long, on and off, had they been in the moratorium. Mr. Monroe replied that the Town had been in a moratorium the whole time he had worked here 5 ½ years.

Mayor Voller asked if the Board could make decisions on the basis of the plans that came before them and accomplish the same thing without a moratorium. Mr. Monroe said unless it was a Special Use Permit, then there would have to be a compelling reason for the Board not to approve it if it satisfied all the requirements in the ordinance.

Mr. Messick added that the provisions were such that the Board could not do whatever it wanted to do if the submitted plans met the requirements.

Mayor Voller said that was correct, that if plans met the technical requirements then the Board would have to approve it. Mr. Messick said that a Special Use Permit would be a quasi-judicial review and that would be discretionary.

Mayor Voller stated they had been using those documents for many years with periodic modifications and there did not seem to be much flexibility, and asked what other flexibility the Board might have. He asked how you could help people who had been waiting a long time or not such a long time to move ahead. Mr. Monroe responded by allowing the moratorium to expire and by approving projects and assigning capacity to those projects.

Mr. Messick said if you have no capacity then there was nothing to assign.

Commissioner Harrington asked what would happen if the moratorium expired and people with nearly approved projects suddenly swallowed up to 90% of the capacity versus keeping the moratorium in place and allowing only developments with requirements of 1,800 gallons or less per day to move forward. He asked was there some middle ground between those two that the Board could consider. Mr. Monroe said the Board could eliminate the 1,800 gallon threshold and create one they believed was more appropriate.

Mayor Voller asked what the risk was of doing that. Mr. Monroe said the risk was running out of capacity until they had a new plant.

Commissioner Baldwin said at that point the State would impose the moratorium. Mr. Monroe said when the Town reached 90% capacity and if they did not have a solution on the horizon, then the State would impose a moratorium until a solution was found.

Commissioner Harrington said for example, if a development came forward that was asking for 30,000 gallons per day, then that would allow for a fairly large development as opposed to much smaller ones. Mr. Monroe said that would be one way to go.

Mr. Monroe asked the Town Attorney if the Board chose to set a new threshold, would another public hearing be required. Mr. Messick replied that if the threshold was less restrictive, then probably not.

Commissioner Brooks said by extending the moratorium then the rules would be clearer and they could always lift it if things began to go in a more favorable direction.

Mayor Voller asked Mr. Terry what might be a more judicious number than 1,800 gallons, between now and completely lifting the moratorium. Mr. Terry responded the Board could change it but believed that any number would be arbitrary, noting if changed to 2,500 it would solve the problem for some, but not for others.

Mr. Terry asked Mr. Monroe if they had an updated list of projects and what their requirements were. Mr. Monroe replied that at present they had applications that would consume about 125,000 gallons of capacity, and there were others interested in submitting applications.

Commissioner Walker said the other issue was that the Wastewater Treatment Plant would not filter clean at the current capacity it was designed for, thus the reason for the stimulus funding and the plans to get that in place. He said they had all said that 150,000 gallons was what they were expecting, and asked was there anyone who could say they would absolutely get 150,000 gallons from that project. Mr. Terry responded the design was such that they should get 125,000 gallons additional, although they had designed the plant to reach capacity but they had never been able to achieve it. Commissioner Walker asked was it possible they could fall short. Mr. Terry said it was certainly possible.

Commissioner Harrington said he also suspected that some of the people asking for water portions may not use all of that for a few years, so what legally could you do if you made an assumption that within two years you would have “X” more gallons of capacity and then had no more than you had right now. Mr. Messick said that the State kept track of what you had committed to, and when you got to that 90% threshold then you would receive an order from the State telling you that you could not allocate any more capacity. Commissioner Harrington asked was that 90% threshold, paper or what was actually being used. Mr. Messick said it was both.

Commissioner Harrington said then if Powell Place had put them at 90%, running a moratorium would not be a relief. Mr. Monroe said yes, because it had been permitted by the Town and the State. He said when a project was approved by the Town the next step for a developer was to submit an application to DENR. He said DENR then modeled that project and assigned a capacity and it was automatically put on the Town’s system, and the State kept a running tab.

Commissioner Walker said that was why when developments were finished it was important for that developer to come back with the actual flow so that the numbers could be adjusted. Mr. Monroe said that 90% of the time that reconciliation resulted in a reduction of what DENR had permitted.

Mr. Terry said the facts that the Board had just reviewed made it critically important for the Board to be very judicious in its allocation of capacity. He said the grant money that had been received was for economic stimulus and awarding capacity to a developer who had plans to do something three years from now really had no effect on the local economy. Mr. Terry said what the Town would gain from the project that would start very soon was not a lot, and the Board may want to develop some criteria for itself that would require people who were awarded capacity to make some commitment to the Town. He said the term “shovel ready” had been used in the federal arena, and perhaps the Town should use something equivalent so that when awarding capacity it would be for projects that would commit to providing something very soon.

Commissioner Harrington said since it was for economic stimulus then perhaps they could have two criteria, one for commercial with a high threshold, and then something less for projects that were non-economic such as homes. He asked was there anything legally that would prohibit that. Mr. Messick said one of the values of the moratorium was while you were in the process of

developing those criteria then they would not have to deal with applications for new projects. He said they would apparently have 125,000 gallons and they would have to do something with it. Commissioner Harrington said they could have a limit for residential, and then a higher limit for commercial. Mr. Messick said the Board had done that in the past.

Mr. Monroe said the Board currently had a policy in effect that when capacity was available, it was desired to be assigned as 70% residential and 30% commercial. He stated that residential would generate some stimulus to the local economy, and the issue with Powell Place prior to this was that there were not enough rooftops and residents.

Mayor Voller asked Mr. Jacobs if he had a business coming to the Town, what kind of capacity would he need to do that. Mr. Jacobs said it depended on what type of business, noting the business he had talked about earlier was expected to draw 20,000 people per year and would have a very low impact on the system. He said if he was opening a manufacturing facility he would be looking at several thousand gallons a day. Mr. Jacobs said Mr. Monroe had made an excellent point, in that rooftops had to come first, and in today's economy businesses would not locate in an area where people had to drive long distances to get to work. He said he believed that rooftops were the key to the foundation of economic development for the 21st century.

Ricky Spoon, 2475 Redbud, Pittsboro, said he had a contact who wanted to bring a commercial shopping center to the area, and believed the moratorium would need to stay in place because otherwise they would have people coming forward who wanted to build a 500-lot subdivision, and right now that was not economically viable because at present they did not have the demand for a subdivision. Mr. Spoon said if the moratorium expired, then developers would be coming forward asking for 20,000 gallons or more and before you knew it the capacity would be gone and you would have no commercial development planned.

Phillip Culpepper, 100 Westin Estates, said that the 125,000 gallons may just keep them from getting fined for discharges, in that they were not really getting 125,000 gallons so they did not have that much to give out. He said he understood the difficulty with having a limit of 1,800 gallons, in that a business may be coming to Town that was desirable but they may need 2,500 gallons. Mr. Culpepper said they could keep the moratorium in place but make adjustments to it, but agreed with Mr. Spoon that it needed to remain in place so that they could get some of those issues ironed out. He said they needed the pressure of the moratorium kept in place, and if they were going to make a change to wait for the EIS approval, because then they could talk about something they actually had.

Mr. Terry asked Mr. Culpepper to clarify his statement that they would not really be getting 125,000 gallons. Mr. Culpepper said it was his understanding that they were bringing the plant up to capacity or were increasing the capacity, but the system currently would only do 750,000 gallons. Mr. Terry said at the conclusion of the project it was their prediction that the plant would reach its originally designed capacity. Mr. Culpepper said it was his understanding that they were moving from 400,000 gallons to about 556,000 gallons. Mr. Terry said the existing flow now and what had been permitted was at about 550,000, and when the project was completed they would be adding another 125,000 gallons of capacity. Mr. Culpepper said then he was mistaken, but the Town would still need to be careful because even smaller projects could

have an impact. Mr. Terry said it was not like one big project could use it all up, but the Board would need to decide what the first, best use was of the capacity. Mr. Culpepper said you may have existing businesses that may need to be upgraded and would need additional capacity.

Mr. Spoon said that Mr. Terry was correct that they would have an additional 125,000 gallons available, and that was on top of the 150,000 or 160,000 gallons that they really had because Powell Place was dead in the water. He said there were no houses up now and that the 160,000 gallons would not be used for the foreseeable future. Mr. Spoon said he was asking that the moratorium be extended and that on a case-by-case basis the Board give priority to commercial projects. He said that commercial projects really paid for themselves, using Lowe's as an example.

Mr. Jacobs said he agreed that the moratorium needed to stay in place simply because you should wait until you actually had the capacity before you began to give it away. He said timelines and dates that developers brought forward were really fictitious because they did not know when they would move forward. Mr. Jacobs said he did not believe that the Board should take away capacity that had already been awarded, but at the same time commercial development did pay for itself from a tax base and economic standpoint and it needed to be given some priority.

Rick Murray, 21 Bellemont Ridge Road, Pittsboro, stated that he agreed with Mr. Spoon's comments that commercial development did bring in dollars. But, he said, on the other hand they had people moving out of Pittsboro because they could not find an affordable home. Mr. Murray said he did not believe a 400-home development should be started that took away all the available capacity, and agreed that the moratorium needed to remain in place. He said if they did not do something to provide affordable homes they would be losing more and more of their population.

Motion made by Commissioner Walker seconded by Commissioner Bryan to close the public hearing.

Vote Aye-5 Nay-0

OLD BUSINESS

1. Manager's Update on Capital Projects.

Mr. Terry provided the following update on Capital Projects:

- Disinfection Byproducts Reduction Project – Work on the sediment removal equipment was about 90% complete. They had received the preliminary report from the laboratory and the average from the 8 sites tested was at .11, which was higher than the .08 standard they were looking for. That would mean that even though they were nearing the end of that specific project, clearly they were not where they needed to be. Staff had visited the Chatham County plant to look at its powdered carbon operation and had been struck by the fact that while it was a simple concept, it was not simple to execute. An activated carbon process may be the solution they needed, but incorporating it would take some engineering and time. Pictures of the County's room where the process took place was provided to the Board, and Mr. Terry commented that the room was filled with a carbon

mist floating around that was fairly dangerous, noting that everything in the room had to be covered, including electrical fixtures and motors. Mr. Terry said his plan was to put out a request for qualifications to various engineering firms.

Commissioner Harrington suggested getting in touch with Tim Bishop to get his opinion, noting he had contacts that could help with that process.

Mr. Terry asked that the Board provide him some guidance as far as seeking requests for qualifications, noting they needed to begin that process as soon as possible. He said his proposal was to put out a request for qualifications that stated the problem, provided a history of what the Town had gone through including compliance issues, and then seek an engineering firm with particular expertise in water production. He said they could then bring the top four or five firms in to provide a demonstration, references, and samples of other plants where they had been successful. Mr. Terry said from those interviews they could select the firm that had the highest probability of being successful.

Commissioner Brooks asked would the State be willing to give them any advice in that area. Mr. Terry said there was a technical advisor with the State, a Mr. Hicks, who would be visiting the plant on Wednesday. He said he and Mr. Poteat would be sitting down with Mr. Hicks to hear his advice, and they would share with him what their plans were, including that they were seeking an engineering firm to help figure out what the next steps would be. Mr. Terry said based on where they were now and the recent State fine, clearly they would need to do something quickly and bring the Board a recommendation for an engineering firm as fast as possible.

Commissioner Baldwin stated she agreed with Commissioner Harrington that they should contact Tim Bishop, noting that he had also provided some alternatives other than carbon. She said she believed they should look at that other alternative before they went with carbon. Mr. Terry said he would contact Mr. Bishop.

Mayor Voller said since they had discussed this issue at the last meeting at length and knew that there was a possibility that this would happen, he believed that all alternatives should be on the table at all due speed. He said perhaps they should invite Aqua America to meet with Mr. Terry since they had expertise with TTHMs and had an incentive to stop having issues with DWQ themselves.

Commissioner Harrington said that was a good suggestion, agreeing that Aqua America should be brought into the mix.

Mayor Voller said they needed to do whatever they could to solve the problem, noting they had been trying to do so for a year. He asked if Mr. Terry needed a motion from the Board in order to move forward. Mr. Terry said he understood the guidance from the Board, in that he would contact Mr. Bishop and Aqua America, and would begin seeking an engineering firm to help them.

Commissioner Harrington asked if Mr. Terry recalled what their TTHM's were last summer, noting he believed they were much improved over last year. Mr. Terry said that was correct, but he did not remember the numbers off hand.

Mayor Voller said they were going in the right direction, but they needed to throw everything they had at the problem and get it solved.

Commissioner Brooks asked if any of the tests were actually done at the water plant itself. Mr. Terry responded yes, that coming out of the plant the average was .077, which did not give you much room for error after that. He said they needed to have the average at the plant much lower than that, so that would need to be solved.

Mayor Voller said then they were producing water that was compliant, but the distribution was the issue. He said what he was saying was that it was a distribution issue and they needed to be down to .01 or .02 at the plant. Mr. Terry said that was correct, and they needed to be much lower than .077 at the plant in order to be in compliance.

Commissioner Harrington said then the issue was the point of distribution, and that .077 had to be much lower. Mr. Terry said that was correct. Commissioner Harrington said that was where activated carbon came in, or some alternative. He said he believed ozonation was what Cary used, which would be cleaner but was more expensive. Mr. Terry said one fact they had learned in their visit to the Chatham County plant was that their measure of total organic carbon (TOC) in their water after using the activated carbon process was what Pittsboro was achieving without using the carbon process. He said there was some concern that if they already had a low level of TOC and they went to an activated carbon process that the actual gain would likely be less than if they had a big problem with TOC. Mr. Terry said as had been mentioned, they needed to have all options on the table in order to get to a solution, and that was what the engineering firm would do.

Mr. Terry continued his update:

- 3M Reclaimed Water System Project – Modifications to the wastewater treatment plant were ahead of schedule, and believed that within a few weeks they would be able to test the system.

Mayor Voller said that 3M had alerted him that in October they would be ready to deed the property to the Town for the park. He said 3M would have their Government Affairs representatives coming in from Minneapolis and had invited the Board and staff to attend that event. Mayor Voller said he would provide more details when available.

Mr. Terry continued his update:

- 3.22 MGD Wastewater Treatment Plant Construction – They had executed the contract with Hobbs and Upchurch that the Board had approved to begin work on the NPDES permitting process.
- Short-term Wastewater Treatment Plant Improvement Project – They had done everything required in regards to the stimulus package and were now waiting for the State to issue an

authorization to award the contract to the low bidder. The hope was that the authorization would be received in the next week, the funds released, and work begun soon thereafter.

- Powell Place Park – The contractor was now on site and tree clearing had begun. The planned completion date was December 13, 2009.
- Pedestrian Conveyance System Project – This project was also in the hands of the State, in that the Town had completed all the necessary submissions and they were awaiting the State’s authorization.

Assistant Planner Paul Horne said they had received that authorization from the State today.

Mr. Terry continued his update:

- Thompson Street Paving Project – The project was in progress, but the weather had slowed it down. Completion was expected by this Wednesday.

2. Amendment to Sections 5.2.1 and 5.3.3.29 of the Zoning Ordinance to establish supplemental development standards for large retail establishments.

Mr. Monroe said the Board had asked for more time to look the amendments over since it was a complex issue. He said that staff had made no changes to the ordinance since the Board had last discussed it, and the Planning Board was recommending adoption.

Commissioner Harrington asked was it typical for a big box to go under special use or was it unique to Pittsboro. Mr. Monroe responded it was not unusual, and in fact was common. Commissioner Harrington asked about the language that said that “the parking lot scheme shall be designed to enable users or any future tenants to readily walk from the vehicles at shared parking areas to the store.” He asked what that would prevent from happening. Mr. Monroe said suppose, for example, you had a Home Depot that decided to abandon the building, and seven smaller stores wanted to occupy that space. He said each of those seven stores would have to meet the full requirement of handicap parking. Mr. Monroe said for a Home Depot store all of that handicap parking would have been aggregated in the same place, but that would not meet the requirements for individual tenants as they would have to provide handicap parking in front of their businesses.

Commissioner Harrington said but you would not require handicap parking spaces all over the parking lot from the first. Mr. Monroe said no, because the spaces had to be close to the store front. Commissioner Harrington asked what would the amendment cause to be done differently, for example for a Home Depot. Mr. Monroe said it would create a condition that would have such parking distributed evenly throughout the site. Commissioner Harrington said then you would have handicap parking all over the parking lot and away from the doors. Mr. Monroe said it would accommodate a design that would allow for that.

Commissioner Harrington stated that no. 4b said that “The fronts of all buildings located on outfall parcels shall have setbacks no greater than 20 feet.” He said that would prohibit parcels such as the McDonald’s and KFC. Mr. Monroe said that would bring buildings on out parcels closer to the primary street and put parking on the interior, rather than between the street and the building. Commissioner Harrington asked how would you accommodate a 20-foot setback and

still have a drive-thru. Mr. Monroe said a drive thru would require only 10 feet, and were primarily located on the side of the building and customers would drive around the building to access it. He said the portion in front of the building would require only the 10-foot paved lane, which was allowed to be in the setback.

Commissioner Harrington said they had received a letter from Michael Fiocco, a land development manager, who had talked about some of those issues. He said he had thought, using the Siler City Walmart as an example that you could block off the building so you could only access the Subway, you could do the same to only access the optical shop, and you could divide out the shop where the garden supply area was located. He said that technically from what he could see, doing that would meet the letter of the ordinance because that space could easily be divided into four different spaces. Mr. Monroe agreed that that was conceivable.

Commissioner Harrington said another point was that the whole building could be vacant but the optical shop could still be operating. He said if someone did not want their building torn down they could pay someone a dollar a month to occupy it with some kind of business. Commissioner Harrington said his point was that as far as compartmentalization Mr. Fiocco had made a very good point, and that it could be very expensive to set up a building with power drops and the HVAC already zoned so that it could be easily compartmentalized. Mr. Monroe said he did not believe you had to go to that extent, noting that the Cary Lowe's store was designed to be compartmentalized and that was done by intent by Cary.

Commissioner Harrington said the ordinance talked about from the organization to the plumbing electrical, ventilation, air conditioning, to the extent possible. He said that sounded like that was asking that the building be constructed in such a way that it could be partitioned off without having to do much in the way of plumbing or electrical. Mr. Monroe said the key phrase was "to the extent possible." He said if a Home Depot application came in and they said it was not possible to create separate HVAC systems for each portion of the storefront, then it could be done afterwards. Commissioner Harrington said then the expectation was that probably would not be one that people could get out of. Mr. Monroe said that was correct.

Commissioner Harrington asked were there others that did demolition bonds. Mr. Monroe said the language had been taken from Lincolnton's ordinance, and he was not aware of any small towns in the State that had demolition bonds.

Mayor Voller said that Mecklenburg County had similar language in their ordinance.

Commissioner Walker asked how many small towns like Pittsboro had that kind of ordinance. He said he could understand it being used in metropolitan areas, but he had had conversations with a couple of developers who had said that could add 10%, 15%, or more to the cost of constructing a building. Commissioner Walker said in a down economy that could possibly stop someone from coming to Pittsboro when they desperately needed businesses to locate here to offset the residential growth. He said the 1,500 foot setback the County had proposed on major corridors was to him anti-business, and the recent public hearing on County impact fees that could go up to \$14,000 was another issue. Commissioner Walker said he saw whole shopping centers sitting empty, and understood the concern that they did not want to see that in Pittsboro.

But, he said, he was concerned about the economy and inflationary costs that would push up the cost of construction even more, and he did not believe that wages would grow at the same pace as inflation. Commissioner Walker said for those reasons, he would be voting no on the amendments. He said perhaps if the amendments were fine tuned to a greater extent he would be able to support it.

Commissioner Brooks said one of the reasons he had run for a seat on the Town Board years ago was due to a commercial development and the impact it had had on the residents in that area, so he understood Commissioner Walker's concerns. He said they were in the middle of a down economy and they needed commercial growth. Commissioner Brooks said he was afraid that the amendments were bad timing and it would hurt their chances to bring more commercial growth to the Town. He said it was not a bad idea, but it was a better idea at the present time to not put up obstacles to commercial development.

Mayor Voller asked what the intent was when the Planning Board was looking at that. Mr. Monroe said the Planning Board's intent was to improve the design of buildings.

Commissioner Harrington asked what the cost would be to demolish a commercial building. Mr. Monroe said that he could not determine that, but the ordinance amendment would require that a certified demolition contractor be used which would likely be more expensive. Commissioner Harrington said in Asheboro there was an empty K-Mart, and was not sure that having a huge concrete slab there was better than an old building. He said there had also been a Walmart building that had remained empty for many years but was now occupied. Commissioner Harrington said he wondered what would happen if such an ordinance was in place in Pittsboro, and said even though it could be used at the Board's discretion he did not know at what point he would want to go on someone else's property and tear down a building.

Commissioner Harrington said at the last discussion it had been mentioned that empty buildings could become a public nuisance, as had happened in Hillsborough with an empty Walmart building where there were issues with gang activity. He said if the ordinance included language that said if an empty building became a public nuisance, then that would be different than just requiring that an empty building be demolished after a period of time. Commissioner Harrington said if it could be determined that demolition bonds would not be expensive to a builder, and if language were added regarding empty buildings that became a public nuisance, then he could reconsider supporting the amendment. Mr. Monroe said a demolition bond would be expensive because it would have to be done by a certified demolition contractor.

Commissioner Baldwin said she believed the demolition bond would require some further study. She said regarding the language referring to buildings being designed so they could be compartmentalized, she believed that having a big box store move out could encourage other businesses to move into the space. Commissioner Baldwin said overall the amendments were good except for the one regarding the demolition bond.

Mayor Voller asked how the amendments would affect currently approved projects. Mr. Monroe said they would be grandfathered in. Mayor Voller said then that would include Belmont Station, Powell Place, and Pittsboro Place. Mr. Monroe said any project that had an approved

plan would be exempt. Mayor Voller asked how much commercial space had the Board approved that they were waiting for someone to come in and build it. Mr. Monroe said he believed there were currently seven sites that had approvals for commercial development, and those approvals had been set to expire on December 31, 2010. Mayor Voller said then they had none that were waiting for approval at this point. Mr. Monroe said that was due to the moratorium and the question of available wastewater capacity. Mayor Voller said that Powell Place had capacity assigned, but they were not building because they did not have the demographics at this point. Mr. Monroe said the thing that distinguished Powell Place from other projects was that they had their own standards, some of which were higher than the Town's.

Commissioner Harrington said that standards 4, 5, and 6 were reasonable, but not 2 and 3.

Motion made by Commissioner Harrington to approve the amendment to Sections 5.2.1 and 5.3.3.29 of the Zoning Ordinance to establish supplemental development standards for large retail establishments, amended to strike no. 2 regarding the reuse and compartmentalization clause and no. 3 regarding the demolition bond, from the ordinance.

Commissioner Walker asked if there were already provisions regarding visual aesthetics in the Special Use ordinances, or did the new language make it more precise. Mr. Monroe said they did not have any visual aesthetics requirements in the ordinance of any kind at present. He said what the new language would do was that if a new shopping center was constructed, then all of the buildings in the shopping center had to be visually related to one another. Mr. Monroe said an example would be the new Habitat Home Store, noting that if that ordinance had been in place the Town could have required that the buildings be related.

Commissioner Baldwin seconded the motion to allow for discussion.

Commissioner Walker said he did not know why those types of buildings had to be a special use. He said they already had zoning set up and did not know why it had to be taken to the extent of a special use. Mr. Monroe said if they had had special use in place when Lowe's was brought before the Board, they could have required a reduction in the number of parking spaces. He said that store clearly had many more parking spaces than the Town required.

Commissioner Brooks said that in a free enterprise, capitalistic system sometimes businesses misjudged their market, and thought that was how it was supposed to work.

Commissioner Walker said they may have been planning for the future. Commissioner Brooks replied that was possible.

Commissioner Baldwin said she wanted to keep the language regarding reuse and compartmentalization, but did not object to removing the Demolition Bond language. She added that she understood the need for the special use.

Mayor Voller called the question.

Vote Aye-1 (Harrington) Nay-4 (Baldwin, Brooks, Bryan, and Walker)

Mayor Voller stated the motion had failed.

Motion made by Commissioner Walker, seconded by Commissioner Bryan, to table the issue for further discussion.

Commissioner Walker said he wanted to concentrate on special use, reuse and compartmentalization, and the demolition bond, noting that most of the remaining language did have merit.

Vote Aye-5 Nay-0

Mayor Voller said it would be wise that some information come back to the Board with additional research included so that the Board and the public would understand the issues and what the Board was voting on. Mr. Terry asked how soon the Board would like to see it back on the agenda. Mayor Voller said he did not believe it needed to come back in 30 days. He said it was a Planning Board discussion, and they should discuss it in more detail as a special project. Mayor Voller said there was a moratorium in effect so they were not getting requests for subdivisions, and believed the Planning Board had the time to devote to more research on the issues the Board had highlighted tonight.

NEW BUSINESS

1. Amendment of the Town Code to Support the Urban Archery Deer Hunting Program.

Mr. Terry said at the last meeting it had been noted that they needed to amend the Town Code to permit the use of archery equipment for the purpose of deer hunting within the Town limits.

Commissioner Brooks said he believed the intent was to prevent people from hunting with any kind of device, but in the past many people in Town had targets set up and practiced their archery skills on their own property. He said he did not want to make it so they were violating the law, and asked Mr. Messick would the ordinance amendment prevent people from practicing archery in their own backyards. Mr. Messick responded that the use of bows and arrows in the Town limits had been prohibited for a very long time.

Mr. Terry said the term “archery ranges” appeared in the ordinance but it was not defined, so he supposed someone could call their backyard an archery range.

Commissioner Brooks said he did not want to belabor the issue, in that they needed to get on with the deer hunting program.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to enact the ordinance to amend the Town Code to permit the use of archery equipment for the purposes of hunting deer within the Town limits.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE CODE OF ORDINANCES – URBAN ARCHERY IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 24

1. Development Moratorium.

Mr. Terry said this issue had already been discussed, and he would be bringing it back to the Board in October. He asked that if the Board had further comments to forward them to him so he could include them in the revisions, and then the Board could discuss those revisions before action was taken in October.

Mayor Updates

Mayor Voller commented that the Chatham County Fair would begin soon.

Commissioner Baldwin said the fair would open on September 30 and run through October 3. She invited the public to attend the fair and enjoy the festivities and exhibits.

Mayor Voller said some of the Board had attended last week's EDC meeting. He said he had also sent out a report on solid waste to the Town Manager, and since it was somewhat long he suggested that the Manager have it printed out so that the Board members could drop by and read it if they were interested.

Commissioner Concerns

Commissioner Brooks said that Mrs. Bill Warfford had approached him and said that they were having a water problem, adding that Mr. Warfford had served the Town as an elected official, and that they needed water. He said that Ms. Warfford had asked the Board to look into the possibility of extending the water line. Commissioner Brooks said that the Board had talked in the past of the need to eventually loop the line from Russell Chapel Road, and he asked that the Board at least look into the cost of extending that line to the Warfford property, noting that it would be an extension that they had planned to do at some point in the future in any case.

Mayor Voller said it would certainly be cheaper to do that extension now while prices were as low as they had been in the last five years, rather than later when the costs would certainly be higher.

Commissioner Brooks asked that Mr. Terry perhaps have Jay Johnston look at that and provide a rough estimate.

Commissioner Walker suggested also having him indicate how that would help to accomplish the looping of the line. He said perhaps they could break it down in increments, such as carrying it down to Ross Ridge, to see what the cost would be.

Commissioner Brooks said the last time an extension like that was done the residents paid a share of the costs, so the Town had minimal expense. He said they could look at it from that standpoint as well.

Mayor Voller said he had one issue regarding water bills. He said he had looked at the three bills he received for property he owned including his home, and asked the Board to consider asking the Town to break out the costs. Mayor Voller said one of the properties had used 500 gallons, but he did not know what the minimum charge was versus what you were paying for. He said it seemed if you divided those figures the cost was rather high. Mayor Voller said all of them were below 3,800 gallons for the month, and he knew that many others had the same concerns. He said he believed if more information was provided on the water bills that people would have a better understanding of the cost of the water versus the fixed cost that the Town had to collect.

Mr. Terry stated the suggestion was to change the format of the bill, and he would have to check with the software vendor to determine how that might be accomplished.

Commissioner Harrington said to clarify; if you went over 2,000 gallons you paid the higher rate on the gallons over 2,000 only, not on the entire number of gallons.

RECESS

Motion made by Commissioner Walker seconded by Commissioner Bryan to recess the meeting for 5 minutes prior to entering into a Closed Session.

Vote Aye-5 Nay-0

CLOSED SESSION

Motion made by Commissioner Harrington seconded by Commissioner Walker to go into closed session pursuant to G.S. 143-318.11(a) (6) to discuss a personnel matter.

Vote Aye-5 Nay-0

FYI

1. Information on Recent Improvements at Kiwanis Park.

ADJOURN

After moving back into open session, a motion was made by Commissioner Walker seconded by Commissioner Baldwin to adjourn the meeting at 9:00 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk