

## **REGULAR MEETING OF THE TOWN BOARD OF COMMISSIONERS OF JANUARY 19, 2011**

Town Board Present: Vice Mayor John Dotson, Commissioner Gary Drake, Commissioner Amy Patterson, Commissioner Larry Rogers and Commissioner Dennis DeWolf. Mayor David Wilkes was not in attendance.

Also Present: Town Manager Jim Fatland, Police Chief Bill Harrell, Police personnel: Master Officer Tim Fish, Captain R.L. Forrester, Officer Jonathan Phillips, Master Officer Ronnie Castle, Officer Andrea Holland and Master Officer Mike Jolly, Recreation Director Selwyn Chalker, Fire Chief James Manley, Town Engineer Lamar Nix, Interim Town Planner Mark Maxwell, Town Attorney William Coward and Recording Secretary Jane Capman.

### **1. Call to order**

Vice Mayor John Dotson called the meeting to order at 7:01 p.m.

### **2. Special Recognition**

#### **A. AAA Safe Community Award**

The Town of Highlands achieved the distinction of being the top traffic safe community in our category in North Carolina for 2010.

Vice Mayor John Dotson presented Police Chief Bill Harrell with the 2010 traffic safe award. Police Chief Harrell stated that he was honored to receive the award and praised the Town's officers for their hard work in protecting the Town and the citizens of Highlands.

#### **B. Advanced Law Enforcement Certificate Award**

In order to recognize the level of competence of law enforcement officers serving governmental agencies within the State, to foster increased interest in college education and professional law enforcement training programs, and to attract highly qualified individual into a law enforcement career, the Criminal Justice Education and Training Standards Commission established the Law Enforcement Officers' Professional Certificate Program. This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training, and on-the-job experience. The commission makes these awards available under the authority granted pursuant to North Carolina General Statutes, Chapter 17B, and in accordance with subchapter 9D, Title 12 of the North Carolina Administrative Code.

Police Chief Harrell presented the Law Enforcement Officers' Professional Certificate to Master Officer Ronnie Castle and stated that Master Officer Castle has put in many years of extensive training, has been an officer for 26 years and was unanimously approved for this award. Officer Castle also received a pin.

Vice Mayor John Dotson congratulated Master Officer Castle and the Town's Police department for their work and for the traffic safety award.

### **3. Public Comments**

There were no public comments.

### **4. Approve agenda**

As there were no changes to the agenda, Commissioner Dennis DeWolf moved to approve the Agenda, was seconded by Commissioner Amy Patterson and was unanimously approved.

5. **Approve Minutes of January 12, 2011**

Commissioner Gary Drake moved to approve the minutes of January 12, 2011, was seconded by Commissioner Larry Rogers and was unanimously approved.

6. **Reports**

**A. Mayor**

There was no report.

**B. Commissioners**

Commissioner Amy Patterson inquired to Town Engineer Lamar Nix the status of McGill's progress regarding the intake and how much more time needed. Mr. Nix confirmed that the determination of what the Town owns is complete and presently the depth of the lake is being determined.

Vice Mayor John Dotson inquired of the Town Manager as to the status of the Unified Development Ordinance (UDO) and was advised that there would be a meeting on January 20, 2011 with town personnel. Commissioner Gary Drake stated that the Town Board needed at least a thirty (30) day time period in order to review the UDO. Vice Mayor Dotson and John Underwood of the Planning Board asked Town Attorney Bill Coward why he was still looking at the UDO and was advised that he was finding typographical errors, want to make sure it is enforceable and that it made sense.

**C. Committees**

The Tourism Development Commission met, although there was no quorum, and advised that the room tax collection is on schedule. Bob Kieltyka advised the room tax is strong and occupancy is picking up.

The Economic Development Commission will hold a retreat on February 4, 2011 and a report will be furnished to the Town Board.

The Public Works and Recreation Committees have not met due to inclement weather.

**D. Town Manager**

Regarding the Police Dept. renovation project, Town Manager Fatland advised that the Local Government Commission has rendered their approval regarding financing and the closing should take place next week.

Mr. Fatland also discussed submitting an application for grant monies for Lake Sequoyah. A call was received from the Clean Water Trust Fund and Mr. Fatland was advised that monies are available and looked to the Town Board for approval to submit an application. Town Engineer Lamar Nix discussed breaking up the project into three phases. Discussion was had amongst the Commissioners as to the Town's present debt load and the Town's current projects. Commissioner Drake stated that the Town should proceed with applying for the grant money and then could decide later as to whether or not it should be accepted.

Commissioner Amy Patterson moved to approve the Town submitting an application for grant money for Lake Sequoyah, was seconded by Commissioner Gary Drake and was unanimously approved.

Commissioner Patterson inquired as to the Town's sale tax revenue and was advised by Mr. Fatland that the Town is on par with last year and is presently on target.

7. **Consent Agenda**

**A. Public Services Department**

**B. Police Department**

**C. Parks & Recreation Department**

- D. Planning & Zoning Department**
- E. Fire Department Annual Report**
- F. Treasurer's Report for Month Ended December 31, 2010**
- G. Monthly Calendar**
- H. Grant Status Report**

Commissioner Dennis DeWolf moved to approve the Consent Agenda, was seconded by Commissioner Larry Rogers and was unanimously approved.

**8. Fire Department Request for New Full Time Position**

This item was reviewed by the Finance Committee Meeting held on January 12, 2011. The meeting was attended by Commissioner John Dotson, Commissioner Gary Drake, Town Manager Jim Fatland, Fire Chief James "Popcorn" Manley, Firefighter Robbie Forrester, Fire Department Treasurer Bob Houston, and Town Accounting Supervisor Chuck Young.

The Highlands Fire Department has a rating of a "5" within the Town limits and a rating of a "9" outside the Town limits. Residents and businesses can benefit if the ratings were improved with lower insurance premiums. The new firefighter position is needed to assist in obtaining a better rating from the State as well as serving as additional personnel for the Fire Department.

Response time would be improved with the additional fireman. Standard Operating Procedure require that two fireman be on a truck before rolling to a call.

It is recommended that the Town Board approve new fire fighter position.

As to the fiscal impact, funds are available in the current year budget to fund said position. In addition, no tax increase is needed to fund position in subsequent years.

Fire Chief Manley addressed the Board and discussed the ISO rating process and the benefits of an additional fire fighter. Chief Manley also advised that the department received 486 calls last year (up from the previous year). Chief Manley stated that the position will be advertised in the local newspaper for one (1) week and discussed the experience needed.

At there was no further discussion, Commissioner Amy Patterson moved to approve the hiring of a second full time fire fighter, was seconded by Commissioner Dennis DeWolf and was unanimously approved.

**9. Resolution to File Application for Main Street Solutions Funding**

Being selected in 2010 for the Small Town Main Street Program, the opportunity to apply for the 2011 Main Street Solutions Fund Grant was made possible. The grant is geared toward private investment within the downtown area that would create and maintain jobs. The Dept. of Commerce selects up to 10 of these grants each year. The grant is a match of one dollar for every two dollars spent by the private investor. The maximum of \$200,000 is possible if the applicant is spending \$400,000 in construction. The Town is the legal applicant and administer of the grant if selected.

The Town Square property owned by John Lupoli would be a prime candidate for the grant. Mr. Lupoli is looking to renovate the center (matching the previously completed Kilwin's location) and add public restrooms. The project would add two additional commercial spaces and enlarge the existing commercial spaces. The project would create several additional jobs and maintain several existing jobs, making this project an excellent applicant. The application asks for the Town Board to approve a resolution supporting the project within the downtown.

It is recommended that the Town Board approval of a resolution supporting the Town Square Project for submittal for the application for the 2011 Main Street Solutions Fund Grant.

The following Resolution was presented to the Town Board for review, consideration and approval:

**Resolution  
In Support of an Application for the Main Street Solutions Fund  
North Carolina**

**2011-2012**

**WHEREAS;** the North Carolina Department of Commerce, Division of Community Assistance, Office of Urban Development has established a Main Street Solutions Fund; and

**WHEREAS;** several additional towns will be selected as recipients of these funds; and

**WHEREAS;** The Town of Highlands offers support for the Town Square project in applying for the Main Street Solutions Fund; and

**WHEREAS;** The Town understands that to the extent feasible, will assist and participate in supporting the Town Square project if they receive Main Street Solutions Funds:

**THEREFORE, BE IT RESOLVED;**

That the Town of Highlands designates Jim Fatland, Town Manager, as a contact for any questions that may arise from the NC Main Street Center/Office of Urban Development.

That the Town of Highlands will provide for maintenance of the public restroom facilities proposed in the project.

That the Town of Highlands will provide for wayfinding to direct visitors to the public spaces of Town Square.

Adopted this the 19th day of January, 2011.

\_\_\_\_\_  
W. David Wilkes, Mayor

\_\_\_\_\_  
James R. Fatland, Town Clerk

Interim Town Planner Mark Maxwell advised that the Sport Page Sandwich Shop had already started their renovation and would not be eligible for the funds but that the Town Square Project was. The resolution is necessary so that there would be a "contact person" and Town Manager Fatland was so designated.

Commissioner Gary Drake moved to approve the Resolution to File Application for Main Street Solutions Funding, was seconded by Commissioner Larry Rogers and was unanimously approved.

10. **Revision to Town Ordinances for Consistency with Town Charter for Council-Manager Form of Government**

The following Ordinance Amendment was provided to the Town Board for review, consideration and approval:

**ORDINANCE AMENDMENT**

**ADOPTED: February 2, 2011**

**Pursuant to an affirmative vote of 3 yeas to 2 nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 19th day of January 2011, and an affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ by the Board of Commissioners at its regular meeting on the 2nd day of February 2011 the following ordinances are hereby AMENDED:**

**EXISTING CODE SECTIONS, FOLLOWED BY *PROPOSED AMENDMENTS IN ITALICS, SHOWING CHANGES.***

**I.**

**Sec. 2-47. Other officers and employees.**

(a) Such other officers and employees that are deemed necessary shall be appointed annually by the board. All officers and employees shall serve at the pleasure of the board and receive such compensation as from time to time may be prescribed by the board.

(b) The board may adopt or provide for rules and regulations or ordinances concerning but not

limited to annual leave, sick leave, special leave with full pay or with partial pay supplementing workers' compensation payments for employees injured in accidents arising out of and in the course of employment, hours of employment, holidays, working conditions, service award and incentive award programs, other personnel policies, and any other measures that promote the hiring and retention of capable, diligent, and honest career employees.

*That Section 2-47 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*Sec. 2-47. Other officers and employees.*

*(a) Such other officers and employees that are deemed necessary shall be appointed annually by the Town Manager. All officers and employees shall serve at the pleasure of the Town Manager and receive such compensation as from time to time may be prescribed by the Town Manager.*

*(b) The board may adopt or provide for rules and regulations or ordinances concerning but not limited to annual leave, sick leave, special leave with full pay or with partial pay supplementing workers' compensation payments for employees injured in accidents arising out of and in the course of employment, hours of employment, holidays, working conditions, service award and incentive award programs, other personnel policies, and any other measures that promote the hiring and retention of capable, diligent, and honest career employees.*

## II.

That the Code of Highlands, North Carolina, is hereby amended by adding a NEW section, to be numbered 2-48, which shall read as follows:

*The Town Manager shall consult with the Board of Commissioners, in closed session, prior to the termination of any employee, unless circumstances require immediate termination.*

## III.

### **Sec. 10-1. Organization.**

The board shall, at such time as it deems proper, elect a chief of police, for the town, to serve for such time as the board may decide upon, and to receive such salary as the board may prescribe. The board shall also elect such other policemen or assistants as it may deem proper, to serve for such time and receive such compensation as the board may prescribe.

*That section 10-1 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*Sec. 10-1. Organization.*

*The Town Manager shall, at such time as it deems proper, select a chief of police, for the town, to serve for such time as the Town Manager may decide upon, and to receive such salary as the Town Manager may prescribe. The Town Manager shall also elect such other policemen or assistants as it may deem proper, to serve for such time and receive such compensation as the Town Manager may prescribe.*

## IV.

### **Sec. 10-2. Board to have control.**

The board shall have general supervision over the police department. The board may suspend for cause any member of the police department until the next regular meeting at which time final disposition shall be made.

*That section 10-2 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*Sec. 10-2. Town Manager to have control.*

*The Town Manager shall have general supervision over the police department.*

**V.**

**Sec. 10-4. Chief of police.**

The chief of police shall have control over the police department under the supervision of the board. He shall be responsible to the mayor. The chief of police shall keep the mayor informed of the department's activities. The mayor shall advise the chief of police of any directives from the board, and the chief of police shall in turn advise the other policemen. The chief of police shall perform such other duties as may be required of him by the board.

*That section 10-4 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*Sec. 10-4. Chief of police.*

*The chief of police shall have control over the police department under the supervision of the Town Manager. He shall be responsible to the Town Manager. The chief of police shall keep the Town Manager informed of the department's activities. The chief of police shall perform such other duties as may be required of him by the Town Manager.*

**VI.**

**Sec. 10-56. Auxiliary police division established.**

There is hereby established within the town police department, as a division thereof, an auxiliary police division. The auxiliary police division shall be a volunteer organization, composed of as many members as may from time to time be determined by the board. Each appointment to the auxiliary police division shall be approved by the board.

*That section 10-56 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*Sec. 10-56. Auxiliary police division established.*

*There is hereby established within the town police department, as a division thereof, an auxiliary police division. The auxiliary police division shall be a volunteer organization, composed of as many members as may from time to time be determined by the Town Manager. Each appointment to the auxiliary police division shall be approved by the Town Manager.*

**VII.**

**Sec. 10-57. Chief of police to control; appointments and removals.**

(a) The auxiliary police division shall be under the direct control of the chief of police, acting under the general supervision of the board. All appointments and removals of members of the auxiliary police division shall be made in the same manner and under the same policies and procedures as may from time to time be established for appointment and removal of regular police officers.

(b) The auxiliary police division shall have no commanding officer, nor any officers, and all members shall bear the rank of patrolman. Each member of the auxiliary police division shall take the oath of office of a regular policeman. The chief of police shall provide for adequate training of members of the auxiliary police division, and of candidates for membership.

*That section 10-57 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*Sec. 10-57. Chief of police to control; appointments and removals.*

*(a) The auxiliary police division shall be under the direct control of the chief of police, acting under the general supervision of the Town Manager. All appointments and removals of members of the auxiliary police division shall be made in the same manner and under the same policies and procedures as may from time to time be established for appointment and removal of regular police officers.*

*(b) The auxiliary police division shall have no commanding officer, nor any officers, and all members shall bear the rank of patrolman. Each member of the auxiliary police division shall take the oath of office of a regular policeman. The chief of police shall provide for adequate training of members of the auxiliary police division, and of candidates for membership.*

## VIII.

### **Sec. 10-58. Duties.**

(a) The duties of the auxiliary police division, subject at all times to the direction, supervision and control of the chief of police, shall be to assist the regular members of the police department in the enforcement of law and the maintenance of peace and order when called to active duty by the chief of police. The chief of police shall by order establish rules and regulations to govern the auxiliary police division, to fix the specific duties of its members, and to provide for the maintenance of discipline. Members of the auxiliary police division shall obey the instructions of regular police officers in carrying out their duties.

(b) The chief of police may prescribe other duties than those mentioned herein to be performed by the auxiliary police division, with approval of the board.

*That section 10-58 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

### *Sec. 10-58. Duties.*

*(a) The duties of the auxiliary police division, subject at all times to the direction, supervision and control of the chief of police, shall be to assist the regular members of the police department in the enforcement of law and the maintenance of peace and order when called to active duty by the chief of police. The chief of police shall by order establish rules and regulations to govern the auxiliary police division, to fix the specific duties of its members, and to provide for the maintenance of discipline. Members of the auxiliary police division shall obey the instructions of regular police officers in carrying out their duties.*

*(b) The chief of police may prescribe other duties than those mentioned herein to be performed by the auxiliary police division, with approval of the Town Manager.*

## IV.

### **STORMWATER ORDINANCE**

#### **ARTICLE 3: ADMINISTRATION AND PROCEDURES**

##### **300 GENERAL**

The Town of Highlands will administer this Ordinance. The Town Board will designate a Stormwater Administrator. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the following powers and duties under this Ordinance:

- A.** To review and approve or disapprove applications for approval of plans pursuant to the requirements of this Ordinance.
- B.** To make determinations and render interpretations of the requirements of this Ordinance.
- C.** To establish application requirements and schedules for submittal and review of applications and appeals and to review and approve applications.
- D.** To enforce the provisions of this Ordinance in accordance with its enforcement provisions.
- E.** To make records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this Ordinance.
- F.** To provide expertise and technical assistance to the Town of Highlands.
- G.** To carry out the technical duties outlined in this Ordinance, the Stormwater Administrator may contract such services to another local government or private entity.

H. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.

I. To take necessary actions to administer the provisions of this Ordinance.

*That the Town of Highlands Stormwater Ordinance is hereby amended to read as follows:*

**300 GENERAL**

*The Town of Highlands will administer this Ordinance. The Town Manager will designate a Stormwater Administrator. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the following powers and duties under this Ordinance:*

*A. To review and approve or disapprove applications for approval of plans pursuant to the requirements of this Ordinance.*

*B. To make determinations and render interpretations of the requirements of this Ordinance.*

*C. To establish application requirements and schedules for submittal and review of applications and appeals and to review and approve applications.*

*D. To enforce the provisions of this Ordinance in accordance with its enforcement provisions.*

*E. To make records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this Ordinance.*

*F. To provide expertise and technical assistance to the Town of Highlands.*

*G. To carry out the technical duties outlined in this Ordinance, the Stormwater Administrator may contract such services to another local government or private entity.*

*H. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.*

*I. To take necessary actions to administer the provisions of this Ordinance.*

**AMENDMENT OF ZONING ORDINANCE**

**Upon the submission of the amendments set forth hereinbelow to the Planning Board for recommendation and comment, and having received the comments and recommendations of the Planning Board, and the Board of Commissioners having adopted a statement describing why the Board considers the action taken to be reasonable and in the public interest (such statement being set forth separately in the minutes of the meeting of February 2, 2010) and upon a public hearing held on February 2, 2010, duly advertised as required under Section 709(C), and an affirmative vote of 3 yeas to 2 nays by the Board of Commissioners of the Town of Highlands at its regular meeting on the 19th day of January 2011, and an affirmative vote of \_\_\_\_\_ to \_\_\_\_\_ by the Board of Commissioners at its regular meeting on the 2nd day of February 2011, the following sections of the Town's Zoning Ordinance are hereby AMENDED:**

**X.**

701.1. Appointment and removal.

The Board of Commissioners of the Town, shall, by vote of a majority of its members, appoint a Zoning Administrator, who shall be duly sworn in. The Zoning Administrator shall serve at the pleasure of the Board of Commissioners and may be removed from office without cause at any time upon the affirmative vote of a majority of the members of the Board.

*That section 701.1 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*701.1 Appointment and removal.*



*The Town Manager, shall, hire a Zoning Administrator, who shall be duly sworn in. The Zoning Administrator shall serve at the pleasure of the Town Manager and may be removed from office without cause at any time by the Town Manager, subject to section 2-48*

**XI.**

701.6. Availability for duty.

The Zoning Administrator shall be available to receive applications during each regular business day. The Board of Commissioners shall have the authority to appoint a Deputy Zoning Administrator to serve in the place and stead of the Zoning Administrator for those times that the Zoning Administrator shall be on leave of absence.

*That section 701.6 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*701.6 Availability for duty.*

*The Zoning Administrator shall be available to receive applications during each regular business day. The Town Manager shall have the authority to appoint a Deputy Zoning Administrator to serve in the place and stead of the Zoning Administrator for those times that the Zoning Administrator shall be on leave of absence.*

**XII.**

Section 704 Watershed Administrator

704.1. Appointment and removal.

The Board of Commissioners of the Town, shall, by vote of a majority of its members, appoint a Watershed Administrator, who shall be duly sworn in. The Watershed Administrator shall serve at the pleasure of the Board of Commissioners and may be removed from office without cause at any time upon the affirmative vote of a majority of the members of the Board.

*That section 704.1 of the Code of Highlands, North Carolina, is hereby amended to read as follows:*

*704.1 Appointment and removal.*

*The Town Manager, shall, appoint a Watershed Administrator, who shall be duly sworn in. The Watershed Administrator shall serve at the pleasure of the Town Manager and may be removed from office without cause at any time by the Town Manager.*

**NOTE CONCERNING WORDING OF AMENDMENTS**

**(Town of Highlands, Code) Sec. 1-4. Amendments to Code; effect of new ordinances; amendatory language.**

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the board of commissioners.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific references to the section number of this Code in the following language: "That section \_\_\_\_\_ of the Code of Highlands, North Carolina, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Highlands, North Carolina, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which said section reads as follows: . . ." The new section shall then be set out in full as desired.

(d) All sections, articles, chapters or provisions of the Code desired to be repealed must be specifically repealed by section, article, or chapter number, as the case may be.

Town Attorney Bill Coward discussed with the Town Board the changes made and the powers of the Town Board.

The Commissioners discussed the Town Manager's powers and the necessity of the Town Manager to come before the Town Board prior to the termination of an employee. Commissioner Gary Drake discussed Section II and the circumstances in which an employee would be terminated immediately. Also discussed was the chain of command that is in the Town's personnel manual.

Commissioner Amy Patterson discussed employee compensation and advised that the Board does not know how employees are compensated and that they are only given a lump sum figure for departments. Commissioner Patterson stated that the Commissioners are elected to "know" what the compensation is and are presently in a position of not knowing. Commissioner Patterson stated that with the proposed amendment changes, there will be a huge shift in the concentration of control and power to one person and she was not comfortable.

Alan Marsh inquired that if the revisions passed, could it be changed back if the Town desired and was advised that was possible. Commissioner Drake discussed the two (2) year time limitation when the Town changed its Charter to reflect a Council-Manager form of government.

Vice Mayor Dotson stated his concerns and that there was no knowledge as to compensation, that the hiring process is not addressed in the above ordinance change and feels that the hiring process is just as important as the firing process.

Also discussed was the oversight authority and Town Attorney Coward discussed the North Carolina statute of Powers and Duties of Town Manager. Commissioner DeWolf discussed the prior arguments when the Town decided to hire a Town Manager and stated that the Manager needed to be in a position to be able to manage. Mr. DeWolf further stated that the Town Board can apply pressure on the Town Manager, that "we have a responsibility to the public" by having a knowledgeable person in that position (Town Manager) and further advised that he did not feel that the Board has "lost control".

Town citizen Ginger Slaughter addressed the Board and stated that she knows there was lots of thought put into this matter and if all were going smoothly, why change the ordinance. Ms. Slaughter also advised that the public should be made aware why the ordinance is being changed.

Commissioner Gary Drake made a motion which duplicated the motion made at the January 12, 2011 meeting and was advised that was incorrect as that motion was made to direct the Town Attorney to make the discussed changes.

Commissioner Gary Drake made an amended motion to approve the Revision to the Town Ordinances for consistency with the Town Charter for Council-Manager Form of Government, was seconded by Commissioner Larry Rogers. The vote was 3 to 2, in favor, with Commissioners Larry Rogers, Gary Drake and Dennis DeWolf voting in favor and Vice Mayor John Dotson and Commissioner Amy Patterson voting against.

A second vote will be necessary. As to the Amendment to the Zoning Ordinance, a public hearing will be necessary and will be held the Board's next regularly meeting and then a second vote will be taken.

## 11. **Adjourn**

As there were no further matters to come before the Board of Commissioners, Commissioner Gary Drake moved to adjourn, was seconded by Commissioner Larry Rogers and the Town Board

adjourned at 8:17 p.m.

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James R. Fatland  
Town Manager

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Jane J. Capman  
Recording Secretary

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John Dotson  
Vice Mayor