



TOWN OF PITTSBORO

The Pittsboro Board of Commissioners met in Regular Session on **Monday, November 8, 2021** at 7:00pm in a virtual format via ZOOM with Mayor James Nass presiding. The meeting was called to order at 7:03 pm. Mayor Nass requested a moment of silence with the recitation of the Pledge of Allegiance following led by Commissioner Farrell.

ELECTED TOWN OFFICIALS PRESENT: Mayor James Nass, Mayor Pro Tem Pamela Baldwin, Commissioner John Bonitz, Commissioner Jay Farrell, Commissioner Kyle Shipp, and Commissioner James Fiocco.

TOWN STAFF PRESENT: Town Manager Chris Kennedy, Town Attorney Paul S. Messick, Chief of Police Shorty Johnson, Planning Director Theresa Thompson, Plant Superintendent/ORC Cory Saulsbury, Parks & Recreation Planner Katy Keller, Engineer Kent Jackson, Project Engineer Morgan DeWit and Town Clerk Cassie Bullock.

ADOPTION OF THE AGENDA

Mayor Perry called for a motion to either approve or modify the agenda as proposed.

Commissioner Shipp made a motion to approve the Regular Agenda, seconded by Commissioner Farrell.

Vote: Aye-5 Nay-0 Motion carried unanimously.

CITIZEN MATTERS

1. Manager Updates

Town Manager Chris Kennedy shared #11 on Consent Agenda, Ms. Linda Mueller, who is taking over Ms. Sara Carr's remaining term.

Kennedy learned today that Greensboro had a 1,4 Dioxane contamination of the Haw River in the amount of 767 mg per liter. Details are still pending.

2. Mayor and Commissioner Updates and Concerns

Mayor and Board members gave updates on the committees and boards on which they serve.

3. Public Comment

William Dudenhausen, 796 Old Graham Road, Pittsboro, NC, shared his displeasure in the policy of 15% late fee and disconnection fee.

Katy Bryant, 53 Clarks Creek Road, Pittsboro, NC, shared her support to utilize Chatham Marketplace as a source for filtered water for the residents of Town of Pittsboro.

Mark Parvo, 421 Haven Road, Pittsboro, NC, discussed Northwoods neighborhood, NCDOT and ask the Board to evaluate the Northwoods "horseshoe" option.



Cindy Perry, 259 Hillsboro Street, Pittsboro, NC, shared her displeasure in the 1,4 Dioxane contamination again. Perry asks the Town to alert residents via door hangers, robocalls and need to meet with upstream polluters for contamination to not happen again.

CONSENT AGENDA

Mayor Nass called for action on the Consent Agenda

The Consent Agenda contained the following items:

1. Minutes of the June 14, 2021 Regular Meeting of the Board of Commissioners

- Action Recommended: Approve the Minutes.

2. Holly Days Tree Lighting Celebration Road Closure Ordinance

- Action Recommended: Approve the Ordinance.

3. Town of Pittsboro Christmas Parade Road Closure Ordinance

- Action Recommended: Approve the Ordinance.

4. Budget Amendment for CMAQ Funded Sidewalk Project Overage

Increase Line Item TARPO Sidewalk 840-3001-53550 \$10,000.00

Decrease Line Item NCDOT TAP 840-3001-53560 \$10,000.00

- Action Recommended: Approve the Amount and Amend the Budget Ordinance.

5. CMAQ Funded Sidewalk Project for FY 2022

▪ Action Recommended: Approve the Contract Agreement Language and Authorize the Town Manager to Execute the Documents with NCDOT.

6. Code of Ordinance Amendment – COA-2021-02 – Article 4 – Town of Pittsboro ABC Policy Ordinance Updates

- Action Recommended: Approve the Language and Amend the Code of Ordinances.

7. Code of Ordinance Amendment – COA-2021-03 – Article 12 – Town of Pittsboro Health and Sanitation (Grass) Ordinance Updates

- Action Recommended: Approve the Language and Amend the Code of Ordinances.

8. Text Amendment – ZTA-2021-04 UDO Amendments: Parking Lot Series #1 Ordinance

- Action Recommended: Approve the Ordinance to Amend the UDO.

9. Legislation Tracking & Policy Updates for the Board of Commissioners

- Action Recommended: No Approval Necessary, Information Item Only.

10. Board of Commissioners Future Agenda Item “Look Ahead” Tentative Schedule

- Action Recommended: No Approval Necessary, Information Item Only.

11. Board Appointments – Parks and Recreation Advisory Board

- Linda Mueller – In-Town Member
- Term: November 8, 2021 – June 30, 2022



Commissioner Fiocco made a motion to approve the modified consent agenda items #3, #4, #5, #7, #8, #9, #10 and #11, seconded by Commissioner Farrell. Items #1, #2 and #6 have been moved to New Business #1, #2 and #3.

Vote: Aye-5 Nay-0 Motion carried unanimously.

NEW BUSINESS

1. Minutes of the June 14, 2021, Regular Meeting of the Board of Commissioners

Commissioner Bonitz noticed the word “thanked” was omitted on page 7, paragraph 3.

Mayor Pro Tem Baldwin made a motion to approve the amended June 14, 2021, Minutes, seconded by Commissioner Bonitz.

Vote: Aye-5 Nay-0 Motion carried unanimously.

2. Holly Days Tree Lighting Celebration Road Closure Ordinance

Commissioner Fiocco requests an addition to the Route Description after Fayetteville Street to include “Hillsboro Street (US Highway 15-501) from the Northern portion of the traffic circle to the south side of the intersection with Hanks Street and Thompson Street.”

Commissioner Fiocco made a motion to approve the amended Holly Days Tree Lighting Celebration Road Closure, seconded by Mayor Pro Tem Baldwin.

Vote: Aye-5 Nay-0 Motion carried unanimously.

3. Code of Ordinance Amendment – COA-2021-02 – Article 4 – Town of Pittsboro ABC Policy Ordinance Updates

Commissioner Farrell questioned if a restaurant offers sidewalk dining with enough handicap access.

Attorney Paul Messick shared there are standards in the UDO and if sidewalk dining is offered, and sidewalk access cannot be deprived to pedestrians.

Commissioner Fiocco made a motion to approve COA-2021-02-Article 4, seconded by Commissioner Shipp.

Vote: Aye-5 Nay-0 Motion carried unanimously.

4. Town of Pittsboro Interim Water Distribution Measures

Town Manager Chris Kennedy made a recommendation of utilizing Chatham Marketplace alternative for filtered water at .39 cents per gallon until the GAC system is operational.

Chatham Marketplace is a reverse osmosis, ultraviolet water filtration system. Town of Pittsboro residents will receive filtered water at no additional cost.



Commissioners Bonitz, Fiocco and Shipp shared their cooperative ownership at the Chatham Marketplace with Mayor Nass stating they were not required to recuse.

Mayor Pro Tem Baldwin made a motion to approve the Town of Pittsboro to use Chatham Marketplace for filtered water services for Town residents, seconded by Commissioner Fiocco.

Commissioner Bonitz made an amendment request to allow all customers to have access to filtered water regardless of being Town residents or not, and not utilize a voucher system.

Kennedy shared that it would not be typical to provide water to non-customers.

Mayor Nass agreed with Kennedy.

Commissioner Shipp stressed to find the simplest system possible for both Town staff and staff of Chatham Marketplace.

Mayor Pro Tem Baldwin denied the amendment request by Commissioner Bonitz.

Vote: Aye-5 Nay-0 Motion carried unanimously.

5. Budget Amendment for Interim Water Distribution Measures

Decrease Line-Item Materials/Supplies/Equipment 550-3001-53300 \$25,000.00

Increase Line-Item Water Filling Station 550-3001-53680 \$25,000.00

Commissioner Fiocco made a motion to approve the budget amendment for Interim Water Distribution, seconded by Commissioner Bonitz.

Vote: Aye-5 Nay-0 Motion carried unanimously.

PUBLIC HEARINGS

1. Chatham Park Affordable Housing Additional Element-Chatham Park Investors, LLC

Description: The applicant, Chatham Park Investors, LLC, Chatham Park Investors, LLC is requesting the approval of its twelfth and final additional element applied to the Chatham Park Planned Development District (PDD).

Mayor Nass noted that the recommended action on the agenda was to reopen and continue the Public Hearing. Since there had already been considerable public discussion on the matter, Mayor Nass recommended closing the Public Hearing and taking up the matter again at the workshop scheduled for November 10th.

Motion from Commissioner Bonitz to reopen the Public Hearing and continue until November 22nd. Motion failed for lack of a second.

Motion from Commissioner Fiocco to open the Public Hearing, seconded by Commissioner Farrell.



Vote: Aye-5 Nay-0 Motion carried unanimously.

Mayor Nass entertained a motion to close the Public Hearing. Commissioner Shipp asked if any members of the public had signed up to speak. The Town Clerk, Cassie Bullock, confirmed that Ms. Liz Cullington had signed up to speak. Mayor Nass asked if Ms. Cullington would be saying anything different than her previous verbal and written comments from the last meeting. The Town Clerk was unsure, so Mayor Nass told Ms. Cullington to proceed with her public comments.

Ms. Liz Cullington of 390 Rocky Hills Road, Pittsboro, NC, shared that a three-minute speaking period was not enough time to explain all the loopholes in the Chatham Park Affordable Housing Element. She said she had submitted a written, annotated mark-up of the Element detailing the issues. She was pleased that the Board was holding a special session on Wednesday to workshop the Element, however, she thought another meeting would be necessary as well. She wanted the Board to go over the Element line by line. She voiced concerns that, based on the current language in the Element, Chatham Park would not offer adequate affordable housing.

Commissioner Bonitz said he found Ms. Cullington's argument compelling. He said he would prefer to keep the Public Hearing open until after the workshop on Wednesday with affordable housing experts. He said that he had not seen a draft of the Element until October, whereas other commissioners saw drafts and/or were briefed well before that. He suggested that the Element had been negotiated behind closed doors and that it did not have adequate input.

Commissioner Bonitz expressed gratitude to Commissioner Fiocco for actually "breaking the ice" with Chatham Park to work on this Element. However, he was saddened that he had not been involved in the process. He said that was why he was pushing for the workshop and why he was making a motion to keep the hearing open until after that.

Motion from Commissioner Bonitz to keep the Public Hearing open until the November 22nd meeting. Motion failed for lack of a second.

Commissioner Shipp encouraged listeners to submit questions to the Board. The Board would discuss those questions at the workshop on Wednesday, November 10th at 6 pm on Zoom.

Commissioner Fiocco explained that the Chatham Park Additional Elements were put together approximately six or seven years ago. He said he contributed to many of those elements, including the Affordable Housing Element. He said that based on his research and experience in addressing affordable housing, it was clear to him that solving the affordable housing problem was not the burden of one sector. The development community alone cannot solve the problem. He said that was why he was pushing for the Town to invest in affordable housing and provide incentives.

Commissioner Fiocco made a motion to close the Public Hearing, seconded by Jay Farrell.

Vote: Aye-4 Nay-1 Commissioner Bonitz Motion carried.



2. Rezoning-REZ-2019-01-Industrial Park Drive (Roberson's Walk), Halle Companies

Description: The petitioner, Pittsboro Place WEH, LP is requesting to rezone a total of approximately 212.72 acres from M-2 Manufacturing District (Heavy Industrial) to MUPD (Mixed-Use Planned Development) for a maximum of 900 residential units (single family and/or townhome and/or multi-family) and/or up to 50,000 square feet of non-residential development, located on 22 properties including Parcel ID 7317,60741, 81979, 83078, 83080, 83081, 83082, 83083, 83084, 85076, 87604, 87605, 87606, 87607, 87608, 87609, 87610, 87611, 87612, 87613, 87614, and 73513. The properties are located south of the intersection of Business 64 / East Street and adjacent to Industrial Park Drive. The future extension of Lorax Drive traverses the property from east to west and the future extension of Industrial Park Drive traverses the property to south. The properties are owned by Pittsboro Place WEH, LP.

Theresa Thompson, Planning Director, presents the item for the Public Hearing. Planning Staff recommends more detail to the site plan to show this will be mixed use.

Mayor Nass asks why this is before the Board tonight because this doesn't appear to be ready. Director Thompson states the applicant wanted to move forward.

Mac McCarley, working with the applicant, states the applicant is ready to move forward with the application. No one signed to speak for the public hearing. Mayor Nass asks for comments from the Board:

- Commissioner Farrell asks about the proposed zoning and the M-2 (heavy industrial) zoning and if there would be no more properties with that zoning. Director Thompson states this is a large amount, but not all of it. General discussion follows.
- Commissioner Bonitz inquired about sewer capacity. This was previously discussed, and the applicant is patient in waiting for sewer availability. Kent Jackson, Engineering Director, recalls the applicant proposed to wait for sewer capacity or a package system that would be self-contained and permitted with the State. Commissioner Bonitz inquired about affordable housing and if it has been discussed.

Laura Holloman, Senior Planner with McAdams company and representing the Halle Group (applicant) goes through a presentation.

Mayor Pro Tem Baldwin asks for questions and concerns addressed by the applicant, on behalf of the Town of Pittsboro, that needs to be responded to move forward.

Motion to go into Public Hearing was missed at the beginning. Commissioner Fiocco made a motion to go into Public Hearing, seconded by Commissioner Farrell.

Vote: Aye-5 Nay-0 Motion carried unanimously.

Commissioner Shipp made a motion to close Public Hearing and send the rezoning request to the Planning Board for their December meeting for review, seconded by Commissioner Bonitz.

Vote: Aye-3 Nay-2 Mayor Pro Tem Baldwin, Commissioner Farrell Motion carried.

OLD BUSINESS



1. Text Amendment – ZTA-2021-05 – Town of Pittsboro Affordable Housing Incentives

Town Manager Chris Kennedy shared town staff are requesting a zoning text amendment to the UDO to add developer incentives to promote the construction of affordable housing within Pittsboro. These policies are not mandatory, rather they are voluntary options available to developers intended to relax or alter other development requirements to incentivize the development of housing at lower price points.

Commissioner Shipp requested the change of penalty on Section 2e to change from ten percent to fifty percent.

Shipp would like to modify to allow fee rebates at the same percentage by category but for any affordable housing unit.

Kennedy clarified that there would be a subcategory for a qualifying project.

Shipp agreed that any project in that provides thirty years in an AMI category would be qualifying for application rebates but no other incentives or met incentives percentages in A-C. Commissioner Fiocco would like to reduce the percentages that qualify to encourage as much affordable house as possible. Fiocco recommends changing the percentages of 10, 15 and 20 down to 5, 10 and 15.

Shipp and Fiocco requested to change item D average to 10.

Kennedy shared staff would not oppose to recommended changes.

Commissioner Fiocco made a motion to approve Text Amendment-ZTA-2021-05 include revisions of increasing the penalty from ten percent to fifty percent and decreasing the percentages in 7.2.2, A through D, by five percent and the Town Manager present additional modifications to address the threshold for qualifying fee rebates at a meeting to be determined, seconded by Mayor Pro Tem Baldwin.

Vote: Aye-5 Nay-0 Motion carried unanimously.

MISCELLANEOUS

1. Town of Pittsboro Development Specification “Specs” Updates

Town Engineer Kent Jackson shared the newly created standard specifications for streets and greenways. The proposed finalization would be in December 2021 or January 2022 depending on comments and suggestions received.

No other comments were noted.

FINAL BOARD OF COMMISSIONER COMMENTS

Commissioner Bonitz shared his concerns about Northwoods wanting NCDOT to provide an alternative route.

Town Manager Kennedy shared his apologies on some of the packets that were distributed did not contain a copy of the letter from NCDOT. Kennedy stated that the Board could vote tonight or provide time to review and discuss at a late date.

Commissioner Shipp would like to see for the next meeting from NCDOT is the clear indication of funding for the project and a timeline if asked to review an alternative and shared a date of December 1st as a timeline for NCDOT to proceed with alternative six if the Town has not responded.



Town Manager Kennedy confirmed December first is the deadline for him to provide a letter to NCDOT directing them of the option of alternative six or alternative eight. Kennedy shared that due to NCDOT funding constraints, guarantees cannot not be delivered for either option. Commissioner Fiocco shared NCDOT funding is in very bad shape and very few projects are making it. Mayor Nass reminded to Board that this road was very important. Commissioner Bonitz requested an alert to customers regarding the 1,4 Dioxane situation. Commissioner Fiocco questioned when Greensboro found out about the 1,4 Dioxane results. Town Manager Kennedy shared due to testing; Greensboro probably found out today. Commissioner Bonitz shared his appreciation for the painted white stripes in front of stop signs in the Chatham Forest neighborhood for driver safety.

ADJOURNMENT

Commissioner Shipp made a motion to adjourn at 10:17pm, seconded by Commissioner Fiocco.

Vote: Aye-5 Nay-0 Motion passed unanimously.

Cindy S. Perry, Mayor

ATTEST:

Carrie L. Bailey, Town Clerk