

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, JULY 25, 2011
7:00 PM

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

ATTENDANCE

Members Present: Mayor Randy Voller, Commissioners Pamela Baldwin, Gene T. Brooks, Clinton E. Bryan, III, Michael Fiocco, and Hugh Harrington.

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

Planning Board Members Present: Kenneth Hoyle, Karl Shaffer, John Clifford, Raeford Bland, and Harold Howard.

AGENDA

Motion made by Commissioner Bryan seconded by Commissioner Brooks to approve the Agenda as submitted.

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the June 27, 2011 regular meeting.
2. Contract with Ward & Foust CPA for Audit of the Towns' Fiscal Year 2010-2011 Financial Statements.
3. Resolution Authorizing the Disposition of Surplus Property.

Commissioner Harrington stated that on page 17, fifth paragraph, where it read "force the Town to put in a sidewalk", it should read "force the Town to put lines in a sidewalk".

Motion made by Commissioner Harrington second by Commissioner Fiocco to approve the Consent Agenda with the minor correction to the June 27, 2011 Minutes as noted.

Vote Aye-5 Nay-0

A RESOLUTION AUTHORIZING THE MAYOR AND THE TOWN MANAGER TO SIGN A CONTRACT IN THE AMOUNT OF \$22,050, BETWEEN WARD AND FOUST CPAS, PA AND THE TOWN OF PITTSBORO FOR THE AUDIT OF THE TOWN'S FISCAL YEAR 2010-2011 FINANCIAL STATEMENTS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 71

A RESOLUTION DECLARING TWO (2) ITEMS OF PERSONAL PROPERTY TO BE SURPLUS PROPERTY, AND AUTHORIZING AND DIRECTING THE DISPOSAL OF SAID PROPERTY IN ACCORDANCE WITH STATUTORY REQUIREMENTS IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 72

REGULAR MEETING AGENDA

Citizens Matters

Frank Lynn Blackwelder, 867 Old Sanford Road, stated that three months ago he had spoken to the Board regarding his concerns about Southern Park, adding his property adjoined the park property for about 1,200 linear feet. He said about a month after talking with the Board he was approached by another neighbor about her concerns and had since found that many of his neighbors were very concerned about the park. Mr. Blackwelder stated he and several of his neighbors had participated in a petition that was sent to the Town on June 22, 2011 but they had heard nothing. He said they were still collecting signatures on that petition, but tonight they were asking that the Town Board address problems such as security, runoff, trash, the lack of a gate, and people walking dogs that were unleashed. Mr. Blackwelder stated the park was already creating a myriad of problems for the neighbors and the park had not even opened yet.

Mr. Blackwelder stated he believed there should have been a security gate in place that would have been locked when work was not taking place by the construction crews. He said but, people were coming onto the park property from 8 p.m. until as late as midnight riding or walking through the park.

Mr. Blackwelder stated the number one concern they had was a security fence around the park for protection of the homeowners adjoining the park as well as for the safety of park users. He said the security fence would resolve a lot of their concerns, including unleashed dogs, noting that a neighbor had recently had an altercation with an unleashed dog. Mr. Blackwelder said as well, the limits of the park should be identified by signage which indicated no trespassing beyond the park property. He said the residents of Sanford Road had formed a small committee and another concern that had come out of that was potential road congestion and a possible speed limit change on Old Sanford Road to provide more safety for people living on that road once the park was officially opened. Mr. Blackwelder stated the residents would also ask that no additional changes be made such as activity, hours of operation or any other change without written notification of all the landowners adjoining the park.

Mr. Blackwelder stated other concerns included policing of the park, vagrancy, alcohol and drug use, and what type of gates would be installed at exits of the park property. He said that someone could actually turn off of 15-501 and enter the park near the water tower. Mr.

Blackwelder stated he and his neighbors would appreciate some response from the Town about their petition and their concerns. He said he had spoken to Mr. Terry one time about their concerns but had been told there was no money available.

Commissioner Baldwin asked Mr. Blackwelder to present a copy of the petition as well as a list of all his and his neighbors' concerns. Mr. Blackwelder stated that all of those concerns were listed on the petition and provided the Board with a copy (without signatures).

The petition read as follows:

This is a PETITION from the residents who reside on or along Old Sanford Rd. and residents who are on the east and west side of 15/501 S.

We the people who reside on or along Old Sanford Rd and residents on the east and west sides of 15/501S are petitioning the Town of Pittsboro and County of Chatham, North Carolina.

This Petition pertains to a Park so named Southern Park that is presently under construction. The Park is located on the Ridge that borders the properties of the homeowners who live on or along Old Sanford Road.

This petition is for changes to the proposed site that is already under construction with the first phase being complete in the summer of 2011 and phase two being constructed thereafter. The Town and County has approved this project without informing the residents who live along or on Old Sanford Rd. and who reside along the east and west sides of 15/501S where the Park is being constructed.

We the people who reside along the proposed park site are disputing the construction of said Park due to the fact that the Town and/or County, planned, accepted and broke ground without properly notifying the property owners or giving the property owners a chance to voice their concerns, recommendations and consideration for the proposed park project.

NOTE:

Resident who live on or near Old Sanford Rd. and the east and west sides of 15/501S had not been informed of the proposed park project until construction was underway, the Zoning is residential and had not been changed.

The Amphitheater is also in a residential zone, they are working as quickly as possible in order to get this park open before anyone can dispute what is going on. Listed below are the concerns and conditions we the property owners demand to have addressed.

Petition:

- Road congestion on Old Sanford Road (Condition due to excessive traffic causing more frequent repairs).
- Speed limit change on Old Sanford Road. The speed limit currently is 50 mph.

- Speed bumps placed in road before the curves or bends in the road. To reduce risks to property owners and their guest while entering and exiting their driveways.
- Litter along our roadway and a schedule to keep clean and who will maintain it.
- Fencing of park property to prevent trespassing of guests onto private property. (fencing completely around the park because person can enter via 15/501 and come up through the park)
- Gate off 15/501 3M road to the water tower, to keep out unwanted guests and four wheelers.
- Noise pollution from the parking lots caused by loud obscene music, loud vehicle engines/exhaust systems/motorcycles, children and dogs. Anything else that would interfere with our quality of life.
- Litter thrown by park guests onto private property.
- Drugs/Alcohol.
- Vandalism of private property.
- Violence/Liability (fighting and disputes moved off the park property and onto private property).
- Homeowners insurance coverage and cost.
- Property Values. (effect)
- Taxes increase or decrease caused by the park.
- Cigarette/Smoking products and other trash thrown on private property.
- Theft.
- Trespassing.
- Breaking and Entering by guests onto private property.
- Fecal Matter left by pet owners on private property. (Park guests going off parking property in order to allow their pets to relieve themselves onto private property so they won't have to pick up after their pets.)
- Dirty diapers discarded on or near private property by guests.
- No lighting/electricity or any other form of power energy to create power for lighting or sound it will interfere with our quality of life (we have been told that there will be no lighting or electricity at the park and that the park will be gated and patrolled, opened at dawn and closed at dusk.)
- Bathroom/sewer and our water supply contamination.
- Dogs unattended and off leashes roaming onto private property.
- Constant Barking of dogs and yelling by guests to retrieve their children and/or pets.
- No after hour's special events such as games or concerts or anything else that will disrupt our quality of life.
- Fires from discarded cigarettes, matches and other flammable material.
- Piled up trash in trash cans and on the ground.
- Change in parking lot location next to water tower, change in location should be on south side of the water tower (this will reduce noise and keep teenagers from hanging out near property line of homeowner).
- Fencing to border properties to keep out park guests from trespassing.
- No after hour activities or events.

- No additional recreation activities added to the park without the prior formal written notification of the town and county, and approval by the property owners bordering or residing along Old Sanford Road and on the east and west sides of 15/501S.
- No loud music or sounds from the amphitheater, picnic areas or any other location within the parks boundaries either during the day, evening and or night-time hours.
- Annexation – no annexation.
- Residential code prior to construction and during construction.
- Registered sex offenders (2) living next to the park.
- Possible zip lines now being discussed to be added to the park without notification to property owners.
- Policing the property, who will police and how often.
- How will the park be policed?
- Security cameras.

Commissioner Harrington asked about the altercation with an unleashed dog. Susie Burgess stated it was yesterday, noting that a woman had come to the park with her three unleashed dogs. She said a neighbor had said to the woman that the dogs had to be on leashes, and the woman had become annoyed with her. Commissioner Harrington stated he would say that there was no leash law at this point, but perhaps some rules needed to be considered.

Commissioner Bryan said he had heard about four wheeler activities at night at the park. Mr. Blackwelder said that was correct.

Ms. Burgess said the Police had been to the park several times in response to complaints from neighbors about four wheelers at night.

Lynn Clegg stated that this was a rural area, and not an area where there were a lot of people around constantly. He said it was the perfect place for vagrants and for drug activity. He said the park needed to be gated and it needed to be policed by the Pittsboro Police Department.

Commissioner Fiocco stated that the project did include gates at the entrance that would be closed nightly, so hopefully that would stem some of the traffic and alleviate some of the problems.

Commissioner Brooks said to Mr. Clegg that his son had contacted him and asked if the Town would allow neighbors to have some input on Phase 2. He asked had that been designed yet. Assistant Planner Paul Horne stated it had, noting there was information on the Town's Website about Phase 2. Commissioner Brooks stated the neighbors would like to see those plans and have some input. He also said he did not understand why the Board had not received the petition that the neighbors had sent in before tonight.

Mayor Voller determined that the petition had been hand delivered by Ms. Burgess to Town Hall. Ms. Burgess said she had brought it in and spoken to Paul Horne and to the Mayor. Mayor Voller stated Ms. Burgess had come by his home after she had spoken to Mr. Horne, but he had not seen the petition.

Commissioner Brooks stated he wanted to make sure that the neighbors had full access to the plans for the park and not just via the Website.

Mayor Voller stated the neighbors and any member of the public had the ability to attend the Recreation Board meetings and provide input.

Commissioner Harrington said he had encouraged one of the neighbors who had contacted him to come to the Recreation Board meeting and provide input, and he would encourage all of the neighbors to do the same thing.

Mr. Blackwelder said one point he wanted to emphasize was that if the homeowners had been notified a year ago when the park was in the planning and design phase, all of these concerns could have been addressed at that time. He said someone at the least should have sent a letter to all the homeowners around the park to let them know about the Town's plans and ask for their feedback. He said they would not be here tonight had that happened, and to him that was poor planning.

Mayor Voller said the Town was more than willing to work with the neighbors from this point forward. He said the issue of the speed limit change would have to go before NCDOT, and the Town could have that discussion with NCDOT. Mayor Voller said whether there was a park or not the Town had infrastructure on that property for the 3M reuse line, and some of the problems the neighbors had with people being on that property would likely not change even if the property was just woods; it would just be different. Mayor Voller said that all towns with park property had the same kinds of issues being described here, and stated that there were people with four wheelers accessing areas all over Town including in his neighborhood. He said it was incumbent upon them as a community to address that in a constructive fashion. Mayor Voller said the Town did need to learn from what Mr. Blackwelder had said about communicating with nearby property owners. He said they needed to engage the neighbors from this point forward so that they could enjoy the park, and it was unfortunate they had gotten to this point.

Mr. Blackwelder said the biggest problem was that the park was so far out of Town and in the ETJ, so it was not like there was a Police presence nearby.

Mayor Voller said one thing the neighbors may not be aware of was that that area was actually in the location that Chatham County had in their strategic plans for their parks, so the location for that park had not been pulled out of a hat. He said in fact they had been communicating with the County, and over the last few years there had been any number of meetings regarding those plans. Mayor Voller said but, now the neighbors were aware and he encouraged them to attend the Recreation Board meetings and make their wishes known. Mr. Blackwelder stated they were continuing to get signatures on the petition and those would be coming to the Town very soon.

Samantha Birchard, speaking on behalf of the Pittsboro Business Association, thanked the Board for its last two events and expressed their support for the Main Street Program.

Tony Sabbagh, 407 Hamlet Chapel Road, representing Pittsboro Skate Park, Inc., said that since they had met with the Board a year and a half ago regarding a skate park they had raised over

\$6,000 for a skate park in Pittsboro. He said they had had overwhelming support during First Sundays with many coming out to enjoy the ramps they had erected. Mr. Sabbagh said in the spring his group had donated \$300 to the 911 Memorial Fund that was a part of Chatham County Parks and Recreation and that would be at some park in the County. Mr. Sabbagh stated they had donated several skateboards to at-risk children, as well as to the Piedmont Wildlife Association who raised money to protect wildlife.

Mr. Sabbagh said his group was not just standing still; they had federal nonprofit status and were awaiting their 501(c)(3) number. He said upcoming events included the First Sunday events in August through November as well as a fundraiser in Carrboro which consisted of skateboards with designs painted by local artists being put on display for a silent auction lasting an entire month.

Mr. Sabbagh stated they were requesting that the Town waive the insurance being required for participation in First Sunday events. He said they understood the regulations contained in Chapter 99E of the State statutes but that pertained to a municipal park, but the First Sunday events were not located in a municipal park. Mr. Sabbagh said for the First Sunday event in June they had had to pay \$250 for insurance, noting that the ramps they had put up had attracted a lot of people and had helped to make the event a success. He said going forward they would never have a skate park without land, and if the Town were to donate a small portion of land that would make a skate park possible. Mr. Sabbagh said they would continue to search out grants, but all of the meaningful grants required that you have a land site with design drawings. He said even when going after corporate donors you needed to have some plan. Mr. Sabbagh said they would continue to do fundraising and to have community involvement. He said that Chandler Concrete had said that if the skate park ever came to be that they would donate the concrete.

Mr. Sabbagh said he had spoken to the Town Attorney who had said if they wanted the insurance waived the Board would have to put it to a vote, and that was what they were asking for at this point.

Commissioner Harrington said he had not been aware of the insurance issue. Town Attorney Paul Messick stated that if you were going to close a street for a private function then the Town may have some responsibility and the person or group asking for the street closure needed to be covered by insurance. Commissioner Harrington asked who was or was not required to have insurance for the First Sunday events. Mr. Messick said if someone was doing something in the public street they would need insurance, but vendors on the sidewalk did not. Commissioner Harrington said they had had events where streets were closed off and people were selling items in the street, including food trucks. He said if the Town had an event where streets were closed off, what had the policy had been. Mr. Messick said for anything that was considered hazardous the Town had required insurance. He said skateboarding was hazardous; people get hurt.

Mayor Voller said that Commissioner Harrington had asked a good question. He asked when the Town did the street fair did vendors submit general liability policies or waivers, or did the Town carry the insurance. Mr. Terry stated that the street fair was a Town-sponsored event and he would have to ask their insurance carrier what the subtleties were, but the skateboarding event was not a part of any Town-sponsored Parks and Recreation event and it was held in the middle

of the public right-of-way. He said in his judgment and in Mr. Messick's judgment that had posed some liability risks to the Town. Mr. Terry stated it was just like when a general contractor came into Town to do a construction project the Town required that they have general liability insurance that named the Town as an additional insured. He said this was similar, in that they brought in an outside entity into the public right-of-way to conduct an activity that had some hazard associated with it, and in order to protect the Town against that risk they required an insurance policy for that specific event. Mr. Terry said he believed the street fair was different, in that it was a Town-sponsored event.

Mayor Voller asked was there some way they could work with them so that they did not have to pay charges of \$250 for each event. He said if the Town insured it and the group got a policy that covered them for all events during the year, was that a possibility. Mr. Messick said the easiest solution would be for the skateboard events to take place on private property.

Mr. Sabbagh said in looking at the Chapter 99E language, if the Pittsboro Skate Park was somehow made a part of Parks and Recreation and of the Town, and with them being a part of that municipality, then Chapter 99E would cover that liability. He said that was how skate parks had opened up all across the State, because Chapter 99E basically stated that skateboarding was inherently dangerous and people including spectators would be taking their own risks. So, he said, it released the municipality of any liability. Mr. Sabbagh said since they were a registered nonprofit perhaps they could be absorbed into the Pittsboro Parks and Recreation and that would make them a part of the municipality.

Mayor Voller said doing that would give them, in theory, the same coverage as the Town. Mr. Messick said but there was no park, whether public or private.

Mr. Sabbagh said but the people were a part of the park. Mr. Messick said that a park was something you could touch and was a physical thing.

Mayor Voller said Mr. Messick was saying it was something you could touch and Mr. Sabbagh was saying that it could be moved from event to event. He said that was an interesting theory.

Commissioner Harrington said they probably could not decide something tonight, but he was glad the issue had been brought up because he had not known that the group had to pay for each event. Mr. Sabbagh said they had not had to pay in May because they had done it in the parking lot next to Capital Bank, but the parking lot was small. But, he said, they had had up to 70 people participate with many more spectators.

Commissioner Fiocco asked had the bank required them to acquire an insurance policy. Mr. Sabbagh said it was not the bank's parking lot but the parking lot to a small strip center. Commissioner Fiocco said that was private property, and asked had those property owners required that they have insurance. Mr. Sabbagh said he was not sure.

Commissioner Brooks remarked that that property was actually County property.

Commissioner Fiocco asked was it an option to get a release of liability from the group to perform this activity. Mr. Messick said they would have to get the same release from everyone who showed up, participants and spectators. He said that was certainly something that the group ought to do.

Mr. Sabbagh said they had had a waiver drawn up if they ever had to use it.

Mayor Voller said the question was could the group do a waiver or the Town make an agreement with them and allow them to participate in First Sundays. He said if they did not do the waivers then the deal was off, but at least they would not be charged \$250 for every event.

Commissioner Harrington reiterated that this would not be decided tonight, because there were a lot of questions that needed to be answered. He said he did wonder if the group posted one large sign that said that people entered the skate ramp area at their own risk that that would be sufficient. Mr. Messick said that a minor could not waive that liability.

Mr. Sabbagh said they were not trying to break the law or do something they were not suppose to do, but they did have good support from participants and spectators and it had brought a lot to the First Sunday events. He said they wanted to see if they could continue to work together as they moved forward.

Mr. Terry said that the first event they had had on Salisbury Street had been approved without consulting the Board, and Mr. Messick had suggested that the Board should have been consulted. He said for future events they would need to work out whether the Board should be consulted or whether he had the authority to approve such short street closures for a limited amount of time.

Mr. Messick said that did raise some issues about closing public streets for private events. He said it was one thing to close a street to perform work on a sewer system, but it was another thing to close the street for a private event such as a skateboard event.

Mayor Voller said it was a First Sunday event and no one had complained that he knew of about the skateboarding event.

Commissioner Harrington said he believed they were getting too in-depth in their discussion, but agreed that it was certainly a part of the First Sunday event and was sanctioned whether or not the Town had actually sponsored it. He said he did wonder if there was some kind of insurance policy that could be acquired, but believed they needed to discuss this off-line so that all of the various details could be addressed.

Commissioner Fiocco said it was important for the Town to protect itself from liability for accidents, and they needed to work through that issue. But, he said, it seemed reasonable to him to close off a portion of the street for such events.

Mr. Sabbagh stated his contact information was on the letterhead of his email, and encouraged the Board to go to their Website and look at the pictures and the video so they would have a better idea of the types of events they held.

Mayor Voller asked if Mr. Terry needed any direction for the upcoming First Sunday event or was he comfortable doing what he had done in the past. Mr. Terry said he was comfortable but the Attorney might not be comfortable.

Mr. Messick asked would the Manager require insurance and would he be closing the street.

Mayor Voller stated they would have to require insurance to protect the Town and did not believe there was a problem with closing the street. He said the Board would then have to take the matter up and look at the issues in more details. Mr. Sabbagh said they understood they would have to have the insurance for the August event, but would like to see if they could work something out for September, October and November. Mr. Sabbagh said he understood that the \$6,000 they had raised may not seem like a lot, but it had been a big hill for them to climb and it took a lot of hard work and effort particularly with high gas prices and people out of work. He added they had made some skateboards with the Town's logo so they were promoting the Town.

Commissioner Baldwin said the idea of a skate park was a great idea, but there were a lot of issues that would need to be considered before they got to that point.

Commissioner Bryan asked how much property a skate park would require. Mr. Sabbagh said without parking, it would need to be about 10,000 to 15,000 square feet.

Mayor Voller said that was about a quarter to a third of an acre. Mr. Sabbagh said that many towns incorporated skate parks into existing parks, and they liked the idea of having the skate park in Town so that it would be available to kids. He said that Southern Park was too far out and kids would not be able to get to it.

Commissioner Fiocco said that Mr. Sabbagh had made mention that the concrete would be donated, and asked was that all of the concrete. Mr. Sabbagh said that he did not know, but you could never predict what someone might want to contribute. He said if they had the land and a plan, they were capable of doing some of the work themselves because they had capable people. Mr. Sabbagh said if Chandler had mixed up concrete and they had so many extra yards of concrete, they may be willing to come out and pour it. But, he said, without land and an actual site, they really could not move forward with a park. Mr. Sabbagh said for all they knew, Chandler might look at this as a great way to get into Chatham County; that is, by having a Chandler Concrete skate park. He said that Food Lion had donated a large amount to the city of Asheville because Asheville had a piece of land that was not being used within a park, and that skate park was now named the Food Lion Skate Park. Mr. Sabbagh said once they had the land you just did not know what opportunities that would open up.

Toby Turnbull, 44 Breezewood Court, Pittsboro, said he was a PE teacher at Pittsboro Elementary and he had seen a lot of his students come out and participate. He said it had been amazing to see at the last First Sunday how many kids and people skateboarded but had no avenue to do that at present. Mr. Turnbull said it had been amazing to children who had never skateboarded before actually rolling down a hill with confidence on a skateboard. He said he believed it was a great asset for the community.

Alex Protzman, 1228 Bynum Road, Bynum, encouraged the Board to consider his group seriously. He said he was a therapist who had worked with children and adolescents for 15 years and had been a skateboarder for 25 years. He said he had visited skateboard parks across the country and abroad, and ultimately skateboard parks were populated all the time, and the same could not be said for soccer fields, baseball diamonds or basketball courts. Mr. Protzman said from the time a skateboard park opened until it was closed, they would have citizens using it and it was a good investment. He said it would bring people into the Town and would get kids active.

Andrea Batsche, 15 Artis Cotten Road, Bear Creek, said as the mother of four children and an active community member, she asked the Board to envision the possibilities. She said a skate park would not just be a slab of concrete but could be a real work of art. Ms. Batsche said there were artists that could turn that concrete into a real visual and functioning sculpture. She said a skate board park would offer children the chance to participate in a physical activity that in turn created a healthier child, a healthier family, and a healthier community.

Mike Fox, 157 Joe Fox Road, Siler City, said they were pleased that Mr. Terry had allowed the street closure. He said he understood they would need to get insurance for the next event while the Board discussed the future events, but if they would review the Chapter 99E law about releasing liability he believed that would answer a lot of the Board's questions, particularly if they were incorporated into the First Sunday events and if that was recognized as a municipal function. Mr. Fox said the skate board event at First Sundays brought more people into Town which supported the local economy.

Mr. Fox explained why they had chosen Salisbury Street, noting a section had been set aside just for spectators and a lot of people had come out. He said they had provided water all day for the kids and had first aid available if it was needed. Mr. Fox said they had also gotten positive comments from nearby businesses in that they had seen a much larger turnout.

Mr. Fox suggested that having the street closed and having the skate ramps in the street actually made them a park at that time even though it was temporary. He envisioned a skate park or perhaps an amphitheater along with a fenced in dog park, as well as a green space so that families could picnic, skate, hear music, and enjoy the weather. Mr. Fox said that Pittsboro was a beautiful place and a park as he had described would make it even more beautiful. He said having a skate park would provide a safe place so that kids did not need to skateboard on sidewalks and on streets in traffic.

Jorgie Brown, 51 Westfield Street, Pittsboro, said she concurred with all of the remarks already made by speakers. She said the only point she wanted to bring out was that she had been at the event in May in the parking lot, and to her it was not as safe as it should have been. She said it had not been as safe or stable as the Salisbury Street location and that was why they had begun talking about a skate park.

Brian Erman, 50 Fearington Post, stated that he was a skateboarder who rode around Fearington Village on his skateboard. He said he had spent 10 years at Blue Cross/Blue Shield

promoting healthier lifestyles and he could not agree more that skate parks provided people an outlet for physical activity. Mr. Erman said that skateboarding would help to encourage healthier lifestyles and help keep childhood obesity rates under control.

Frank Algullo, 1335 Old Pittsboro Road, Chapel Hill, said that skateboarding was a very positive activity, noting he had been skateboarding since the age of 13 and he was now 37. He said if you visited a skateboard park even on a day when the temperature was high it was jammed with kids of every nationality so such parks were super diverse. Mr. Algullo said a skate park was a great thing, and hoped the Board would consider setting aside some land for that purpose.

Beth Turner, 80 Circle Drive, Pittsboro, stated she was the coordinator for First Sunday. She said this actually brought up some interesting issues because the skaters had been in a parking lot during the first event. Ms. Turner said that was where the food trucks were and where the church had a bounce house, and if they needed separate insurance that was something they needed to know now.

Ms. Turner said she could not say enough about what the skaters have brought to First Sundays. She said all of the vendors had been disappointed about the turnout but had been very excited to see so many people around to watch and participate in the skate event. Ms. Turner said she felt that it had added a lot to the First Sunday event and had brought more people into Town, and as the Coordinator for the First Sunday events she would love to have them continue to participate as would all of the vendors.

OLD BUSINESS

1. Community Development Block Grant Program Manual: Hillsboro Street Transmission Line (Warren Wooten, The Wooten Company).

Warren Wooten with The Wooten Company stated that the Town had recently contracted with them to provide technical assistance in the preparation and submission of the CDBG grant application. He said the first piece in receiving those funds was to have the conditions cleared, and the resolution before the Board tonight was a part of that condition clearing process which included all required CDBG-related documents and the CDBG program manual.

Commissioner Harrington asked that Mr. Wooten provide a two-minute overview of the project. Mr. Wooten said that the Program Manual was basically the documents that were required to be adopted whenever a CDBG grant was approved, and were the same every time CDBG funds were used. He said the Program Manual documents included the following:

- Fair Housing Plan
- Equal Employment and Procurement Plan
- Local Economic Benefit For Low and Very Low Income Persons Plan
- Section 504
- Citizen Participation Plan
- Residential Anti-Displacement and Relocation Assistance Plan
- Optional Coverage Relocation Plan

- Code of Conduct/Hatch Act Policy/Section 519
- Demolition and Clearance Guidelines
- Relocation Guidelines
- Rehabilitation Construction Guidelines
- Complaint Procedure
- Contracts Officer Designation
- Labor Standards Officer Designation
- Verification Officer Designation
- Just Compensation Officer Designation
- Financial Management Procedure

Mr. Wooten stated there was also a Language Assistance Plan that basically required that language access be provided to anyone requesting information in a language other than English and set up a process to make sure those people were able to receive the necessary information.

Mayor Voller asked would the Town be very well served to actually have someone working at the front that was bilingual. Mr. Wooten said it had been very helpful in the past to have bilingual local people available in very limited situations if they were having difficulty conveying information or translating documents. He said with this project they were putting in a water line so it would not be affecting too many citizens directly, adding it had been more helpful with housing-related projects.

Mayor Voller said he asked because they had positions that opened from time to time, and wondered if they would be well served to add that skill to a job description. Mr. Wooten stated that it absolutely would, but there were agencies in Chatham County who could provide bilingual assistance when necessary. He said the Town had a strong minority of Spanish speaking individuals so having someone on staff that could speak fluent Spanish would be an asset.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to adopt the resolution authorizing the Mayor and the Town Manager to execute any and all CDBG grant-related documents and adopting the CDBG Program Manual to be used throughout the implementation of the Pittsboro 05-D-2087 Community Development Program; and, that the spelling of the word “Therefore” be corrected in the second to last paragraph.

Vote Aye-5 Nay-0

A PROGRAM MANUAL RESOLUTION FOR INFRASTRUCTURE PROJECT CDBG #05-D-2087 IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 73

Mayor Voller asked if the address error had been corrected. Mr. Wooten replied it had. Mayor Voller asked what value the Town would receive that was unique and tailored to Pittsboro in this process, since much of it was “boiler plate.” He asked what The Wooten Company would bring to the Town at the end besides the paperwork that went to Washington. Mr. Wooten responded the real value was the \$600,000 they would receive under the grant through the work his company was providing. He said much of the documents were boiler plate, but the

environmental review was very specific to this situation and looked at the unique characteristics all down the transmission line. Mayor Voller said he understood the response completely, and had wanted the Board to have that same understanding. He said basically The Wooten Company was handling items that the Town could not do but was required by the grant in order to receive the funds. Mr. Wooten stated that was correct. Mayor Voller said when they did something that was unique to please point it out because that was a value that could be measured. Mr. Wooten said he would be glad to do that.

Mr. Terry added that this was just the beginning of the process, and The Wooten Company would be assisting with grant administration, and as they went into construction and began to draw against the funds The Wooten Company would be the experts who would know exactly what the Commerce Department expected so that they did not have to respond to a lot of questions and things got done correctly the first time.

Mr. Wooten thanked the Board, adding they were looking forward to working with them.

2. Staff Review of the Draft Land Use Plan.

Mr. Terry said that this process had begun in June 2006 when the Board had contracted with TJCOG to update the current Land Use Plan that had been adopted in 2001. He said subsequently, the product delivered by TJCOG which was Exhibit H in the packet was sent to the Planning Board nearly two years late from the original contract, in September 2008. Mr. Terry said he was not sure of the reason for all of the delays, but when he had first come to the Town in October 2007 he had some initial contact with Mr. Black who was the author of that plan and he recalled a briefing where Mr. Black and former Planner David Monroe had provided the status of the plan at that time. He said at the end of that briefing where they had left it was that Mr. Black would go back and smooth out the wrinkles and deliver a final product. Mr. Terry said for reasons that remained unclear today that process had taken over a year and eventually in September 2009, two years after the contract was supposed to have been completed, the Town had finally received the product that was labeled Exhibit H.

Mr. Terry said subsequent to September 2008 Mr. Monroe was with the Town for another six months before his retirement, and during that time he had worked on what was referred to in the memo from TJCOG as a restructuring of the document. He said unfortunately, that work had not been completed before Mr. Monroe's retirement. Mr. Terry said they then had a five-month period when the Town was without a planner and they had hired a consultant group to take care of daily chores in the Planning Department. He said the completion of that Land Use Plan was not one of the deliverables in the consultant's contract; however, they had taken some time to review the documents and become familiar with them and they had consulted with the Planning Board about their observations with respect to documents that were available at that time.

Mr. Terry said then Mr. Bass had joined the Town as the Planner in September 2010, and as a part of his introduction to the Town his initial work plan was negotiated for his first year with the Town. He said a part of that work was the completion or finalizing of the Land Use Plan, and he had suggested to Mr. Bass that a deadline of June 30, 2011 was the target. Mr. Terry said after Mr. Bass had had the opportunity to review the documents, he agreed that with a little assistance

from a consultant about maps and some technical issues that that was an achievable goal. He said on February 14, 2011 he had brought to the Board a recommendation to pursue that course of action and to contract with Clarion for just under \$16,000, and the Board had elected to not take that course of action but rather to transfer the responsibility for the completion of the plan to the Planning Board. Mr. Terry said the Planning Board had agreed to do so, and the Planning Board had agreed to deliver a finished product on April 11, 2011 which they had done.

Mr. Terry said between April 11, 2011 and June there was little activity on the project since Town staff had been diverted by work on the budget. Mr. Terry said he had also used part of that time to educate himself about what should be contained in a land use plan. He said also during that time he had solicited reviews on the plan from Mr. Messick, Mr. Bass, and Mr. Horne, and those comments had eventually been incorporated into the draft plan that was before them today.

Mr. Terry said unfortunately his conclusion after all of the reviews was that for about fifteen months since the delivery of the product to Mr. Monroe, they really had not advanced the finalization of the Land Use Plan much beyond what had been delivered to them by TJCOG. He said it was his finding based on the review of the comments from Mr. Messick, Mr. Bass, and Mr. Horne and his personal observation that the draft plan completed by the Planning Board did not constitute a land use plan that had all the elements you would expect to find in a typical municipal land use plan. Mr. Terry said in fact, it was probably 90% deficient based on staff review.

Mr. Terry said as a result he was making the following recommendations to the Board:

1. That the Board of Commissioners commend the Planning Board and thank them for their efforts to date on the finalization of the Town's Land Use Plan.
2. That the Board of Commissioners relieve the Planning Board of the responsibility of finalizing the Town's Land Use Plan and return that assignment to the Town Manager, Town Planning Director and Town Attorney.
3. That the Board of Commissioners direct that the starting point for finalization will be the Draft Land Use Plan submitted to the Town by the TJCOG on September 8, 2009.
4. That the Board of Commissioners direct that the original Plan Advisory Committee (PAC) charter will be extended and the PAC reconvened to assist in the finalization of the Land Use Plan.
5. That the Board of Commissioners set the expectation that this work will be completed by in-house staff not later than June 30, 2012. (Note: The completion date could be accelerated by about five months to January 31, 2012 with the assistance of a planning consultant from the TJCOG or some other source.)
6. That with or without the assistance of a planning consultant, the Planning Director is authorized to use budgeted professional services funds for the preparation of updated maps, graphics and editorial assistance for the final version of the Land Use Plan.

7. That the Town Manager is directed to include monthly progress reports on the completion of the Land Use Plan at the second Board meeting of each month until the Land Use Plan is completed and adopted by the Board of Commissioners.

Mr. Terry noted that Mr. Bass was away at a long-planned family vacation so he was unable to attend tonight.

Planning Board Chair Ken Hoyle said the question he would like to have included in the minutes was a question to Mr. Bass. He asked why Mr. Bass did not make even one comment during the Planning Board meetings when they were discussing the draft Land Use Plan. Mr. Hoyle said now it had been divulged that Mr. Bass had participated in nine-plus land use plans in the past, but he had given the Planning Board no help. He said they should have had great leadership with Mr. Bass. Mr. Hoyle said the Planning Board had enjoyed doing the plan and believed it was well done but was a work in progress as all land use plans were.

Commissioner Harrington said in his conversation with Mr. Terry last Thursday he understood that Mr. Bass had actually taught Planning at a University. Mr. Terry stated he taught at a college in West Virginia as a Professor teaching planning. Commissioner Harrington said he would characterize something a little differently that had been stated, in that the Board had assigned the Land Use Plan to the Planning Board. He said what he believed they had done was to have staff do the draft plan with the Planning Board's help.

Commissioner Harrington said as a professor teaching planning he would have been thrilled to have five eager students. He said when he looked now at the matrix of what they needed to produce a land use plan, he thought back to hearing the Planning Board ask for help from Mr. Terry, from Mr. Messick, and from Mr. Bass, asking what was needed, what were their recommendations, and to give them feedback. Commissioner Harrington said now they had a matrix that said what their Land Use Plan should include.

Commissioner Harrington said he had been at the very first Planning Board meeting when they had asked what the plan should include, and several avenues had been laid out for them. He said they had been told to review the Siler City plan, the old Pittsboro Plan, and Phillip Culpepper's plan. Commissioner Harrington said they had all those plans out there, and that would have been a great time for Mr. Bass to say that when he had taught planning, this was how they did a land use plan and they should start here.

Commissioner Brooks said he had been through several land use plans and had hated every minute of it. He said in the 1970's the Town had received a grant and completed a land use plan. Commissioner Brooks said but, he had been unable to locate that plan. He said the one thing that really bothered him was that they had someone from the Department of Commerce, Susan Sugg, who was meticulous and thorough and who had worked on the previous plan, and it seemed to him that would have been an excellent starting point. Commissioner Brooks said it seemed to him that quite a bit of work had been done, and he did not think the Planning Board had had an ample opportunity to use those earlier reports. He asked had the Planning Board been supplied with those earlier reports. Mr. Hoyle replied no.

Commissioner Brooks said a lot of time and effort had gone into this, and one thing to understand was that a Land Use Plan was not a Zoning Ordinance and what it contained was not written in stone and it had to be flexible. He said at this late date, if anyone was going to work on the draft plan then they needed the opportunity to see what had been done in the past, which he believed would save much time and energy. Commissioner Brooks wondered if Ms. Sugg was still at the Department of Commerce and that perhaps she would be willing to review what they were doing now and offer comments. He said that might be a valuable tool in moving forward.

Commissioner Fiocco said their goal was to get a quality project completed and to move forward as a team. He thanked Mr. Hoyle for his comments, noting he could appreciate his frustration. He also thanked the members of the Planning attending tonight's meeting, and said he appreciated all of the work they had put forward. Commissioner Fiocco stated he, too, was a little frustrated. He said he had thought for the last three months since the product was delivered that staff was working on that product and not working on a critique of the product, but actually contributing to the product. Commissioner Fiocco stated that had not occurred, and that did not mean that the work did not need to be done and they all recognized that the product that was put forth was a work in progress,. He said they needed to have contributions from staff and they needed to make that happen.

Commissioner Fiocco said what he had heard Mr. Terry describe was that originally the work plan including an outside consultant was estimated to take four months to perform the task which was where they were now, but pushed a little further by the Planning Board's material. He said with that, he was prepared to make a motion but would like to have other Commissioners' comment if they would like to do so.

Commissioner Bryan said it was very frustrating, and getting these types of projects done was about people and working together for a common goal. He said he had been under the impression that staff was working in coordination with the Planning Board to get the draft plan done, but the emails and other correspondence he had seen was rather disturbing to say the least. Commissioner Bryan said they had to have a team effort going forward.

Commissioner Baldwin commended the Planning Board for what they had presented to the Board, and said she, too, had been under the impression that the Planning Board was being supported by staff in completing the draft plan. She said specifically it would have been very important for Mr. Bass to provide input, particularly with his credentials, in what the Planning board was doing. Commissioner Baldwin said that she agreed that all of the previous documents should have been made available to the Planning Board so that they could look at all the plans and see where they wanted to go from there. She said they had to consider not only where they wanted to go, but where they had been and where they were now, and all of that was necessary in order to create a good plan to take them into the future. Commissioner Baldwin said she had certainly been under the impression that everyone was working jointly to do that. She said she had heard the Planning Board ask for information during the process.

Commissioner Baldwin said she was disappointed that the Board was not able to say that they could approve the draft plan at this time, and now had to go back and work on it some more. She said she had worked on the initial plan with TJCOG but that was years ago, and she would certainly be happy to help with the work on the new draft. But, she said, they needed to have all information possible on hand so they could make good determinations and come up with a good plan in order to guide Pittsboro to where it wanted to go.

Mayor Voller said this had been going on since 2006, when they had a Land Use Committee that included David Hughes who was now employed by the County. He said there had been people on that Committee who may not even live in Pittsboro or in the ETJ. Mr. Hoyle said one of the members of that Committee was present, and introduced Bob McConnaughey.

Mayor Voller said with all the changes that had occurred throughout the entire process he believed everyone was a bit frustrated and disappointed that they were still in the situation they were. He said he would like to know if there was an issue with staff working with citizens to do this work, in that was there an issue where staff just did not want to take input from citizens so that those citizens were not feeling that their voices were being heard. Mr. Terry replied no, that he did not believe there was any issue in working with citizens or any advisory boards. But, he said, he would say that from his point of view the instructions of the Board in February were clear and unambiguous that this task was removed from Mr. Bass's plate and delivered to the Planning Board. Mr. Terry said that was the clear message that he had gotten in reviewing the minutes to make sure that he had not misunderstood. He said he still believed that was clear and unambiguous guidance given by the Board in February that this task was removed from Mr. Bass's plate and transferred to the Planning Board.

Mayor Voller said he did not understand how that could have been the conclusion. He said if you were the Planning Director and you were basically interfacing with the Planning Board then by definition you had to be involved in the project because he was in the room and that was his job. Mayor Voller said he did not recall that this Board gave a directive that said not to cooperate or to let the Planning Board work on its own. He said he believed it was that the Board had not wanted to fund Clarion's \$15,000 plus fee.

Commissioner Harrington said he had attended the very first meeting after the Board's February meeting where the draft plan had been sent to the Planning Board, and all of the Planning Board members had asked what they needed to do and where was a good starting place, but they did not receive any guidance. He said he was even more surprised now when he realized how immensely qualified Mr. Bass must be if he taught this subject, and he had to have had great advice for the Planning Board and they had tried to get that advice, and he had seen them do that.

Mr. Shaffer said the only help they had gotten from Mr. Bass was at the first meeting where Mr. Bass had provided them with six or seven plans from other municipalities such as Siler City and Carthage as well as some larger plans. He said he had taken several of the plans home that night to review and had tried to parallel it with Pittsboro, but there were about 1,000 pages of plans on the table. Mr. Shaffer said the product they had produced very closely mimicked the two that he and the other Board members had viewed as a model.

Mr. Shaffer said that staff had reviewed the draft thoroughly and there were some valid and good comments from the staff, and asked if the Board had any further comments they wanted to provide.

Mayor Voller said he would like to hear from Mr. Messick, noting he had put together a fairly detailed memo and there were some issues in that memo that had been raised. He said the first point was the possibility of a conflict of interest. Mr. Messick said that Mr. Culpepper was not an employee of the Town and his interest was as a private developer. He said he believed the Town should have its own consultant. Mr. Messick said he understood that Mr. Culpepper had volunteered his services and that had been accepted by the Town and the Planning Board, but that did not change his opinion that he should not have been involved.

Mayor Voller said some of the comments he had raised were vague, and asked if they were coming from his experience working on land use issues as an attorney. He said some of what the Planning Board was trying to produce was a living document that could be adaptable as the Town went forward, which by definition could be somewhat vague. Mr. Messick said the goal could be vague, but there was nothing to put teeth into the goal of making Pittsboro a wonderful place to live. He asked would that be done by expanding the sewer capacity or would you increase water capacity; that is; how would you go about doing what it was that they all said they wanted to have as the goal. Mr. Messick said a plan such as this should have a plan as to what they could do, and the only thing this plan offered to do was to come back with a more comprehensive plan. He said it did not include any steps to be taken.

Commissioner Fiocco agreed that it was a document that needed some work, and unfortunately he thought they had been working on that for the last three months but they had not been. He said there was obviously some frustration on the Planning Board's part by the lack of support they had received from Mr. Bass. Commissioner Fiocco said that was a valid complaint, and moving forward they had all agreed that they could put aside their frustration and continue to work on the project, and he certainly appreciated that because they needed to do the best they could for the citizens of Pittsboro.

Commissioner Fiocco moved that the charter of the Plan Advisory Committee be extended, and that all members of the Committee be contacted immediately to determine if they are able and willing to participate and if not to report back to the Board of Commissioners such that new appointments can be made; that the Planning Director finalize the Land Use Plan utilizing Town resources, the Plan Advisory Committee, Town staff, and the Planning Board; that the Planning Director utilize the various draft plans to date, including the TJCOG draft, the Planning Board draft and the current Land Use Plan dated 2001; that the Planning Director utilize the Planning Department budget wisely at his discretion to obtain outside consultation and assistance, and not to exceed the Planning Department's budget; that the Planning Director make monthly progress reports to the Board of Commissioners, with a 90% draft presented at the second meeting of the Board of Commissioners in November, 2011; and, that the completed Land Use Plan be presented at the first meeting of the Board of Commissioners in January 2012.

Commissioner Fiocco said one thing that needed to be resolved with that schedule was that the second meeting in November was the 28th and that was the Monday after Thanksgiving, and he would move that the Board meet on that date.

Mayor Voller asked if the Board understood the motion including the amendment on the date of the Board's November meeting. The Board agreed by consensus it was understood.

Commissioner Brooks said he would like to comment on the Planning Board's position. He said he believed he knew what the vast majority of the citizens wanted in this community as much as anyone and they wanted a lot of freedom and did not want a plan that was too controlling as far as land use. Commissioner Brooks said he did not know of anyone that would support an Appearance Commission or anyone who would try to control what they did with their property. He said in other words, citizens wanted flexibility and not a too tight plan. Commissioner Brooks said the plan that was finally produced had to be adaptable and flexible and would work for the Town as it grew and prospered. He said it should not be so weak that it was useless, but it should be flexible enough so that it could both protect what was good about the community and help them to grow in a good way.

Mayor Voller said there were going to be a lot challenges, noting they had heard from people south of Town tonight who lived on larger lots and were not use to having people coming into their area and using a park. He said that would be a learning experience for them as it had been for others who had had industries or parks or other developments coming into their neighborhoods.

The motion as amended by seconded by Commissioner Bryan.

Vote Aye-5 Nay-0

Mr. Shaffer said he believed that everyone was skeptical about using a consultant, but they had discussed it thoroughly and shared their concerns with Mr. Bass and the Town Board, and perhaps a consultant should have been used six months ago. But, he said, Mr. Culpepper had made his offer and it was decided to accept that offer as they were not going to receive the same type of service from Mr. Bass.

Mr. Hoyle said he agreed with the motion made by Commissioner Fiocco, but there was one issue that should be included. He said they did not want any misconception in regards to their relationship and their responsibility as a Planning Board. Mr. Hoyle said the Board had appointed them and had expressed confidence in them, and they would be happy to work with Mr. Terry and Mr. Bass on the Land Use Plan in any way they saw fit.

Mr. Culpepper said all he had done was try to help, and that had been his only agenda.

Mr. Hoyle said that Mr. Culpepper was basically asked to be a scribe, and said if they were to give the draft Land Use Plan to an outsider who did not know Mr. Culpepper or that he was a developer, they would not be able to find any relationship or bias in the draft. Mr. Culpepper said that was a fair assessment.

Commissioner Brooks said he believed Mr. Culpepper had made it very clear in February what he could and could not do and what he was offering, and the Board had accepted it. He said they needed some kind of flexibility so that if the Planning Board ran into any problems that they could come back to the Board. He said he believed that the Planning Board should have the flexibility to come back to the Board if they had concerns that the Town Board could assist them with. He said that was not in the motion, but asked that the Board at least agree that the Planning Board could do that. The Board agreed by consensus.

Raeford Bland said that generally he certainly agreed with what had been said, noting that they had been operating under rules that they had no knowledge of. He said there was information and tools that they just did not know about, and now they were learning that these things existed and the draft should have been done in another way.

Harold Howard said they would continue to work to the best of their ability. John Clifford said he agreed with Mr. Howard.

Bob McConnaughey, a member of the former Plan Advisory Committee, said he was happy to continue his participation on that Committee.

Commissioner Fiocco commended the Planning Board for all their work and their efforts. He said he had spoken to nearly all the members personally, and believed the professionalism they had exhibited and their willingness to work for the benefit of Pittsboro was very much appreciated. Commissioner Fiocco said they should move forward as a team to achieve their common goals.

Mayor Voller said anyone that would like to attend the RPO meeting on August 18, 2011 in Pittsboro at CCCC would be welcomed.

3. Small Town Main Street Program.

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the participation of the Town of Pittsboro in Small Town Main Street Program through 2012.

Vote Aye-5 Nay-0

**AN AGREEMENT TO PARTICPATE IN THE NORTH CAROLINA SMALL TOWN
MAIN STREET PROGRAM 2011-2012 IS RECORDED IN THE BOOK OF
RESOLUTIONS NUMBER ONE, PAGE 74**

NEW BUSINESS

- 1. Report on the Pittsboro Police Department's Traffic Enforcement Program (Sergeant Kevin Dodson, Traffic Enforcement Officer).**

Mr. Terry said some time ago in discussions with the Chief he had asked that at least quarterly they provide the Board with an update on programs such as the K-9 program, the Community Policing program, the Domestic Violence program and the Traffic Management program. He said tonight Sergeant Dodson would be providing an update on the Traffic Management program.

Sergeant Kevin Dodson said he was the Traffic Enforcement Officer and would hit the highlights of the program. He apologized for having to miss the last meeting, but noted he had been called out to participate in a driving while impaired charge that turned out to be drugs and not alcohol. Sergeant Dodson said he had been called because he was recognized as a Drug Recognition Expert, a title he had obtained a few years ago. He said less than 1% of Drug Enforcement Officers were Drug Recognition Experts, but basically what he did was that when someone was stopped and was not under the influence of alcohol but could not pass a field sobriety test, then he was called. Sergeant Dodson said he would do an evaluation that took about an hour and then determine what category of drugs the person was on. He said he had actually been called out last meeting by the Sheriff's Department and it turned out the person was on anti-depressants.

Sergeant Dodson said he had been with the Town for two years, and the grant was a three-year grant position. He said in year four the Town would need to determine if it wanted to continue with the position. Sergeant Dodson said just recently he had been assisting Lieutenant McCollough with patrol duties.

Sergeant Dodson said that the Governors Highway Safety Program's mission was to promote highway safety awareness and reduce the number of traffic accidents and fatalities in the State through the planning and execution of safety programs. He said his duties included speed enforcement which ideally would reduce the number of traffic accidents, with a goal of 20% reduction but they had exceeded that goal at a 34% reduction. Sergeant Dodson said he also did DWI enforcement and was a firearms instructor which was the only one in the Department. He said he also assisted Siler City's Police Department with firearms training. Sergeant Dodson said he was also an instructor in subject control and arrest techniques, and also taught Basic Law Enforcement Training at CCCC at the Sanford and Pittsboro campuses.

Sergeant Dodson said there were campaigns that they were required to participate in, including Booze It and Lose It, which provided for sobriety checkpoints set up throughout counties in the State. He said they were required to do one at least once per quarter, whether he hosted one or he participated in one with another agency. Sergeant Dodson said this past quarter he had participated with the Siler City Police Department with a DWI check station. He said another tool they used was the Batmobile, which had computers, breathalyzers, and work stations for officers along with any equipment they might need, including at times a Magistrate. Sergeant Dodson said there were only six State-wide, but he was trying to get one to come to Pittsboro before year's end.

Sergeant Dodson said another program they were required to participate in was the Click It or Ticket, which checked for the proper use of seat belts and child restraints. He said that the State's Click It or Ticket program was so successful that it served as a model for the National Highway Safety Administration. Sergeant Dodson said another program was No Need for

Speed, noting that speed was a major cause of injuries and fatalities of the State's roadways. He said in 2009 alone there were 472 fatalities and more than 42,000 speed-related injuries in the State.

Sergeant Dodson said that in 2010 the Booze It and Loose It program over the Labor Day holiday had 3,267 arrests, with the highest being 3,873 during the holidays in December. He said for the year, there were 16,096 DWI arrests in 2010. Sergeant Dodson said in terms of speeding, during Labor Day there were 32,635 citations issued, and during the December holidays there were 41,200 speeding citations issued. Sergeant Dodson said for the entire year 2010, there were 174,250 speeding citations issued. He said that to put that into perspective in terms of the DWI's, the NC percentage of traffic fatalities that were alcohol related were at the highest level in 1982, which was at 63%. Sergeant Dodson said that percentage had now dropped significantly at its lowest level in 2006 at 31%. He said that alcohol-related deaths were also at its highest in 1982 with 827, but even with all of the progress that had been made the State still ranked number 10 for DWI's in terms of injuries and deaths that were alcohol-related. He said he would say they still had a long way to go.

Sergeant Dodson said one thing the Board may not know was that the period used to determine an habitual DWI was ten years, but now it would be seven years. He said that meant that if you had three DWI convictions in a seven-year period then number four would be a felony habitual DWI.

Sergeant Dodson said for Pittsboro, he was pleased to share that in 2007 there were six DWI arrests, in 2008 there were 13, and in 2009 it had gone up to 28. He said he had come to work in September 2009, and in 2010 they had 62 DWI arrests. Sergeant Dodson said that was an increase of 122%. He said they were tracking to have at least 80 to 90 DWI arrests this year, with a goal of 100. Sergeant Dodson said he was attempting to use methods to motivate other officers regarding DWI enforcement.

Mayor Voller said when looking at where those DWI's were from, in anecdotal discussions with officers he had heard that many of those were coming through Town and were not residents. He said he understood the thinking was that Pittsboro was off the beaten track and if they came through Town at night they would be okay. He asked if that was borne out by the data. Sergeant Dodson said he was pleased to say that the overwhelming majority of DWI arrests were not citizens of Pittsboro. He said of course there were some, and as an example a few months ago he was sitting on Old Sanford Road at 15-501 just outside of the Town limits. Sergeant Dodson said an individual had come by at 25 mph in a 55 mph zone at 3 a.m., which was a clue. He said his job was to get that person before he came through Town, because if he got that far he could have gone undetected or worse had an accident.

Sergeant Dodson said as well, most of those apprehended in Town were not from this area. He said as an example that Officer Overman had been on a traffic stop in front of the old Chevrolet place at 2 a.m. when an individual drove by at 80 mph. He said Officer Overman cleared his traffic stop and apprehended the driver who was from out of town. Sergeant Dodson said he believed the Mayor had a point that certain individuals believed they could come through Pittsboro undetected.

Sergeant Dodson said that through the Governors Highway Safety Program they received points for conducting the checkpoints, but because the Town had this grant they deducted about 1,000 points at the end of the year. He said once the grant was completed they would accumulate points and redeem them for equipment such as radar units for patrol cars and other equipment to assist officers. Sergeant Dodson said he also attended the True to Life Candlelight Vigil at the Capital every year in Raleigh, noting that last year more than 1,300 people lost their lives in traffic accidents in the State.

Sergeant Dodson said he was also pleased to report that he was the Governors Highway Safety County coordinator for the Chatham County Sheriff's Office, the Pittsboro Police Department, and the Siler City Police Department. He said he had been asked to be the County Coordinator and had done that job for the past two years, and he was pleased to be involved in that capacity.

Sergeant Dodson said he had heard overwhelmingly more positive comments about the car he drove but he had had nothing to do about that car. But, he said, the car was a celebrity in itself. Sergeant Dodson said he frequently drove to conferences, multi-agency meetings, checkpoint stations, and the like and he got compliments all the time on the patrol car. Sergeant Dodson said he had actually done a traffic stop and afterwards the gentleman had asked if he could take a picture of his patrol car. He said he had pulled up at stop lights and witnessed people pulling out their phones to take a picture of the car. Sergeant Dodson said that many of the agencies in the State had taken pictures of their cars and submitted it for the Governors Highway Safety calendar that came out every year, and his car was chosen for the month of May. He said the year was half gone but he still had a few copies if anyone was interested, noting the picture had been taken in Powell Place.

Sergeant Dodson said as they knew the grant covered his salary and his vehicle as well as all the equipment in it, including a radar system, a laptop computer, a camera system, a scanner, and everything he needed to do his job. He said he also had what was called an E Citation which he had had for about a month, noting the software was free and the only thing they had had to purchase was the bracket for the printer which sat in a carrier. Sergeant Dodson said the Administrative Office of the Courts had provided the printer for free, so he no longer had to hand write citations.

Sergeant Dodson said he and Corporal Robertson participated in working with teens regarding drinking and driving. He said they used goggles that simulated impairment and had them drive a golf cart while negotiating an obstacle course. Sergeant said they were trying to send the message that people might think they could drive when they had been drinking, and that usually worked to get that message across. He said they tried to do that at various schools at least once a quarter and had received some good feedback from it.

Sergeant Dodson said in closing, many people wondered why they stopped so many cars. He said when you thought about it, crime was mobile. Sergeant Dodson said whether it was drugs, stolen property, or whatever it had to start somewhere and would likely be mobile at some point. Sergeant Dodson said one police chief in the State had said that people believed that officers were wasting their time with traffic stops for minor traffic violations when they should be out

looking for rapists, murders, and other criminals. He said information taken from actual cases showed how such people were actually apprehended:

- Theodore Ted Bundy had been arrested August 16, 1975 for driving without headlights and trying to elude Police. He was investigated due to his vehicle matching a description of a vehicle used in a kidnapping. That had resulted in a conviction for kidnapping and Mr. Bundy was transferred to Colorado to stand trial for murder, where he escaped. He was again arrested on June 13, 1977 for erratic driving and possession of a stolen car. He escaped again in December 1977 and was arrested again in Pensacola, Florida for driving a stolen vehicle, and was later convicted of several murders.
- David Burkowitz, the so-called Son of Sam, had murdered six men and women and wounded nine others before he was investigated and arrested, and the evidence that had brought him down was a parking ticket issued to him on the night of the murders and left on his vehicle. He was captured and sentenced to serve 64 years.
- Timothy McVeigh was stopped and arrested by a state trooper for having no license plate and for possession of a loaded firearm. Then three days later, the FBI retrieved him for the deaths of 168 people in the Oklahoma City bombing of a federal building.

Sergeant Dodson said that the police chief had gone on to say that officers would stop people who were normal, law abiding citizens that made mistakes, some were careless and reckless drivers, and still other people that they would not suspect of more serious crimes. Sergeant Dodson said the chief had said that the bottom line was that while there were a lot of people that were not happy with officers enforcing traffic laws that was visible and obvious signs of an active and efficient police force. He said the chief went on to say that drunk driving, aggressive driving, racing and other careless acts by some drivers on the roads contributed to more deaths each year in North Carolina alone than all the murders in North Carolina. Sergeant Dodson said so the next time you went through a license check or were stopped by an officer and thought that he or she should be doing something more constructive than traffic stops, think of those examples of the very dangerous murderers who were caught simply because they were not obeying traffic laws.

Commissioner Harrington said that Police officers had a dangerous job and never knew who they were pulling over, and thanked Sergeant Dodson for all his hard work.

Commissioner Baldwin thanked Sergeant Dodson for his service, and asked if in addition to traffic stops what he had to do to fulfill the terms of the grant. Sergeant Dodson said they were required to do the checkpoints a minimum of two a quarter which was recently changed from one a quarter. He said he tried to do a license check checkpoint at least once per shift along with the other officers. Sergeant Dodson said as a part of the grant he had to supply a monthly report on his numbers that included speeding violations, driving without a license, DWI arrests and the like that was submitted to the Governors Highway Safety office. He said then Lieutenant McCollough had to submit a quarterly report which he assisted her with. Sergeant Dodson said that quarterly report included such things as the demonstrations at the high school where they worked with the teens on awareness of drinking and driving. He said they were certainly exceeding the minimum of what the Governors Highway Safety program required.

Commissioner Fiocco thanked Sergeant Dodson for his service.

Commissioner Bryan said he certainly appreciated everything Sergeant Dodson did, and said he had seen him in action last week assisting Lieutenant McCollough with a rather large funeral in 100 degree heat.

Commissioner Brooks thanked him for his service as well.

Mayor Voller added his thanks, noting he understood that he had a difficult job. He said to clarify, was there something that had to be filed at a checkpoint or some procedure where the Town was notified or did they just spring up. Sergeant Dodson said the law had changed in that regard, noting in the past they were required to put out signage and cones but that was no longer required. However, he said, they did utilize those tools. Sergeant Dodson said they were not required and did not alert the public when a checkpoint was planned, noting that driver's license checks could result in a DWI arrests. Sergeant Dodson said before they set up a checkpoint they planned it out and did not do it just because they were bored.

Mayor Voller said then they followed the proper procedures and did not do impromptu checkpoints. Sergeant Dodson said absolutely not, noting doing that could be challenged in court and he had no interest in spending his time in that way. He said they did everything by the book. Mayor Voller said that no one liked getting pulled over and was likely one of their least favorite things, but he knew that the Pittsboro Police Department did not tolerate profiling even though some might claim it. Sergeant Dodson said for the record they did not do that and would not tolerate it, and it was against the law. Mayor Voller thanked Sergeant Dodson for his presentation.

2. Request for Temporary Street Closure on Masonic Street.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to approve the request for the temporary closure of Masonic Street on October 10, 2011 for a fundraising event sponsored by Columbus Lodge #102.

Vote Aye-5 Nay-0

CAPITAL PROJECTS REPORT

1. Manager's Update on Capital Projects.

Mr. Terry said in regards to the Southern Park project, the project was about 95% completed, with dressing of the trail shoulders with gravel and mulch all that remained. He said the paving was done and most of the playground equipment had been installed, with the largest piece yet to be done was finishing the entranceway and installing the gate so that access could be controlled. Mr. Terry said he believed that project would be completely finished within 30 days.

Commissioner Brooks asked was that in keeping with the contract. Mr. Terry said the contractor was somewhat behind, but much of the delay was getting DOT approval for the driveway permit

which was not the fault of the contractor. Commissioner Brooks asked how far behind schedule were they? Mr. Terry said perhaps a month to a month and a half.

Commissioner Fiocco stated he had visited the park this weekend and believed it was a great place. He said he had walked all of the paved areas and he looked forward to visiting it again. Commissioner Fiocco said it was a job well done.

Commissioner Harrington asked who was putting in all of the wooden amenities. Mr. Horne said it was a company out of Asheboro who used primarily locust wood and rhododendron, both of which were very rot resistant and insect resistant. He said that company produced some beautiful work. Commissioner Harrington agreed, noting it was beautiful and really impressive and that had been a nice surprise.

Mr. Terry said in regards to the group that had spoken at the beginning of the meeting, that petition had come in while he was away on vacation and Mr. Horne had brought that to his attention. He said he would invite those neighbors to come to Town Hall and he and Mr. Horne would sit down with them and try to accommodate their grievances as much as they could, although he believed their preference would be that the park had never been built and he could not change that. Mr. Terry said whatever was reasonable to do they would try to do for them, and for the things they could not do they would explain it as best they could.

Commissioner Baldwin said the speakers had legitimate concerns particularly with safety issues. She asked did the Police Department have jurisdiction in patrolling this park, or was it the County. Mr. Terry said he had not done a map study but it was likely on the edge of their three-mile jurisdiction, so it would likely be a mixture of Town and County patrol. He said the park was Town property, so if something was happening there a Pittsboro Police officer could take action. Mr. Terry said if a 911 call came in, it would be up to them how they dispatched that call, and it would likely be the Sheriff's Department.

Commissioner Fiocco asked did they have the authority to patrol the ETJ. Mr. Messick said up to three miles but not because of the ETJ. He said they had the authority to patrol three miles beyond the Town limits and the ETJ had nothing to do with that. Commissioner Fiocco asked if that three-mile area coincided with their ETJ. Mr. Messick said in some places but not all.

Commissioner Fiocco said but the park was within their ETJ. Mr. Horne said it was within the three-mile area.

Mr. Terry said that if a 911 call came in it would be up to the dispatcher who he or she dispatched.

Commissioner Fiocco stated he was thinking about just regular patrols. Mr. Terry said if he was asking if the Town had the authority to send a patrol car out there, the answer was yes. He said he would not send a patrol car but would send a four-wheel drive vehicle. But, he added, he would hesitate to send any licensed vehicle on those trails, and had asked Mr. Poteat when they were conducting maintenance to not drive their vehicles on those trails. Mr. Terry said the

Police Department owned an ATV, and that vehicle could ride those trails without any damage to them.

Commissioner Baldwin said it seemed that the residents were concerned about the possibility of illegal activity occurring in the park, and asked would they have an ongoing patrol of that park. Mr. Terry said they certainly were not staffed to do that and he understood the concerns. He said the land had been there for thousands of years and there had been illegal hunting in that area for a very long time.

Commissioner Brooks said when the federal government had spent \$50 million on the State parks within two years they had had to certify 13 sworn officers just to try to keep order in the State parks. He said most of the time that was not enough and the sheriff's departments and the State Highway Patrol had to provide backup.

Commissioner Fiocco asked who would be opening and closing the gate. Mr. Terry said they had not worked out that detail as yet.

Commissioner Brooks asked should the neighbors by law have been notified about the park. Mr. Horne replied no, they were not required to do that. Commissioner Brooks asked had he told one of the neighbors there that they should have been notified. Mr. Horne said he believed they should have been regardless of the law. Commissioner Brooks said the person had believed Mr. Horne had said it was the law. Mr. Horne said he had not said that. Commissioner Brooks asked had the contractor pushed dirt onto other people's property at the park. Mr. Horne responded not that he was aware of.

Commissioner Harrington said he had seen brush pushed over onto neighboring property.

Commissioner Brooks stated the speakers tonight had been very kind, but they had not been so nice when speaking to him. He said they did not think very much about Pittsboro and the way they had been treated, noting they felt like they had been treated in a shabby manner in many ways. Commissioner Brooks said he had never seen a project where so many local people had been opposed to it. He said the Town would be hearing from those people again if the Town did not provide them with some protection. Commissioner Brooks said he did not want to hear that they had received a piece of land and had spent \$400,000 plus improving it and could not even bother to put up a fence to protect the neighbors. He said that would not be acceptable to them.

Commissioner Harrington said he had had a spirited discussion with one of the neighbors at the park whose family was on the playground, and was likely one of the people most affected by the park. He said that woman had said she would be using the park.

Commissioner Brooks said most of their concerns were centered around that once the park was finished the Town would ignore it.

Commissioner Harrington said everyone should be outraged if the Town did not take care of the park.

Commissioner Brooks said you mean like the wonderful job they had done at Town Park. He said that Town Park was not a very nice park, and these neighbors saw that and were afraid that would happen at this park. Commissioner Brooks said he wanted them to be assured that the small group present tonight was only a small minority of those concerned about the park.

Mayor Voller said one of the ladies present tonight, Ms. Burgess, had the same concerns and had written the petition that had been circulated. He said they were not against the park but did have a lot of concerns. He said he did not want to leave them in the lurch and it was their intent to make sure that the public was well protected. Mayor Voller said he believed had the neighbors been notified they would have been able to participate and it would have solved a lot of the issues. He said the lesson learned was that when they did Phase 2 the neighbors should be invited to participate. Mayor Voller said that was true for other projects as well.

Commissioner Brooks said they needed to put up a construction gate now.

Mayor Voller said to flip it around, if 3M had wanted to go onto that property and do some kind of drilling that would have been a lot worse than a beautiful park. He said that 3M had thought about doing that but had ultimately decided not to, which was why the land had been given to the Town. Mayor Voller said a park was a responsibility for the Town and they had to be responsible by patrolling it and maintaining it.

Commissioner Fiocco said the petition that had been provided contained many valid concerns that they needed to try to address, although some were completely out of the Town's control because they involve NCDOT or others. Mr. Terry said he would schedule a meeting with the neighbors sometime in the next two weeks.

Mayor Voller said the number one thing to do was to get the gate in and locked up.

Commissioner Fiocco agreed, and said the posts were in but the gate had not yet been installed. Mr. Terry said that would be done very soon since the project would be completed in a matter of weeks. He said the gate was a part of the entrance construction.

Commissioner Fiocco said one of the issues with closing the gate was that first someone had to go into the park and see if any cars were parked there. He said if they had the Police doing that then that was likely perfect.

Mr. Terry said the next project was the Credle Street Basin Rehabilitation Project. He said they were about 99% complete, with Becky Smith from Hydrostructures conducting the final inspection and punch list. Mr. Terry said he had included a letter in the packet where this project was expected to be completed with about \$100,000 left in the grant, and he had sent a letter to the Rural Center requesting that they be able to redefine the scope of the project and use those funds to fix the aging bar screen at the Wastewater Treatment Plant. He said informally, based on telephone calls he believed they would get approval for that, and he would let the Board know when that came through.

Mayor Voller said it was a pleasant surprise to get that project done and under budget without the property owners being upset. Mr. Terry said they had done a change order during the project to rehab 40 manholes that had not been in the original scope of the project, but they had still come in under budget.

Commissioner Brooks asked Mr. Terry to write a letter to Becky Smith and to the contractor. He said there was a somewhat special situation when a girl died last Tuesday and a large number of people had been anticipated at the Baptist Church for the funeral on Thursday. Commissioner Brooks said at 11 a.m. that morning there was mud all over the pavement and there were cuts in the pavement in front of the church where families and visitors parked. He said he had talked to Mr. Terry who had contacted Ms. Smith, and by 1:40 p.m. the contractor had cleaned everything up and at 9 p.m. that night they were still working and had all of the holes patched. Commissioner Brooks said it was a fantastic job and much appreciated.

Commissioner Brooks said he had heard from one woman who had said she could not get to her house because of the project and one of the workers had carried her groceries to her house. He said the contractor had put gravel in people's driveways when they did not have to. Commissioner Brooks said this had been a fantastic contractor to work with and he would like to have the Manager write them a letter and express the Board's and the community's and that family's thanks for what they had done to prepare for the funeral and for all the things they had done to help people during the construction. Mr. Terry said that was a letter he would be happy to write.

Mayor Voller said he believed they should add that this was a situation where the lowest bidder was not responsible and the Board had worked with Mr. Messick and Mr. Terry to get this contractor, and the Town had stood firm when the lowest bidding contractor had protested. He said it was definitely the right decision to go with this contractor. Mr. Terry said he was anxious to see their next wastewater flow data over the next 12 months to see what the impact of that project was.

Mr. Terry said in regards to the 3.22 MGD Wastewater Treatment Plant construction project, they had been struggling to find a convenient date for everyone to sit down and talk about that and asked for the Board's help in zeroing in on a Saturday date when everyone could attend and discuss that project.

Mr. Terry said his last update related to the project The Wooten Company had reported on tonight, which was the Hillsboro Street Transmission Line project, so he would not repeat that information. He said with respect to the financing on that project, they had talked before that the \$750,000 grant would not cover the full cost since they had extended it all the way down to the traffic circle. Mr. Terry said they were working on getting the REDLG loan that was originally for the 3M project so they could expand the scope of work and redirect that lending authority to this project. He said the attorney for the Electric Co-op was pressing the Town to identify some collateral for the loan, and Mandy Cartrette had tried to talk the attorney out of that by pointing out that they had borrowed money for the Credle Street project without the need for up-front collateral, but the attorney was insisting. Mr. Terry said with the Board's permission, he believed it would be safe to offer up the million gallon tank as collateral. He said he really did

not believe it mattered because the Town would not default on the loan, but if they were insisting on a piece of Town property as collateral he believed the million gallon tank was worth more than \$250,000. Mr. Terry said if the Board had no objections, that would satisfy the attorney and they could then move the paperwork forward.

Commissioner Harrington said he had to ask hypothetically what they might do with a million gallon tank.

Mr. Terry said hearing no objections, he would offer up that tank as collateral.

Mayor Voller asked was Mr. Messick reviewing that. Mr. Terry replied yes.

Commissioner Fiocco asked what other options they had. Mr. Terry said they had gone through this before with BB&T when they had borrowed the money for Credle Street, and Ms. Cartrette had been successful in convincing them that collateral was not necessary with a municipality.

Commissioner Harrington asked how much the loan was. Mr. Terry said it was \$240,000. Commissioner Harrington suggested why not put up cash as collateral.

Mayor Voller said that Commissioner Harrington was correct, that a CD could be used for collateral. Mr. Terry said he only wanted to do what would satisfy the bank. Mayor Voller asked Mr. Terry to speak to the issue of the \$250,000 that came up at the last meeting. Mr. Terry said it was great news that the \$250,000 will not have to be paid and DOT had backed off the issue. He said that was a great deal of paving that they would now not be required to do, and the helped the project greatly.

Commissioner Fiocco thanked the Mayor for his efforts in that regards. He said he did not think they would have been successful without it. Mr. Terry agreed, noting that paving requirement could have been a project killer.

Commissioner Fiocco thanked Mr. Terry for trying to grab onto that extra \$100,000 and putting it to very good use. He said they had been trying to deal with that bar screen for quite some time, and he hoped that Mr. Terry was successful in having the funds redirected.

Mayor Updates

Mayor Voller said the EDC had met last week, and there was an RPO meeting on August 18, 2011. He said everyone was aware that the Town had received acceptance into the Main Street Program, and they were now receiving information about all kinds of things the Town was eligible for which was really good.

Commissioner Concerns

Commissioner Fiocco said just prior to attending tonight's meeting he had visited the Pittsboro Lake Park to check on the progress since the lake had been drained. He said as he drove around he thought that if he was a little kid he might be interested in going out there, and he believed

that there was easily so much sediment that was wet that someone could get into real trouble. Commissioner Fiocco said there was one area in particular where people could just walk right out to it, and perhaps they should put up some kind of barrier such as a tree protection fence to send the message that this was a barrier and don't go out there.

Commissioner Fiocco said they had talked at one of their work sessions about sewer allocation guidelines, and he would like the Board to follow through on that as to how they might implement allocation of their sewer capacity which was a precious resource. He said they would be out of the moratorium in October unless they renewed it, and they had talked about writing some guidelines about how they would parcel out that sewer capacity. Commissioner Fiocco said he wanted to make sure that they did that, and perhaps at the next meeting or the one after that they could get an outline of those guidelines on paper and have it presented to the Board so that they could review and discuss it.

Commissioner Fiocco said he would like to have letters of thanks sent to all of the people who had written letters of support for the Town with the Main Street Program application. He said that had shown great support by the community and he did not believe they would have been successful without it.

Mayor Voller suggested writing one general letter and then adding a personal note to each one.

Commissioner Fiocco said at the last meeting they had a discussion about what would be done with the White property, and had talked about doing a zoning analysis to see if there were any zoning regulations that could apply or whether or not it was a nonconforming use. He asked had that analysis been done.

Mayor Voller said they had agreed that Mr. Bass would contact the County to see what might be done to address the situation and then he would report back to the Town Board. But, he said, Mr. Bass was out of Town.

Commissioner Fiocco said in his discussion he had suggested that the first point of analysis would be to determine whether it was a nonconforming use or whether the zoning regulations were being violated.

Mayor Voller said he believed the property across from Northwood High School was to be included in that analysis. He said it had an issue with the trailers that were abandoned, and that was just as dangerous as the issue they had talked about with the park. Mayor Voller said also at issue was the water tap, and he did not know if they had a back flow preventer but that needed to be addressed.

Commissioner Brooks said they had not had individual meters but had only a master meter and it was still sitting out there.

Commissioner Fiocco said his last concern was one that had to do with their land development ordinances.

Motion made by Commissioner Fiocco seconded by Commissioner Harrington to instruct Planning staff and the Planning Board to review the Zoning Ordinance, the Subdivision regulations, the Flood Damage Prevention Ordinance, the Riparian Buffer Protection Ordinance, and their lighting ordinance to identify errors, omissions, contradictions and ambiguities; that they prepare a report; and, that they work together at the next Planning Board meeting to devise a schedule for doing that work.

Commissioner Fiocco said as an example, he had printed the Landscape Ordinance today from the Website which had included eight blanks where they were referencing certain sections of the Ordinance yet there were no section references noted. He said that was the kind of thing they needed to clean up, and he wanted them to undertake the task of doing that work.

Mayor Voller said it occurred to him that considering the workload they had, would he authorize the Planning Board Chair to recruit some people that might have an interest in that work to help the Planning Board. He said there may be some heavy reading or research involved, and the Chair might want to bring in some help.

Commissioner Fiocco said he would be flexible to that, but one of the benefits to doing that work was that everyone would become more familiar with the ordinances. He said the Planning Board was on the front line of enforcing those ordinances, but he was happy to entertain the idea of additional citizen help.

Mayor Voller asked Mr. Hoyle for his opinion. Mr. Hoyle asked that once the Planning Board received that directive, they could determine a plan and an approach as to the best way to proceed.

Mr. Messick remarked that the Board realized that they had given the Planner quite a bit of work to do already, and he was not sure that this was feasible in the near term.

Commissioner Fiocco said he had thought about that, but his thinking was that the Land Use Plan was the big picture, and the ordinances were how they achieved that vision. He said he believed it was the perfect time to get that work done. Mr. Messick said it may be the perfect time to do it but they may need personnel to get it done, and he believed they would need professional assistance to do that. Commissioner Fiocco said they had two planners and numerous members of the Planning Board, and he believed they could get the job done. He said they had the freedom to devise the schedule for getting the work done.

Mr. Terry said he was not objecting to the suspense dates they had set out for the Land Use Plan, and although they were aggressive he would get that done. But, he said, Mr. Bass would likely have to leave the building for a couple of days a week in order to get that work completed, because he could not sit in his office with phones and all the other interruptions and be expected to meet that suspense date. Mr. Terry said adding this work on top of that would make it very hard to get the work done by the January deadline.

Commissioner Harrington said Mr. Bass had an assistant that could focus on some of that work. Mr. Terry agreed he could certainly assist.

Commissioner Baldwin asked who was doing the zoning compliance at present. Mr. Terry said it was shared duties between Mr. Bass and Mr. Horne. He said they would get started on this process but perhaps the priority was the Land Use Plan.

Commissioner Fiocco said it was the priority, and believed that would be reflected in the schedule. But, he said, the other was important work to be done.

Commissioner Harrington said to clarify that the Planning Board was willing to take on that work, noting they could certainly give their blessing to delegate that work. Mr. Hoyle asked did that work include the MUPD ordinances.

Commissioner Fiocco replied yes, because that was part of the Zoning Ordinance.

Commissioner Baldwin said it was her understanding that Mr. Horne had completed his zoning certification program. Mr. Horne replied the course had not been offered yet.

Mr. Terry said it should be coming up fairly soon, and when that came up both Mr. Horne and Mr. Bass would be attending. He said it has been over a year since the course was offered but no date had yet been set.

Commissioner Baldwin said her thinking was that that course would help with the work suggested by Commissioner Fiocco. Mr. Horne said the course looked into how to do a unified development ordinance which was typically how you would identify all the various and sundry ordinances required. He said typically you would have a lawyer-based planner to do a unified development ordinance. Commissioner Baldwin said but they did not have a lawyer-based planner. Mr. Horne agreed.

Mr. Messick said a unified development ordinance was likely something that would be recommended by any rational person at this stage of the game, because you had all these disparate ordinances that even on a good day were hard to keep up with all the different provisions. He said if they were all in one document they would be much easier to refer to and deal with, and that might mean throwing out some of what they had and crafting new ordinances to take the place. Mr. Messick said but, there again it was an involved process requiring public input, consultation and advice from the Planning Board, and certainly from the Town Board. He said the Town Board would have to be involved at the ground level because it would not be fair to do the work and then have the Town Board say yea or nay when it was presented.

Commissioner Fiocco said he agreed completely, and believed this would be perhaps their first step down that path.

Mayor Voller called for the vote.

Vote Aye-5 Nay-0

Commissioner Harrington asked Mr. Terry if they were down to zero water service at Townsend. Mr. Terry said there had been some interesting developments there. He said they had not had the

service disconnected yet, but he was hearing indirectly that Townsend's transition to Siler City had not gone as smoothly as they had hoped, so there was still a presence at the Pittsboro Plant and would likely be for a longer period than planned. Mr. Terry said they had not shut down their water account, although their water usage would drop dramatically in the next month or so. He said there was still a shipping operation being conducted at this point.

Commissioner Harrington asked if they were doing anything extraordinary such as flushing during this heat wave and if water usage was dropping. Mr. Terry said not that he was aware of.

Commissioner Bryan asked how the quality was holding. Mr. Terry said they had been thrilled at the last THM results which were very good. He said as everyone knew the State had set a record for the number of consecutive days over 100 degrees, and that could be a challenge. Commissioner Bryan said it had concerned him that the water usage would drop with loss of Townsend coupled with the extreme heat. Mr. Terry said the last test had been taken fairly recently and the next test was not due until September, so hopefully the water quality would hold.

Commissioner Harrington said he had received another call from a citizen who continued to be concerned about the noise which he believed was coming from City Tap. He said he had talked to someone who had said there was another band or group practicing in the area and the noise may have been coming from there, but the citizen insisted it was City Tap. Commissioner Harrington said he would like to have the Town keep a log of complaints and at what level the noise was measured. He said the complainant lived in Creekside and he would be very surprised if what he was hearing was coming from City Tap. Commissioner Harrington asked that those who took the complaint calls and measured the noise to keep a log so the Board would have some sense of the problem and whether the ordinance needed to be looked at again. He said he would also like them to take a measurement from the complainant's property line to see just what that person might be hearing. Commissioner Harrington said he wanted to know if there was another source of the noise. Mr. Terry said that information was already available from the individual officers' logs, and they could collect that information.

Mr. Terry said about ten days ago on a Saturday he had gotten a call from that same gentleman at 10:45 p.m., and he had decided to drive over there. Mr. Terry said as he was approaching the area his windows were rolled down and he could not hear anything until he had gotten about a half-block from the building. He said the cicadas and frogs were louder than the music. Mr. Terry said he had called the 911 center and gotten the name of the officer who had responded to the call, who had said he had measured the sound and found it was compliant and given the citizen that information. He said the citizen just was not satisfied with that conclusion.

Commissioner Harrington said it would be valuable to go to his property to take a measurement just to see what he was hearing, or to determine that it was coming from somewhere else. He said it just seemed that that was a very long way for the noise to be a bother to the people in that area. He said they had heard reports of bands practicing in the area, so he wondered if there was another source of the noise.

Commissioner Bryan said that gentleman was the only person he had heard complain in quite some time.

Commissioner Baldwin said someone had called her as well, but when the officer had gone out he had heard nothing but crickets. Mr. Terry said that was his experience as well.

Mayor Voller said he did agree with Commissioner Harrington that that would be valuable data to collect.

Mayor Voller read into the record the email from Bill Jackson, Manager of Pittsboro Place Partners, as follows: “We are in support of the proposed Thoroughfare Plan, but again want to request there be a Public Hearing on the latest revision of the Plan, as was suggested in the letter to the Board of Commissioners from our Attorney. We do not wish to impede the Plan, but are seeking the current Plan have a full Public Hearing. Thank you for your attention to this matter.”

Mayor Voller said he was personally not opposed to it but it was a decision the Board would have to make. He said they had had plenty of input over the years. Mr. Terry said they were not likely to see the comprehensive Thoroughfare Plan come back until the second meeting in August. He said if the Board wanted to schedule a public hearing they could certainly do that, but as Mr. Messick had pointed out a public hearing was not required. Mr. Terry said this issue had had a lot of public exposure with two public charettes and many steering committee meetings that had been open to the public.

Mayor Voller agreed that there had been an awful lot of public meetings and other input, but it was up to the Board to determine what it wanted to do. Mr. Terry said his fear was that if they held a public hearing they would have a jousting match between two developers who were having differences about petty issues that went far deeper than this broad brush plan intended to go. He said he was not sure it was good use of the Board’s time to watch that jousting match.

Mayor Voller thanked the Town staff for fixing the air conditioner at the Community Building. He said they had used it last week and it was nice and cool and everyone was comfortable.

FYI -

1. Pittsboro Town Manager’s letter of July 14, 2011; RE: Request for Amendment of the Rural Center Grant for the Credle Street III & IV Project.
2. Water and Sewer Revenues – Budget vs. Actual – FY 2010/2011

ADJOURN

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to adjourn the meeting at 10:15 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk