

MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, AUGUST 8, 2016  
7:00 PM

Mayor Cindy Perry called the meeting to order and asked for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Commissioner Farrell.

**ATTENDANCE**

Members present: Mayor Cindy Perry, Mayor Pro Tem Pamela Baldwin, Commissioner John Bonitz, Jay Farrell and Michael Fiocco. Commissioner Bett Wilson Foley excused absent.

Staff present: Manager Bryan Gruesbeck, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Chief of Police Percy Crutchfield, Engineer Fred Royal, Planning Director Jeff Jones and Planner II Victoria Bailiff.

**CONSENT**

Motion made by Commissioner Baldwin seconded by Commissioner Fiocco to approve the corrected consent agenda as presented tonight. The Consent Agenda contained the following items:

1. Approve Minutes of the July 25, 2016 Regular Meeting.
2. Accept Summary Report for FY 2015-2016 Operating Budget through June 30, 2016
3. Approve Ordinance to Amend FY 2016-2017 Operating Budget for Financial Advisory Services.
4. Set a Public Hearing for August 22, 2016 on the rezoning Request 1345 Thompson Street/Cothren from RA (Residential Agriculture) to C-2 (Highway Commercial (REZ-2016-06)).

Vote Aye-4 Nay-0

**BUDGET ORDINANCE AMENDMENT IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGE 79**

**REGULAR MEETING AGENDA**

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to approve the corrected agenda as presented tonight.

Vote Aye-4 Nay-0

## CITIZENS MATTERS

Randy Voller – 21 Randolph Court – stated while discussing the Additional Elements, planning and budget over the next Fiscal Year that they look at the concept of getting a dog park in Pittsboro. He thinks a lot of citizens will support it.

Mayor Perry stated it appears the next two individuals that signed up appear to be about the rezoning matter before the board tonight and the public hearing has already been held for that matter.

Ms. Deborah Fesel – 280 Haven Rd – responded that is what she wanted to speak about. Commissioner Fiocco asked if she knew about the public hearing. She said yes, she just couldn't make it.

Mike Watkins – 400 Prince Creek said his comments were not pertaining to the rezoning tonight.

Mike Watkins read the following into the record:  
400 Prince Creek

I have two observations I think this board may wish to consider.  
The first concerns the comprehensive land use plan, the second, “doughnut holes”.

In a recent rezoning request, the applicant used the argument “It is necessary to rezone this property in order to comply with the Comprehensive land use plan”. Given Chatham Park was a key player in authoring the land use plan, QED “It is necessary to comply with Chatham Park’s plans”

Several people present here today – myself included – are owners and residents of property that has a different zoning than the land use plan.

Our actual land use is, both in fact and in ordinance, as it currently stands, RA-2.

The Land Use plan would have us be High density Mixed Use.

Should we be required to rezone?

Now, anyone selling their 10 acre lot in an erstwhile RA-2 subdivision, could sell it to 40 different people or turn it into 40 lots and sell them to a single developer regardless of what their neighbors have to say about it.

Which brings me to “Doughnut holes” - I keep hearing it is important to not have dough nut holes. Important to whom?

This recent rezoning request is a donut hole. Close it and Chatham Park gets what they want but then it creates another donut hole immediately to the north - this time a residential subdivision not all of whom are anxious to sell out for “progress”.

It's not hard for CPI to close that hole – just make it really uncomfortable for the locals and it's theirs.

Move further south on the bypass to the Eubanks road area. Several donut holes there – including my own Prince Creek subdivision.

Don't you know it's necessary to close some of these holes so that we can complete the comprehensive transportation plan?

But who actually designed that plan in the first instance. Yep, you guessed? Chatham Park! This game goes on and on – but where does it end.

In the total obliteration of properties in the Eastern ETJ that are not owned by Chatham Park Investors.

### **COMMISSIONER UPDATES**

Mayor Updates: Mayor Perry reported that she, Manager Gruesbeck, Commissioner Fiocco and Finance Director Heather Meacham went to SAS last Friday to learn about Smart Water Metering and Smart Utilities. TJCOG Mayor's Meeting was cancelled until September.

- EDC
- RPO
- Fairground Association
- PBA/Downtown – Commissioner Fiocco reported they have not met since last meeting.
- Triangle J Council of Governments
- Main Street – Commissioner Fiocco reported they have finished their by-laws for 501c3 status.
- Climate Change

### **OLD BUSINESS**

#### **REZONING REQUEST FROM RA-2 (RESIDENTIAL AGRICULTURAL) TO R-10 (HIGH DENSITY RESIDENTIAL) (REZ-2016-05) (JEFF JONES)**

The following emails were received before the meeting:

Dear Chatham County commissioners. I am reaching out about the proposed rezoning of 190 acres of land owned my Rocky and Janie Crissman and Calvin Mellott. As I am sure you are aware my land and home of 18 years adjoins this piece of land. I am asking that you uphold the planning board decision that the land should not be rezoned at this time because of health and safety reasons. There simply is not enough sewer and water available for a rezoned area of size and density.

This land also has an access easement across my land a one lane gravel driveway. It is very clear that without public road access to this 190 acres this will constitute an unreasonable burden on

the servient land. With logging, construction vehicles, to begin with followed by residents of the proposed density.

I know the planning board voted that R10 is consistent with the land use plan and I am confused as my understanding is that the land use plan states medium density for that area and R10 has been stated to be high density. I am asking that this land stay with the land use plan that states medium density when things are aligned better in the future for the land to be rezoned. It does have a zoning now and does not need to be rezoned at this time. And High density does not fit with the land use plan.

Thank you for your help,  
Ducka Kelly

To whom it may concern,

I am writing to you of my concerns regarding the request for the rezoning of Mr. Mellott's land from RA-2 to R-10 off of Russet Run in Pittsboro.

My name is Diana Dalsimer. I live with my husband, Tom Dalsimer at 60 Haven Road, Pittsboro. We have three grown children that live in the area. Our property abuts Mr. Mellott's and to the north off of Russet Run. From our kitchen window, we can see the pink surveying tape on the trees marking their boundary line. Our home sits on 5 acres of pastureland and some woodlands. We are surrounded by a variety of wildlife that greets us daily, including deer, rabbits, turtles, hawks, nesting bluebirds to name a few.

My husband and I raised our three children in the Vermont countryside. Due to economic circumstances 12 years ago we moved to the Chapel Hill area for jobs. After living in Chapel Hill for 10 years we made the decision to move out since the cost of living in that town was too high for us and we deeply missed the countryside. We fell in love with Pittsboro and the beauty of this rural little neighborhood we now live in.

Unlike many of my neighbors we purchased our home knowing Chatham Park was going to be developed. With careful consideration we decided to move to this beautiful area. We felt that although Pittsboro would be changing due to the development of Chatham Park, we thought any future development around the park would undergo rigorous measures to protect the natural beauty and natural resources we have here. We were not thinking high density sprawl would develop outside Chatham Park.

I am concerned that rezoning this land from the current 2 acre lots which is comprised of native woodlands, to the proposed medium or high density zoning will add a significant burden to our natural resources and destroy the beauty of this area.

These lands are in a critical area, being in close proximity to the Haw River and Jordan Lake. Such an increase in zoning as the one proposed will create a project development with substantial increases in impervious surface, resulting in tremendous volumes of polluted surface water runoff. The Haw River and Jordan Lake are already severely compromised with water pollution.

I am concerned about the impact on our ground water. Large areas of imperious surface do not allow groundwater to recharge. Our neighborhood relies on clean well water. We need our rural lands to promote groundwater restoration.

With this proposed zoning, I am also concerned with the huge increase in waste water. Does our existing waste water treatment infrastructure have the capacity to adequately service an influx of this magnitude? Generally, 80 gallons of sewage is generated per capita per day.

What type of roads and traffic patterns will be needed for such a densely populated area? How will this land be accessed? I'm afraid we may be putting the cart before the horse.

I am concerned we will lose the character of our town if mass produced housing predominates.

What types of additional costs will we create for our community and taxpayers as far as public infrastructure, utilities and services with this proposed population from high density zoning?

Land and water quality protections must be more of a priority than ever due to the future development planned for Chatham Park. We have enormous changes coming to this area. We must be more mindful than ever in how our town develops as we move into this phase of unique challenges.

I am concerned that over speculation regarding future growth may cause premature development in the Pittsboro area without the proper planning.

I deeply appreciate and thank our governing board members and commissioners for the tremendous responsibility, time and effort they bear in keeping the checks and balances in place as we move forward into the future. As a town, I hope we can continue to promote the beautiful quality of life that is so wonderful to this area.

Planning Director Jeff Jones stated Property Owner(s) Rocky & Janie Crissman and Alvin Mellott are proposing to rezone approximately 190.487 acres, along Russett Run, from RA-2 (Residential Agricultural) to R-10 (High Density Residential).

Mr. Jones went over the Staff Analysis submitted in the agenda packet. The Planning Board recommended to deny (3-2) this proposed rezoning at its regularly scheduled meeting on August 1, 2016.

The three that vote to deny the rezoning request did so citing the part in the consistency statement regarding the health, safety and welfare. That being that sewer was not available to serve that many homes. The consistency statement was approved 5-0.

Mr. Jones stated that staff recommends approval of the proposed amendment, as the proposed amendment is consistent with the Future Land Use Plan for Medium Density Residential. However, once subdivision plans are submitted staff will have to further evaluate whether the proposed development of these parcels conforms with the currently adopted Land Use Plan. The Land Use plan specifically states that Medium Density Residential neighborhoods should generally, resemble Chatham Forest in terms of lot size and development patterns.

Future Development of these parcels at R-10 density will be dependent on the development being able to meet all the requirements of the Town, including connection to Public Utilities and having Public Access for example. Those future plans when submitted will be evaluated by staff in conformance with all Town Ordinances and policies.

Commissioner Baldwin said the ones that voted against the rezoning done so because of not having sewer available (health, safety and welfare). Mr. Jones said yes. Commissioner Baldwin said the board is strictly talking about rezoning tonight not sewer availability. Mr. Jones said yes.

Commissioner Bonitz asked is there other means to deal with sewer. Mr. Jones said septic tanks would have to be on properly sized lots (almost an acre).

Commissioner Bonitz said he is concerned that the board, do not have all the information they need to say it is what's best for this property. He would like the UDO finished. We are lacking sewer, lacking clear public understanding of what's to happen on those three sides (which he is sure Chatham Park has made) and he don't think they can say that is the best use for this land or that the zoning change will be in the best interest of the community. He can't support the rezoning.

Commissioner Bonitz does not want to deny the rezoning, he would prefer tabling it to a later date.

Ray Bland, Chairman of the Planning Board went through a sequence of events of the Planning Board.

Patrick Bradshaw stated what's before the board tonight is not a request for any type of utilities. This is strictly a rezoning request.

Commissioner Farrell said the rezoning is the issue at the table right now.

Mr. Jones gave a list of uses by right for this area.

Commissioner Fiocco stated he agrees with Staff Analysis that this property fulfills the vision of the Land Use Plan. He agrees with the applicant that it is a unique opportunity to take a very large chunk of land and accomplish that goal. Development will not occur until sewer is available. To develop this land the developer will have many, many hurdles to come.

After discussion a motion was made by Commissioner Fiocco seconded by Commissioner Bonitz to approve the consistency statement for an amendment to the zoning ordinance of the Town of Pittsboro (REZ-2016-05).

Vote Aye-4 Nay-0

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to approve the Ordinance Amending the Zoning Ordinance of the Town of Pittsboro (REZ-2016-05).

Vote Aye-3 Baldwin/Farrell/Fiocco  
Nay-1 Bonitz

**A RESOLUTION AOPTING A CONSISTENCY STATEMENT FOR AN AMENDMENT TO THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO (MELLOTT/CRISSMAN PROPERTY) REZ-2016-05 IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 150-152**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF PITTSBORO (MELLOTT/CRISSMAN PROPERTY) REZ-2016-05 IS RECORDED IN THE BOOK OF ORDINANCES NUMBER ONE, PAGES 80-82**

**CHATHAM PARK ADDITIONAL ELEMENTS REVIEW COMMITTEE (JEFF JONES)**

Mr. Jones stated staff feels the structure of this advisory committee needs to be defined by the Board.

He feels the board should consider the following when contemplating an advisory committee:

- Size of Committee – Generally a manageable size of 8-10 is preferable, but this is up to the Board as to the size.
- Who should be on this Committee – Is the make-up of the committee lay persons who have a general interest to be involved or is the make-up of the committee of those persons that have specific knowledge base to assist in areas of the Additional Elements.
- Who will facilitate this Committee?
- What are the directives of the Board to this committee?
  - Is this to be an advisory role?
- Before Chatham Park reviews of the Additional Elements and future Small Area Plan move forward to the Town Board must a recommendation be given by this committee?
- How long does the Town Board anticipate this Committee's work to be?
- Consider adopting a protocol of communication between the Committee and the Board
  - Committee Members *to*
  - Committee Chairperson *to*
  - Planning Director *to*
  - Town Manager *to*
  - Town Board
- All Committee meetings will be subject to the Open Meeting Statue.

Having a communication protocol will help everyone involved in the process who they communicate with during this process. This will assure that committee members know they are to speak to their Chairperson prior to speaking with those persons outside of the protocol. Failure to adhere to this protocol may result in being removed from the committee.

Mr. Jones stated that Attorney Messick provided a Resolution Appointing the Chatham Park Citizens Advisory Committee for the boards review/changes.

After much discussion it was decided that Jeff Jones would facilitate the committee. There was a discussion on getting David Long to assist (Mr. Jones will look into this).

Mayor Perry stated that Chatham County had an interest in having representation on the board.

Commissioner Bonitz said maybe it should not just be limited to in-town and ETJ residents there are many others that have expertise that live out of the ETJ area.

Commissioner Fiocco said he thinks it should be in-town and ETJ members. The Master Plan is within our Zoning Jurisdiction. Others can voice their expertise at the meetings or to Jeff Jones. The Board is always glad to receive everyone's input.

Commissioner Fiocco suggested 12 members. Commissioner Bonitz suggested 17 or at least 13.

After discussion a motion was made by Commissioner Fiocco seconded by Commissioner Farrell to table this until August 22, 2016.

Vote Aye-4 Nay-0

### **UDO UPDATE (JEFF JONES)**

Mr. Jones presented a schedule for the process of the UDO review and felt it would help everyone involved in the process understand what the next steps are.

#### Week of August 8

- Monday, August 8 - Town Board meeting, UDO timeline discussion.

#### Week of August 15

- Monday, August 15: Joint Work Session. Possibly UDO Module 2 discussion

#### Week of August 22

- Possible Technical Advisory Committee meeting sometime this week (or week of 8/29)

#### Week of August 29

- Possible Technical Advisory Committee meeting sometime this week (or week of 8/22)

#### Week of September 12

- Possible 2nd Technical Advisory Committee meeting sometime this week (or week of 9/19)
- Tuesday, Sept. 13: Target date for Public Information Meeting on UDO

#### Week of September 19

- Monday, September 19: Joint meeting of Town Board and Planning Board on Module 2 (Potential)

#### Week of September 26

- Friday, Sept. 30: Final date for any comments on Module 2

#### Other Target Dates

- Monday, October 24: Public Hearing on UDO
- Monday, November 7: Planning Board post-hearing discussion on UDO
- Monday, November 21: Town Board and Planning Board Joint Work Session on UDO
- Monday, December 5: Planning Board makes recommendation on UDO
- Monday, December 12: Town Board asked to adopt UDO
- Monday, April 3: Possible target for effective date of new UDO

Mr. Jones said the schedule might change but it is a good start.

Commissioner Fiocco stated he don't think we have all the drafts. Mr. Jones said we don't and he is now getting weekly updates from the consultants on where they are.

Commissioner Fiocco said he will be out of town on Monday August 15, 2016 and he would really like to be in attendance he was wondering if the meeting could be changed to Wednesday August 17, 2016. The Board agreed and Mr. Jones said he would check with the Planning Board and get back in touch with everyone.

Commissioner Farrell asked if he was still in touch with the Technical Advisory Committee. Mr. Jones said yes, but they have not received Module 2 yet but they will be receiving it this week.

### **NEW BUSINESS**

#### **WASTEWATER ALLOCATION REQUEST FROM CHATHAM PARK (BRYAN GRUESBECK; FRED ROYAL)**

Manager Gruesbeck reviewed and discussed the memo submitted in the agenda package:

Chatham Park Investors, LLC (CP) is requesting sewer allocation for a portion of the planned development district. They submitted a letter dated July 29, 2016 requesting a total of 46,350 Gallons Per Day (GPD) for Phase 1 of Thales School as well as two (2) additional residential housing phases in an area of Town located near Thompson St & Fire Tower Road.

The request from CP, as outlined, would represent a significant share of the Town’s currently available sewer allocation. Currently, the Town has approximately 75,000-100,000 GPD available in “paper flow” to allocate for treatment at its wastewater plant. The amount can vary over time. For example, future allocations to other projects and significant rainfall and storm water inflow could decrease the available capacity. On the other hand, projects that do not come to fruition can be eliminated and reallocated, thus increasing the available GPD. Approved plans for wastewater treatment (eg, Sanford Forcemain and CP Package Plant) would also increase flow.

Staff has discussed with CP alternatives that reduce the attached allocation request and require the submittal of site plans.

Thompson St. Area:

	<b>Allocation</b>
Phase 1A – Thales School Phase 1/Building 1	1,000 GPD
Phase 1A – 35 Residential Units	12,600 GPD

Russet Run Area:

Lots 2 & 3 (Buildings 3&4)	10,000 GPD
Lot 1 (Building 5)	<u>9,200 GPD</u>

**Total:** 32,800 GPD

Requested from Chatham Park:

Thompson Street Area

Section – Area 1

Phase 1A – Thales School Phase 1 (450 students x 15 gpd/student)	6,750
Phase 1A – 35 Residential Units (35 units x 360 gpd/unit)	12,600
Phase 1B – 75 Residential Units (75 units x 360 gpd/unit)	27,000
Total Allocation Request	46,350

Manager Gruesbeck stated it is important to note that the Thales School Phase 1 allocation can be reduced from the CP request because the initial project involves the construction of one (1) school building without a cafeteria or showers and 100 students. This has the effect of reducing the calculation from 15 gpd/student to 10 gpd/student.

This allocation would be contingent on the submittal of site plans for the Thompson St and Russet Run project described in the table within three (3) months. The allocations cannot be substituted for another project in the Chatham Park Planned Development District without separate approvals from the Town Board of Commissioners.

Chuck Smith, Chatham Park Representative said they are okay with the recommendation.

Motion made by Commissioner Fiocco seconded by Commissioner Bonitz to approve the allocation requests for exclusive use within the Thompson Street and Russet Run areas, as presented tonight, contingent on the submittal of site plans within three (3) months.

Vote Aye-4 Nay-0

### **REQUEST FROM CHATHAM COUNTY FOR TOWN OF PITTSBORO LIAISON TO THE CHATHAM COUNTY PLANNING BOARD**

Commissioner Fiocco stated he thinks Brian Taylor from the Planning Board would be a good choice. The board agreed.

Motion made by Commissioner Fiocco seconded by Commissioner Baldwin to appoint Brian Taylor as the Pittsboro liaison to the Chatham County Planning Board.

Vote Aye-4 Nay-0

### **ADDITIONAL UPDATES AND REPORTS**

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

Manager Gruesbeck gave a brief update on the following:

**Chatham Park PDD Master Plan: Sanford Force Main** – Staff met with the City of Sanford on July 27, 2016 to discuss the latest terms of an agreement for Sanford to accept wastewater from the Town of Pittsboro via forcemain. Attorneys for the Town of Pittsboro and the City of Sanford are developing language for your review – likely at one of the September meetings.

Staff will be meeting with Davenport and Chatham Park over the next week to discuss the agreement with Chatham Park regarding Revolving Fund financing for the forcemain design and construction.

Staff has been meeting with engineering firms and will be negotiating with the leading firm with the expectation of submitting a contract for your review on August 22, 2016.

**Robeson Creek Bridge** – The North Carolina Department of Transportation (NCDOT) has informed Staff that they will begin construction on the bridge spanning Robeson Creek on NC 87/902 in early September. They will also be relocating and adjusting the Town's 12" watermain at NCDOT's expense. Hydrostructures will be overseeing the project on the Town's behalf.

As you may recall, NCDOT has been planning this project over the past few years but they have been delaying construction due to budgetary reasons. Recently, Staff had heard that construction could begin in 2018. Staff will be meeting with NCDOT and Chatham County Schools to coordinate construction. Construction should be complete in 8-12 months.

**Stormwater Control BMP's** – The BMP in front of Town Hall is complete, except for some minor improvements (plantings, replacement of split rail fence). It appears to have successfully processed recent heavy rainfall. The Town will be regularly maintaining the BMP by removing blockages in the pipe and raking the mulch.

Design has been completed for the BMP to be located in the back of Town Hall. Survey work will begin soon. Town Staff will begin constructing the device after Labor Day.

Engineering on the downtown BMP is complete and modifications were made to the design based on input from adjacent business owners and two (2) public meetings, as well as any improvements designed in the traffic circle. Kimley Horne, design firm for the traffic circle, indicates that the BMP will not interfere with the traffic circle improvements. Additional input from other downtown business owners (via Commissioner Fiocco) will be incorporated. Fred Royal, Town Engineer, is recommending that the project go to bid by December 1, 2016 with the goal of hiring a contractor by mid-February 2017, who would begin construction by March 1, 2017. Terms of the grant require the project to be completed by the end of December 31, 2017.

**Transportation Alternatives Program/ADA Intersection Improvements** – Staff submitted a letter to NCDOT for the following intersections:

1. Thompson Street and Hillsboro St Intersection all four corners
2. Johnston Street and US 64 Business
3. Pittsboro Elementary School Road and US 15/501
4. NC 87 and US 64 Business

Staff provided additional narrative to place emphasis and priority on the intersection of Thompson St and Hillsboro St as part of the ongoing Downtown Vision Plan. Staff will update you as soon as possible.

**Downtown Kiosks** – You have discussed in recent weeks the possibility of placing kiosks in the downtown in an effort to control the growth of signs on utility poles and to provide a less electronic method of promoting community events. At your direction, Paul Horne, Parks Planner, is seeking cost estimates for three or four kiosks similar to the models used on Franklin St in downtown Chapel Hill. He will provide additional feedback regarding the placement of the kiosks as soon as he has them.

**Other Town Hall Improvements** –

The parking lots at Town Hall will be receiving some much needed repairs and sealing over the course of the next week.

The original phone system for Town Hall will be replaced with a “Voice Over Internet Protocol” (VOIP) system on September 14 and 15, 2016. The other Town building will be using the same system.

**Restriping Streets** –

We will be restriping streets in different parts of town.

## COMMISSIONER CONCERNS

None

### CLOSED SESSION

Motion made by Commissioner Fiocco seconded by Commissioner Farrell to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the purchase of real estate.

Vote Aye-4 Nay-0

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

Vote Aye-4 Nay-0

### ADJOURNMENT

Motion made by Commissioner Fiocco seconded by Commissioner Bonitz to adjourn at 9:28 p.m.

Vote Aye-4 Nay-0

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Cindy S. Perry, Mayor

ATTEST:

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Alice F. Lloyd, CMC, NCCMC  
Town Clerk