

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, FEBRUARY 13, 2012
7:00 PM

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

ATTENDANCE

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

Staff present: Manager Bill Terry, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner Stuart Bass and Police Chief David Collins.

Mayor Voller said before we get started on hopefully not too long of an evening to territories unknown, I just want to make a statement. I think it is wonderful that people care enough about their town and what is going on in their town to fill up a room. A lot of places you couldn't get this many people in a room for anything. Many people in this room have different viewpoints on some of the issues here tonight and not everyone here tonight is here to speak on this public hearing. In fact, other people are just doing the mundane business of a municipality, which is why we would like to put them on top and get them out of here so they are not here for two or three hours.

These are all your neighbors in Pittsboro and beyond so let's be respectful. We may not agree with everyone and everything but the point is we want to do the people's business and whatever happens tonight or beyond we still have a great community and we still have to work together. With that said I hope that if people don't agree with some of the speakers we can refrain from booing and hissing or if they do agree refrain from cheering. Let's just be respectful of everyone in here and give everyone a chance to put on the record what they want to put on and conduct our business in a civil fashion.

With that said, I will ask the Board if they would like to make a motion to approve or modify the agenda. You see we have a ceremonial agenda, a consent agenda, and the regular meeting agenda. Commissioner Fiocco made a motion to modify the agenda to put the new business before the public hearing. Mayor Voller stated there is a motion on the floor by Commissioner Fiocco to take the new business, which is essentially items 1, 2, 3, and 4, and move them in front of the public hearing after citizen's matters so we can work through this quickly. Motion seconded by Commissioner Farrell. Are there any other potential changes on the regular meeting agenda? Commissioner Turner made a motion to table item 1 of old business until February 27, 2012. Mayor Voller asked if she would like to add that as an amendment to Commissioner Fiocco's motion. Commissioner Turner responded yes and Commissioner Fiocco accepted amendment. Mayor Voller stated so the amendment is that item one, is that what you are

referring to on Old Business, would be tabled until the February 27, 2012. Commissioner Foley seconded the amendment to the motion. Commissioner Farrell asked why we are doing that. Commissioner Turner responded she would like to do it because there is going to be a one or two-hour public meeting and she doesn't want to make a decision right after so she would rather have time to sit with the information. Mayor Voller said if Commissioner Farrell preferred, we could separate the two and vote on them separately, would you prefer that. Commissioner Farrell asked that Mayor Voller repeat. Mayor Voller said we can separate that and vote on them as two separate motions, so you might want to vote for one but you might not agree with that, so we can separate them into two votes. Commissioner Farrell said he definitely does not agree with continuing this on any longer. Mayor Voller said we would take it in two votes. The first part will be moving the New Business after the regular meeting agenda Citizens Matters.

Vote Aye-5 Nay-0

The second motion was to take item one and move that vote until February 27, 2012 and the stipulation put forth that Commissioner Turner wanted to get a hold of all the facts that were presented and, maybe she will feel differently at the end of the night, but that is what she's offering right now and it was seconded by Commissioner Foley. Commissioner Turner said she just feels like she wants to hear what the 14 people who signed up have to say and she wants to be able to process it fairly. Mayor Voller said Commissioner Fiocco, since he is recused, will not be involved. Mayor Voller asked Commissioner Farrell for his feelings on the matter. Commissioner Farrell said he just thinks we have drug this on long enough and it has been 8 months and it is time to go on with it. Commissioner Turner said that we had reopened the public hearing this evening for the first time since we were elected. Commissioner Farrell said he has been coming to the meetings since August 1, 2011. Commissioner Turner responded she had also. Commissioner Farrell disagreed a little bit with that. Commissioner Turner said that since this is a quasi-judicial hearing and that we are going to look for statements of truth as opposed to just emotional it would be nice to have a chance to sort through what people say this evening and determine what the findings and fact are so that we can vote in a reasonable way because this is quasi-judicial. Mayor Voller asked Attorney Messick if he had anything to offer to weigh in as the parliamentarian. Attorney Messick said you certainly can table it. Mayor Voller asked if they are requesting from you a stipulation of facts coming out of this hearing do you see that as a problem. Attorney Messick said not necessarily, but it could be. Mayor Voller asked Commissioner Baldwin if she had anything to offer. Commissioner Baldwin asked if after we have heard everything that everyone is going to say and then there is nothing new, do we feel that we can we change it and say we do want to go on and make a determination or is it too late? Manager Terry said they would hold the motion to table until after the public hearing is over and then make the motion to table. Commissioner Baldwin asked if she should amend her motion. Mayor Voller said no, this is a discussion so the question is Manager Terry is offering that we can hold it until that time and if you feel you want to table it then, it can be tabled or you can request that we vote on it now...you made the motion so it is in your court. Commissioner Baldwin said she would like to vote on it now. Mayor Voller asked for a vote for all in favor of tabling it and requesting a stipulation of facts is what you are going to have to do.

Vote Aye-2 Turner/Foley/Voller Nay-2 Baldwin/Farrell

Mayor Voller voted on the tie and voted that we table this until February 27, 2012. Commissioner Farrell said that explains everything. Mayor Voller said we will go on to Ceremonial Agenda.

Mayor Voller clarified the public hearing is going to occur, the public hearing has not been delayed. The only thing that they are requesting is that after the public hearing has occurred, they would like to have a listing of the facts. It is possible that the Board could change its mind but this is the vote we have taken now. So everyone who signed up needs to testify this evening and anything else that you have, whether it is email or some other evidence you want to submit, needs to be submitted now. I know that people are emotional about this, however, you are asking people to make a decision after listening to potentially two or three hours of information and they may not be able to decide what all the facts are, one way or the other, and you don't want to push a vote that may not go the way you'd like. They are required to read these facts and make a vote based on the facts that are stipulated. If anyone signed up, please do not leave the room because your name is on here and you need to present your evidence. This is going to be an evidentiary hearing and we are going to swear you in.

CONSENT AGENDA

Mayor Voller stated we have a Ceremonial Agenda and a Consent Agenda that we need to call for approval of. So the Ceremonial Agenda will be the distribution of second quarter ABC store revenues from Mr. Nass, who is representing the ABC Board. We need an approval of that. Commissioner Baldwin so moved, seconded by Commissioner Fiocco.

Vote Aye-5 Nay-0

Mayor Voller said the Consent Agenda had to do with the minutes from January 23, 2012. Commissioner Fiocco asked to make the following corrections to the minutes: Page 25, as far as the vote goes, I think there is an error in that tabulation in that it says that Commissioner Farrell had recused himself from the vote. Mayor Voller said he doesn't think Commissioner Farrell recused himself from the vote. Commissioner Fiocco said he was the only one that recused himself from anything that evening so I think that is misapplied. Mayor Voller asked Commissioner Farrell if he recalled recusing himself from any votes on January 23, 2012. Commissioner Farrell said no. Commissioner Fiocco said the other item was on page 26, we have an absent commissioner who seconded the motion, or unnamed commissioner. Commissioner Foley said she believed Commissioner Farrell seconded it but I'm not sure. Mayor Voller asked Commissioner Farrell if he could review that. Commissioner Farrell said yes it was probably a good chance since he had to be at work in about 10 minutes after that. Mayor Voller agreed that he thought Commissioner Farrell was the one that seconded that. Commissioner Fiocco said with those corrections he makes a motion that we approve the Consent Agenda. Motion seconded by Commissioner Baldwin.

Vote Aye-5 Nay-0

CEREMONIAL AGENDA

Mayor Voller introduced Mr. Jim Nass representing the ABC Board. Mr. Nass said that their semiannual report is finished as of December 31, 2011, revenues are up by \$51,000 dollars over the last year for that period but, more importantly, the net income was \$47,000 plus and our budget for the six months was to have lost \$5,700, so what I am saying to you is that for the first six months we are doing well. Secondly, I want to advise the Commissioners that we have received in January, which starts our third quarter, a check from the insurance company to cover inventory theft in the amount of \$29,509.86, so that is very good news that a significant portion of the missing inventory value has now been replaced, which is very good news. And thirdly, and most importantly, I want to present to the Commissioners the distribution from the Pittsboro ABC Store for the second quarter in the amount of \$8,250.00 to the town and another check for \$934 for our law enforcement distribution. So this continues our beginning streak of handing over funds to the Town of Pittsboro and we intend to continue to do that in every increasing amount as we get a better handle on that. We thank the Board for their support and I would like to present these checks to the Mayor. Mayor Voller said he would like to thank you, after we have been through some difficult times in the last decade, to the Board and thank you to former Commissioner Harrington and Commissioner Fiocco who were liaisons to the Board, former Commissioner Walker that served on the board and then, of course, business took him so that he could not serve, and we have managed to replace the folks that had to step aside, Mary DeMare was the chair and she has moved. Excellent work, Jim, and to Ned Kelly...I think you are doing a good job. The Board is always happy for the citizens and asked for a round of applause. Commissioner Fiocco asked to add a comment that since the new Board has been in place, I think the funds distributed to the town are in excess of \$32,000. I think if we can look back through the records, back to 1972, the average distribution for the year was \$17,000 so thank you for your good work.

Mayor Voller said that no one signed up for Citizens Matters, however, if there is some citizen that has an issue that is not on the agenda that would like to speak, please step forward. If not, we are going to move on.

NEW BUSINESS

1. Appointment of an Alternate In-town Member to the Planning Board

Mayor Voller said we had two applications that were in the agenda packet and a third one came in today so the Board can decide to consider this now or table. We still don't have any for out-of-town or enough to consider, apparently. Manager Terry said actually we do. Mayor Voller said okay but it is not on the agenda. Commissioner Fiocco said we have three for in-town and one that came in today. Commissioner Farrell said Mr. Butler had an application in earlier for out-of-town (ETJ). Manager Terry said he initially declined to serve as an alternate and he has reconsidered and is now willing to serve as an alternate.

Mayor Voller said the first order of business is to consider the in-town alternate and asked the Board if they want to discuss the alternate for the out-of-town or continue to solicit.

Commissioner Fiocco stated he had three applications that say in-town: Phillip Bienvenue, William Hughes, and Bob McConnaughey. Commissioner Baldwin added a new one (Tim

Keim). Commissioner Fiocco said we have four for in-town. Manager Terry said that he was sorry, that was a duplicating error. Mayor Voller determined he withdrew his application apparently. Clerk Lloyd said she called him and he said he would consider being an alternate. Mayor Voller recognized that Bob was present. Mayor Voller asked if he was now willing to do the alternate. Mr. McConnaughey spoke up from the audience and confirmed he was willing to be considered for the alternate.

Mayor Voller said the first order of business is to appoint the in-town alternate member of the Planning Board. Obviously, they can take part in the discussion. Shannon Plummer is here in the audience, he served in that role capably, and now he is a permanent member. Mayor Voller asked Mr. Plummer if he got an opportunity to vote a few times because of a quorum requirement not met or refusal. Mr. Plummer said that was correct. Mayor Voller asked if he participated in discussions. Mr. Plummer responded yes, he voted about three times and Mayor Voller asked if he participated in discussions and Mr. Plummer said that was correct. Mayor Voller told Mr. McConnaughey that was what he would expect...you may end up voting but you will participate in discussions. Commissioner Fiocco made a motion to appoint Bob McConnaughey. Commissioner Foley said she would like to make a motion to appoint someone. Mayor Voller asked Attorney Messick how we should handle multiple votes. Attorney Messick responded you could vote all at one time and whoever gets the highest number of votes would be the appointed person if there was more than one nomination. Mayor Voller told Commissioner Foley she could direct her questions directly to the parliamentarian. Commissioner Foley said she was interested in making a motion to consider Tim Keim for the position so I'm not sure how to go about it. Mayor Voller said so we have two candidates at this time that people want to consider and I suppose we could consider all four so not sure how to proceed. Commissioner Farrell said he had one also for in-town and out (ETJ). Attorney Messick said that if everyone has a nominee it would be difficult for anyone to get three votes. Mayor Voller said we have two nominees: Tim Keim and Bob McConnaughey. Commissioner Farrell stated he wants to nominate William Hughes. Mayor Voller asked for any other nominees and there were none. The motion was seconded by Commissioner Baldwin. Mayor Voller said we have five votes so who ever pull the most votes is going to get this appointment. First nominee, Bob McConnaughey, received three votes (Commissioner Fiocco, Commissioner Turner and Commissioner Baldwin). Mayor Voller asked for votes for Tim Keim, who received one (Commissioner Foley). Billy Hughes received one vote (Commissioner Farrell) Mayor Voller welcomed Bob McConnaughey to the Board.

Vote: McConnaughey-3 (Fiocco/Baldwin/Turner)
Keim – 1 (Foley)
Hughes – 1 (Farrell)

Commissioner Voller asked Commissioner Farrell if he wanted to discuss an out-of-town (ETJ) member. Commissioner Farrell made a motion to nominate Robert Butler in the ETJ, he applied earlier. He is, looks like, the only one interested in the ETJ. Commissioner Fiocco seconded the motion. Mayor Voller asked the Board if anyone else had any nominees for the ETJ – there was no response. Mayor Voller asked if there was anyone from the ETJ present who wanted to throw their hat in the ring – there was no response. Mayor Voller asked if Mr. Butler was present, and

he was. Mayor Voller asked all in favor of appointing Mr. Butler as the alternate member for the ETJ.

Vote Aye- 5 Nay-0

Mayor Voller welcomed Mr. Butler to the Board.

2. Contract between the Town of Pittsboro and the Chatham County ABC Board

Mayor Voller recognized Mr. Harris. Walter Harris, 281 Hillsboro Street, Pittsboro. Mr. Harris said he is currently serving as the chairman of the Chatham County ABC Board. He reminded everyone there are three separate ABC Boards in Chatham County that came about as they voted. Pittsboro came about first, then Siler City, then the county. The legislature last year required that all ABC Boards have a contract with a law enforcement agency or to sponsor their own law enforcement agent. We have looked at the options and while we could go with ALE, which means that the money that we would be contributing would be going outside the local community, we have found that it would be best to contract with Pittsboro Police Department. I have talked with Manager Terry and with Chief Collins and we have a contract there in your agenda package that we have come up with and we ask that you support that. If you have any questions I would be glad to try to answer. Commissioner Fiocco asked what kind of services the Police Department would be providing. Mr. Harris responded essentially the same thing as any ALE officer, they are spelled out as what their duties are. The primary thing that they would be doing is monitoring the permittees...currently Chatham County has nine permittees and that number varies as the economy changes. They would essentially visit those permittees once or twice a year. The neat thing about this is they are different than a police officer and that is one of the reasons it is spelled out separately. They do not need probable cause to go into a facility and investigate. If they are suspecting that people are being served that are underage, they can go in without probable cause. They would go in and check id's and go in and make sure that all the bottles that are on the shelves that are being served out of have a tax stamp. The most important part is that they fill out a report on a monthly basis that is given to the contracting agency, us, and we fill that out and send it to Raleigh. Often what happens is that there are zeros. Many of the reports across the state there are simply zeros and that means in terms of what the report is requesting, zero is not a bad thing, it is a good thing. It means there are no violations out there. Commissioner Baldwin asked if there would be several police officers doing this. Mr. Harris said the law currently limits the number of officers to five with any contracting agency. Chief Collins and I have talked, I think he is possibly designating two of his officers: one to do county and one to do the Town of Pittsboro. While there is no training, per se, that is required other than just handing them a book and saying here's the law, go to it, we are also proposing that we would provide training through Wake County ABC or through Orange County...some other agency that is currently doing training (could be the ALE officers), so that these officers understand exactly what their duties are and the limits on those duties are. Mayor Voller asked Chief Collins if this is something he is in favor of doing. Chief Collins responded yes, it would be no problem for us as far as the contract. Commissioner Farrell said that was the same question he was going to ask Chief Collins and, with that, I would like to make a motion that we work with the ABC Board on this. Seconded by Commissioner Foley. Commissioner Fiocco asked Chief Collins that the money that is flowing from the county ABC is at least 5% of their profits and I think the estimate

is for \$5,400. Do you think that is enough to cover the cost of providing this service? Chief Collins responded yes. Mr. Nass spoke, as a point of order, we are required to give 5% of our profits, all ABC systems are required to give 5% for law enforcement and they are required to give 7% for education. Commissioner Fiocco said he read “at least 5%” so we look forward to your generosity. Mr. Harris said as a resident of Pittsboro and Chatham County my biggest concern is keeping the money local. Mayor Voller said we look forward to you and Jim coming back with more checks.

Vote Aye-5 Nay-0

3. Request for Voluntary Annexation of the Northwood High School Property.

Mayor Voller said this is a discussion item and asked if we had anyone here from the schools. Manager Terry said this request was attached to an email that I sent the Board and a letter from the School Superintendent, Dr. Logan, and the basic message in his letter is he has calculated the administrative costs and fees associated with submitting a voluntary petition for annexation and he believes it to be about \$10,000. If the Board is not inclined to approve such an application, he would like to save that money and not spend it on an application that is destined to be disapproved, so he is asking for a straw vote and wants to know the will of the Board in respect to whether you are encouraging him to apply or are you not encouraging him to apply. I put some rough notes in the email that I sent you letting you know that the staff recommendation on this, if the application should be forthcoming, would be largely based on a financial analysis and, in this case, you would be annexing about 94 acres of tax-exempt land so there would be no tax revenue benefits for the Town and it would also be taking a water and sewer customer who pays about \$90,000 a year and that revenue to the town would be cut in half so the net fiscal impact of approving this would be \$45,000 a year revenue reduction to the town. Also, it would be a satellite annexation since there is no contiguous property to the school property now that is annexed and there is a statutory limit, I believe, on how much property we can have in satellite annexations and typically municipalities reserve those for areas of land that would, in fact, increase the tax base and this case would not increase the tax base. Staff recommendation would likely be not to approve this but that doesn't mean the Board may chose to differ. So I guess what I'm looking for tonight is some guidance on how to respond to Dr. Logan in respect to this voluntary annexation petition. Should I encourage him to go ahead and submit it or shall I not?

Mayor Voller asked Attorney Messick if he could explain why it is considered a satellite annexation with 64 as a public right of way. Didn't we have AAC already wanting to annex if and when... Attorney Messick responded AAC is not in, it said it would cooperate in being annexed but it is not technically in yet. Mayor Voller asked how does the town actually annex properties across public rights of way. Let's say a developer comes in who is across the street, why is this considered satellite when this is a public right of way? Attorney Messick said this is not contiguous to an existing town boundary, but AAC is not in. Mayor Voller said it is in our ETJ, technically, so it is in our planning area so any properties north potentially could want to come into the town, like AAC, so how do we avoid this sticky wicket, so to speak, about satellite annexation and running up against the 10% rule. Attorney Messick answered you would be annexing something that is contiguous between it and town. Attorney Messick said the public right of way does not disqualify the property as being contiguous. Manager Terry said no, if

AAC were in, this would be contiguous but AAC is not contiguous to the town either, that was going to be a legislative annexation. Mayor Voller said that one reason to annex this is that any future properties beyond this that were privately held would not run up against this problem and thus the town could work with them in that growth corridor. Attorney Messick responded, correct, if you got past the bypass and annexed the intervening properties... Mayor Voller said so a compelling case could be made that if you annexed them you could open up for other people that wanted to work with the town and they would not run up against the situation. Attorney Messick said if you have got the intervening property owners as well. Manager Terry said there are at least two properties between this one and the town and you would have annex those as well, otherwise you would just create a larger satellite. Mayor Voller said it was certainly worth looking at. Attorney Messick said the way satellites work, it is all voluntary. Mayor Voller said Pittsboro Christian Village is a classic satellite annexation. Commissioner Fiocco asked if there were any other town services that would be provided that are not being provided at this time? Manager Terry said it could be a heavier burden on our Police Department than it is currently, although the Police Department does have jurisdiction out that far, I think the lion's share of the calls go to the Sheriff's Department, and the chief can correct me on that. If we were to annex it then the bulk of automobile accidents at that intersection would be investigated by our police officers rather than the sheriff. Mayor Voller asked the Chief is it true that we have jurisdiction there, that goes back to the law from like 1974. Manager Terry said the only other service he can think of would be solid waste management and I think the school has a contract outside of our contract so that may not be affected. The school system has a separate stand-alone contract for solid waste so that is probably a non-issue. Even if it were, we would make a small markup on that – it would be in our favor.

Mayor Voller said the Board may want to have someone from the school board come here and make a case for it. Attorney Messick said it saves them \$45,000 – that is their argument. Commissioner Farrell said it looks like to me that we are not gaining anything from annexation of Northwood other than giving them a break on their water and losing \$45,000 net a year and right now we can't stand that. Maybe if we want to annex on down the road on the other side of the road when building and the economy improve maybe then but I just don't see taking a loss of \$45,000 at this time. Mayor Voller said we could decide to deny it, or to ask someone to come in here and make a case... I think they should come in and make a case. Commissioner Farrell said he thinks they should have been here tonight if it was on the agenda. Commissioner Fiocco said Commissioner Farrell I think similarly that \$45,000 is a lot to forgo at this particular time. The thing that I struggle with is it is all tax dollars. Every dollar the school is spending is tax dollars. Every dollar that the school doesn't spend is potentially tax dollars that we would be incentivized to raise within the town limits to cover the loss because I don't think we can afford to take \$45,000 hits to our budget, not many of them. Mayor Voller said that what we don't really understand is what the long-term effect, something the Planning Board should look at, and say yes, that is an Enterprise Fund issue which affects our Enterprise Fund and the tax drop depreciation is doing rather well, but the issue we would have to look at is growth of tax base. Is this a net loser? Does it actually open things up? That is something our Planning Board should come back and say, how does this jive with the land-use plan. We are not being required to make a decision to annex them tonight and they are not going to put it in but I do think it is a good

thing for our Board to chew on and come back and say this is the money for the Enterprise Fund but that is totally different from land use decisions.

For instance, many years ago the town could have annexed in the chicken plant property but it didn't and they made extra money on the water and sewer but they are long gone and it might have been better for us to have them in there now and we don't, especially for people that are further down the road that might have wanted to annex from Pittsboro. These are long-term decisions that have to be looked at beyond the Enterprise Fund and I really think that we should ask our Planning Board to take a look at it and give us an opinion. But that is up to this Board to decide or you can table this or you can say no thanks. Manager Terry said Attorney Messick suggests that one path to the goal on here would be to allow the school board to submit their annexation petition without a brand new survey of the property. The deed is already recorded at the courthouse and if we tell them they can submit that as the description of the property and they don't need to go out and spend \$10,000 for a new survey and getting it replated and all that that may answer Dr. Logan's question. If that is the cost he is trying to avoid, and we tell him to just submit the application and use your existing plat that is recorded at the courthouse, he has avoided that cost and then you can bring the application before the Board and discuss it then. Commissioner Fiocco asked if that was an acceptable solution, that the survey not be current? Attorney Messick said he didn't think anything has changed with Northwood and it is only a boundary survey that you would need. Mayor Voller said that if you look at that description of that property in town where the park is it is a very old description, I think Cadle Cooper was on the Board when that was done and now he is in the audience. Mr. Cooper said it was bought in 1968 or 1969 it is still Northwood property in Chatham County Schools and hasn't changed. Mayor Voller feels this bears discussion but good points are raised upon the money in the Enterprise Fund but I do think we have to look at all possibilities about why you would or would not do it or maybe we would tell them we could do it at some point in the future but I think it is a good opportunity for discussion. Commissioner Baldwin said that if this is something we can look at later on and even if we say no tonight we could suggest they ask again later on. The problem is we don't have a huge budget and losing \$45,000 per year would become a problem unless we have something else we could make that up with.

Mayor Voller said the other issue to consider is they might decide to buy their water from Chatham County or they might decide to drill a well. Commissioner Baldwin said she did not think they would drill a well. Mayor Voller said he was just pointing out the Board needs to know there are other options. The sewer is going to the Town of Pittsboro so that charge isn't going to change, the question is the water. I feel we should dialogue with their board and find out long-range ideas without just saying no...find out what is on their mind, what are their long-range plans, how would it benefit property owners around them, is there anything they are going to do there that would be good for future growth or not...they are not moving the high school. Commissioner Fiocco said he certainly was not opposed to having a dialogue and exploring the options. Commissioner Baldwin said we could probably table it for tonight and come back. Mayor Voller asked if she would like to make a motion to table it and invite someone from the school to come in with communication. They need to understand that this Board is comfortable with what Attorney Messick offered. Manager Terry said or we could, as Attorney Messick suggested, have them submit their annexation petition using the currently filed plat at the courthouse rather than requiring them to commission a new one. Commissioner Foley said that

would be good and then we could ask questions. Commissioner Baldwin makes a motion that we table this for tonight and allow someone from the School Board, Superintendent, to present and discuss the reasons they want this annexation. Commissioner Foley added and is it needed now or down the road seconded by Commissioner Farrell. Mayor Voller said he thinks the School Board's meetings coincide with our meetings so if we decide to have them come here we might have to call a special meeting because otherwise we may have difficulty getting them here. Mayor Voller said he thinks it would be helpful for someone from the School Board came, talked about it, explained it, and at least had a good dialogue on it.

Vote Aye-5 Nay-0

4. Whispering Meadows Subdivision Wastewater Allocation Request

Mayor Voller recognized Planner Bass. Planner Bass said this is a request for phase one of the proposed subdivision based on the recently adopted sewer policy. It is the first one of these that we have had so we are learning as we go but I am bringing it to the Board for their consideration, giving the applicant authorization to proceed with a formal subdivision application. Mayor Voller said that since we have a full room of people here, the Town Board passed a change to the moratorium and I think Commissioner Fiocco understands this better than I do but I think it would be good for folks to know what the change is.

Commissioner Fiocco said the moratorium was originally adopted in 2007 and has run through 2011, with a restriction of new projects, limiting it to 1,800 gallons per day, per project. That is not a whole lot. And through several actions by the Board we have lifted that restriction allowing any project requesting up to 40,000 gallons a day to come in the door with ideal thresholds of 5,400 gallons a day for residential, 5,400 gallons a day for commercial (in fact we have lifted it up to 5,400 gallons for all categories), with about 90,000 gallons available to be distributed so it will have to be a very special project that wants to get above 5,400 gallons but the Board has reserved an allotment for discretionary use so what we are trying to do is to take the precious resource that we have and very limited supply and use it to the best that we can. We have made upgrades to the plant that's increasing the effluent that we can treat because it is not being tracked by the state or it is not being registered or treated so all these things have helped us establish a knowledge base that allows us to make these allocations and so I am really happy to see that we passed this, I think it was in December, and here we are in February and we have a subdivision application that is within the threshold of 5,400 gallons a day and I am really happy to see that development taking off, I hope it will be taking off, with the resource that we have available. Mayor Voller said so if anyone has questions you can please bring them to staff. There is a lot of this understanding of what is available or not but we are open for business – bring it to the Town if you have a building or a property and you can get sewer up to this 90,000 gallons. Mr. Murray, would you like to speak to this or would you like for your consultant to say anything? Mr. Rick Murray (Windstar Properties, LLC) said he thinks they have presented everything.

Commissioner Fiocco said he thinks their phase one is 12 lots and are there any recreational amenities planned, i.e. a club house, etc. that is not on here that we would have to consider for

sewage capacity? Mr. Murray responded no, we have incorporated the required recreation area but it is not going to require any water or sewer.

Mayor Voller asked for questions from the Board on this project. Commissioner Fiocco makes a motion to approve this allocation. Motion seconded by Commissioner Turner.

Vote Aye-5 Nay-0

PUBLIC HEARING

Commissioner Fiocco needs to recuse himself from this case as he has a financial interest in the potential property. Mayor Voller said Commissioner Fiocco is requesting a recusal.

Commissioner Baldwin makes a motion to allow Commissioner Fiocco to recuse himself. Motion seconded by Commissioner Farrell.

Vote Aye-4 Nay-0

Mayor Voller said we have 12 speakers who have signed up. If there is anyone else who wants to submit anything or hasn't signed up we can do it as we roll through the process. We are going to have to swear or affirm you in to tell the truth in connection with the special use application of the Haw River Christian Academy. Attorney Messick are there any rules or items for business that folks need to know before we start? Attorney Messick said the Board has previously adopted rules of procedure for these types of hearings they are out on the table as you came in. The staff will present the request with details and then the applicant would go first and any other interested parties would testify as well. Mayor Voller repeated the order would be staff, applicant and then all these interested parties. He asked if staff is ready if he calls them.

Mayor Voller asked who will be presenting for the applicant. Mr. Robinson will be presenting for the applicant. Mayor Voller said there are a series of folks who have signed up...I don't mind rolling and calling them but if there is someone, an expert that you personally want to call. Mr. Robinson replied no.

Mayor Voller said Attorney Messick could correct him if he is incorrect on this but the applicant who is represented by Mr. Robinson has the opportunity to cross-examine any evidence that is presented. Attorney Messick said yes after he is done. Mayor Voller said that any one presenting as an opponent can do the same. We will do this in a respectful fashion and if there is something you want to rebut or question, we can either get through them and you can take notes or we can do it on the spot. Mr. Robinson said he would reserve to the end. Mayor Voller asked if there was anyone else here either for or against that has a question before we start that we can deal with now. He said he has Laura Barringer, Betty Wilson, Brad Johnson, Larry Robinson, Sarah Carr, Steve Cote, Chris Sykes, Ashlie Campbell, Bill Crawford, Devin Ridge, Sally Goerner, Tripp Harmon signed up. Is there anyone I'm missing? We need a motion that we go into Public Hearing. Commissioner Farrell made a motion that we continue into public hearing. Motion seconded by Commissioner Turner.

Vote Aye-4 Nay-0

Mayor Voller said we are now officially in a public hearing, this is a quasi-judicial hearing. Mr. Bass you or Manager Terry will begin.

Stuart Bass, Town Planner, said this is a special use permit application 2011-02 Haw River Christian Academy, proposed location 50 West Salisbury Street. There were two prior public hearings and the second one was held open for submission of additional information. At the conclusion of this public hearing, the permit request was referred to the Planning Board for review and recommendation, on November 14, 2011. At the December meeting, the Planning Board recommended approval with a 3-2 vote subject to stipulations provided and they have since been incorporated into the approving resolution. There were a couple of minor modifications to the site plan at that time to reflect comments by the Fire Chief and Fire Marshall and, of course, those revisions continue in the site plan. On January 23, 2012, the Board of Commissioners directed that the application be referred back to the Planning Board for further consideration in light of some final revisions to the site plan and also the submission of a traffic safety report from the Chief of Police. You have that information in the packet of material I gave you. At that time the Board also directed that the public hearing be scheduled for today to allow additional comments on the finalized site plan. You have two resolutions in your packet: Resolution A would approve this special use permit and there are a set of conditions that incorporate the findings that were previously suggested; Resolution B would deny the special use permit. The Board could recommend the adoption of Resolution A to approve or Resolution B to deny. Alternatively, the Board may modify either resolution in some manner or offer its own recommendations and conclusions. At the last regularly scheduled Planning Board meeting on February 6th, the Planning Board recommended approval 5-0 on adoption of Resolution A and staff recommendation is that the Board of Commissioners adopt Resolution A approving the special use permit application with the stipulated conditions.

Mayor Voller asked for any questions for Mr. Bass. If not, we will turn it over to Mr. Robinson.

My name is Larry Robinson. I reside at 125 Ladybug Lane, Chapel Hill, NC. Mr. Mayor and Commissioners we come tonight to present additional information for consideration. Before we do that we would like to ensure that all reference from prior public hearings and testimony on this matter be incorporated and we also offer new testimony and additional documentation for the Board. Before we begin with due documentation, I would like to thank all those in the community that have supported us. We would also like to thank the town officials for allowing us to work through this process in an effort to satisfy everyone's concerns. At no point during this process did we ever seek to create a divisive environment in our town. I would also like to make sure that everyone understands that as a school, we have a policy against board members and staff participating in online discussions such as chat lists and bulletin boards. We would ask that you do not assume or presume that the school has been behind any of those discussions or the other actions that have occurred over the past few weeks, such as signs, videos, etc. Our goal has always been and will be to be a good neighbor working hand in hand with those around us to see that everyone benefits from our being located on Salisbury Street. I can tell you personally that the things that have transpired over the past few weeks glorify no one and we have been saddened by that process.

With that said, for the new members of the Board, I would like to just give you a little history about who we are. Haw River Christian Academy (HRCA) is a private, non-denominational and church independent school. We opened our doors in 2008 and we currently hold classes at Rock Spring Baptist Church but we are not connected with the church and operate independently. HRCA currently is composed of families from 20 different local churches and several different denominations. During our first year of enrollment, we had eight students and two teachers and two part-time administrative staff. Over the last three years, we have grown to 62 students and a staff of 13 full and part time employees. We have quickly outgrown Rock Spring Baptist Church and are now faced with the necessity of relocating into a new facility. We currently offer educational opportunities from junior kindergarten through sixth grade, with the goal of adding one grade per year and our vision for the Salisbury Street location is to at some point in the future to have an enrollment of approximately 150 students. Eventually we will need to relocate our upper grades to a different location in the future because we understand that there is a limited capacity on Salisbury Street.

We would like to highlight some of the benefits of our being part of the community and part of the downtown area. As stated earlier, we have 62 students and approximately 40 families which will be visiting the downtown area twice daily to drop off and pick up their children. Some have stated that “kiss and go” parents don’t spend time in town, but I would counter that conclusion with this question. If they drop off and go, where do they go? I will offer this answer backed by the attached emails from families that have given us information about what they do after they drop their children off. They generally do those things that we all sometimes wish we could do when our children are not in tow: they meet friends for breakfast or coffee, they grocery shop, they visit a local gym, they get their hair done, they run errands, they go to the dentist or doctor, and the list could go on and on. And if you are in town why wouldn’t you do some or most of those things while the kids are in school? We would like to submit copies of those letters so that you can read through those at your leisure as you study the facts because everything that we speak about tonight will be validated by fact.

Point number two is Haw River Christian Academy would be one of the very few businesses that could relocate to this location and bring additional potential customers to downtown Pittsboro twice a day without creating any competition for the existing downtown merchants. If another restaurant opened, it would create competition for everybody else. If a bank opened, it would create competition to local banks. If a doctor’s office opened, it would create competition to the doctors. If an antique shop opened, it would create competition ...we are one of the very few businesses that could open in that location and bring customers downtown and not create any competition to the local merchants.

Next point, HRCA would be occupying a building that’s been vacant for over five years and has been considered by many to be lacking in curb appeal. Local real estate brokers agree that vacant buildings devalue adjoining properties and our plans call for not only a face lift to the building but also to the grounds. The end result will be a property that all of Pittsboro will be proud of and it is the consensus of those same real estate brokers that our project would enhance the value of adjoining properties, and we have letters from those brokers that we will share with you as well.

The next point that we would like to introduce is that HRCA estimates to spend between \$400,000 and \$500,000 to rehab the building and hopes to award that business to local contractors which would have a direct and immediate impact on local merchants and the town in general.

We also offer a lunch program in which we contract with local restaurants to deliver lunches to our children and staff. As the school expands, we seek to expand that lunch program to more days per week and more vendors and this program could eventually generate as much as \$50,000 a year in additional revenue for those participating local restaurants.

HRCA would do everything in its power to become involved in assuring that downtown Pittsboro would continue to be a diverse and vibrant destination for our citizens to enjoy. Our goal would be to not only be a good neighbor to those around us but to be involved in ensuring everyone's success by patronizing local businesses whenever possible. Just two weeks ago, we were all saddened to find out that The General Store was closing and, quite frankly, we have seen too much of that downtown over the last five years and we feel that by bringing additional families into town twice a day maybe we can, through our support, turn some of that around.

The next thing that I would like to address just a little bit is the issue of taxes. There have been some concerns that we will not pay property taxes. The owner of the building will be paying property taxes and also there is an option in our lease that we may purchase the building at some point but that doesn't necessarily mean that that would happen, it just means it is an option. So, it doesn't mean that the property taxes paid on the building would go away. Also, we pay salaries and benefits and taxes to teachers. We also pay income taxes – both state and I believe the county receives some of that money. We also have a staff of 13 today that will increase every year and that staff will spend money in town and that should be a benefit to all the merchants in town as well as the county.

The next thing that we would like to talk about is parking. Parking has seemed to have been a hot button throughout this conversation and we will make available our parking lot to the general public during non-school hours and on weekends. We also will allow signage that states the hours that said parking is available. We will work with the town to draft an agreement that will establish guidelines for such use. We also understand that the dentist office next door has limited parking space available for their customers and we would entertain an agreement to allow patients to use designated spots during the day on a time-limited basis.

A little bit about our students so you know a little bit about our population. We pride ourselves in the fact that our students are required to be involved in community service projects throughout the year. We conduct food drives twice a year donating to CORA. We conduct a walk-a-thon in late October with 10% of the proceeds going to the Salvation Army. We conduct a holiday trip to the SCCU House and the Ronald McDonald House in early December to entertain the patients and their families. We will be sponsoring a team in this year's Relay for Life event and in addition to these school-wide events, each class is responsible for coming up with their own outreach activities to create good will in the community and to also teach our children that it is important to give back. Being a good neighbor is being committed to everyone's success and we certainly plan to do that.

In summary, I would like to address the following. One of the things that I understand that is considered before a decision is made is would it materially endanger the public health or safety. I have a packet to hand to you and I am going to go through this information that you can review now or at your leisure. First off, I would like to let you know we all know safety is important and it is everyone's concern. We are concerned not only about our students but also about everyone that visits the downtown area. With that said, there has been a tremendous amount of dialogue back and forth about the amount of traffic that HRCA will add to an already busy street and the danger that we will create by locating on Salisbury Street. The majority of that conversation has been personal opinion and not backed by facts. The facts are as follows.

Working with the transportation engineering firm, Ramey and Kemp, we devised a traffic plan that will allow us to store every car during drop off and pick up on the parking lot, eliminating vehicles from stacking on the streets. At the request of Commissioner Baldwin, the Town had the Police Department evaluate any problems that may arise from our locating at the location in question. The outcome of that assessment was that HRCA's presence on Salisbury Street would not cause an increased risk of accidents. I would also like to submit from the September 9, 2011 meeting, Mr. Carr's remarks that pertain to the amount of traffic from a traffic study for 2035. That study stated that on Hillsboro Street there would be in excess of 9,000 cars a day traveling down that street. At 9,000 cars a day, 365 days a year that is 3,285,000 cars. With that said, I would like to talk about the information that you have in front of you that is from the North Carolina Department of Transportation Traffic Engineering and Accident Analysis System. We are going to look at Hillsboro and Salisbury Streets first. If you look on page two of that report, in the last three years at the intersection of Hillsboro Street and Salisbury Street, there have been five accidents. All of those accidents were property damage accidents. If you look on page three of that report, it says four of those accidents were backing up, meaning the cars were either parked or backed into each other, and one was a rear-end slow or stop. If you look on page four, it gives you a daily summary of those accidents. Two of those accidents occurred on Saturday, which means that during the time school is in session in the last three years, there were three accidents, backing into each other or parked. If you look on page five, during the hours of pick up and drop off there were no accidents...that is between 08:00 and 08:59 and 14:00 and 14:59 – no accidents. If you would look at the report for Hillsboro Street and Thompson Street, again if you look on page three, it gives you the total number of crashes and there were nine: one had an injury, eight had no injuries just property damage. If you look on page four of that report, there was one Class B injury and then if you go over to page five there were three of the nine accidents on weekends, which mean there were only six accidents during the week when school would be in session. And if you look on page six, there was one accident in the morning during our drop off period and there were no accidents in the afternoon during our pick up period. So, if you look at this information coupled with the 9,000 cars that travel the street daily, which is 3,285,000 in the course of this three-year study there would have been 10 million cars to drive down Hillsboro Street with a total of 14 accidents. Part of those accidents occurred on the weekends when the school wouldn't be there and only one of those accidents occurred during the hours of drop off and pick up when we would have an impact on traffic. Mayor Voller asked Mr. Robinson about page three of this report that you are referring to, Thompson Street, where it says "vehicle exposure statistics," is this actually saying that your average daily traffic is 13,200, so it is even higher than your numbers? The numbers seem to be all over the board but that implies that there

are more. Mr. Robinson said that he thinks that your numbers from your 2035 study include a bypass that is going to reduce the number of cars. Mayor Voller said we removed that (reference to bypass) so essentially the current condition is higher. Mayor Voller said that he just wanted him to understand that the information that he referred to submitted by Mr. Carr or you or both, it is in this report, is a condition that would be alleviated potentially by a bypass but if you look at the average daily traffic it is 13,200, which would make your numbers a little higher but fine, but currently the number in the report is 13,200. Mr. Robinson asked that we take just a minute to look at that last piece of information as it relates to accidents and it shows the top 25 dangerous intersections in the State of North Carolina – the number one intersection is in Charlotte. Each county is only allowed one intersection so it takes one intersection from the top 25 counties. So the top 25 intersections in those counties, the number one intersection is in Charlotte and the lowest intersection, which is a little over 100, is the 25th most dangerous by county. So if you look at that and we talk about how dangerous the intersection of Hillsboro and Salisbury Streets is, and we had five accidents and that report shows a low of 100 and a high of almost 600, so we should all be patting ourselves on the back that we live in a town where there are very few accidents and that obviously the Police Department and the rules and regulations that we have enforced have created a very safe environment.

The next thing that I would like to look at for just a moment is the references “substantially injure and devalue of adjoining and abutting property.” As stated earlier and after consulting several local real estate brokers, it is their professional opinion that the property values of those properties adjoining and in close proximity would increase once renovations were complete and you have the copies of their statements. Also, I would like to say, just so that everyone that may not have had a chance to understand what we are talking about doing to the property, this is the building that is in question. This is the building that will take its place. I find it hard to believe that anyone would say that this building versus that building would have a negative impact on their property. Mayor Voller asked Mr. Robinson given the presentation of the picture you hold up there, the second – Haw River Christian, if the Town Board were to approve the project would you stipulate that that diagram or that picture could be part of the special use – that is exactly what they would get. Mr. Robinson said the only thing that would be different would be, I’m sure our sign would be too big because you are only allowed a percentage of the front of the building, so I am sure it would be a smaller sign, but that is the building, that is what we plan to do to the building. Mayor Voller said but you are testifying that you would be willing to stipulate that this is what you are presenting and that is what people would be getting. Mr. Robinson replied yes. Mayor Voller said I assume with the flag and everything, with minor exceptions based on site. Mr. Robinson said that the only changes that may be to this picture would be changes that may have to be done to the parking area so that we can stack cars, but the building itself - this is the building. Mayor Voller asked Attorney Messick if there were to be a condition how could that be put on a condition for approval or how would that be seen as an exhibit. Mayor Voller said that the presentation is that this is the existing and this is what it would look like and, obviously that’s a big part of what the school is presenting to change the area, so how would the Town, in fact, be able to enforce that. Attorney Messick said we don’t normally have architectural controls but if that is what the Board wants to do I’m sure we can put it in there. Mayor Voller said it is a big part of what Mr. Robinson has said every time he has been here. Mr. Robinson asked if it could be added as article 18 in the stipulations. Mayor Voller said that is

what he wants to make sure is clear that there is no problem if there is no problem from Mr. Robinson's side, he just wanted that clear because that is a compelling piece of your evidence that you've brought forth before and now this is even nicer. Mr. Robinson said our goal is to create a facility that the whole county can be proud of.

Mr. Robinson said the next thing I would like to talk about is not in harmony with the area in which it is to be located. Our opinion, based on North Carolina law and the book, Land Use Law in North Carolina, by David Owens, as a legal matter the Board has suspect the presumption that the project is in harmony because it is allowed under our zoning ordinance even though a special use permit is required, meaning that the local zoning ordinance says that if we secure a special use permit that it is allowed to be there which would put it in harmony. The only way that it can be rebutted is with competent, substantial and material evidence. Anecdotal evidence by lay people is insufficient. Considering that there is a pre-school within one block of the proposed location, it is difficult to understand how this school could be viewed as disharmonious.

Next point, we also have the signatures of 70 local business owners in support of our relocating to Salisbury Street and I think it is safe to say that they would be in agreement that HRCA would, in fact, be in harmony with the area in which we would be located.

The last point, not be in general conformity with the land use development plan. The current land use development plan was written in 2001 and is currently being rewritten. With that said, we would like to see the Board adopt the opinion of the Planning Board which voted 5 to 0 in agreement that HRCA would be in conformity with the land use plan.

In closing, I would once again thank all of those who have faithfully supported HRCA throughout this process as well as Mr. Bass and Manager Terry, Attorney Messick and Mayor Voller, and members of the current Board as well as those that were serving last fall. Thank you for allowing us the opportunity to present some facts for consideration in this matter. I would also like to say that it is refreshing to be told that you want time to consider the facts. I would hope that at the end of the evening that we have been able to discern what is fact and what is opinion. Quite frankly, we feel that facts present a very compelling reason that we should be allowed to be there. I would also say that I am also somewhat saddened by the decision of the Board tonight to postpone until February 27, 2012 and not because I am upset because I have to wait two more weeks to hear the answer, but because I am afraid that that fire storm of rhetoric from the left and from the right will begin to take place again tomorrow and I don't want anyone in this room to be subjected to those kinds of personal attacks. I think that is demeaning and is not honoring to anyone and I assure you that we did not and we will not take part in those attacks and I thank you for your time.

Mayor Voller thanked Mr. Robinson and asked if there were any questions. Commissioner Farrell asked did you guys also have two days a week that you have an early out. Mr. Robinson said they have early dismissal every day – we have a junior kindergarten and a kindergarten program that only go a half a day. They get out at 12:30 and that is also a three-day or a five-day program. Some parents chose to have their children there five days and some chose to have them there only three days, but we do have a half-day program and we would also be flexible in staggering our schedules in the morning and the afternoon if that became a problem. One of the

things that we can do that maybe a public school can't do is tell them what to do and they have to do it.

Commissioner Turner had a question about the stacking. Mr. Robinson noted on the map that stacking will occur, as cars enter here and they come this way (follow the arrow) and we have the ability to stack all of the cars on the parking lot, so when that first car comes in it has to go all the way up here, and then second, etc. The report from Ramey & Kemp states the amount of feet of stacking that we have to have is I think 300 and some feet of stacking, and I think this is found in their conclusion on the last page, on page four, and it says: In conclusion, Haw River Christian Academy was evaluated to determine the trip generation and on-site stacking required for a maximum enrollment of 150 students. The preliminary site plan demonstrates that the stacking available for parents drop off or to pick up students at the proposed school site will be approximately 425 feet using a one-way entrance from Hanks Street. This storage exceeds the minimum required storage for queuing based on MSTA School Traffic Calculations, which is 333 feet. It should be noted that the actual queuing may not reach the lengths calculated by using MSTA guidelines if the school staggers student pick-up times. Additionally, the expected site traffic volumes based on the MSTA calculations and the projections based on observed data are not expected to create any capacity issues at the driveways based on the proposed site plan. I would also just like to add to that we have teachers that monitor pickup and drop off. They are on the grounds and they get the kids out of the car and make sure the kids get in the car and they are buckled in and the doors are shut and that sort of thing. That clock doesn't have a timer on it, but if we held our cars for a minute between cars, do you know how long a minute is? Let's count. (Mr. Robinson counts to 60 to illustrate a minute.) We have the ability to do that between cars going out on Salisbury Street. Commissioner Baldwin had a question about the possibility of staggering the times, give me an example of what you would do. Mr. Robinson said the first thing that we would do is to look at when Pittsboro Primary and Horton open in the morning and their drop off their times and then we would make a determination as to when we could start, so that we would not be in conflict with their start times. Generally speaking they start earlier than we do now anyway, so that should not be a problem. But let's say we had an issue, we could make determinations as to when families can bring their kids. We have families that have two or three children in our school so we would determine staggered times as far as kids coming into the school and leaving in the afternoon by the alphabet, so if your last name ended in "A" your time for arriving at school would be between 8:15 and 8:20. If you're "Z" heaven help you...in the morning you may get an extra cup of coffee, in the afternoon you might not be so happy. But we have the ability to flex that schedule so that we don't have all our cars showing up at the same time. And, again, this is not a knock on public school when we tell our parents that this is the way it's done...that's the way it's done...it just works that way. Commissioner Baldwin said, so basically if the other schools started at 8:15 what time do you all start? Mr. Robinson said right now we start at 8:30. Commissioner Baldwin asked if they had to push it to 9:00 could they do that? Mr. Robinson said they could. Mayor Voller asked for other questions.

Mayor Voller recognized Betty Wilson; who had a question, since you will be renting this building do you plan to be there permanently or do you have plans for building your own building. Mr. Robinson said our initial lease agreement would be for ten years with the option to purchase the building at some point if we so desire and we also have a option to renew our lease but ultimately, as we grow, we will have to have two campuses because with the older grades we

will have to look for a different facility so we will be operating two schools at some point in the future because Salisbury Street just want hold them all.

Commissioner Turner has a question about staff needs: right now you have 13 full time staff members. Mr. Robinson said 13 full and part time. Commissioner Turner said and you are going to increase to 150 students and it looks like you have about 30 parking spaces and you anticipate your staff increase. Mr. Robinson replied right now we plan on our class to be 15 per class that would be the maximum per class, some would be smaller with a maximum of 150 students. Mayor Voller asked what grade age – k through 8? Mr. Robinson said that start at junior kindergarten. Mr. Robinson stated eventually we would move our middle school/ high school to a different facility so 7th grade through 12th grade would move on and the lower grades would remain there. Mayor Voller asked for other questions for Mr. Robinson.

Mayor Voller recognized Sarah Carr, adjacent property owner. Sarah Carr said she just had a question about the traffic study. Did you look at any traffic...it looks like you are looking at how the cars are coming in to the parking lot, did you look at anything as to how they are arriving, where they are arriving from, what streets they are going to be coming in from? Are they going to be traveling through the neighborhoods? Are they going to be on the main routes? Mr. Robinson said they will be entering from Hanks Street that is the way they go into the parking lot. Based upon where our families live and how our population has grown, that would put the vast majority of those cars on the main thoroughfares. Obviously if you live on Old Graham Road you know how to get to Hanks Street without going that way, but most people would not be doing that. Mayor Voller asked for other questions for Mr. Robinson.

Commissioner Turner said she knew there had been a lot of concern about residents who live on Salisbury Street about increased traffic, since you are saying you can tell parents what to do is that something you would be willing to consider is to ask that your families to use Salisbury Street as little as possible, not to say that they can't ever use it, but to cut down on the traffic in a residential neighborhood like that. Mr. Robinson said obviously our goal is to be in harmony with everyone and to be a good neighbor and we certainly do not want to create a situation where our neighbors are going to be mad at us, because 10 years is a long time, so we would do everything in our power to ensure that we are in harmony with the neighborhood and that we do not create issues for our neighbors. But again, if somebody lives off Old Graham I can't tell them but we certainly would discourage that. Mayor Voller asked for other questions.

Commissioner Turner said she would like to hear more about the lunch program...at Woods Charter where my kids go everyday lunch is offered from local restaurants and I'd like to hear what your plans are...I know you said once a month and how do you decide which restaurants get to be a part of that. Mr. Robinson replied they started once a month only because we are new at this. But, as an example, last week we had Greek day on Friday and Friday was pizza day but we also had food catered in from Angelina's Kitchen, Greek food catered in, so we had Angelina's Kitchen and pizza from Elizabeth's and this Friday I asked what do I do with the boxes and they said we can't recycle them anymore because they had food in them. So we envision partnering with the local restaurants in town. I know that Woods uses Chick Filet in Chapel Hill and I'm not sure who else they use but we can envision using...we use Subway, we also have talked with Virlie's, we talked with Angelina's Kitchen, we have also looked at doing

Mexican food one day so, in the fall, we envision that maybe being a Friday-Wednesday or Monday-Wednesday program but, ultimately, to expand that to every day. Obviously that will be optional ... they all like pizza so the participation that day will be way up here, I don't about some of the other things so some days it will higher than others, but we will certainly look for the opportunity to include as many local vendors as possible. Mayor Voller said that one of the issues traditionally with public schools is that you can't get local providers, whether they are local farms or organic farms to provide because of federal legislation that you would be able to get around, so you could serve local produce, for instance. It is a big problem to work through the byzantine regulations that afflict schools. Mr. Robinson said they have no plans to open a cafeteria because we just don't want to get involved in all of that. Mayor Voller said that is a sewer issue too and grease trap issue as well. Mayor Voller recognizes a question from another speaker, Mr. Ramirez.

Mr. Ramirez said he works a lot with the schools and during the pickup time, you mention stacking that you have 300 feet. Mr. Robinson said, no, we have 450 feet, the requirement is 330. Mr. Ramirez asked will any of that stack be accumulating on the side streets, on Hank Street or backing up into 15-501. Mr. Robinson said that 450 feet is all on our parking lot. Mr. Ramirez said that he knows that at some of the schools that he goes to there are people up the highway but they work their way into the parking lot, so you will not be on any of the sides streets waiting to get into the drop off and pick up? Mr. Robinson answered no, that 450 feet will house all of the cars needed for 150 children. Commissioner Baldwin asked for how many children? Mr. Robinson said 455 feet will be applicable for 150 children. Mr. Robinson said one of the things that you need to understand about our school which may be a little unique than some other schools is the fact that we have families with 2 or 3 or sometimes 4 children in our school, which reduces the number of cars. We also have carpooling that goes on, which further reduces the number of cars. And then we also have a good percentage of our staff that has children in the school. Those children will obviously arrive when the teacher does, which is earlier and will stay later so they won't necessarily be involved in that drop off/pick off time. So in reality with 150 students you will have less than 100 cars.

Unidentified female from group asked if you are travelling to the school from the circle going north and you get to Hanks Street and you have to make a left turn there, you could be waiting a long time. The reason I am asking is because I have timed how long it takes me to get from Horton Middle to French Connection between 7:30 and 8:00 and it takes me now eight minutes to go one mile. Mr. Robinson said, again, I would just have to respond by the facts from the Department of Transportation Traffic Engineering Accident Analysis, and that tells us that the intersection of Hillsboro Street and Hanks Street, in the last three years, with 13,000 cars a day going up and down that street that there was one accident in three years at that intersection during the times that we are affecting. The female said that if you are waiting there for someone to make a left turn, it is going to potentially cause a back log of cars if somebody has to make a left turn. Mr. Robinson said, again, the Police Department evaluated that and said it would not be a problem.

Mayor Voller identified Nili Clifford for the record and said the question was on the impact of 15-501 is the question. We are going to hold any more questions for Mr. Robinson since we have

12 speakers signed up although Mr. Robinson, you were one of these 12, so I assume you are just going to wait until the end.

Mayor Voller identified the first speaker signed up as Laura Barringer so we have to bring you up here and affirm or have you swear in, whatever your pleasure is. Attorney Messick recommended that the Mayor swear everyone in at one time. Mayor Voller asked Betty Wilson, Laura Barringer, Brad Johnson, Larry Robinson, Sarah Carr, Steve Cote, Chris Sykes, Ashlie Campbell, Bill Crawford, Devin Ridge, Sally Goerner and Tripp Harmon all to stand and raise their right hand. Repeat after me, do you solemnly swear or affirm to tell the truth, the whole truth, in connection with the special use application of Haw River Christian Academy. All answered yes. Mayor Voller said the entire group is now sworn in.

Mayor Voller said apparently in the process a Commissioner had to take a brief recess.

Mayor Voller recognized the first witness, Dr. Laura Barringer. Please state your name and address for the record. Laura Barringer, my home address is 69 Jordan Ridge, Pittsboro; my business address is 30 West Salisbury Street. For those of you who don't know, my name is Laura Barringer. I am relatively new to Pittsboro. It has always been my dream to practice dentistry in a small town and a year and a half ago I purchased the dental practice of Dr. Noah Wilson at 30 West Salisbury Street. I, myself, am a product of early childhood private education and I am an advocate of the decreased class sizes, more personal and individualized attention that children can get in the private school setting. I feel these children have a significant advantage later on scholastically and I am certain that a great deal of my success can be attributed to my formative years being spent in private schools so I am not arguing the value of the school here. I am just not in favor of this location. I am just going to try to speak to the reasonable requirements.

Point 1 – will not endanger the public health or safety – and I really didn't know where else to ask this question. I have not been present for all the meetings and forgive me if I don't have all the information. How many bathrooms are in the existing structure now? The point is how many bathrooms are proposed and are there going to be separate facilities for boys and girls and are there going to be separate facilities for students and teachers and what kind of impact is that going to have on me, the neighbor, with regard to sewer and water and things like that because I do run a dental practice which uses significant amount of water and sewer. And some of the points I have chosen to speak about Mr. Robinson has kindly already spoken to. Since my business hours are 8:00 am to 4:30, with lunch from 12:30 pm to 1:00 pm, I was very concerned and am still concerned about drop off and pick up. The point that Ms. Nili made with regard to turning left at Hanks Street, I don't understand how the traffic survey could have been studied when you're not studying 25 cars trying to turn left onto Hanks Street. There haven't been very many accidents because nobody tries to turn left there; you will wait for quite a long time as will those behind you. As to the generous offer to extend parking to my patients, that would be delightful and depending on how the outcome of this goes I would be happy to look into this so thank you very much. I am still concerned with regard to my patients parking, getting in and out of my business. Between 35 and 40% of my patient base are elderly and require assistance to get in and out of the office as it is. Appointment times in the office can be as short as 20 minutes and sometimes as long as several hours and I have three rooms so there can be a lot of coming and

going and during those high flow times that is still just a genuine concern of mine and will my patients want to go some place where it is just more convenient and easier to get in to...am I going to lose business from this. Point number 3, will be in harmony with the area in which it is located. I have no doubt that what is planned on the drawing with the trees and new façade that is going to be fantastic and esthetically beautiful, I don't doubt that. My reservations are is having a school in keeping with the eclectic, interesting, artsy downtown that we have already, full of retail shops, services, art galleries, restaurants, things to do, things to buy, see and participate in. I have further doubts as to how the school can possibly generate foot traffic when the majority of its occupants are going to be a captive audience from 8 am to 3 pm every day. The family who will drop off and stay and then wants to shop really won't have a place to park and then get out and about, as I believe the majority of the parking lot is going to be taken up in that traffic circle or, if they are dropping off at 8:00 there's nothing open at 8:00 except me. As for the fourth point, will it be in conformity with the land development plan, thoroughfare plan, and other plans as officially adopted by the Board? It is my understanding the Board has signed on with the Main Street Program and I believe that the program discourages commercial properties from becoming churches or schools in the downtown area, so I don't see how this is helpful with that. It is my fondest wish to see Pittsboro grow and thrive, economically, socially and educationally and I just don't think that granting a special use permit to this school at this time would be beneficial to the town. In closing, I would like to tell you all that I fell in love with this cute, little charming town within the first hour of the first day that I came to Dr. Wilson's office back in May, 2010. When I have patients come in from out of town and I have people who come from Texas, Arizona and Florida to see me, I take great pride in pointing out all the interesting things there are to do here. I realize that I am the new kid on the block here and I'm not privy to as much of the back story as many of the rest of you are, and I would also like to say that I have been confused and disappointed and saddened as I watched and listened to some of the things that I've heard and seen written with regard to this issue in the last several weeks. I'm not against this school, this location just doesn't seem to make sense to me especially when there are other areas that could be made available with much less financial burden on the part of the Haw River Christian Academy like the Old Woods Charter School in Cole Park, and it is already a school. Today my hygienist and I went to Perry Harrison and we talked to the kindergarteners and taught the kindergarteners how to brush their teeth and I was the tooth fairy and I read them a story. I want to be involved with the local communities and local schools and, having said that Mr. Robinson, no matter how this ends up I would very much like to offer my services to your school, one way or the other.

Mayor Voller said so your main testimony is that you have concerns, you like the school, it is about the location. Mayor Voller asked Mr. Robinson if he had questions for his neighbor or would he like to defer to the end. Mr. Robinson did not have questions but he could answer her questions. Mayor Voller said the one issue that you raised was a technical issue and I'm not sure, Manager Terry, the issue with the water and the sewer. Manager Terry said that was a building inspections issue that will be resolved when they apply for their permit, there is a code issue around how many bathrooms per occupant in the building and the county building inspector. Dr. Barringer said she knew they had problems in her building and they only have one bathroom and it is a little building. Mayor Voller said it technically shouldn't be a problem. The Town has wanted to replace the water line but I do understand we have an awful lot of old infrastructure in

that part of town but we could ask Manager Terry and Mr. Poteat to look into that. Manager Terry said he didn't see that as being a problem and the bathroom counts will be looked at that when they submit their building permit – the county codes inspector will review that and there will be the correct number (handicapped stalls, gender, etc.). Dr. Barringer said her main concern was the impact on the sewer system and the water system in general. Mayor Voller said they shouldn't be on the same sewer tap but that is another thing. In this town, it is an old town and there are lots of interesting ways things were done over the last hundreds of years, so who knows, but we could find that out.

Mayor Voller introduced the next speaker, Betty Wilson and asked that she state her name and address for the record. Betty Wilson, 268 Log Barn Road, Pittsboro. First I want to thank Mr. Robinson for his remarks because he answered a lot of the concerns that I was going to talk about tonight. One of them was the spirit of the communication that has been going on and I was concerned and saddened if I thought your school had any part of that, because it certainly would present a very bad example for the students, and it is still a bad example for your students and I just hope that doesn't take place any more. Mr. Robinson said it was a bad example for all of us. Ms. Wilson said it has really saddened me because I've always seen Pittsboro as a friendly, neighbor-helping-neighbor place and we are a town with great diversity but we have always treated each other with respect and I would like to see that continue. That was mainly what I wanted to talk about tonight. Another issue that I would like to address is that this has nothing to do with religion or politics, the people who are opposed to the school being there are not opposed to religion it is a matter of the best use of that property for the future of the town. I had planned to read my letter to the editor tonight but I am leaving part of it out but I would like to read this paragraph. The issue is whether or not this is the best use of commercial property for the future growth of Pittsboro. Our town is on the brink of major development and our officials need to choose carefully the direction that we take. Opponents have stated that changing commercial property to something else would remove the possibility of retail development in that space and everyone agrees that Pittsboro sorely needs more retail business in its downtown. I don't know of anyone, I don't think there is anyone in this room that opposes the school per se, it sounds like a wonderful school. If my children were still young I might have to send them there. I believe in parents having options. I am an educator myself. I was an elementary guidance counselor and I know that children are very different and they have different needs. I applaud the opportunity for Pittsboro to have a private Christian school. In making land use decisions, a truly responsible elected town official is dedicated to doing what is best for the town and its future growth in spite of their personal feelings or how much they like or otherwise approve the applicants. Despite the false information that has been provided in the attacks on the Town Board, the Board, at the time I wrote this, had not made a decision. In fact, tonight is the public hearing and this is a time to present facts and, Mr. Robinson, you have certainly done a good job of that and I appreciate it and have learned a lot myself. I really believe this school would be a wonderful addition to Pittsboro and I have lived here for 50 years but, the question the Board has to decide, is whether or not the proposed location is most suited for a school or for commercial retail use. I would ask that the advocates for this school please follow the golden rule and refrain from spiteful personal attacks and instead focus on showing respect for their neighbors by airing your fact-based views in a more appropriate manner following the example of Mr. Robinson. And I would also like to thank you for the parking; my husband is Dr. Wilson that owns the building. The previous

tenants always allowed him to have parking spaces there beside the building so I really appreciate your continuing that gracious gesture. I think the Town Board has a very difficult decision to make and I hope that all of us will honor their decision with grace no matter which way it goes. All of the other questions that I had have already been answered.

Mayor Voller, recognized the next speaker, Brad Johnson, and asked him to state his name and address for the record. Brad Johnson, 300 Hillsboro Street, for those of you who know where it is it is about a block away from the location we are talking about. I have a couple of things to add. One is on a personal note, my wife and I have property and that property is increased in value if this place is filled and decreased in value if this place remains empty. It doesn't look like there would be any other kind of viable business in the near future, maybe even the distant future. I think was it Tim Goodwin, who kind of explained the history of the site I think it would be difficult to find a business that would match this site well so if that is possible having a retail location there would be great but there is no guarantee of that. The other thing that would be helpful is to have an additional anchor business in this town. We don't have a large town, we have a very small town – if this were a mall it would be a very small mall, but malls require anchor businesses – things that draw people into the mall so that you've got people to come in and shop at locations that folks would otherwise not come in to shop for. This would be an ideal one, you are not competing with any of the other businesses in town and you are bringing people in on a regular basis, every single day, twice a day, so I think this would be ideal. Someone pointed out the Hanks Street issue. Do I understand this correct in that most of the traffic is coming in from the Chapel Hill direction along 15-501? Mr. Robinson responded over half the cars come that way. Mr. Johnson said that if they are coming in that way they are going to turn right on Hanks Street, so that is really not an issue, but cars coming in the other direction who aren't coming from Old Graham you wouldn't think about turning left on Hanks Street, that would be just about impossible. What you would do, I assume, is go around the circle go down a block, come over and around, and come in the back way. If I were driving that would be the way I would go. That's all I have.

Mayor Voller asked that both parties refrain from clapping. Mayor Voller said Mr. Robinson is deferring to the end. Mayor Voller recognized Sally Goerner. My name is Sally Goerner, 374 Wesley Court, Chapel Hill, and my testimony is going to very brief. I know Mayor Voller from the Greater Pittsboro Community Development Corporation and last week he asked me to come visit you all at Haw River Christian Academy just to give my opinion on the educational system and how you are training your people. I have a Masters in Education and have spent the last ten years looking at educational advocacy across the nation. I have got to say it looks like a wonderful place. You have nice integrated curriculum. I really appreciate the way you actually get your kids involved in all different dimensions. One group was studying Greece, they had the Greek food and costumes and they did the Greek plays...it was really nicely done. Anybody who had any kind of fears that this was some kind of authoritarian, underground kind of system I really didn't see any of that. My expert opinion is very much like one of the other people has said, I think it would be a wonderful school. Mayor Voller asked so you have a Masters of Education and a Doctorate as well. Ms. Goerner responded that her doctorate is in psychology. Mayor Voller said he asked Sally to come here because the school asked me to come and just see what was going on as the mayor, and I went and Sally went with me and that is her testimony. It has nothing to do with the location but more about what the school does and the kids at the

school, since I had not had an opportunity to go there and I thought I would bring someone who was an expert so I had to stay neutral but that is her testimony from visiting with Ms. Butler. There was Mr. Sheffler and one other gentleman I think that were our hosts. Mayor Voller asked for questions from the Board.

Mayor Voller recognized Sarah Carr. Sarah Carr, 433 W. Salisbury Street, Pittsboro. My husband and I also own the property at 89 Hillsboro Street, which is across the street from the proposed school and we also own property at 23 Rectory Street. I appreciate your time and the opportunity to speak to you today. Before I address the fore findings and fact, I would like to say about myself and my husband, about who we are just because there has been a lot of misinformation, I think, about us. We own two commercial buildings in town, we own and operate one manufacturing business, Carr Amplifiers, and we co-own the City Tap equally. Our property is rent to local businesses that employ 40 or more of your neighbors, friends, lodge members, customers, and citizens. We have invested money to rehabilitate buildings, we have invested in helping our tenant's business grow, and we have sought out business that bring in customers from as far away as Canada, who've brought in local bed and breakfast groups. Our tenants buy from local farmers, employ local trade's people, and contribute to the local tax infrastructure. We personally support local shop owners with our own business, we get our hair cut downtown, we eat at restaurants, shop at stores, belong to the Y, support local civic and church fundraisers. We have a lot of civic pride and we annually invest our money to ensure our properties remain in good condition, free of trash, and attractive to tourists and town citizens and potential businesses, and we have always played by the rules – to do otherwise is against our principles. I know this is an emotional issue tonight. Believe me when I say that I support the efforts to find a better spot to grow Haw River Christian Academy, it sounds like the kind of school that my husband and I went to we went to private Christian schools growing up. But it is my right as a property owner and my duty as a job creator to question and investigate anything that may potentially impact the livelihoods of my tenants, employees and their businesses. To be characterized as anti-business just makes me sad. It has been our dream to help Pittsboro grow and diversify while supporting the efforts of folks who want to create their own American dream by owning their own business and working hard to make it as successful and prosperous as it can be. That's the dream we are working hard to secure for our family and our employees and our tenants. The first finding of fact about safety, numerous delivery trucks delivering to businesses at 89 Hillsboro Street, they are often 18-wheelers and they deliver to local businesses and use West Salisbury Street as their delivery access and they often deliver early in the morning which would be potentially during drop off time. This creates a danger to potential students and to people traveling the street. The turn-around is tight and the visibility is limited. I think I asked my question about whether or not traffic around the streets was going to be addressed in their traffic study. I will say that if they are not turning left on Hanks Street then that means they probably will be coming in on Credle or Fayetteville Street here, which goes past at least one house potentially two residences as we go by, just so you know that is still considered a residential neighborhood even though there are some other businesses here. I live on West Salisbury Street and anyone who walks or bikes or drives knows it is a short cut. My understanding is that most of the current students do not live within town limits and will be travelling to school from outside the town. The current traffic pattern at Hillsboro and West Salisbury, as well as Hanks, is non-conducive to traffic going to and from the school. I feel it is

inevitable folks will be travelling through residential neighborhoods to either beat traffic, because it is easier, or because they are in a rush to drop off or pick up their students. There are 18 children below the age of 18 who live on West Salisbury Street. Folks fly through the stop signs, the top of the hill is a blind spot where you cannot see cars or pedestrians and there are no sidewalks for safe, pedestrian traffic. I believe it is the Board's duty to resist the continued creation of thoroughfares throughout our citizen's residential neighborhoods.

Value of property and not in harmony. I believe that the value of our property and our investment will be negatively affected by granting this special use permit. Pittsboro is not static – it is growing and it is growing outward. It is vital to the continued strength and viability of the downtown business district that property owners are allowed equal opportunities to rent to incoming businesses. I don't believe this will be the case if the special use permit is approved. Why? Businesses generally want to locate where they can guarantee customer traffic from other like businesses. If the school goes in, an unfair burden will be placed upon adjacent property owners. For instance, say a renter is looking at a space at 89 Hillsboro Street, my building, and another space, maybe a block away. Well, they might say the other space is surrounded by retail stores; it is more likely to bring foot traffic to my store. 89 Hillsboro Street is by a school that closes at 3:00 pm every day and is closed on weekends, not bringing any customers through my door when most of my business is done at night time and on weekends. Even if it is a perceived impression, it is deleterious to my property. So if they chose the property one block up, then the special use permit has caused an unfair advantage to other businesses in town who aren't located adjacent to a non-retail business space that isn't open during the prime retail days and hours. I know there is a lot of talk about the students and their families shopping and doing business in town, and I believe they will. But that's like looking at the trees and not the forest. We want people to come in on the weekends. We want people to come to Pittsboro from Apex, from Chapel Hill, from Durham and say, oh my gosh, there are so many cool things to do here. But will they be coming because there is a school... I don't know. And weekends are extremely important to retail businesses. That's when most of the money is made and to have like businesses near yours that will encourage people to rent your property is very important.

I oppose the granting of the special use permit because of what it does not do, which is increase the commercial value of our downtown. Downtown businesses are going to have to fight to stay alive if large retail and business parks are opened up east of town. Are businesses going to want to rent downtown if they perceive a lack of foot traffic and like retail businesses? I don't know.

Land use plan: The existing land use plan reiterates the current zoning and considers the downtown a primary commercial district with institutional use only designated south of the circle and west of Credle Street. The west of Credle Street does say institutional, and that is where the Pittsboro Baptist preschool is. I do have a question about the special use permit and how long can it be in effect. Will it be in effect if the school ever chooses to leave that property? Mayor Voller addressed Attorney Messick that was the question I asked you before the meeting, so can you explain to the audience the effect of the special use permit on the land. Attorney Messick responded that the permit is appertained to the property so that if the school moves the property is still permitted for a school. And if some other use were to be interested in it then they would have to ask that that be changed. Ms. Carr said okay, so it is a long term decision. This decision

isn't just for Haw River Christian Academy. Hopefully, Haw River Christian Academy is around for 100 years, we all hope that, but if it is not and it chooses to move to a different location another school could move in unless you decide or somebody else comes in and decides to rescind the permit. So you guys have a really hard and tough decision to make. This is just not a one-time thing. This is a long term decision about the future and viability of our downtown.

Mr. Robinson, I want to thank you for your kind words about the tone that this has taken and your reassurance that neither you nor your families or students have had anything to do with it. My family certainly has not. Our motto in our family is to be a dignified person. Regardless of the outcome of this vote, we will always maintain our excitement about Pittsboro and its growth opportunities. We will champion and we will support its local businesses, schools, churches, whenever and wherever we can. I did want to say one more thing; I wanted to give you this NCDOT study on corridor improvements that talks about more access to current intersections with and along 15-501 in Pittsboro than in intersections located further away, it just talks a little bit about traffic. Someone from the audience said they could not hear. Ms. Carr said it is from the NCDOT and it is about 15-501 corridor improvement and just talks about the need for a bypass and that the intersection in downtown might be of interest. Mayor Voller asked if this is from their long range study when they started looking at the bypass, is this what this is? Ms. Carr thanked Mr. Robinson and said he did answer a lot of questions. Mayor Voller said everybody who has spoken, if you had written copies it would be nice to submit to the record although we are obviously going to make a transcript but Ms. Wilson, if you would like to submit. Ms. Barringer, Mr. Johnson, Mr. Robinson if there is anything else you want to submit.

Mayor Voller recognized the next speaker, Steve Cote. Steve Cote, 1109 Rock Rest Road, Pittsboro. I have a couple of points to make real quick, and then I would like to speak to a few of the things that some other people have brought up. I am going to pick at the Planning Department a little bit. I think a few of the things they did were a little bit suspect. Is it Karl Shaffer or Shafer? Mayor Voller responded Shaffer, who is on the Planning Board. Mr. Cote said I don't understand the whole thing why the gentleman was recused, if he didn't work for free and then accepted gifts it would seem to me that before the vote his mind was made up whose side he was on. It just seems a little weird to me. Mayor Voller asked Mr. Shaffer didn't you recuse yourself didn't you? Mr. Shaffer responded he did on the first vote and that is when Mr. Plummer sat in for my vote. At the Monday night meeting when it was 5-0 I did vote as per the advice of Attorney Messick that if I felt I had any impartial status that I could vote. And what happened was that with my prior work for the client was something in the past, I had no future financial gain with the client, so I voted. Manager Terry added on the advice of the Town Attorney. Mayor Voller said he did understand, Mr. Cote, your point I just want to be clear but Mr. Shaffer did operate under advice from Attorney Messick, not on his own correct? Mr. Cote responded that he did read that in the newspaper. Mr. Cote said also in The Chatham Record speaking on the Planning Board meeting, Board member Shannon Plummer said that he was surprised to learn that Pittsboro Baptist preschool had a hundred students and there was never any traffic problems reported. He didn't add anything about adding 75 more cars to that block. Just because these cars have not caused any problem if we had 75 more cars who's to say? If everybody does what they are supposed to do, it works well.

I want to talk about the traffic study of Ramey and Kemp Associates traffic assessment. What I saw was dated November 7, 2011 I believe you folks have a copy of it from Mr. Robinson. The only things that were mentioned in that traffic study were the lot the school was proposed for and Hanks Street. None of the other streets were studied. No one has looked at. It just seems kinda weird, because you can't use that street in the afternoon. You can't get out, so therefore the school traffic can go around through the neighborhood. And can't you at least make an attempt to look at the streets surrounding it because they are going to be used, just because you can't get out. No mention or organized study of increased traffic due to the judicial center which is getting ready to open next year. So it seems to me that possibly that assessment was only 25% complete and I was wondering how you could really use it to make critical statements. It just doesn't seem to have all the information that I think should be there. The letter from the Police Department, Chief Collins, dated January 12, 2012, the school is projected to have 150 students in that traffic system. It doesn't say that, it says that currently the school has 60 students and they did an assessment based on these 60 students at their site, but if there are 150 students that are proposed it is more than doubled. Secondly, that survey didn't reflect the proposed site and the plan. Currently the building is a very different situation than what the school is currently in, it is not in a downtown, it is on a busy highway. No offense to the Pittsboro Police Department whatsoever, but I think this survey would have been better served had they been a traffic engineer. I think they did a fine job with what they had but I think a lot of things were missing and that a traffic engineer should be the one that decides, people who are experts, that's their job to look into these things. I didn't write any of this down for you folks, I can barely read it but I am going to share it with you. Sarah Carr had a lot of good things to say about downtown. Sarah and her husband are responsible for a whole lot that people don't even know about. There wouldn't be a lot downtown if Sarah and her husband didn't have the "oomph" to stand up and make it happen. They made things happen and people needed help they gave it to them. They have a lot invested in downtown and, as I do, my livelihood is the City Tap in Pittsboro. I am co-owners with Steve and Sarah. We believe really, really hard that the downtown needs to stay a downtown if we are ever going to attract any other people to come there. People talk about; well the school won't offer any competition. But to have a thriving downtown you need some competition. You need more bars, you need more restaurants, and you need more clothing stores. The school is not a business. You can't walk in there and buy anything. It adds nothing to a hopefully growing downtown. I know that our downtown, when I say downtown the Courthouse back, and any little side streets, that's it. The Food Lion is not downtown. So our little downtown can't grow – we are bound, that's it. The school can go anywhere – there are other options. I know two of them right now. There's Wood's Charter School, I know it's not right in downtown Pittsboro, but it's already zoned, it is there. The Charter school, as far as I know, it's still there looking for a tenant. I heard there was a church with a fellowship hall and two that are possibly coming on the market real soon. Commissioner Farrell said he believed we are getting off the subject a little bit here. It is not up to Mr. Cote to look for a location – he is supposed to state facts. Mr. Cote said he was just saying that they have options and downtown doesn't. Downtown can't grow anymore – we are bound already and we are bound and the school is not a business. You can't walk in there and buy anything, a pair of socks or underwear, have a drink or a hamburger. That's all I have to say. I just hope that you take the time and the truth and just remember that a lot of people have a lot of time and money and their whole family's livelihood wrapped up in growing downtown. Any questions from the Board or Mr. Robinson? If not we will call the next speaker.

Mayor Voller calls Chris Sykes and asks that he state his name and address for the record. Chris Sykes, 130 Thrift Street, Pittsboro. I will be very brief with this. I've grown up here, me and my wife both work here locally in town; she runs a business up on Main Street. We don't understand how this couldn't be a plus to the business area here in Pittsboro with people coming in to town every day and going by and using the facilities in town. I have seen that business there; where they want to put the school in, basically go through all the different changes. I grew up on main street here in Pittsboro, have been around town, I walk my kids down those side streets every day so it has always been kind of an eye sore as far as the town goes. I have always wondered when somebody would come in and do something that was going to be a plus for this place and I just feel like these people have took the time to put these plans together and hopefully we can see that they are going to be a plus to this community. Me and my wife are just really behind it. I don't presently have a child there, but I would like to have the thought that I could walk my child downtown. I live very close and, hopefully, we can just get this passed and resolved tonight. Mayor Voller asked Mr. Sykes if he said he and his wife operated a business downtown. Mr. Sykes responded his wife does, she works downtown and runs a hair salon downtown on Main Street and we both live here locally. Mayor Voller asked if she runs one of the hair salons. Mayor Voller asked if there were any questions for Mr. Sykes.

Mayor Voller recognized Ashlie Campbell. Ashlie Campbell, 50 Old Post Court, Pittsboro. Pittsboro has an established need for Haw River Christian Academy due to the low performing public schools. Low performing public schools have a negative effect on property values. Haw River provides a solution. Schools serving Pittsboro have lost funding and have done away with important services such as the gifted program at Horton. A parent, in January, took their children out of Horton, or out of Pittsboro schools, and placed them in charter schools which divert funds from the local Pittsboro schools. That money goes with them. At least another 2.5 million in cuts is planned for Chatham County Schools. Haw River Christian Academy is offering Pittsboro parents another alternative for their children and will not divert funds from the public schools. Pittsboro residents and businesses are already suffering from politically motivated decisions, such as the decision to build Pollard Middle School and the new high school currently being developed on land already purchased on Bennett Road. This increases property values in north Chatham and decreases property values for Pittsboro. It siphons money and resources away from Pittsboro schools. It reduces the amount of traffic in Pittsboro because northern Chatham families no longer have any reason to visit Pittsboro. Pollard pulled more than half the student base from Horton Middle School, leaving Horton with 200 sixth-eighth grade students which are only fed by Pittsboro Elementary School. This did nothing to reduce the overcrowding in other county schools. The new high school will pull 400 students from Northwood, having the same effect on Northwood that Pollard had on Horton. Haw River Christian Academy will only positively affect the downtown Pittsboro, replacing some of the lost foot traffic. It will bring families into downtown shops and into the restaurants. These are families who have money to spend. While typically grade schools may only bring "kiss and go" traffic, Haw River Christian Academy has lots of stay-at-home moms with time on their hands to shop and have lunch. Pittsboro needs Haw River Christian Academy to make it a viable town. I want to stay in Pittsboro, but I need a safe, great education for my children. If we want more people to come here, we need to provide this for their children. Haw River Christian Academy provides this. Mayor Voller asked if there were any questions for Ms. Campbell.

Mayor Voller asked if she testified that the high school was going to be built or was currently under construction. She replied it is being developed and on land that has already been purchased on Bennett Road. Mayor Voller said he was aware that the land had been purchased. Is there anyone here from the county who wants to speak to that, because I am not aware that the high school is actually being built? Ms. Campbell said she said it was being developed to be built. Mayor Voller asked her if she would like to adjust that that it is on the Capital Improvements Plan, it is not being built. Ms. Campbell said she didn't understand the way I talk is probably different than the legalese that you have. Mayor Voller said there is a capital improvement plan but the high school is not being built and as a developer when we develop things we're building it. I just want to make sure that your testimony... you are saying that you are considering that future condition if it were to be built, because right now nothing is being built and that decision will have to be made. Ms Campbell said it was being developed to be built. We will just disagree. Mayor Voller said there is nothing to disagree about, I just want to clarify that if you are saying it is being developed, the county chair is probably in the room and he could probably speak to that. Mr. Bock said the high school on Bennett Road, the land has been purchased and at some time in the future it is the plan of the county to build a high school there. Mayor Voller said he just wanted to be clear, he didn't want to quibble over terminology but this is going on the record and I don't want someone to say that you testified that it is being developed because it is on their plan for the future that is all we know at this point. Thank you very much. Commissioner Baldwin asked Ms. Campbell about the low performing schools, we would have to have something documenting that. Ms. Campbell said you couldn't get test scores for Pittsboro because they have insufficient testing information and my children went to the public school. Commissioner Baldwin said you might want to check with the Board of Education with Superintendent Logan because he does have a document which shows how the schools have performed. As a matter of fact, I have that same documentation so I would not like for that to go on the record as that. You might want to check with him because he does have all of that compiled in an actual booklet about that large, so you might want to check with him. Commissioner Foley said it raises a question that children that go to the Christian academy do not take away from the public schools. Mayor Voller said he believes the apparent testimony is that Haw River Christian Academy offers choice and regardless of location, this was testimony about the Academy itself, it supports you going there but it is testifying to the efficacy of the Academy. But there are some questions in there that Commissioner Baldwin raised and myself so perhaps Commissioner Foley; I have told folks before I went to public and private schools so I have seen both sides of this coin. This was a question of choice and if someone is going to testify that we have low performing schools has to actually have some documentation, otherwise that is strict opinion. We understand your opinion, Ms. Campbell, but without documentation on that, and there have been a lot of opinions, but that one – we don't have the Board of Education in this room to answer that question. Ms. Campbell said she is sorry, she didn't realize she would have to provide documentation. Mayor Voller said other than that thank you for your testimony on behalf of the need for the school and the efficacy of their programs.

Mayor Voller recognized Mr. Bill Crawford. Mr. Crawford stated to the people in the Haw River Academy, some of this firestone must be a little bit overwhelming to you. I don't know if you are used to the hubbub going on around you. I think an apology is sort of owed because, to a certain extent, you are innocent bystanders. I think it is safe to say that the bulk of the downtown

business community supports you. I hope the application is approved and look forward to being your neighbor, and I do too. But they also might say that the process has abused you. And I choose these words carefully. I think it is safe to say that everybody up there is completely in favor of expanding the Pittsboro business community. How they go about it that is the underlying problem. There is no way on God's green earth, outside of you doing the application that this should have taken six months and now it is going to go on longer. I don't understand it. Ideally, this process should take the structure of the purchase of a home. Everybody gets their homework assignments, when the applicant is ready they make an appointment with the town, everybody shows up in one room with their paperwork and their checks, and the deal gets done. In reality, that is not always possible, but that's something that I think should be approached. In the private sector, the community likes to plan in months and years but they like to make decisions in days and weeks. Larger firms like KFC and McDonalds have people on their payroll that can afford to sit around for five or six months and jump through all the hoops. If they think the site is viable, they are going to do that. Smaller firms sometimes do not have the resources to do that and it is a deal killer. Downtown is dying and you are dickering over traffic questions that could have been answered months ago and if you keep this process up there is not going to be anything left in ten years. The process has to be streamlined and we have to be obvious about it so it can be used as recruitment for future businesses to come and land here. It also has to be transparent so we can deal with perception and, justifiable or not, that the process sometimes favors friends and political allies and that perception is out there. Nobody wants the town to change its present character. The artistic community is an integral part of Pittsboro's charm and nothing should change that. But we have too many buildings that are not producing rent or taxes. Places that are open now could use some traffic support and we could all stand to stop driving to other counties to go shopping. The Mayor talks all the time about buying local, supporting our businesses, and rebuilding the downtown. We need to get past the talk and start doing it. That's all I have to say. Mayor Voller asked that he back up and state his name and address for the record. Bill Crawford, 44 Hawks Spiral Way, Pittsboro. Mayor Voller asked for any questions for Mr. Crawford.

An unknown female from the audience said that she has a statement if she can make one. It will kinda go along with what he is saying. Mayor Voller asked if this is a statement that you want to ... she said she would just like to add that there a lot more business owners here. I am also a hair dresser that works right across the street and there are a lot more people that are for this school and the business and the customers that this will bring to downtown than are against it. All of the clients coming into the salon say it. I don't know why it is taking as long as it is but it is taking a long time. The school wanted to be already working on the building and The General Store just went out there is a business that George is trying to rent right next to the salon and there is a lot of retail space available on Salisbury Street. On that building there is nobody knocking the door down to go in there. I could see if another retail business wanted to take it out from underneath the school, or if there was no other space left in the town and that was the only space left. Mayor Voller said this is Dana Russell. Please state your name and address for the record. Dana Russell, 161 Windsong Drive.

Mayor Voller said both of you have raised an awful lot of questions, opinions, and some statements of fact that perhaps should be dealt with now. Are you testifying, Ms. Russell, that nobody has come to the property owner and attempted to lease that or try to buy the property at

any time. Discussion from audience. Mayor Voller said backup, she said there is no interest. Ms. Russell said it is empty. Mayor Voller said not everyone hopped up to offer testimony and some of this testimony is talking about process and things that have nothing to do with putting a piece of property and a school on a piece of real estate. Nobody has testified in any of the hearings that anyone is against the school. Everyone has said we like the school, we like the concept of the school; it would fit in the community. This Board that is left up here since Commissioner Fiocco had to recuse is charged with deciding on the findings of fact and on the application whether to approve. So I am going to address a few things that Mr. Crawford said, since I have known Bill for years, he ran against me, we are neighbors, he raises good points. Dana cut my hair in the past...we are all neighbors here. This is not trying to pick on anyone, but these are excellent points raised, they have to be dealt with now while we are in the moment.

Mayor Voller said the first question about process. If I'm mistaken, Mr. Bass, this came to us in August. Mr. Bass responded correct. Mayor Voller asked and, at that point, what happened based on your memory...you brought it to the Town Board. Mr. Bass said yes, in the public hearing we had a couple of issues associated with the advertising, and then we had a second public hearing. Mayor Voller said so there was an issue with the advertisement to properly effect, is that what you are saying? So we had to have two public hearings because of a mistake made by the Town. Mr. Bass responded yes. Mayor Voller said that had nothing to do with the applicant nor the people that are elected officials, that was an unfortunate mistake. But if somebody questioned the process, they could have undone the whole thing because you have to properly publicly advertise for public hearing. That was the first thing. I was on the record at that time addressing staff saying that you cannot let people wait, as Bill was saying, it is on the record of the September minutes. I don't think that was fair. I think Mr. Robinson remembers me saying that you can't wait while they make a mistake like that. But unfortunately they did and legally they could undo the whole thing if someone said it wasn't properly noticed. And you would never want to get an approval and have someone come back later and do that to you. That was the first thing. That is why we went from August to September and now it's the end of February.

As I have said before, I feel that the process and not just this process and we have a lot of people in the room that are interested in this now and I hope that your interest remains, some of you are professionals in the business, like Rudy Vitaro, that sell property in this county and they have an interest in how this works. Some of our Planning Board members are here. The process probably needs to be fixed because it doesn't make sense to me, and I am in the business, to have a public hearing at the beginning when people don't know the facts. Unfortunately, we are obligated that once they put the application in to follow the prescribed process that was set forward by other Boards before us and really I agree, this should be examined and perhaps changed. I know other commissioners have raised the same issue. And that would speed it up and change the way it is approached. Now once we got into that second public hearing, there were questions raised, legitimately, about these findings and facts in the application. This Board, in the last meeting when we were here and dealt with this on January 9, 2012, I asked a series of questions that I had and other Board members had about the application. By law, we are charged to certify the application is complete, not whether we agree with it, not whether we are for one party or another, but to certify its completeness. That is why I asked so many questions because I want to be sure that the Board comes out and they can make a motion on that. Once it is complete the burden of this whole process here, and Attorney Messick you can correct me if I'm wrong, is on

the opponents to prove that they have not made their case or that there are facts here that would go within the fore findings that would say we shouldn't approve. I think the burden of application is on the applicant and the burden otherwise is on opponents. Is that correct, Attorney Messick? Attorney Messick responded yes, sir. Mayor Voller said that what was delaying it is there was a question about the application and whether that application was complete. Whether the applicant felt that they got full service from the town and knew exactly what they needed to do or whether or not the check list is complete, these are all things that can be retooled, but I will tell you that we have had a few special use permits in my time but it is not an everyday occurrence. We are not like Raleigh, we are not like Durham, and we are not like Chapel Hill that deals with this. In fact, Chapel Hill as everyone knows, has a very different attitude on growth, they have special use permits that go on for years and certainly nobody would want that to happen here for a variety of reasons. I think that maybe there have been a handful of these that we have dealt with, one of them was Pittsboro Place, which if anyone is in the room when we had Pittsboro Place, we had a couple hundred people in the room and 63 testified and it was over at the courthouse and soon that will be finished and hopefully we will be able to use that so we won't be packed in there. That went on for 15 hours to get everyone on the record and, in that case, over 60 people testified against it or didn't like it, including people in town, out of town, from other places, and a lot of people didn't like people that didn't live in the corporate limits testifying. There is similar to the debate we have here and yet the Town Board, in its wisdom, decided that they needed to approve that and it was a 3-2 vote on the basis of the opportunity. Unfortunately, the recession occurred and we have not seen anything there but the State Employees Credit Union. Perhaps one day we will. But I categorically reject the notion that any member of this Board, and Pamela and I are the oldest rats in the barn, as I like to say, Mike has been on the Board since 2009, we have lost some good people... Gene Brooks who was on for 26 years, Clinton was on for five, Hugh Harrington served four, we have three great members up here now. This is their first time to the rodeo so give these folks a little bit of slack. Jay testified earlier and said he would come to the meetings and he watched us. But not everyone is prepared to make a decision just because it came on during the night. Mayor Voller recognized Mr. Robinson.

Mr. Robinson asked if he could interject. I would say that we have been frustrated by the process but at the same time, as I remarked during our opening comments, we thank the Town and the Board and the other officials for allowing us to work through this process. Because when we came in August, we were like babes. We had no idea what the process was going to entail and we thank you for allowing us to work through that. That doesn't necessarily mean that the process could not be improved but, at the same time, we are grateful for the opportunity and I hope that in our remarks we in no way made anyone feel like we were upset with them as individuals or as a board or as elected officials. We are grateful for the opportunity to work through this process and ultimately see it to resolution. Mayor Voller said he thinks that is how everyone feels. The process is not perfect, none of these are, and they all can be improved. Bill uses the term "streamlining." Anyone who has served on these boards in community want to make the processes work better for the community. My basic attitude is that if we are not providing value to the people then it has to be examined and that is not a left-wing or right-wing idea that is just an idea for the community. I think we can all get behind that. Nothing is sacred enough that it has to stand up and can't be examined over and over again – like how we treat

sewer, like how we make our water, whatever. That being said I don't there has been no effort from this Board...I did point out earlier, I don't know if it was on the record or in writing, had the Board, back when we had different members up here, voted on that application you would have been sent back to the beginning because there were questions raised about the completeness, which is the first step. They elected to keep you in the process so you wouldn't incur extra expenses and be sent back to the beginning, which seemed to be penalizing you for things that you either had to comply with or didn't know. There is no intent from anyone here to create catch 22 situations. And the whole reason, we debated even having this public hearing, because we had had the ones before, but there was an awful lot of information that was presented out in the public sphere or emailed to the Board or the Town and it only felt right for the applicant and the people who supported the school and the people who had questions about it to get it all on the record, that is why we are here tonight. Now in the future, I agree with Bill, I think we can do it in a more streamlined fashion, although that is not always the word I would use, but it is a good word for the exercise, and you are going to end up with trying to make decisions for the broadest use possible. We have to make decisions for everyone in the community. And if these people are off the Board, the people replacing them will too. It is not for one constituency, it is not for one group of owners, it is really for the future of the town and if they feel if the application, in this case, complies with the full findings. That is why we want to go through this and carefully look at the facts and weigh it out. I think at the end of the day it will be tough decision but a good decision and I hope that the applicant feels affirmed that the people really want to find out about your school and the only issue is the real estate. You could have gone to another location and perhaps it would have been nobody raising up anything because I can tell you that happens. People can come here every day and you don't have anyone in the room. We have had public hearings for rezoning with one person or no people, just because it created no interest. This one created interest so it has a special memory for the Town of Pittsboro. Commissioner Foley said she wanted to add one more thing, if it is about postponing the vote for two weeks, you look at this information we have been given. Some of this was stated but some of it wasn't and this is an important issue and we just want to give it thorough investigation. Mr. Crawford said he understands you want to be very thorough but, what I am submitted, your very thoroughness is killing this town by a thousand cuts. Commissioner Foley said this is a special use permit so it is different. Mr. Crawford said he disagrees.

Mayor Voller, said, Bill, if you would like to get involved, we have a grants committee, there are things that I think your viewpoint would be good for everyone. Why don't you get involved and sign on? Mr. Crawford said he is in certain ways and I have time issues but you hit me with this every time and I understand where you are coming from but you don't have to be sitting on the committee to be involved. Mayor Voller said no, but you can get involved. We will just leave the door open. In the meantime, I appreciate your comments but I do not think that the Town and the Board members I've served with have ever had an attitude of not trying to solve problems. Mr. Crawford said that is not what he said. Mayor Voller said and not trying to make things work quickly, because there have been some that have gone very quickly because of the component facts of the matter. Every case stands on its own. This requires a certain level of discussion and thorough evaluation. It may not occur for another one, but that being said, I appreciate your input and if you have anything else to offer... Mr. Crawford said thank you for letting me speak.

Commissioner Baldwin said what she would like to say is basically we did go forward with these public hearings because we have three new commissioners and I actually made that motion because I wanted them to have the opportunity to hear from everyone in reference to it. I was on the Board when we had the initial public hearings, that is correct, but they were not and I think it is very important for them to hear all of this information from different individuals. Mr. Crawford said that his point was that there is something wrong with the process if it had to wait until the election. Commissioner Baldwin said it wasn't based on the election. Mr. Crawford said what he is saying is if the process was started in the summer and it wasn't over by the election there is something wrong with the process. The very fact that you had to bring all these new people in and start the decision process over again just added to the problem. Commissioner Baldwin said we didn't necessarily start the decision process over. There were things which were missing and they needed to have been brought to us so we could review that as well because, basically, to be quite truthful if that other information was not brought to us and we would have voted prior to that it more than likely would have been a vote of no. So we are actually trying to obtain everything so we can make a well informed and the best decision for Pittsboro that is what it is all about. I am talking about the school, the school I will say, I think the school is just wonderful but the thing that we are looking at the permit, we are not looking at how the school is or what the school stands for, we are looking at whether a special use permit. We are not making any evaluation in reference to the school.

Mayor Voller said he hears what he is saying about timing, had there been a vote taken in October-November the likelihood would have been turned down because of incomplete application because that was the debate of the Board and I think that the will of the Board at that time was to keep it open and perfect the application. Unfortunately, Commissioner Fiocco has recused himself and he could speak to that matter but he is on the record back then before his recusal about those questions and a few of the other Commissioners as well. So there could have been a vote three months in but it would not have been the vote that they would have liked and it was based on the application. That is what Commissioner Baldwin is referring to so, at this point, that's not a question – the application is complete. All that is going to be questioned is on these findings of fact and I feel that was a service to the applicant and not a disservice because they would gone back to the beginning and nobody wanted to do that to them but that's what would have happened. Mr. Crawford said the process, by definition, is a service to the applicant. I am saying the time is an abuse. You may disagree with me but that is what I am saying. Mayor Voller said we all know that in this business time is money and I don't disagree with you on that. How this went forward, all that could have happened in October or November was a vote to send it back to the beginning and that's what, you can read the minutes, and that was the discussion and nobody really wanted to say go back to the beginning and file an application and get all this...they tried to work with them to get what was required and requested so it was complete.

Mayor Voller recognized Devin Ridge. State your name and address for the record. My name is Devin Ridge, 8 Twin Lakes Road, Pittsboro. I am in support of Haw River Christian Academy. I drove by this facility yesterday and I would have to testify that it is vacant and that previous photo does reflect an accurate representation of what that building looks like and I agree with Mr. Robinson that it would probably take \$400,000 to improve it to look like that building, which I think would definitely be an improvement and investment in our town. My children for the past three years have been enrolled at Pittsboro Baptist Church preschool so I can testify that

at no time during that period has there been any traffic issues going to or from the church facility there on Salisbury Street. Drop off time at preschool is 9:00 am. Someone commented earlier that with the addition of the school on Salisbury Street how that would conflict or add to traffic. That would be at staggered times, this school opens at 8:15 am. Another thing about pick up and drop off times, if there are other parents in the room, you typically don't show up right at 9:00 – there is usually a 15-minute window. I am usually running toward the tail end so that, again, eases the traffic burden over a period of time. During this past three years, in my turn going through the queue line to pick up and drop off I have never been more than three or four cars deep in the queue, so that is just my experience. My family also worships at Pittsboro Baptist Church on Sundays and my pastor is here tonight, I think he can probably speak to what the attendance is at our church, I think it is well over 100 people. I have never experienced significant traffic delays on Sundays either on Salisbury Street. Parking on Salisbury Street for our church, Pittsboro Baptist, is at a premium. This parking here will be an added benefit to the community, to our church in particular. I also come into downtown on weekends and eat at the restaurants and I don't like parking on 15-501 but there are not a lot of options for side street parking so the addition of this parking space, I think, will be an advantage to the town. Also, in speaking to members of the school, my children are also enrolled in Haw River Christian Academy, so I am one of those “kiss and go” families, and after I kiss my family I often stop and get gas in town. When I go to Pittsboro Baptist I stop directly in town to either get gas or go to Food Lion to get groceries and consume other services in town. When I go to our current facility in Haw River, I don't usually come in town to get those things. I tend to stay north of town and shop closer to the 64 bypass or go further up to Cole Park, so that is why from personal experience. I shop at the groceries stores, I get coffee, I eat at the restaurants. I have not had a hair cut in town but I hope to do that before I lose all my hair. So, again, if I can speak to my personal experiences at both Pittsboro Baptist on Salisbury Street and with the Haw River Christian Academy currently I would be happy to do so. Mayor Voller asked for any questions for Mr. Ridge. Mayor Voller said the one question he has is currently you're shopping up at 64 you're saying if you go up that direction and you feel that would reverse the pattern potentially? Mr. Ridge replied he does both, actually, when I am in town I shop in town and when I'm north of town I shop north of town.

Mayor Voller recognized Mr. Harmon. My name is Tripp Harmon I live at 146 Cedar Run. I am pastor of Pittsboro Baptist Church. Really I was going to say some of the same things he said. I disagree with Larry in one thing. Haw River Christian Academy does create some competition. They have a pre-k school that will be competition with Pittsboro Baptist preschool and we welcome it. It causes us to up the bar. It gives parents choices and options. In fact we are working with Haw River now about some overflow...they may be using some of our space as early as next year, so we welcome that thing. The traffic is not an issue. The police even came out and talked with us about that. The drop off times are different. Our drop off time first off are different from what Haw River Christian Academy will be. But even with that our parents are in and out and you have a completely clear street within 10 minutes. As far as the afternoon times, I invite anyone to come out about 3:00 pm, any weekday, to the intersection of Fayetteville Street and Salisbury Street and there is not a lot to see...it is dead. And, unfortunately, a lot of what is going on downtown is dead. Just a minute ago Mr. Mayor you said we are not providing value to people...if we are not providing value to people it needs to be examined. Currently there is an

empty building there, has been there for a long time on Salisbury Street, that is not providing value to Pittsboro or Pittsboro downtown and Haw River Christian Academy can do that. We would welcome having them there as neighbors. It is “kiss and go” traffic. The mom’s everyday come and drop off their kids. We have almost 150 students, somewhere between 140 and 150 students at Pittsboro Baptist preschool. I don’t know if a lot of people knew that. That is a lot of traffic it would seem or a traffic problem. Our parking lot has one way in and one way out. All the things that these folks have bent over backwards to do we’ve never been asked to do and it’s not been a problem and has never been a problem. There has not been an accident there. I think the Police Department can attest to that. The preschool has been in operation for going on 10 years now. The moms “kiss and go” and they go up the women’s gym, they go and get ice cream at S & T, and they go get coffee, and they go to shop, and they pick those kids up and they go to McDonalds and they go back and get more ice cream because they have been to the women’s gym. As far as the vision for arts downtown and this artsy, eclectic community, where do children learn to love art? At school, and Haw River Christian has an excellent arts program. That is where they learn. It brings variety to downtown. Right now we have a dead, rotting building with no prospects other than Haw River Christian. Why waste time. Times are tough, times are hard, people are suffering. I see it every day in my office. People coming by. Things are difficult. The economy is bad. Let’s do something to boost the economy. Let’s do something to get people down there to spend their money. People are saying education doesn’t bring money...education is big business in Maryland. It is going to bring money and do good things for this community. I think I can speak on behalf of Pittsboro Baptist, I think I can speak on behalf of some other churches, if the pastors want to say amen, I don’t want to turn this into a church service, but we know the pulse of our people and our people are voting people and those people say this is ridiculous, this thing should have been approved. And the Christian community and the ecumenical Christian community, not just Baptist, the Methodist, the Lutherans, the Anglicans we are behind this thing. We want to see it happen. It is good for us, it is good for Pittsboro and I will be proud to see it happen.

Mayor Voller asked for any questions for Mr. Harmon. Mr. Harmon said you put me behind the pulpit and it is your fault. Mayor Voller said he had a couple of questions. First, and this would accrue one way or the other, positively or not, there is a sign on 902, are you guys moving is that you moving down there. Mr. Harmon said eventually. So theoretically that would change the whole landscape of the street anyway. Mr. Harmon said his vision is that Haw River buys our present building and we move on down the road. Mayor Voller asked if that was a long-range vision. Mr. Harmon said it was a long range vision.

Mayor Voller...the constituent churches. Mr. Harmon said yes, there are several members from our church in that. Mayor Voller asked so does it just mean that members are members of these churches or actually...so it’s not really the churches but the members. Mr. Harmon said it is a beautiful thing if you think about it in the ecumenical way because people chose to be Baptist or Methodists or Anglican or whatever and here at Haw River they are all coming together. It is everything the media says, “oh, this is what’s wrong with the church” it is happening right at Haw River because it is believers coming together. Mayor Voller said you make excellent points and I know you, Tripp, and I have friends that go to your church, you are a very good preacher. On the process issue that you bring up, if you look at the special use permits in the tables there are a number of them that are things like institutional uses in school but others that might not

appeal to your church and maybe others down there, for instance a strip club. Would you have wanted us to go fast on that? Mr. Harmon said no, we would have come and we would have sent something about that. Mayor Voller said I realize there is a building that needs to be filled but the reason we take the time is when you look at those on the table, not everyone of them stand for super. Some of them stand for things that people may not want at all. Mr. Harmon said he has been in this community long enough I kind of know the pulse of the people in the community and I think you have heard most of it tonight. I think you have heard a lot of evidence from Larry and I think you heard a lot of opinion from those against. And I understand you all have a process to work through, I don't understand it. I don't claim to be smart enough to understand it. I am not a politician – that is not what I am called to do. You guys understand the process. We will trust you in the process. Mayor Voller said he appreciates you coming down and testifying to this.

Mayor Voller asked if anyone else was intending to speak on this. I am not sure everyone had the opportunity to sign in so this is your last chance so state your name and address for the record. Jamie Johnson, 36 Breezewood Court, Pittsboro. Ms. Johnson said she didn't have anything planned to say other than we went to Pittsboro Baptist preschool and I was one of the "kiss and go" moms that stayed in town and a group we would go and drink coffee at The General Store, we would go shopping downtown, we would do all those kinds of things. Now that he is in kindergarten at Haw River I don't do any of that. I don't go downtown for any reason. I go to Harris Teeter, Apex, Target, which is where I'm from; I have lived here four years. I also lived in Apex around the time that things started to grow and everybody said oh no, we don't want Beaver Creek, it is going to take away from downtown, mom and pop's will be gone and the exact opposite happened. And if you go downtown Apex now, you will see nothing but business, boutiques, shops, restaurants, you name it. And you know what else is there? A school. Bailey's Academy opened around the same time that the downtown started to boom and I am not testifying that caused an effect I am just saying that it brought foot traffic and I am one of those people that would also come back downtown to shop, eat, grocery shop. If I didn't have any reason to be travelling up the road, and people keep saying there are other places, the school used to be if that was the case all of us that live in Pittsboro proper we wouldn't shop. We would all be going to Harris Teeter or Lowe's, that kind of stuff, there would be no reason to be in downtown. I am just saying I have been here four years and quite frankly I am tired of looking at empty buildings. I feel like a lot of them have that facelift and nothing comes and now The General Store is gone. I just talked to the lady that owns the new antique shop, The Equestrian, we came in the room and said thank you for your support. I have personally gone around and said thank you for your support. I would like to patronize your store because you are supporting our school. Places that I normally wouldn't have gone. S & T's, the toy shop, things we used to do with my little boy walking around after school that I don't do now. And I know there are a lot of moms that stay at home, that do not work, that would do that if our school was downtown. Mayor Voller asked if there were any questions for Ms. Johnson.

Mayor Voller recognized Nichole Torode, 86 Dusty Arbor Lane. I have only been a resident here barely six months with my family. We chose Pittsboro over Chapel Hill. We live in a community that foreclosed with 11 houses out on Old Graham Road. The developer in our community said he would not be back here for probably six or seven years because there was no growth in Chatham or Pittsboro. I went, with Ms. Butler, our Principal, we met two weeks ago, maybe

three, my first time in The General Store Café was on Monday. By lunch time on Thursday it was closed. I have been here six months and I have seen three other businesses close down. And I am a parent at Haw River and I am a parent at Pittsboro Baptist preschool. And I go by a dilapidated building every day. And I am a person who is coming here trying to think what kind of business I can start here. And somebody talked about socks...well we have two dollar stores and that is about the size of that building. I don't think we need any more Family Dollar or Dollar General stores like that. Anything that can be improved in a home town esthetically is a bonus to the community. I go back and I sit here and I think about people walking, community schools, how times used to be in the old days, nobody had a problem with a school way back when it was in your neighborhood and walking your kids to school. I could drop my child off, I could take my little girl and we could go to breakfast. When my child gets his report card once every six weeks I can take him and walk from that school around the corner to your ice cream shop. I have not had the privilege of doing any of that yet but I do know that if that school has that special use permit that I will be able to do those things. I don't want to park on that main street. That street and that section is more dangerous than Salisbury Street to me coming from Greensboro, a big city, so that is all I want to say. And we love Pittsboro and we want to be here for the next 25-30 years. So I have a vested interest. Mayor Voller asked for any questions.

Mayor Voller asked if there was anyone else. Efrain A. Ramirez, 250 Town Lake Drive, Pittsboro. I have been in this town for 26 years. I retired 17 years ago. For the last 16 years I have been working as a substitute teacher in Chatham County Schools. I want to speak in defense of the school system because I have heard comments in some way or another that perhaps our schools are not sufficiently good enough for all students and therefore that there is a flight or has to be a flight from Chatham County Schools to private schools. I work in schools. I sometimes substitute anywhere 8 to 15 times a month. I have been in every school from Moncure, Pittsboro Elementary, North Chatham, Perry Harrison, now occasionally Margaret Pollard, I have been out to Silk Hope, I have been out to Virginia Cross and now primarily I come to trade my time at either Jordan Matthews High School or Northwood High School. I was at Northwood today. I have had two step-children who have gone through Chatham County Schools from 4th grade through high school. They started at Pittsboro Elementary, they went to Horton Middle School and North Chatham School and they graduated and have been very, very successful. I think the Chatham County Schools are good. If there is something to supplement them, that is fine. If it is just something to escape from Chatham County Schools, then I don't think that is good. Mayor Voller asked for any questions.

My name is Donna Bianco. I live at 424 Alpine Road in Moncure. I have a business here in town. One of the things that I am working on and I don't know if it is going to happen but I am working on it, presently writing an application to open a charter school in Pittsboro, in downtown Pittsboro. As we are talking about my proposed site, and I look at Kelly sometimes and I say don't you take my site? She can have it if she wants it, it is all up to God, he is in control here. I am working really hard on this application for a charter and it is hundreds of pages long and I didn't open my private school this year because it is hundreds of pages long and Kelly this is a huge undertaking that you are doing and I know it is taking up a ton of your time. My charter school, if we indeed open it, is going to be called Our Neighborhood Charter. And it is about the neighborhood and it is about the community and it is about being involved in the community. My kids are going to be involved in the community and we're even going to have a

vocational aspect for the charter that will involve the older children in the community businesses. There are a lot of businesses that have already approached me and said that they would want to be part of my students working or being involved in understanding what it is like to work and be a part of a business. I support them only because I feel we are the same and we have the same desire to give children in this town the opportunity to either walk to school, no busing. The kids that would be able to go to my school at no charge, they have tuition, are the kids that live on Masonic, back towards the Mill and behind the Piggly Wiggly. All those kids who would never have access to a charter or a private school are going to have an opportunity, possibly, to walk across the street, yes across 64 or down Salisbury Street or there won't be sidewalks and they are going to be able to walk to school but the parents are going to be more involved in this community when their children are in the community and they aren't just hiding in their rooms playing video games and they are going to school across the street. That is my opinion and my view and my feeling and there is no fact except that I'm writing this charter and it's hundreds of pages long and I am working my tail off and it is due April 13, 2012 at noon. So if you don't see me for a few days before that I'm busy doing it. Opportunities for kids in this community to have options whether it is kids with money, parents who have the money to send their kids to schools, or if it is kids that don't have money and can go to a different school. There aren't enough of them. There couldn't be enough of them in Pittsboro. Mayor Voller asked if she could explain the difference in a charter and what they are doing because they are two different animals. Ms. Bianco said the only thing that I think is different is that some of the parents have money to send their kids. They scrimp and save, they are not rich people, but they have the money that they can send their kids to private school. Mayor Voller said but if you were to get this charter school it is a public school, that's what you are saying. Ms. Bianco said sure, I would get dollars per child. Mayor Voller said presumably it would be matching the diversity of the community...there are a lot of requirements. Sure it is different from them but you are offering a type of education experience. Correct, it is public school? Ms. Bianco replied it is public school with a spin. Mayor Voller asked for any questions for Ms. Bianco.

Unknown female from audience, I would add to that that we still pay our tax dollars for public education we choose not to use the public schools, so really we are bonusing that aspect and then have to go out and sacrifice on our own to make a choice, and that is our choice, but we still pay those tax dollars. Mayor Voller said that is true, the funding model comes from your taxes but it also comes from the state and the federal government. Of course, who knows going forward with revenues being the way they are I believe that the public schools get some of their dollars allocated by how many people are in the seats and that is so when they are removed from those seats in theory it starts decreasing the funds that they would get from other sources, so it is a complicated model but you are correct when you pay tuition and you are paying real property taxes on that level yes. There are different reports on this on how it actually affects communities but that is a statement of fact but some would say that if you are losing the fannies in the seats it is another issue but that's not our job we are not the Board of Education or the County Commissioners so we don't deal with that.

Mayor Voller asked if anyone else wants to make factual presentation or a soliloquy about upcoming charter schools. If not, then we go back to Mr. Robinson or anyone else who would like to rebut. I don't know if there are any adjacent property owners left or if they all took off.

Mr. Robinson you have heard a lot of testimony and it is your opportunity to offer your rebuttal to any or all of it.

Mr. Robinson said he will be brief. First, to the several comments that were made about closed store fronts and empty buildings and those kinds of things. You referenced Mr. Vitaro, who is our realtor. He was gracious enough to get some information for me. In the last five years on the block from the Courthouse to Salisbury Street, in the last five years on the east side of the street 11 of 13 businesses have changed hands. On the west side of the street, 7 of 11 businesses have changed hands in the last five years. I think there is a bigger problem than 50 West Salisbury Street and I think finding tenants that are willing to step up and sign long term leases and are willing to do that to those kinds of buildings is what the town needs. The next question someone brought up about restrooms, I think it was Ms. Barringer, and that came up. Mr. Hoyle asked that question of Mr. Bass at the Planning Meeting. The requirements versus the number of students would be well below the ceiling on what is allowable as far as water usage and we will have girl's bathrooms, boy's bathrooms, a faculty bathroom, and all those things.

Then there was a reference made to Main Street Project and I keep hearing about Main Street Project. I attended one of their meetings and Main Street Project's three highest priorities, the top three things they want to accomplish: (1) Increase traffic; (2) fill vacant buildings; and (3) improve the appearance of buildings. I think that maybe if we are going to reference Main Street then we may want to listen to what they have to say.

The next thing I would like to interject is about growth. You know we are a school that is, yes, private but we have to date not turned down one family with a child that wanted to place their child in our Haw River Christian Academy. We have a tuition assistance program where we assist families that may not be able to pay the tuition. We also have families that moved to Pittsboro, as Nicole referenced, over Chapel Hill and other places and you know why they moved here? Because of Haw River Christian Academy. Because that is where they want to send their children. They have researched us on the website. They have no idea where Pittsboro is except that they are moving to this part of North Carolina where the jobs are, some work at UNC, some work at RTP, some work in Raleigh and they came to Pittsboro because of Haw River Christian Academy.

And, someone said that the school is not a business. Well, the school is a business. Just like any other business you have to have revenue, you have expenses, and you can't write bad checks.

One more thing, there has been a lot of information that has been talked about in the room tonight, a lot of opinions, not a lot of fact. Not a lot of documentation came to the front of the room except for the factual evidence that we presented in the beginning. So I would encourage you to make your decision based on facts and not on opinion and hearsay. My wife and I are raising my nine year old grandson – we have had him since birth. His name is Cayden. He is 9 years old and in the last nine years I have not slept all night one night. Serious, not one night in nine years. Every night between 2 and 3 o'clock in the morning, tap, tap, tap on my side. He says, "Papa, can I get in bed with you?" And I say, "No, Cayden, you have got to go back to bed." And he says, "But Papa, I am afraid." And I say, "What are you afraid of Cayden?" And he says, "I don't know what is out there." Too many times we make our decisions because we

are afraid and don't know what is out there and what is going to happen. All we want to do is be good neighbors to everyone in town, to help Pittsboro to become a vibrant destination for not only people in town but those in the surrounding communities and to continue to provide a school where people from all over the country will look to Pittsboro as a place to call home. That's really all I have to say.

Mayor Voller asked for any further questions for Mr. Robinson. I said I would come back to you, Mr. Robinson, from the beginning so we could get clear about a few things. You have no intention then to take this off the ad valorem tax rolls. Obviously you are renting from someone else, but if you were to buy it one of the questions raised, which is a legitimate question, is about that form of revenue. Would you make a representation or a stipulation on that? One of the concerns was a school moves in, not just you it could be any school, applies as a non-profit and suddenly it is off the tax rolls, just like any other exempt business and that is a legitimate concern that people have raised and you addressed it about payroll taxes and some other things but would you like to speak to that directly because that was raised in some of the letters that came in.

Mr. Robinson said the only point of reference that I can make to that is that our initial negotiations is for a 10-year lease with an option to purchase if we so desire. That does not necessarily mean that we will or would not purchase. I would say that we also have options to extend our lease. The other facts that were presented were the facts that we will at some point in time in that 10 year time period have to find an additional location for our upper grades. With that said, that will take resources and may prohibit us from purchasing even if that would be our desire. I would like to clarify one other thing about the statement that was made about our using Pittsboro Baptist to house some of our children. I will clarify that by saying that will be a necessity this year because we couldn't get all of our work done now by the end of August and that is the only reason that we would do that.

Mayor Voller said parking, obviously that is something that has been raised and you have made an offer so if there was to be a stipulation what time would you start parking or would you be willing to allow such parking. Have you thought this through at the end of the day and at the beginning? Mr. Robinson said we would certainly be willing to work out an agreement with the Town but I can tell you that our people are gone by 4:30 in the afternoon so if public parking was available from 5:00 in the evening to 7:00 in the morning we would have no problem with that and no problem with parking on weekends. The other thing is that, of course, I think that for us to work out an agreement with Dr. Barringer we would have to develop some sort of a sign or something that people could put on their dashboard so that we would know who they are just that they are at the doctor's office. So, Chief Collins or Attorney Messick, if this was a stipulation their concern raised early on was that if somebody was a patron at one of these businesses and left a car there (not the dental office obviously) would we post a sign that it would be towed or how would you perceive that that would work. Attorney Messick could speak to that. Attorney Messick said that the school could have it towed. Mayor Voller said are you wanting the town to post the signs or what would you feel would work. Mr. Robinson said it doesn't really matter to us whether we post the sign or the town posts the sign provided that we are all in agreement that whatever the sign says that is in effect what happens in those situations. As far as having the car removed, provided that it is at owners' expense, as far as cash outlay that would become a mute point. Manager Terry said I don't think that the Town would remove cars from private property;

I believe the school could enter into a contract with towing agencies to do that. Mayor Voller said right with Barnes or there are a bunch that do it. They had raised the question about who would enforce. I assume it is an allowable use and that would have to be part of the stipulation. Mr. Robinson said obviously we would all have to agree what the sign says.

Mayor Voller said something that had been raised in all these public hearings was certain uses, and there are some property owners who are not here, that have concerns but either can't come here. There is the Barringer's, there is the City Tap, there are the folks that own the Mobil Quick Stop and their question was on opposing certain uses. This is kind of a tricky question but which kind of gets to the concern that Ms. Carr raised about maybe they want to move or they retire or someone else buys the business and it was addressed previously about the liquor permit, which ABC says it is door to door. You provided that in your application as an answer and the ABC Commission verified that. Their question is to feel that if they had to sell the business...not all of them own the real estate, some of them own the building; some own the business that was their concern. Mr. Robinson said that to the point that you made earlier if it was a strip club we would be opposed to that. If it were a restaurant that served alcoholic beverages or something like City Tap that would move into the same building, that is none of my business. The other thing that I would tell you is that during the course of our initial looking at this building, not one time did it enter our minds that City Tap was right across the street or that there is a convenience store back here that sells beer and tobacco products. Mayor Voller said legitimately that is their concern because obviously you don't want your kids going to buy cigarettes. Mr. Robinson said our kids don't walk to school, mom picks them up. And that will always be the way we run our school. They are dropped off and they are picked up. So if they are in the convenience store doing something that they shouldn't do then mom is going to be with them, it is not going to be our problem.

Mayor Voller said another question, the petition that we first got and then it has been augmented, can somebody tell me about how this was created and there is a lot of signatures that I can't read but who gathered the signatures and how were they bound together. Mr. Robinson said the signatures were gathered by three or four: Rudy gathered some of them, Heather gathered some, and I believe Kelly gathered some and we basically went door to door to the businesses asking if they would be willing to sign that they are in favor of the school relocating to Salisbury Street. The original petition that was done I think was done in September but after that we had two or three people contact us saying they would like to sign the petition and we told them the petition was already submitted and then as we got further into this we decided well maybe we would see how much more interest there is in signing the petition and that is what led us to the number of signatures that are there now. And if you notice, not the signatures because I can't read those either but no one could read my signature so please don't take offense to that. The list of businesses pretty well outlines where those businesses are and a lot of those businesses are Hillsboro Street, Salisbury Street, Thompson Street, West Street, East Street, if not within that central business district that green box on that map they are within a rock's throw of that box. And it is true that two or three of them are out at Lowe's and they just wanted to sign it. I'm not going to deny anybody the opportunity to sign my petition.

Mayor Voller said some of them are out of business at this point, Blue Sky Equestrian.

Unknown female from group, I had someone offer to sign under 10 aliases and I wouldn't let him. Mayor Voller said I know you wouldn't. An unknown male from the group said other businesses had added their name to that list. Mayor Voller asked was that being gathered by those three or by someone else, Ray and Melissa. So Ray was here earlier. Mayor Voller said he saw him in the back. Mayor Voller said it was certainly an impressive list of businesses that is on here. A couple of the business owners I talked to were supportive of the school but, strangely enough, were not even sure about where that location was but they liked the school. Nobody argues with the school, they like the concept of the school and they brought up the traffic issue but we are not going to go back over that but I just wanted to know how it was acquired and who put them up. Heather Sheffler said I gathered over a third of those signatures myself. Would you like to hear the exact words I used in every single business I walked into? Mayor Voller said he assumed it was what was on the top of the petition. She said no, I said: "Hello, I am Heather Sheffler. I am a school parent at Haw River Christian Academy and you may have heard we are applying for a special use permit to renovate the building at 50 West Salisbury Street. We are just going around asking business owners if they would support our efforts to move into that location." Period. I was very specific about the location and just asked for their support. The support was overwhelming, humbling, absolutely amazing. I had one person out of 26 businesses turn me down. Another one said they were undecided. Everyone else was like I can't believe you are having trouble with this. Oh my gosh, that is wonderful, tell me more about your school. Please tell me you are coming to town. I was not expecting that. The only information I had from businesses had been what I heard in here, which is what you have heard, which is a few very vocal, very connected people. What I heard out there in their shops from them, from their employees and from their customers was an entirely different story. It was amazing.

Mayor Voller said okay, one thing that we should correct, the people that are speaking about this that were opposed to this location they have a due process because they are adjacent owners. Now I am aware that George signed on and supports this is the neighbor across the street. I know that our town attorney and his partner own the building and they are not even involved, they are just mum. But they have a whole different standing in this, whether you agree with them or not, they are adjacent owners and they get a special right in the process because they are next door. We have two of the three speaking: the people that own the Quick Shop or the Mobil, the Patel's, they are not coming to speak on it. And frankly one of the reasons was because of the tenor of the debate; they just didn't want to get involved. But I express to you I know them, I sold them their house, they just want to make sure there is not an issue if they try to sell their business. That is a legitimate concern. I have no doubt that the rest of the businesses would be interested for the reasons set forth about the potential for traffic and everything else.

Unknown female from audience, but if I could speak on behalf of George for one second. He is trying to rent the building next to the salon and also and he doesn't get very many hits on that building. It is smaller than the building Haw River wants to be in but he loses money every month in our salon. He has those two girls that left that started their own salon where Antonella's used to be, but every month he is in the negative. He is taking money away from his kids and he doesn't want to get in the middle of this because he is non-controversial. He wants the business across the street to be a business and he doesn't want to get and I will testify that he said to me... Mayor Voller said we can't get into hearsay but I do know what Dana is saying you can't testify

to what he told you. Mayor Voller said we hear what you are saying and I know that George is for this 100%. He has made that evident and what he's written and signed.

Mayor Voller asked if there were any other questions. Unknown female from audience – I will add we had grandparent's day at school today, we brought people from out of town, some were local. My in-laws came from out of town and they are patrons right there. Some programs started earlier, some probably would have gone to have coffee. If we needed something we would probably have gone and got some extra cupcakes or muffins or whatever from the new bakery, so there is another potential connection. But we had people that we brought from the outside. We have that a few times a year. Mayor Voller said he agreed with her that it was established and whether the Haw River Christian Academy was in this site or on another site in town nobody disagrees that it is going to bring people that care about the town and provide help to the town. The only issue is about this particular location and what's been raised and Mr. Robinson has put on a very good case and submitted good facts for the record and that's what we are going to have to pour over and we will vote on it. Nobody is saying anything to that affect. I think it is firmly established that the school has universal appeal and where ever it were to be in town it would be a good addition to the town.

Tripp Harmon said, Mr. Mayor, you mentioned Pittsboro Place earlier and you mentioned about that all the people speaking one way and the commissioners had to go another and it didn't work out. I would encourage you this time listen to the people in this town and I think it will go right for you, I think you will be pleased with what will happen in the future. Mayor Voller said it would have been nice, Tripp, if you were there back in '07 because I told them that it was going to go that way and we never did get. Mr. Harmon said that you stated that the majority of the people felt one way, the town went another, it didn't work out – give the people a shot this time.

Mayor Voller said I think Mr. Bass, the emails and whatever that came in, we just submit that for the record and bind it up. Alice received those from Mr. Sexton, Ms. Streusel, Mr. Ramirez all the other folks that came here from Haw River Christian put them in the record before we close out. Is there anything else anyone wants to submit?

Mayor Voller told Mr. Robinson thank you very much, we appreciate your time and the information you have submitted for the consideration of the Board. Mayor Voller asked for any comments from anyone else before we go out of Public Hearing. Okay, we will submit the rest of those to the record, Ms. Lloyd, that we handed out before the meeting that were emailed to you. We need a motion to go out of Public Hearing. Commissioner Baldwin made a motion to go out of Public Hearing. Commissioner Foley seconded the motion.

Vote Aye-4 Nay-0

ALL HANDOUTS AND DOCUMENTS PRESENTED FOR THE HAW RIVER CHRISTIAN ACADEMY PUBLIC HEARING IS ON FILE IN THE TOWN CLERK'S OFFICE IN A BOOK ENTITLED "DOCUMENTS AND HANDOUTS FOR HAW RIVER CHRISITNA ACADEMY PUBLIC HEARING FEBRUARY 13, 2012".

Commissioner Foley made a motion that we recess for a five minutes seconded by Commissioner Baldwin. Vote Aye-4 Nay-0

Mayor Voller asked for a motion to go back to session and then one to readmit Commissioner Fiocco. Commissioner Baldwin made the motion to go back into session. Seconded by Commissioner Turner

Vote Aye-4 Nay-0

Commissioner Baldwin made a motion to readmit Commissioner Fiocco, seconded by Commissioner Turner.

Vote Aye-4 Nay-0

Budget Amendment

Manager Terry said as the Board may recall, October 24, 2011 we requested a budget amendment to supplement the temporary salaries at the Wastewater Treatment Plant, we had an employee go out for orthopedic surgery, his recovery is taking longer than expected. We thought he would be back by now and he is not and we would like to keep the temporary worker on until the permanent employee comes back, if in fact he does come back. Our funds that you allocated for us back in October are nearly expended, we are asking for sufficient funds for another 90 days until this recovery period can be resolved. So the budget amendment simply gives us sufficient temp salaries to keep temp hire on for additional 90 days. We are asking for 12-weeks worth for a total of \$7,800. We could just use lapsed salaries but the employee has sufficient leave balance that we still have to pay that person for part of the time at least. We want to make sure we don't go in the red. Mayor Voller asked for questions for Manager Terry on this.

Commissioner Fiocco asked so the employee convalescing is receiving pay? Manager Terry said the last time I looked at his records he still had some vacation. He is in that transition period where he may switch from being on either vacation or sick leave to disability.

Commissioner Fiocco asked so he has had to expend his accrued vacation and sick time to cover? Manager Terry responded yes. Commissioner Farrell asked where the \$7,800 comes from. Manager Terry said it would come from the Enterprise Utility Fund. Commissioner Fiocco made a motion to adopt the budget amendment to appropriate funds from the Water and Sewer Fund Balance for temporary salaries in the amount of \$7,800. Motion seconded by Commissioner Farrell.

Vote Aye-5 Nay-0

AN ORDINANCE AMENDING THE TOWN OF PITTSBORO 2011-2012 OPERATING BUDGET IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 2

CAPITAL PROJECTS REPORT

Mayor Voller asked Manager Terry if there was anything in the Capital Projects update that we need to talk about. Manager Terry said the study on the Pittsboro to Sanford line has kicked off.

McGill and Associates is doing that work and they have had initial kickoff meeting with representative of Sanford and the Town on February 10, 2012 and they are now beginning work so that is good news. Commissioner Fiocco told Manager Terry we had this outstanding idea of a Goldston option, is that mentioned? Manager Terry replied they are going to consider that. They are going to look at that as one of the options in their study.

The other news is on our Hillsboro Street transmission line project, we did get back the authorization to construct from DENR so the state-level review is completed. Becky has pretty much wrapped up her negotiations with NCDOT so I think we are still on schedule for a bid advertisement in February. Commissioner Fiocco asked if there were any implications with that final round of NCDOT discussions. Manager Terry said actually things seemed to get a little better, they seemed to be softening up on some of the flow to flow things and she is working out the fine details but it did not get worse, they are relaxing.

Commissioner Fiocco had one comment on the water and sewer revenues. The budget versus actual looks like we are down revenue and I assume that it is down from last year's same period. Manager Terry said the chart shows budgeted versus actual so it doesn't really compare anything. Commissioner Fiocco said it says water revenue down. Manager Terry said he did that manually; the graph doesn't speak to it but correct that typewritten note there is relative to last year. Commissioner Fiocco said so we are above our budget forecast. Manager Terry responded that was correct, we are over budget but you may recall that when Townsend closed it was going to cost us \$230,000 so half-way through the year it has cost us \$113,000 so we are pretty close to that. Mayor Voller said he would like to point out that when we had our auditor in here it was apparent that on our cash we were over \$640,000 to the good, but when you factor in depreciation, a paper loss, it was what showed us with less than a profit but if you actually look at hard cash we are running a very effective business and, in the past, previous Town Boards worked pretty hard to actually narrow that gap. Jay we used to lose \$400,000 a year so it has been a fund that actually is now a profitable so folks have to understand we are required to report it just like a business even though we are a non-profit, we are a municipality, so we report depreciation and these types of items but when you look at our actual cash we are doing well, we are not going in the red and we are not breaking even. So I think we can look at this when we get to the budget when we talk about rates, but the Board has made hard decisions but they actually are running a business now that can afford to do certain things, including perhaps things with the Hillsboro Street line if we have to. Mayor Voller said that is with the closing accounts that would give us another \$300,000 a year we are not getting. Manager Terry said they are actually still paying a little water bill but it is more like a residential, but there is a presence over there but it is caretaker.

MAYOR UPDATES

Mayor Voller said tomorrow there is a EDC meeting in the morning at 8:00 at CCCC if anyone wants to attend.

We have an RPO meeting next week; of course you are all apprised of what is going on there.

There are not other updates that I have other than those reports.

COMMISSIONERS CONCERNS

Commissioner Farrell had a conversation with a person over the weekend and it was concerning the water and sewer to Sanford that he had been informed that Mr. Goodnight was in the possibility of working with Sanford for his water and sewer. I don't know if we need to investigate this. Mr. Culpepper is not here but this is something I think should be of our concern with our waste water and what we are going to do in the future and what we are going to do with Sanford if Mr. Goodnight and his properties are planning to buy their water and sewer from Sanford. Mayor Voller said from what I understand they are going to investigate all options so one of the reasons that it is important for us to look at this option is they would be annexed into the Town of Pittsboro but then they would be buying through us from them but it is possible that they could make negotiations on their own if we weren't going to be able to provide the water and sewer. So I suppose it would be a good question to bring Mr. Culpepper in to get some straight answers to it but part of the reason we explored this option was to get an answer on what is most cost effective and what makes the most sense and preserves the most flexibility for the Town of Pittsboro. We have our permit. We know that plant is going to cost quite a bit of money to build. I'm not sure what else to say about it but we are keeping all options open. But what you are hearing is probably true they are exploring all options because they have 7,000 acres to discern and they are going to look at who can provide sewer. It is going to have to come from Pittsboro or Sanford. Manager Terry said he didn't think this was particularly alarming though because they can't put water and sewer in our ETJ without the Board's concurrence. Mayor Voller said we have to work with them. Manager Terry said that they couldn't just come up here without consulting with this Board. Mayor Voller said he thinks Jay is right, though, we should ask Mr. Culpepper what intentions they have, it makes perfect sense, but this is something we have known. Commissioner Farrell said he needs some direction from Manager Terry as to how to get this class Friday and Saturday. I know the main parts of Chapel Hill pretty well but I don't really know the classrooms. Manager Terry said he would help him with that tomorrow – that it next to the Law School over at Raleigh Road. Commissioner Fiocco said it was right down from Carmichael, before you head downhill. Manager Terry said when he went to that school he had trouble parking, as you go up Raleigh Road there is a parking lot on the right and then you walk across the street. Commissioner Foley asked if they could carpool and Manager Terry said sure.

Commissioner Fiocco said he would like to talk with Duke Power about putting a street light at the crosswalk at Chatham Mills. Mayor Voller corrected that it was Progress. There is a pole right there that we could get a light on. It is dark and dangerous and I almost hit someone the other night that had on dark clothing and walked out right in front of me.

Commissioner Fiocco asked if we could get a fresh coat of paint on our little street sign monuments downtown. I couldn't read Salisbury Street on the obelisks. Mayor Voller replied sure.

Commissioner Fiocco asked if we could get an update on the lease agreement we have with the tennis courts property that they are talking about putting skate park. We are trying to figure out what was the ownership position there and the arrangement with the county and the school system. Manager Terry said he believed Mr. Horne had all of that and if you want to see it as an FYI. Mayor Voller said he didn't know if Attorney Messick needs to weigh in, we have a copy

of the lease, I think the lease has actually run out. Manager Terry said it had been renewed. Mayor Voller said it didn't see anything in the lease that would not allow us to put that kind of usage on it, it says public use. Mayor Voller said let's see if we can bring this back, we promised those people we would move this on.

Commissioner Fiocco asked if we could get a map that shows all of the town-owned property. Manager Terry said that doesn't sound too hard. Mayor Voller said we could produce that.

Mayor Voller said he spoke with the Progress Energy rep before the meeting he called and he wanted to say he is still working on getting those leaning power poles. They did install the poles if anyone has been down to the sewer treatment plant it took a lot of work from all of us but those lights are in, which is good. I will bring this up to him because he asked me what new things we needed and I will mention that to him. Commissioner Baldwin said she was going to say the same thing about the poles.

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

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk