

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, AUGUST 27, 2012  
7:00 PM

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

**ATTENDANCE**

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

Staff present: Town Manager Bill Terry, Town Clerk Alice F. Lloyd, Town Attorney Paul S. Messick, Jr., Finance Officer Mandy Cartrette, Planning Director Stuart Bass, Parks Planner Paul Horne, Police Chief David Collins, and Police Lieutenant Lesia McCollough.

Mayor Voller advised that there were three agendas for tonight's meeting: a ceremonial agenda, a consent agenda and a regular meeting agenda. We need to probably amend at least one item on the regular agenda, which will be to add a section to go into closed session to discuss a real estate matter after new business.

Motion made by Commissioner Baldwin seconded by Commissioner Foley to amend the regular agenda to add a closed session to discuss a real estate matter.

Vote Aye-4 Nay-0

**CEREMONIAL AGENDA**

1. A Resolution Commending Town Clerk Alice Lloyd for Achieving the Designation of "North Carolina Certified Municipal Clerk."

Motion carried 4-0

2. Presentation of Quarterly ABC Revenues (Jim Nass, Chairman, Pittsboro ABC Board).

Motion carried 4-0

A motion was made by Commissioner Baldwin seconded by Commissioner Farrell to approve the ceremonial agenda.

Vote Aye-4 Nay-0

Mayor Voller read into the record a Resolution Commending Town Clerk Alice Lloyd for Achieving the Designation of "North Carolina Certified Municipal Clerk" it read as follows:

**A RESOLUTION COMMENDING TOWN CLERK ALICE LLOYD FOR ACHIEVING THE DESIGNATION OF NORTH CAROLINA CERTIFIED MUNICIPAL CLERK**

**WHEREAS**, Alice Lloyd has served as an employee of the Town of Pittsboro since August 1974 and as the Town Clerk of the Town of Pittsboro since May 1990; and

**WHEREAS**, Alice Lloyd has consistently sought to keep abreast of relevant changes in the laws of the State of North Carolina and best management practices of her profession through continuing education; and

**WHEREAS**, Alice Lloyd has taken advantage of numerous training opportunities through her membership in the North Carolina Association of Municipal Clerks and the periodic training opportunities offered by the School of Government of the University of North Carolina at Chapel Hill; and

**WHEREAS**, Alice Lloyd's dedication to continuing professional educational has led to her being awarded the prestigious designation of North Carolina Certified Municipal Clerk (NCCMC) from the North Carolina Association of Municipal Clerks and UNC School of Government for achieving the high level of educational, experience, and service requirements.

**NOW, THEREFORE BE IT RESOLVED** that the Town of Pittsboro Board of Commissioners does hereby commend Alice F. Lloyd for her outstanding accomplishment in completing the requirements for designation as a North Carolina Certified Municipal Clerk.

Mayor Voller continued on to say that he thinks she needs the further designation that she's worked in municipal government for thirty-eight years! He asked for a round of applause for that! He said as everyone knows, Alice works very hard and knows where all of the minutes are, and any information that a citizen, elected official or staff member would need. So having worked with Alice for quite a long time, he would like to commend her as well.

Mayor Voller thanked Alice for all her hard work.

**A RESOLUTION COMMENDING TOWN CLERK ALICE LLOYD FOR ACHIEVING THE DESIGNATION OF NORTH CAROLINA CERTIFIED MUNICIPAL CLERK IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 102**

**ABC STORE QUARTERLY DISBURSEMENT**

Mr. Jim Nass, Chairman of the Pittsboro ABC Board, wanted to quickly update the Board on the end of year; they finished their fiscal year June 30, 2012.

He stated we have a million dollar revenue ABC store in Pittsboro for the first time, which is a bit of a milestone for the town. They paid almost a quarter million dollars in taxes this year to state and local governments. He has checks tonight for the fourth quarter in the amount of \$7,800 to the Town of Pittsboro. They believe that after the audit for the year they will be able to present another distribution of \$18,000, bringing the total for the year to a little over \$51,000 for the 2011-

2012 fiscal year. He is sure you know from their budget submission they sent to the town they are planning on \$59,000 coming to the town next year.

Mr. Nass stated revenues this year will be right at it because they're closed half way for about a month, and for those of you who are wondering will they be finishing up the redo of the store in the next two to three weeks. Mr. Nass said they are a little bit ahead of schedule, they'll have air conditioning and heat that actually works and walls that are well done, and they are pleased with that.

He said again, the main reason to be here tonight is to present these checks to the town for \$7,800 for the fourth quarter. They look forward to submitting the remaining distributions when the audit is done and presented to them.

Mayor Voller asked Chairman Nass who else serves on the board with him.

Mr. Nass said Sera Cuni has been an absolute joy to work with and is a dedicated worker, and you all know Ned Kelly, who's also on the board. He said they have a superb staff at the ABC store now.

Mayor Voller asked who the manager is now. Mr. Nass said Nancy Gooch; she's also the manager of the Siler City store. They brought her over here to help out and she agreed to stay on for the foreseeable future.

Mayor Voller stated they have reached out to their employees and really done some things for them too, correct? Mr. Nass said they did discover, they felt, they were a little behind the times. I think the last time I was here I mentioned, for example, none of the full time employees working at that store even got a holiday off and none of them got any vacation time. So we fixed that in a rewrite of the policy manual and we wish we could do more, but we can't do a whole lot more in terms of benefits because we're so small. We have it on the agenda that maybe we could merge with the county so we could offer health benefits to those employees, but, July 4, 2012 was first time any of those employees got paid for a holiday. That is kind of hard to believe.

They have a motivated staff, and we're working out of that side door off of the dock while the store is being renovated. It's not easy work but they're troopers and are really going at it.

Mayor Voller said he felt we should give recognition to Mr. Nass, his staff and the Board. Things have really turned around, and to distribute \$51,000 in the last fiscal year, considering where things were before, you deserve a round of applause.

Mr. Nass thanked the Mayor and Board on behalf of the ABC Board.

## **CONSENT AGENDA**

There is nothing on the consent agenda.

Motion made to approve the consent agenda made by Commissioner Baldwin seconded by Commissioner Farrell.

Vote Aye-4 Nay-0

## **REGULAR MEETING AGENDA**

### **Citizens' Matters**

**Oakley Bennett**—314 Chatham Forest Drive, Pittsboro stated he was here again to talk about Springdale and Fox Chapel Drive. We're almost there; we got the cost estimate back from Hydrostructures and it looks like to do the turn lane on 15-501 is somewhere around \$33,000.

To do the traffic control devices is about \$30,000; \$15,000 for the narrowed street section, and the only estimate he have here is for chains. We're looking at speed tables, which is like an elongated speed bump. He spoke to people that live on Springdale and they're really not opposed to the opening, they just want to make sure their children are safe. They don't want any traffic zooming down there.

In addition, he spoke to a school bus driver from Pittsboro Elementary School and he talked to the elementary school staff. Right now, the school buses really don't have anywhere to turn around so the kids are being picked up at the corner of Thompson Street and Chatham Forest Dr. That means the kids who live in the upper neighborhood, their parents are either having to drive them to the corner, or they're having to walk there, which if the buses could come up Springdale, pick them up and come out the front end on Chatham Forest it would probably make a whole lot more sense.

The \$33,000 for the turning lane portion on 15-501 is what the town will have to come up with. The traffic calming devices could be funded with Powell Bill Funds. We need to get this done quickly because you all have given the green light to get the water improvements done; the old pipes will have to be back filled and new pipes put in before that can be done. This is the prime opportunity to do this, right now, when they have this street torn up and they can go ahead and have this graded for the turn lane without too much additional cost to the town. And with the prospect of NCDOT coming back next year and possibly repaving, doing this now without the additional cost is something to consider.

Thank you for your time, please consider putting it on your agenda so we can get it done. It's about time, we in Chatham Forest have been paying taxes for a long time, we want it done, the town wants it done, and he knows you guys really want it done. It's a matter of just getting it done.

Thank you all very much for your time.

Mayor Voller thanked Mr. Bennett for his comments.

### **OLD BUSINESS**

#### **PROPOSED ANNEXATION A-2012-03, CHATHAM PARK INVESTORS LLC.**

Planner Bass said he really doesn't have anything to present, this is just the final step in the process we've been involved with, which is the re-zoning of the property that was reduced in size and is just north of the interchange.

Mayor Voller asked if there was anything further to be added from Mr. Terry or Attorney Messick. No additional information was submitted.

Commissioner Farrell asked where we stand on the 10% rule on satellite annexations.

Planner Bass confirmed that it is 10% and stated it was really not a satellite annexation since it is contiguous to public right away, and his use of satellite annexation was in error. We take that portion of the interchange to connect the two. Mayor Voller said so it will not eat into the 10%. Planner Bass said no.

Mayor Voller said once we annex this in, is there an agreement about the infrastructure or will Mr. Culpepper address that in the next item? Mr. Culpepper said it would be addressed in the next item.

Mayor Voller asked Mr. Messick if he had any thoughts, or should the Board go ahead with it.

Attorney Messick stated if you're going to do anything with number two, you need to do number one (the annexation first).

Motion to approve the Annexation of A-2012-03, Chatham Park Investors LLC was made by Commissioner Baldwin, seconded by Commissioner Turner.

Vote Aye-4 Nay-0

The Ordinance reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE TOWN OF PITTSBORO, NORTH CAROLINA

Whereas, the Board of Commissioners has been petitioned by Chatham Park Investors, LLC under G.S.160A-31, as amended, to annex the area described herein: and

Whereas, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

Whereas, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Town Hall, Pittsboro, North Carolina at 7:00 o'clock pm on the 13<sup>th</sup> day of August, 2012, after due notice by publication of legal advertisement on the 26<sup>th</sup> day of July and the 2<sup>nd</sup> day of August, 2012, and

Whereas, the Board of Commissioners does hereby find as a fact that said petition meets the requirements of G. S, 160A-31, as amended;

Now, Therefore Be It Ordained by the Board of Commissioners of the Town of Pittsboro, North Carolina;

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and incorporated as part of the Town of Pittsboro as of the 27<sup>th</sup> day of August, 2012.

(See Attached – Schedule A, attached hereto and incorporated herein by reference.)

Section 2. Upon and after the 27th day of August, 2012, the above describe territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Pittsboro, and shall be entitled to the same privileges and benefits as other parts of the Town of Pittsboro. Said territory shall be subject to the municipal taxes according to GS 160A-31 (c), as amended.

Section 3. The Clerk of the Town of Pittsboro shall cause to be recorded in the office of the Register of Deeds of Chatham County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PITTSBORO, NORTH CAROLINA IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 35-41**

**CHATHAM PARK LLC REZONING REQUEST REZ-2012-03**

Mayor Voller asked Planner Bass would he like to offer anything about the request.

Planner Bass stated this is the exact same property and would re-zone the property to our highway commercial district C2.

Mayor Voller asked Mr. Hoyle, as planning chair, if he had anything to offer. He didn't have anything and recommended approval.

Mayor Voller then asked Philip Culpepper the same question and continued on to say he assumed this was the beginning of great things.

Phillip Culpepper stated he wanted to comment on two things: the annexation you just approved was requested by the town at the beginning of the re-zoning process. Mayor, you mentioned something about the utility. It is their intention to follow up very shortly with a site plan for the medical office building that they are proposing and to request the capacity that is necessary to build that.

Mayor Voller stated at this point you feel good about the process?

Mr. Culpepper said yes sir. When we went through this process we mentioned something about conditional zoning; he sees the Planning Board and the Staff have already started to discuss that. He thinks it's a tool you will need; you'll see them come back with a proposal for re-zoning the entire 7,000 acres and the conditional zoning would have been nice to have in place for this one that was just approved. And in this case we won't make a bad first step out of the box.

Mayor Voller agreed then asked if the Board had any questions for Mr. Culpepper.

Commissioner Baldwin asked about him returning with plans for the re-zoning of the other 7,000 acres?

Mayor Voller interjected that this was first, and then Mr. Culpepper said it would be a new zoning district that uses a tool called the development agreement that's designed specifically under the general statutes for large developments and we've already made arrangements with the gentleman who worked on that process with the state, David Owens, and the School of Government would be happy to come to the Town and discuss with you the whole procedure and the advantages to using it.

We're moving very quickly towards coming back with a zoning package for the whole 7,000 acres.

The Commissioners agreed that this sounded great. Mr. Culpepper stated he had hoped to have Mr. Owens involved in this more, but his outreach as School of Government staff would be to speak to you and show you the advantages of this process. It's been done about three times in the State. Carolina North is the closest example, where they were able to lay out the whole process and how it was going to take place. Things like transportation plans, and how utility services would work. It's really designed for projects of this size.

He thinks it will be a great tool to nail down what needs to be nailed down but still maintain the flexibility for the developer. And it's a legal agreement, not so much zoning, but a legal agreement.

Mayor Voller thinks it's excellent, and asked if there were any more questions. If not he asked for motion to approve the amendment.

Motion made by Commissioner Baldwin seconded by Commissioner Turner to approve an Ordinance Amending the Zoning Ordinance of the Town of Pittsboro for Chatham Park Investors, LLC.

Vote Aye-4 Nay-0

The 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 [amended](#) application of  
Chatham Park Investors, LLC 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-A2 (Residential Agricultural) C-2 (Highway Commercial) 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 [amended](#) 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 May 29, 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 parcel, off ~~of~~ Suttles Road, is located in the vicinity of US 64 / 15-501 interchange and is an area that is adjacent and/or within close proximity to C-2 zoned property.
2. That the Board has examined the application and associated public testimony to rezone the property described in Application REZ-2012-03 and incorporated herein by reference and finds that the [proposed](#) amendment, [as amended by the applicant](#), 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 commercial 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 location is subject to a relative high traffic volume compared to other locations within the community.
6. The proposed rezoning is consistent with the current Land Use Plan and other applicable adopted plans, policies and documents.

7. The proposed rezoning is reasonable considering the size and location of the tract and the potential impact to the surrounding community.
8. The proposed zoning advances the public interest of the Town.

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-2012-03 and incorporated herein by reference, as amended, be rezoned from R-A2 to C-2.
2. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 42-46**

Mayor Voller asked Mr. Bass what the conditional zoning status was that Mr. Culpepper was talking about. He knows Commissioner Fiocco started down the path...where is that right now? It first came up a couple months ago?

Planner Bass stated it was discussed at the last Planning Board meeting and they are currently in the process of drafting a text amendment.

Mayor Voller asked Mr. Hoyle (Planning Board Chair) if he felt the Planning Board will be able to come forward with something. How do you feel about the process?

Mr. Hoyle said they discussed it at the meeting and he thinks it's the only way to go.

Mayor Voller stated based on what was presented to them by Commissioner Fiocco and others, including Mr. Culpepper and yourself. He thinks it would be wise because we don't need to get into any more morasses, when we can just do conditional zoning and avoid a lot of these problems when they come up because our ordinance doesn't allow us flexibility.

## SMALL TOWN MAIN STREET PROGRAM UPDATE

Mayor Voller said before Mr. Horne begins he'd like to commend Paul for all the communications he's been putting out about the Parks and the Main Street Program. The communications look sharp, they're getting out, so if you need more for distribution, ask us for email addresses, but it looks good.

Paul Horne stated he believes the Façade Grant Program is really going to breathe new life into the process which had stagnated a bit over the past year. He has had at least three inquiries from people that are interested and asked for an application.

Mayor Voller asked who were the businesses or property owners.

Mr. Horne said Donna Bianco with the Neighborhood School was interested in beside her property to shield some things from behind, which is a good idea; Wade Barber had been interested for some time and Welford Harris has picked up an application. Mayor Voller said that is excellent.

Mr. Horne said he didn't speak with Mr. Harris when he picked up the application. But he didn't specify which property he was interested in doing. Mayor Voller said if you have Mr. Harris and Mr. Barber that is two of the major properties owners' downtown, that's excellent.

Mr. Horne agreed, "Absolutely." He said Virlie's may have picked up an application also. Getting the word out, to our major stakeholders is our next approach, and as these notes indicate, Dianne Reid, Gary Kibler from the CCCC small business center, and I will canvass downtown door to door just to let people know that the program is out there and at the same time continue to collect names and email addresses so we can continue getting the word out to them and any Main Street update.

We discussed having a brunch meeting downtown...a lot of the Main Street meeting time periods aren't real good for merchants so if we could have a brunch meeting that is easy for them to go over and get to, to go over the program, go over the tax credits—which we aren't involved in) about whether they want to go after historic tax credits, but if we can let them know about it, help explain the process—that's an added benefit to them.

Mr. Horne said we'll have people from the state that are facilitating this program, we've asked them to present something on tax breaks, and we go over the power point that they put together early on—there was a meeting at the library—where they went through Design 101 and about the Façade Program. That'll set the stage for what we're looking for in the renovations.

He said we joined the National Main Street Center—the Town will now have access to resources, they're part of the National Historic Preservation Trust, and they pull together a lot of resources from around the country. They have seminars, webinars hopefully we can offer them to merchants as ways to offer promotions at work so that they aren't recreating the wheel.

Finally, he said one of the more exciting ideas that Dianne Reid had was to have a downtown celebration of some sort once the courthouse is completed, which should be in January/February, so some sort of celebration in March. It wouldn't have to be a big budget affair. What came up,

Mayor Voller, was the party after the fire, just to let people know we're back, that's kinda the symbol of the Town and it's back, and maybe by that time we'll have some other buildings that will be going through the renovation process and help set the stage for new growth in Pittsboro.

He said the next meeting is September 4, 2012 at 6 o'clock here at Town Hall.

Mayor Voller said the Town has obviously been entertaining getting this property from the county for the skate park that we are in the process of negotiating. He asked Mr. Horne to look into the cost of a water fountain if we ever did one, and you sent a cost back of \$4,000 or \$5,000? Manager Terry said that is about right.

Mayor Voller asked Mr. Messick if he'd had any further discussion with their attorney; Attorney Messick responded no.

Mayor Voller said interesting; but you have some interesting feedback about a meeting with the county in terms of joint terms of use of the property if you want to mention that to the Board at this point.

Attorney Messick said the County has an agreement with the school system which is basically an agreement to share facilities, the school could use county facilities and vice versa with no fees exchanged. That's a great benefit to the county because they run recreational programs, and he doubts the school system is using facilities out in Northwest Park and Southwest Park and other areas. Probably the county's benefitting more from this arrangement, since we don't really offer programs it's less valuable at this time, but one of the points they would like to negotiate is to use McClenahan Street park without fees; he is not sure of the time period but he would recommend something along the lines of five to ten years, then reassess it at that time, and certainly have something reciprocal if we're gonna do that. It would be loathe making any agreement we might regret later.

Mayor Voller stated you brought up the point they have facilities that aren't used after school hours that we may want to use, in town.

Attorney Messick said in particular, Pittsboro Elementary School has a nice little playground that the townspeople could use. It wouldn't benefit the Pittsboro parks or the town, per se, but it would certainly benefit the community to have those playgrounds open after hours, our parks are open until dark, at least, so it would be great if those facilities could be open as well. It would be one more opportunity for them to play.

Another thing that would be helpful would be a connection from McClenahan Street Park to Town Lake Park, which is really close. You could easily do a trail along the perimeter of their property that wouldn't interfere with sports practice fields that would allow an easy pedestrian connection. Studies show that any kind of linkage like that, even though the distance is short, psychologically, people don't want to trespass on school property, and if you give them something that gives them permission to walk through, maybe signage that says Town Lake Park this way 2 miles, then it all feeds in, and that's something that may or may not be able to come out of this negotiation.

## NEW BUSINESS

### STAFF RECOMMENDATIONS ON INSURANCE COVERAGE

Mandy Cartrette, Finance Officer said this is just a recommendation on the town's insurance coverage. She did a review of the property and liability coverage the town has, and tried to identify areas where we could possibly save money and found two areas after reviewing the coverage and speaking with our property and liability underwriter at the League of Municipality that covers our insurance, they suggested we drop our comprehensive and collision insurance on automobiles and trucks that have reached a certain age. Currently we are carrying those until we no longer have the vehicles. And we're paying the premium plus we have to pay a \$500 or \$1,000 deductible on those cars or trucks. So we're recommending that we cancel this coverage on these types of vehicles, 8 years for automobiles and light trucks and 12 years on heavy trucks.

Commissioner Foley asked if we'd just carry liability on the younger vehicles. Ms. Cartrette said yes, we are required to carry liability insurance.

Commissioner Baldwin asked did she have an estimate of what we would save. Ms. Cartrette said just under \$1,000 a year. Commissioner Foley said it makes no sense to carry insurance if the deductible is higher than the vehicle value. Ms. Cartrette said that is exactly the situation we are running into right now. Mayor Voller asked how she would like for the Board to proceed.

Ms. Cartrette said she would recommend the Board adopt the attached resolution that the town staff reviews the coverage every year and to cancel comprehension and collision on those vehicles that have reached this age limits: eight years for autos and light trucks and 12 years for heavy trucks.

Motion made by Commissioner Farrell seconded by Commissioner Foley to authorize the Town Manager to cancel the comprehensive and collision insurance on automobiles and light trucks eight years old and twelve years old for heavy duty vehicles.

Vote Aye-4 Nay-0

Resolution reads as follows:

#### **A RESOLUTION AUTHORIZING TOWN MANAGER TO CANCEL COMPREHENSIVE AND COLLISION INSURANCE ON AUTOMOBILES, LIGHT TRUCKS, AND HEAVY-DUTY TRUCKS OVER A CERTAIN AGE**

WHEREAS, the Town Finance Officer has conducted a review of our insurance coverage on motor vehicles and equipment and determined that the cost of some insurance coverage may exceed the benefits; and

WHEREAS, the Finance Officer has recommended that the Town should cancel comprehensive and collision insurance on automobiles and light trucks that reach 8 years or older and cancel comprehensive and collision insurance on heavy-duty trucks that reach 12 years or older; and

WHEREAS, the Board of Commissioners of the Town of Pittsboro concurs in and accepts the recommendations of the Finance Officer with respect to realizing a cost avoidance by canceling certain types of insurance coverage where the costs outweigh the benefits.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town staff will review the Town's insurance coverage in June or July of each year and will apply the following guidelines for cancellation of comprehensive and collision insurance coverage:

1. The Town will cancel comprehensive and collision insurance on automobiles and light trucks that reach 8 years or older.
2. The Town will cancel comprehensive and collision insurance on heavy-duty trucks that reach 12 years or older.

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO CANCEL COMPREHENSIVE AND COLLISION INSURANCE ON AUTOMOBILES, LIGHT TRUCKS AND HEAVY TRUCKS OVER A CERTAIN AGE IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 103**

Mayor Voller addressed Ms. Cartrette. He said in our budget negotiations we brought up this idea of maybe going in with the county on other types of insurance policies. He asked did we ever reach out and ask them if they were interested in order for us to pass the magic number of 50 or 100.

Manager Terry said we did, and it's not so good for insurance. It's not done anywhere in the state of North Carolina.

**POLICE DEPARTMENT POSITION RECLASSIFICATIONS**

Manager Terry said he would introduce this then ask the Chief to comment on it. What you have before you tonight is a request for the Board to weigh in on the decision regarding the retention of a position that was formerly funded by grant dollars. Normally we wouldn't involve the Board in a loss of an incumbent position we'd just advertise and fill it. In this case it's a grant funded position and the grant's due to expire in September and he felt it was reasonable for the Board to weigh in on it if this is a position you want to continue to fund or would it be your preference for the position to go vacant with the information that it costs about \$61,000 for salary and benefits with another \$8000 for automobile maintenance and fuel.

Discussing this with Chief Collins, his recommendation would be not to cancel the position rather to reclassify the traffic enforcement position which is now a sergeant position, request that it be a standard patrol officer position, which would be a grade change from Grade 24 sergeant, to a Grade 22 patrol officer.

Concurrently with that we'd reclassify the domestic violence officer position which is now a patrol officer position, adding training officer duties to that which are currently duties performed by Sgt.

Dodson. Then in recognition of that additional duty change that it goes from Grade 22 patrol officer to Grade 23 which is a corporal grade.

If the Board were to accept that recommendation there would be a small savings in personnel costs. The sergeant position we're currently paying for would not take all of that money, we could hire a Grade 22 officer and increase the domestic violence officer's position to Grade 23, and that savings there is about \$1,200. About \$55,000 would go to the patrol officer's position and about \$4,000 would go to a 5% raise for the domestic violence officer from Grade 22 to Grade 23.

He believes the Chief's recommendation is also about the Mustang, which has traditionally been our traffic enforcement vehicle; it's a specialized vehicle, and the Chief's preference is we trade that vehicle in or auction it and in its place get a standard patrol vehicle for this officer's position.

Mayor Terry said it is his belief based upon discussion with the chief that what we could get for that Mustang and what a new vehicle would cost we'd need a net contribution from fund balance of about \$15,000 to replace that Mustang with a standard patrol vehicle.

He is in support of the Chief's recommendations, it's very important to maintain the credible in-house training capability that we have, also the domestic violence officer is also a highly trained and competent marksman and could take over that role without too much difficulty. This also would move the domestic violence officer from one of the patrol shifts to the daytime shift where she would be available to both shifts and on call for midnights and weekends. It would also achieve some balance and keep the same amount of staff on patrol shifts.

There is a loss here of a dedicated traffic enforcement officer but the Chief is confident he can maintain that by simply shifting more of these duties to the regular patrol who are already doing traffic patrol in the course of their regular duties.

Manager Terry stated overall the total reclassification will enhance the operational capability of the police department by maintaining the in-house training, balance in the patrol shifts, increasing the access of the domestic patrol officer and minimizing the need for overtime pay and the way that happens is if you create a vacancy that needs to be filled by reserve officers, then there's overtime by the regular officers or the part time pay of some of the reserve staff. So his recommendation would be to accept the Chief's proposal of reclassifying the position down from sergeant to patrol, reclassifying the domestic violence officer to a corporal level and reassigning that officer with additional duties and he also concurs with the recommendation to sell the Mustang and roll some of those proceeds into purchasing a plain police cruiser.

Manager Voller referenced the memo Chief Collins submitted to Manager Terry and Commissioner Foley thanked him for all the information.

The memorandum is as follows:

TO: William G. Terry, Town Manager  
FROM: David Collins, Chief of Police  
SUBJECT: Recommended Position Reclassifications

DATE: August 21, 2012

As you know, I recently accepted the resignation of Sergeant Kevin Dodson who will be taking a position with the Lee County Sheriff's Office. In addition to serving as our Traffic Enforcement Officer under the grant from the Governor's Highway Safety Program, Sergeant Dodson has served as the Police Department's Training Officer for required marksmanship training and other mandatory in-service training for our Police Department. In order to fill the void created by Sergeant Dodson's departure and to address other critical needs of the Department, I am recommending that two existing position be reclassified as discussed below. I realize the one option here would be to eliminate this position and achieve an annual personnel cost avoidance of about \$61,000; however, doing so would severely limit our ability to respond to several pressing needs of the Police Department as outlined below. Accordingly, I am requesting that the funding for the traffic enforcement officer position be retained in the Police Department budget.

The recent resignation of the Traffic Enforcement Officer need not jeopardize the Pittsboro Police Department's ability to respond to the wide variety of daily law enforcement challenges that we face. Pittsboro is growing in size and population. Along with growth comes more responsibility for our agency. Pittsboro is very fortunate not to be plagued with the violent crimes that other towns and cities are facing; however, we are located within twenty minutes of large cities and towns that are experiencing gang activity, murders, home invasions, bank robberies, drug crimes, and increasing incidences of domestic violence. Pittsboro is not immune to criminal activity, but keeping the crime rate down comes with very hard work from the police officers currently employed. Losing any full-time position would be detrimental to our ability to respond to the law enforcement expectations of the citizens of Pittsboro now and in the future.

During the 2011 calendar year Pittsboro Police Department answered 8,861 calls. The officers issued 1,301 traffic citations, made 278 misdemeanor arrests and 71 felony arrests. They investigated 127 motor vehicle collisions. There were 28 family domestic calls and three child abuse cases.

When the Pittsboro Police Department was halfway through calendar year 2012 we had answered 4,671 calls. Officers had issued 689 citations, made 132 misdemeanor arrests and 22 felony arrests. They had investigated 60 motor vehicle collisions. There had been 32 family domestic cases, two child abuse cases and two sexual assault cases.

As noted above, our former traffic enforcement officer was engaged in the very critical role of Departmental Training Officer. In addition to losing the dedicated traffic enforcement officer, we will also be losing an in-house training officer, a position which fills an extremely vital need for all officers as well as citizens of the town. As we all know, there have been several recent events that show violence is on the rise; to name just a few: A forty year old Army veteran guns down seven victims and injures several others in a temple in Milwaukee on August 5, 2012; the theater shooting that killed 12 and injured 58 in Aurora, Colorado on August 20, 2012; in Louisiana two deputies were killed and four others were wounded on August 16, 2012 in a shooting in which the gunman initially shot a deputy while he was

directing traffic; three people were slain and two others were wounded at a coffeehouse in Seattle, WA and then another victim was killed later by a subject who was found five hours later deceased from a self-inflicted gunshot wound. Mayors from all of these cities and towns have commented on the apparent continuous rise in gun violence.

Not only are officers subject to these type of situations on a daily basis, but they have to now deal with the emerging phenomenon of “sovereign citizens.” Sovereign citizens are anti-government extremists who believe that even though they physically reside in this country, they are separate or “sovereign” from the United States. As a result, they believe they don’t have to answer to any government authority, including courts, taxing entities, motor vehicle departments, or law enforcement. This causes all kinds of problems—and crimes. For example, many sovereign citizens don’t pay their taxes. They hold illegal courts that issue warrants for judges and police officers. They clog up the court system with frivolous lawsuits and liens against public officials to harass them. They may use fake money orders, personal checks, and the like at government agencies, banks, and businesses. Our department has been required to serve a summons on at least one such individual this year.

Not every action taken in the name of the sovereign citizen ideology is a crime, but the list of illegal actions committed by these groups, cells, and individuals is extensive (and puts them squarely on our radar). In addition to the above, sovereign citizens:

- Commit murder and physical assault;
- Threaten judges, law enforcement professionals, and government personnel;
- Impersonate police officers and diplomats;

Sadly, another growing problem our officers face is the violence from returning soldiers. Returning soldiers are often not subjected to mental evaluations and the propensity for violence in communities continues to grow. Soldiers that have lived through horrific circumstances return to us and are in many cases in need of mental health services; however, due to the stigma of obtaining such services many simply refuse to seek any help. When they do have the courage to look for help, they often learn that mental health services either are not available or that the services that are available lack the staff and program initiatives needed to work through certain situations unique to soldiers returning from war. The largest portions of acts being committed are assaults, domestic violence, and sex crimes. According to research, the number of reported acts of violence by soldiers has doubled in the last ten years. The frequency of these acts also showed marked increase in the summer months; however, the rate of violent acts practically doubles when compared and contrasted to the dates following the return of units from overseas.

The following statistics illustrate the recent increase in acts of violence. In 2012 there have been over 220 officer involved shootings across the United States with close to 10% of those having occurred in NC. There have been 69 officers killed across the United States in 2012 with almost 8% of those having occurred in NC. Without regular high quality departmental training, officers may become stale and complacent thereby increasing the risk that an officer and/or citizen will get injured or worse. In order to maintain the operational effectiveness of the Police Department, it is absolutely imperative that we maintain our in-house training

capability; however, Sergeant Dodson was an outstanding training resource that will be difficult to replace, particularly if we experience a reduction in staff related to his departure. That being said, we have devised a plan that will in time restore our in-house training capability.

I am requesting that we reclassify the current domestic violence/ sexual assault officer position by adding the Training Officer duties to that position and delete routine patrol officer duties from this position. The grade of the position would be increase from Patrol Officer I (grade 22) to Patrol Officer II (grade 23). As compensation for the additional duties and responsibilities, we would recommend a pay increase of 5%. Of course, this officer would be available for patrol duties in an emergency. This would allow the DV/Sexual Assault officer to take on the role of training officer and still have time to work more closely with the victims of domestic violence and sexual assault. Currently, the DV/Sexual Assault officer is assigned to one patrol team; which inhibits this officer from being available to all officers in the department. The current schedule this officer works does not allow the amount of time needed to dedicate to the investigations of domestic violence and sexual assault victims. By reclassifying this officer into the role of DV/Sexual Assault/Training, the schedule can be arranged in which the officer will be available to all officers on any shift, assuming on-call availability for nights and weekends. Under this arrangement, more time can be dedicated to the victims as well as increasing our availability to the Family Violence and Rape Crisis Center which is required as part of the grant. The current DV/Sexual Assault officer also has extensive experience in training and we propose to enhance this experience by sending the officer to instructor training and the firearms instructor course.

The State of NC requires all officers to attend over twenty-four hours of mandated training each year. Eight hours of this mandated training are firearms training. By sending this officer to the firearms instructor course the department/town will be saving close to \$1,000 a year by eliminating the requirement to contract with a certified firearms instructor. This officer will also be teaching the mandated in-service training required by the State of NC and assume the role of training coordinator whom will maintain all departmental training records. If the training records are not properly maintained, the State of NC has the authority to intervene and in a worst case scenario, shut down a police department. By assigning this officer as the training officer for the other required training, the department will be saving the town money each year by providing in-house training and minimizing the need to send officers to schools conducted by outside agencies. On top of these duties the DV/Sexual Assault officer will also be conducting juvenile investigations which are on the rise. This duty falls directly into line with this officer's current role of working with the children that are involved in the domestic violence and sexual assault cases. Criminal juvenile cases are handled through a different judicial process and a regular patrol officer does not usually have the time needed to dedicate to this procedure. Our current detective, who handles investigations of all types, has now also taken on the added responsibility of the ABC officer for the city and county. This is an important responsibility and we have a contractual obligation with the Chatham County ABC Board and Pittsboro ABC Board to perform this mission. By assigning the role of criminal juvenile cases to the DV/Sexual Assault officer, we will allow the detective to have ample time to focus on all the other investigations and his responsibilities as ABC officer.

If reclassification of the DV/Sexual Assault Officer is approved, we will need to backfill the patrol officer position with one patrol officer. We propose to do this by using the salary previously paid to the Traffic Enforcement Sergeant. Essentially, we would be reclassifying the Traffic Enforcement Officer to a Patrol Officer position. This will ensure both patrol teams have four officers; which is the minimum required for a team to be able to operate efficiently. The responsibility for traffic enforcement can then be shifted to the patrol officer positions, all of whom are trained and experienced in traffic enforcement stops.

If the reclassifications described above are approved, we recommend the Ford Mustang be sold and the revenues from that sale be used toward the purchase of a standard patrol vehicle for a police officer. The equipment inside the Ford Mustang can be used in another vehicle. There is approximately \$5,000 worth of equipment that can be used in another vehicle. This equipment includes a two-way radio, radar, camera system, computer, lights and siren; all of which can very easily be taken out of the Mustang and placed on another vehicle.

We believe the proposal outlined above is nearly revenue neutral considering that the money is already in the budget for a Traffic Enforcement Sergeant position. These funds are sufficient to support the recommended 5% pay increase for the newly reclassified Training Officer and one Patrol Officer. There will probably be a need for a budget amendment of about \$15,000 to cover the cost of replacing the traffic enforcement Ford Mustang with a new standard police patrol unit.

**In Summary:**

- Losing Traffic Enforcement Officer and Training Officer
- Requesting to reclassify the DV/Sexual Assault officer by adding the Training Officer function and Juvenile Crimes Investigator. (Promotion from grade 22 to grade 23 with 5% pay raise.) This position would come off of the patrol shift rotation and work a five day 40-hour week with on-call availability on nights and weekends.
- Requesting to reclassify the Traffic Control Officer position to a standard Patrol Officer. (Changes this position from grade 24 to grade 22).
- Surplus the Ford Mustang Traffic Enforcement Vehicle.
- Purchase a new Ford Police Interceptor Sedan for Police Patrol.

Mayor Voller asked if these totals included the ETJ, Chief Collins said it was just within the Town.

There was discussion about the number and type of calls answered.

Mayor Voller asked him to respond about the “sovereign citizens” he mentioned. Chief Collins said we have a cell a few miles from here and they have had to serve summons there before. They have already had to interact with this group and as you can see in the report they are a very dangerous group and are growing.

Mayor Voller went over the list regarding “sovereign citizens.” There was a discussion about the police involvement with the citizen. Chief Collins said they have been involved twice.

Mayor Voller wanted to note the Town of Pittsboro has been involved with a couple of heated affairs where the Sheriff’s Department came in and our police did very well to come in and calm the situation down on Lindsey and Credle Street, where instead of it being violent they were able to get it calmed down without violence and shooting and that is really what we want.

Chief Collins said that is why they want to do training and it is important that they have a training officer in the department. They are very fortunate they have not been involved in any shootings.

Chief Collins said the board needs to continue to invest in the department in order to continue having a safe community where the people of Pittsboro are proud to call it home.

Commissioner Baldwin asked if Sgt. Dodson was the only trainer that is certified. Chief Collins said they have three that are certified to train and they do train now.

Commissioner Farrell asked if we are not going to fill this position why do we need another vehicle to replace the Mustang. Chief Collins said they can use the Mustang but it is not practical for what it will be used for. He said they could actually look at used vehicles too.

Commissioner Foley said with the rise of domestic violence and the importance of having someone who knows how to handle Domestic Violence cases because they are so complex it is important that she will be available for multiple shifts.

Commissioner Baldwin asked how long the officer has been here. Chief Collins said two years but she has ten years of experience.

Commissioner Farrell said with the way the economy is to purchase a new vehicle he don’t think people will agree with them. Chief Collins said he could get a used vehicle.

Commissioner Baldwin said in the report it states that you wanted to train the officer, sending her to instructor training, is she not a certified instructor at this point. Chief Collins said she was but it lapsed so she would have to go to the two week class and re-certify.

Commissioner Baldwin said you have three certified officers already you could not consider making them trainers. Chief Collins said no, do to what he is doing with the duties of the DV officer making that more of a valuable... this would be one of the added duties to the position.

Lt. McCollough stated they use the three certified officers for mandatory in-service training within the department on a regular basis. Commissioner Baldwin asked if anyone else wanted to be the firearms instructor. Lt. McCollough said no.

Commissioner Foley said she supports Chief Collins’ proposal, her only concerned is a new vehicle.

Manager Terry suggested that the Board may want to break it into two sections to vote on. They agreed.

Commissioner Foley said if we can purchase a low mileage Crown Vic for \$16,000, surplus the Ford Mustang and take the \$11,000 from its sale and with the \$1,200 savings in the position reclassification (from Sgt. to Police Officer) makes getting a vehicle affordable in her opinion.

After much discussion about a vehicle purchase a motion was made by Commissioner Foley seconded by Commissioner Farrell to surplus the Ford Mustang take the savings from reclassifying the position and purchase a used low mileage vehicle.

Vote Aye-4 Nay-0

Mayor Voller asked if we have ever considered having an advisory board to work with the police department. Chief Collins said that is something to think about.

Commissioner Baldwin asked if the position of corporal was advertised in case others may have been interested in applying for the position.

Manager Terry stated we would not advertise it because we are just reclassifying a position.

After much discussion about the reclassifying of the position a motion made by Commissioner Farrell seconded by Commissioner Foley to approve the reclassification of the position.

Vote Aye-3 Farrell/Foley/Turner Nay-1 Baldwin

## **CAPITAL PROJECTS REPORT**

### **MANAGER'S UPDATE ON CAPITAL PROJECTS**

Manager Terry made the following updates:

Hillsboro Street Transmission Line – it has begun. It started last Thursday and Friday. They brought their equipment on site at the million gallon tank and have begun working at the million gallon tank and will move southward towards the traffic circle.

Mayor Voller stated that Manager Terry notified them last time of an amendment to the budget from Commerce where we will get another \$100,000. Manager Terry stated he hasn't had any official paper follow up on that. Our grant administrator Warren Wooten has been in touch with the Commerce Department regarding the letter he sent asking them to cover the \$500,000 shortfall. They said they couldn't find \$500,000 but they could fund an additional \$100,000.

Manager Terry stated he handed out information on the Springdale Drive project and it was talked about earlier tonight.

Mayor Voller asked where they are staging all the materials. Manager Terry said they are going to leave the pipe on the truck and take out what they are going to use in a given day.

Mayor Voller asked how the notification of property owners, citizens and business owners are going. Manager Terry said the general contractor has been really good about that. He has been walking and talking to residents on Tank Road and Becky is nearly done with her first newsletter.

Mayor Voller said to make it abundantly clear to the contractor and Becky that if we get zero complaints we are going to be very happy if we get one or more complaints we are not going to be happy.

Mayor Voller asked about the generator for the WWTP. Manager Terry stated they (he and Becky) have to prepare a new revised project budget including that scope of work.

Mayor Voller said the information that was handed out tonight on Springdale does that mean they approved the plan Commissioner Fiocco worked on. Manager Terry said he believes that is correct.

Mayor Voller asked for an update on Alpha Install. Manager Terry stated he, Mandy, Dianne and the owner of Alpha Install met and Alpha Install is prepared to submit their first claim.

Commissioner Farrell wanted to know how much equipment they are going to have on Tank Road because it is a very narrow road, are they going to be responsible for damages. Manager Terry said typically when you have construction the contractor is responsible for any damages. Commissioner Foley said we need to document the road conditions before they get started. Manager Terry said Becky is taking photos.

Mayor Voller asked Attorney Messick and Planner Bass to find out if it is a road and can be repaired out of Powell Bill funds. Attorney Messick said it is just an easement for the Town's benefit, not a road.

### **CLOSED SESSION**

Motion made by Commissioner Baldwin seconded by Commissioner Foley to go into closed session pursuant to GS 143-318.11(a)(5)(i) for the acquisition of real property by purchase, option, exchange or lease.

Vote Aye-4 Nay-0

### **REGULAR MEETING**

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

Vote Aye-4 Nay-0

Mayor Updates

- EDC
- RPO
- Solid Waste

- Fairground Association
- PMA/Downtown

Commissioner Concerns:

Commissioner Farrell asked if we were having success with the Town Manager search. He has been contacted by a former manager from back in the 1980's.

Mayor Voller stated they have seven or eight candidates to interview as it stands right now.

Commissioner Foley would like for staff to be involved. Manager Terry said Smither and Associates interviewed department heads and himself already.

Commissioner Foley spoke about Retire NC. She is so proud of the committee they put together. They are having their first meeting on September 13, 2012 the NC Department of Commerce is going to make a presentation and they have someone from Lumberton coming.

Commissioner Turner stated that back in the fall she and Officer Swain submitted a grant application for bikes and they were notified we did not get it. But they are going to reapply to try to get \$5,000 worth of bikes.

Commissioner Baldwin reminded Manager Terry we were supposed to raise water and sewer rates before he leaves. Manager Terry said he will bring it to the next meeting.

Mayor Voller said the county is willing to talk to the board about the land. They have discussed the proposed skate park and the county now wants the town to install bathrooms on the property. He said there is also a push for water fountains there.

Mayor Voller said Mr. Culpepper has gone before the county to extend the resolution and asked that the Board prepare a resolution to the county requesting it. Manager Terry stated he would like the board to proceed with caution he would like some time put into studying this. Mayor Voller said to bring back a list of pro and cons.

FYI -

1. Tentative Future Agendas August 27, 2012
2. Town Manager's letter of August 23, 2012; RE: Letter of Support for Placing the Assets of Omtron into Receivership.
3. of Omtron into Receivership.
4. TARPO Annual Performance Report for FY 2011-2012.

**ADJOURN**

Motion made by Commissioner Farrell seconded by Commissioner Turner to adjourn the meeting at 9:30 p.m.

Vote Aye-4 Nay-0

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Randolph Voller, Mayor

ATTEST:

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Alice F. Lloyd, CMC, Town Clerk