

MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
OCTOBER 7, 2020
REGULAR MEETING

(Due to current public health concerns, this meeting was held virtually.
Members of the Planning Board, staff and public participated remotely)

MEMBERS PRESENT: David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Hunter Spitzer, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative; Gio Mollinedo, At-Large Representative;

MEMBERS ABSENT: Vacant, At-Large Representative

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Tina Love, Administrative Support

OTHERS PRESENT: Eric Woods; Jon Lorusso;

Perdita reviewed the technical processes and rules for the virtual meeting

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Chair David Blankfard called the meeting to order.

AGENDA ITEM 2: INFORMATION ITEMS

- a. Planning Calendar for October and November

AGENDA ITEM 3: APPROVAL OF MINUTES

- July 29, 2020 Training Notes
- September 2, 2020 Regular Meeting Minutes
- September 2, 2020 ORC/Training Notes

MOTION by Randy Marshall to approved the July 29, 2020 Training Notes, September 2, 2020 Regular Meeting Minutes and September 2, 2020 ORC/Training Notes. Seconded by Adam Beeman.

ROLLCALL VOTE:

- Kim Piracci: Yes
- Susan Hunter: Yes
- Patricia Roberts: Yes
- Adam Beeman: Yes
- Randy Marshall: Yes
- Hunter Spitzer: Yes
- Melissa Poole: Yes
- Alexandra Allman: Yes
- David Blankfard: Yes

MOTION PASSED UNANIMOUSLY

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA.

Randy Marshall: It's not really an addition but I would like to know the status of the RTLP at this point in time.

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Craig Benedict: I'll give you a briefing on that after the topic of the night.

Gio Mollinedo arrived

AGENDA ITEM 5: PUBLIC CHARGE

INTRODUCTION TO THE PUBLIC CHARGE

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development law of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner, which considers the present and future needs of its citizens and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

PUBLIC CHARGE

The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

AGENDA ITEM 6: CHAIR COMMENTS

AGENDA ITEM 7: PLANNING BOARD PROCEDURAL ISSUES – To discuss issues raised by Planning Board members during the training session on September 2. Specifically, the ideas of concluding Planning Board meeting by a certain time and placing limits on the amount of time spent on repetitive public comments were raised.
Presenter: Perdita Holtz

Perdita Holtz: At the September 2nd meeting there was some discussion about the length of the meetings the Planning Board has been experiencing and also the length of public comments. We brought this back for the Planning Board to discuss tonight. If they want to suggest any modifications to the way things operate, I did consult with County's legal staff regarding these issues and on your abstract you can see there are 3 bullets on length of meetings and options on what you could consider. Also, for public comment, there is some information there and 2 potential options you might want to consider depending on the outcome of your discussion tonight. The recommendation is that you receive the information in the abstract and discuss those topics and if necessary, provide direction to the staff on any next steps.

Kim Piracci: To me it makes the most sense to either limit the meeting length at the beginning of the meeting or once it gets late someone can make a motion to end the meeting. It seems if we change the rules to make it official to never go beyond a certain time, it seems rigid to me. It wouldn't include alternatives. If we say we always end at 10 p.m. but we're almost done... I think it's fine the way it is as long as we all know that ending the meeting and having it go on is an alternative.

David Blankfard: I got hung up that at the continued the meeting, we allowed the same people to speak that had spoken at the 1st meeting. I think that needs to be limited to only those who didn't, I think it's very important for the public to voice concerns on any topic but you only get to say it once.

Adam Beeman: And we did the 1st agenda item that had nothing to do with the public comments being heard and then it went on and on about stuff that had nothing to do with the agenda item before them. We should have voted on that item and then moved on the item they really wanted to address. Based on all the comments the public feels like there is no

113 transparency so I don't want to take away their opportunity to have the chance to comment to us and or the BOCC so I
114 don't want to remove the comment period, I just think if we can put it into time limits and focused on what we're dealing
115 with and not just commenting on things that aren't pertinent to the agenda item being presented.

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117 Melissa Poole: Why can't we do a combination of the two? The one meeting we had 200+ people so even at 3 minutes,
118 without having a cutoff, even allowing people who hadn't spoke before, we would have still gone beyond. With working all
119 day and remote learning, it is unreasonable, 11:30 I cannot do and I am not going to keep doing it. It is just not feasible for
120 me.

121
122 Kim Piracci: I agree with Melissa and that is why I think we should come to the meetings understanding that we can stop
123 them at 10 p.m. We can say this is enough, let's end the meeting now and reschedule the meeting if that's needed.

124
125 Alexandra Allman: I think we should pick a set amount of people, so it's 3 minutes, we pick a set amount of people and tell
126 the rest of the public to put their public comments in a place, like a google form or similar. I'm with Melissa, past 10 p.m. is
127 too long and we can still take public comments and not have to be there for 3, 4, 5 hours.

128
129 Craig Benedict: The new state allowance with virtual meetings is that even after the County Commissioners' Public
130 Hearing is closed, there's a 24 hour period where people can provide written comments. With the public interface that you
131 have, you could do something similar. You could say there is x amount of hours or x amount of people to talk and then
132 provide the people who didn't have an opportunity to talk, written comments to the Planning Department within a day or
133 similar. That would give them the opportunity to be heard with written comments and you still have the opportunity as
134 being suggested that if there is 100 people and you want to have a special meeting, you can still have that opportunity.

135
136 David Blankfard: Could we have a system where the first 45 people are allowed to speak and if you don't make it within
137 that 45 people then you would have to write your comments.

138
139 Perdita Holtz: You could do something like that; it would essentially be limiting the amount of public comment to a set
140 amount of time, if you assume everybody gets 3 minutes. I would also suggest that when you know there is a
141 controversial project, that we want to encourage people to send written comments beforehand and have a policy in place
142 that written comments are encouraged and there is a set time limit of say one hour or whatever the set time is for public
143 comments and it is the public that show up that get to comment.

144
145 David Blankfard: I think if we say we're going to limit these meetings to 11:30 which is 4 ½ hours which is a very long time,
146 I think we just say the meetings are going to last until 11:30 p.m. and we will accept this many people to comment and if
147 you are not one of the first ones to comment or don't make it within the number of people then you will have to submit your
148 written comments.

149
150 Randy Marshal: I like the third bullet here, I think it gives us the most flexibility. If the Board anticipates the meeting will
151 run long, members could discuss a potential end time during the portion of the agenda for considerations of additions to
152 the agenda which is near the beginning of the all agendas. In other words, on any meeting in which we anticipate a lot of
153 people who want to speak, we can say we understand there are a lot of people who want to speak and we can discuss
154 and decide amongst ourselves how long we want the meeting to run. We could also say we could schedule additional
155 meetings like we did the last time, two weeks later to hear additional input and feedback if wanted. I think that gives us
156 more flexibility than setting a hard and fast rule at any time not knowing what the situation will be specifically.

157
158 Hunter Spitzer: Are these new rules going to apply once we get back to a physical space to have meetings? I understand
159 why we hold them this way virtually but once we get back to Margaret Lane or the Whitted Building will it still apply?

160
161 David Blankfard: I would say it would still apply. I agree with Randy's position that at the outset of each meeting, we say
162 we will have a continuance, the key is to make sure that the people that talk the first night aren't going to talk again
163 because we'll get the looping.

164
165 Perdita Holtz: We would just need to tighten up the language and the information we provide and make it clear that
166 everybody gets to talk once for 3 minutes, if that's the amount of time you want, and if it's continued to another meeting,
167 you don't get another chance.

168

169 Craig Benedict: Also, along the lines of that you talked about making an assessment at that first meeting, how many
170 people are interested and you can collect that entire list of people that want to speak. What was done with the
171 Commissioners' meeting on September 15th and 22nd was they got that full list of about 90 people and decided to hear 45
172 people the first night and 45 the second night. Also, on the 22nd, the second meeting, there wasn't more people that could
173 sign up that night, it was advertised the first meeting and that meeting was continued to allow more public input. In this
174 case, you could make the notes, as Perdita said, to the people to be aware that there will some time limits on these
175 meetings so please participate, sign up or attend as necessary. You could by knowing the 3 minutes timeframe, determine
176 the amount of speakers that would add up to whatever time, 10 p.m. if you wish. Then you would know how many would
177 speak at the next meeting.

178
179 Kim Piracci: I do think 11:30 p.m. is too late, I think probably 10 p.m. is a good time to end. I think it's important that the
180 public gets to speak, not twice but once. Even if we have to go to a second meeting.

181
182 Randy Marshall: I like the suggestion that if we have a continuance that we stick to the original list of speakers and not
183 add additional people or repeat speakers.

184
185 Hunter Spitzer: Not just limiting it to written, limiting the number of people that are allowed to speak. I think we should try
186 to accommodate present and verbal comments as possible.

187
188 Patricia Roberts: With Zoom, I'm able to go later. If we don't have to drive home, I'm happy to go later.

189
190 David Blankfard: I think the way we have it open ended, we can decide at each meeting how late the group wants to stay.
191 At the beginning of each meeting, we're going to decide how long and how many people should be able to be heard and if
192 to have a continuance and when that continuance is going to be such that everybody can attend and we are going to take
193 the first x number of people and the next x number of people will have to come back to the next meeting.

194
195 Randy Marshall: A little further down, I like the suggestion that language could be added to discourage repetitive
196 comments while allowing for a range of viewpoints. I think we can say we want to hear from everybody and we want a
197 range of viewpoints, if someone has already said and made the points you want to make please don't repeat those
198 because we've already heard them.

199
200 David Blankfard: I don't have a problem saying please don't be repetitive but I feel there is a tendency for people to keep
201 saying the same thing.

202
203 Melissa Poole: I agree we should mirror what the County Commissioners have done.

204
205 Craig Benedict: The comment I made earlier about written comments would only work if you are going to continue the
206 meeting. The written comments would really only be applicable if you have the first meeting and decide on a continuance
207 and want to capture everything and take written comments between meetings.

208
209 Adam Beeman: I don't know if Buc-ee's is coming up next month but if it does, I anticipate the same amount of interest
210 and public comment we got from RTLP. We definitely need to figure it out and hammer it out by then.

211
212 Kim Piracci: It seems cumbersome to listen to everybody's comments, especially when they are repetitive, but sometimes
213 things come out with the public that aren't necessarily brought forth by the developer. One thing we missed on RTLP was
214 the property the County had set aside to preserve and that didn't come up before we voted. I think it's very important that
215 we give the public an opportunity to speak.

216
217 David Blankfard: I think from what I've heard from the Board is: we want to determine the time the meeting ends at the
218 beginning of each meeting and if there are a lot of people signed up to speak, we're going to take the names and say how
219 many we listen to tonight and we're going to have a continuance to another night and those people who didn't get to speak
220 will get to speak at the continued meeting. The Board will determine the date of the continuance and then we will
221 reconvene. With the opportunity to provide written comments.

222
223 Adam Beeman: Is it possible to get our own link for the public to send us emails? I read every comment submitted to the
224 BOCC google link. Is there a way we can get one for the Planning Board so we can go directly to that site and read them.

225 If they can't make the meeting at least they had the chance to get their thoughts on paper and we've had a chance to read
226 them.
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228 Perdita Holtz: I think Google Groups something we can look into. I know that when it's sent to that group it actually goes
229 to each of the Commissioners and it goes on the Google Groups site to be archived and we don't necessarily want you to
230 be getting a hundred emails sent to you. I will talk to IT and find out what options are available. We do anticipate that Bu-
231 cee's may be on the November agenda so I will work with David and Adam as Chair and Vice-Chair to come up with the
232 language to be included on the agenda that will detail all this information from tonight.
233

234 Jon Lorusso: I find it troubling, some of the suggestions aimed at limiting input from the public. Things like capping the
235 amount of time and then everyone else has to send comments. Who knows who is reading those emails? I ignore emails
236 on a daily basis. Or I already have an opinion and if this doesn't coincide with my opinion, I'm not going to read it. At least
237 at a meeting I had an impression that people I'm looking at are listening to me. I didn't get that sense at some meetings I
238 did speak at. I think the Board of Commissioners did do it right, they take a list of people at the get go, they cap it at
239 whoever signed up and if they need to split if over multiple meetings, that's fine. I don't like the suggestion that if you said
240 something that someone else said, you shouldn't be allowed to speak. Maybe I'm going to say it differently, use different
241 words that will get through to someone. Maybe I'll say it with more passion or more emotion and it will ring true in your
242 ears. The suggestion that I said something that someone already said and it is therefore not necessary to speak it again
243 that doesn't sound fair to me. Not to mention the fact that, why shouldn't I be allowed to say what has been said already,
244 it's my opportunity to speak. I don't like those ideas, I think if anything, we should be looking for ways to get more and
245 more people involved and I understand that it is your time and this is a volunteer board and if you allow everyone to speak
246 and it goes to 11:30 then a lot of people drop off. I have to put my kids to bed right now and I waited until 7:44 to speak.
247 As the meetings go later and later, more people drop off and are disenfranchised that way. If you cap it earlier, people are
248 disenfranchised that way. I think we need to make it so that as many people who want to speak, can speak and not only
249 that we should be encouraging more and more people from the public. Going back to RTLP there were people who were
250 in favor of that project who didn't speak because why would they? Really, why are they going to take time out of their
251 Wednesday night to come speak about something that doesn't bother them or interest them at all. The only people who
252 are going to speak are the people who are directly influenced by it. But getting more input is always good. There are
253 things we don't think of that someone's unique view on the world, they raise a point and it causes you to think about
254 something in a way you hadn't before. I don't think we should be restricting the public input in any way possible we should
255 be doing everything we can to encourage more and more people to get involved.
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257 David Blankfard: Do we need to make a motion?
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259 Perdita Holtz: Maybe you should make a motion because we do want to implement it, potentially, for the next meeting and
260 not bring this back for you to look at again. Go ahead and make a motion for staff to work with what you gave us this
261 evening and for us to work with the Chair and Vice-Chair for the language that will be on the agenda for public information
262 for the November meeting.
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264 Randy Marshall: You stated it very well in your summary comments so if you state it again, I'll make that the motion.
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266 David Blankfard: That at the beginning of each meeting, the Board will determine when they plan to recess and take a log
267 of number of people who want to speak and we will determine who will speak that night, the Board will determine when we
268 will have a continuance to hear the remainder of the people signed up to speak on the topic. In between those two
269 meetings anyone who is registered to speak can instead write what they want to say. The final wording will be determined
270 by Chair and Vice-Chair.
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272 *Carrie Fletcher arrived*
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274 Randy Marshall: So moved.
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276 Kim Piracci: Clarification, so that means that additional people can't speak at the second meeting?
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278 David Blankfard: That's correct, you have to be registered at the first meeting.
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280 Kim Piracci: I don't like that motion, I think that the public should, more people should be able to speak at the second
281 meeting, if they want to. We might limit it so that there's not a third meeting. That ends but

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283 David Blankfard: If they want a chance to speak they can only do written comments.

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285 Kim Piracci: I don't like that.

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287 David Blankfard: No one knows at the beginning of each meeting if the meeting is going to run long. I think we need to
288 limit it. You get one chance and it's at the first meeting and if you come in late then you get to write in.

289
290 Carrie Fletcher: This is a highly emotional issue for many people and I'm sure zoning and planning is going to be an
291 emotional, personal issue for a lot of people. I think that we, as public servants, should listen to them. I don't particularly,
292 even without hearing a lot of the conversation, say that we are going to deny certain people who haven't been at the other
293 meeting, as myself being late tonight, missed the boat and you don't get a chance to speak. I think everyone has a right to
294 speak. I could see capping a time that we can only go before a certain time and if that doesn't work then we're going to
295 have to have another session and let the people speak. I think that's our obligation.

296
297 Randy Marshall: The presumption here is that we have a public hearing, and that lots of people have signed up and if we
298 had the meeting last until everyone had a chance to speak, there would not be a second meeting. The reason for the
299 continuance is to allow us to get home at a decent hour and for everyone to have a chance to speak. It's not to start over
300 and have a second public hearing. It's a continuation of the first public hearing and if you continue to set it up as a second
301 public hearing, you're just going to continue to add more and more people. It's not that we're discouraging anybody from
302 speaking but your opportunity to speak comes with the first meeting. If you didn't get to speak at the first meeting and you
303 signed up then you can speak at the second continued meeting but it is still considered the one meeting, it's just takes
304 place over 2 different evenings and is not an opportunity for more people to jump in that didn't originally indicate they
305 wanted to speak.

306
307 David Blankfard: This is the way that the Board of County Commissioners does it so there is some precedence.

308
309 Hunter Spitzer: People who missed the opportunity to sign up at the first meeting and can't speak at the potential
310 continuance would still have the opportunity to submit written comments, correct?

311
312 David Blankfard: That's right.

313
314 Craig Benedict: And if they miss speaking at the neighborhood meeting and the Planning Board then they still have the
315 opportunity to speak at a public hearing in front of the Commissioners.

316
317 Perdita Holtz: We're going to have to have tighten it up and run it more like the BOCC that people have to sign up in
318 advance to get on the list to speak. The way it was being run, anybody could sign up for the Zoom meeting and then if
319 they wanted to speak they would just raise their hand on the Zoom platform but we're going to need to know in advance
320 how many people want to speak on each item. We're going to need to require an advance sign-up. The Clerk's Office
321 allows people to sign up until 3 p.m. on the day of the meeting and that's their cut-off time. I will find out more information
322 from the Clerk on exactly how they run that so we can mimic it.

323
324 David Blankfard: Right now we have a motion on the table that says that we are looking at setting the time limit at the
325 beginning of each meeting and the people that have signed up to speak at that time will determine who gets to speak
326 during that time and who gets to speak at a subsequent meeting, the subsequent meeting will be determined by the Board
327 and between those two meetings the public can write comments.

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329 **MOTION** by Randy Marshall that at the beginning of each meeting, the Board will determine when they plan to recess and
330 take a log of the number of people who want to speak and we will determine who will speak that night, the Board will
331 determine when we will have a continuance to hear the remainder of the people signed up to speak on the topic. In
332 between those two meetings anyone who is registered to speak can instead write what they want to say. The final wording
333 will be determined by Chair and Vice-Chair. Seconded by Kim Piracci.

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336 **ROLLCALL VOTE:**

337 Susan Hunter: Yes
338 Adam Beeman: Yes
339 Melissa Poole: Yes
340 Randy Marshall: Yes
341 Hunter Spitzer: Yes
342 Patricia Roberts: Yes
343 Kim Piracci: Yes
344 Gio Mollinedo: Yes
345 Carrie Fletcher: Yes
346 Alexandra Allman: Yes
347 David Blankfard: Yes

348 **MOTION PASSED UNANIMOUSLY**

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351 *Craig Benedict gave the Planning Board and update of the status of the RTLP at the two BOCC meetings and the closing*
352 *of the Public Hearing and a decision item is scheduled to be on the October 20, 2020 BOCC Agenda.*

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355 **AGENDA ITEM 8: ADJOURNMENT**

356 Meeting was adjourned by consensus at 8:19 p.m.

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