



TOWN OF PITTSBORO

The Pittsboro Board of Commissioners met in Regular Session on **Monday, November 22, 2021** at 7:00pm in a virtual format via ZOOM with Mayor James Nass presiding. The meeting was called to order at 7:02 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, Parks & Recreation Planner Katy Keller, Town Engineer Kent Jackson, and Town Clerk Cassie Bullock.

ADOPTION OF THE AGENDA

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

Mayor Pro Tem Baldwin made a motion to approve the Regular Agenda, seconded by Commissioner Fiocco.

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

CITIZEN MATTERS

1. Manager Updates

Town Manager Chris Kennedy shared town staff is working with Greensboro in the 1, 4 Dioxane situation and did not have sample results available due to testing issues.

Kennedy shared the town will provide customers with a coupon code on upcoming statements to provide free water through Chatham Marketplace. A joint press release will be shared with customers announcing the process.

Kennedy reviewed the addition of New Business #2, item #4, Low Income Household Water Assistance Program, which the Town will be working with Chatham County DHHS to provide to at-risk customers.

Kennedy stated the PIO job add has been closed and staff will review applications and hired soon.

2. Mayor and Commissioner Updates and Concerns

Mayor Nass shared his attendance of the Tree Lighting ceremony downtown last evening and was a beautiful and inspiring event. Nass noted that almost all businesses were open during the evening and doing a lot of business.

Mayor Nass thanked the Commissioners for their hard work that they have done for the Town.

Commissioners' thanked Nass for his leadership as Mayor and Commissioner Fiocco for his service.



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

3. Public Comment

CONSENT AGENDA

Mayor Nass called for action on the Consent Agenda

The Consent Agenda contained the following items:

1. Town of Pittsboro Financial Reports by Month-September 2021

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

2. Town of Pittsboro Financial Reports by Month-October 2021

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

3. Minutes of the April 17, 2021 Special Meeting of the Board of Commissioners

- Action Recommended: Approve the Minutes.

4. Minutes of the April 26, 2021 Regular Meeting of the Board of Commissioners

- Action Recommended: Approve the Minutes.

5. Set Public Hearing for ZTA-2021-06-Quarterly Updates to the UDO-Parling Lot Series #2

- Action Recommended: Set Public Hearing for January 10, 2022.

6. Resolution Granting Consent to Central Electric Membership Corporation to Serve as Exclusive Electric Provider to Unassigned Territory South of Pittsboro

- Action Recommended: Approve the Resolution.

7. TARPO Congestion Management and Air Quality (CMAQ) Funding Resolution for Sidewalk Projects

- Action Recommended: Approve the Resolution.

8. Budget Amendment for Police Electronic Message Boards – Carryover Expense from FY 2020-21

Increase Line-Item Fund Balance Appropriated 100-9510-95100 \$25,900.00

Increase Line-Item Capital Outlay-Equipment 100-5100-55740 \$25,900.00

Action Recommended: Approve the Amount and Amend the Budget Ordinance

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

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

Commissioner Shipp made a motion to approve the Consent Agenda with removal of item #3, Minutes of April 13, 2021 until next meeting, seconded by Commissioner Fiocco.

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

PUBLIC HEARINGS



1. None.

NEW BUSINESS #1

1. NCDOT Chatham Park Way North Alignment

▪ Description: At the August 23, 2021 Regular Meeting of the Board of Commissioners, the Board requested that NCDOT consider an additional alignment alternative, the “horseshoe route”, in addition to the seven (7) route alternatives developed to date. NCDOT has requested that such direction be offered in written form from the Town. In the time since August 23, Town representatives, including staff and elected officials, have engaged in discussions about an alternative route. Factors discussed include financial costs and timing concerns.

Commissioner Fiocco stated that the August 2021 request for NCDOT to provide a study of alternative #8, “horseshoe” route, was not formally submitted as asked. Commissioner Shipp added that potential schedule or cost implications be shared. Commissioner Farrell asked to see if NCDOT can rush the requested report.

Commissioner Bonitz made a motion to authorize the Town Manager to provide a letter to the NCDOT to launch a formal study of alternative route eight, seconded by Commissioner Shipp.

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

OLD BUSINESS

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

Town Manager Chris Kennedy reviewed the history of the proposed element. He noted this was the twelfth and final element associated with the Chatham Park Master Plan. He explained that this element was four years in the making. Public Hearings were held in October and on November 8th, which was when the Public Hearing was closed. The Board also held a workshop on November 10th to discuss the element with stakeholders, such as Chatham County policy analysts and the Triangle J Council of Governments.

Mr. Kennedy noted that Chatham Park made some revisions to the element based on the workshop and public comments. The revised element was submitted to the Town the week prior and posted to the Town website. He said the most significant revision was the change in the percentage of required affordable and workforce housing units from 5% to 7.5%.

Commissioner Fiocco also noted the inclusion of affordable housing at a level of 60% and below AMI (area median income) and a 30-year affordability period.

Commissioner Shipp also noted changes regarding land donation. He said that the table about land donation had been removed from the element. The element now stated that Chatham Park



would have to present an approved plan showing how many affordable units could be built on the site. Chatham Park would also need to work with the Town for six years to ensure the affordable units were built.

Commissioner Fiocco noted that Chatham Park would not submit an approved plan. Rather, Chatham Park would submit a plan for approval by the Town. The plan would need to meet all the other Chatham Park elements as well. This would ensure that the number of units desired for credit could be built.

Commissioner Farrell noted that he received several calls and emails from the public about the 2.5% annual ad valorem tax included in the element. He wanted clarification, for the record, that this was not a Town tax. It was a tax on properties within Chatham Park. Mr. Kennedy confirmed that the 2.5% ad valorem tax mentioned in the element applied only to properties in Chatham Park.

Commissioner Farrell also asked about the provision that within two years of the element's approval, the Town was to establish a non-profit housing trust. He asked if staff could take over the housing trust and have an advisory board. He expressed concern about a non-profit organization handling the housing funds.

Mr. Kennedy recommended that a definition of "Town" be added that defines it as the Town of Pittsboro or any other housing trust or similar agency appointed to manage affordable housing for Pittsboro. He preferred this more generic language because he thought it likely that the Town itself would handle some affordable housing duties and delegate other duties to an authority or trust.

Mayor Pro Tem Baldwin noted that the Chatham County Affordable Housing Advisory Committee manages a trust. She noted that committee might be able to assist the Town in this case. She also asked about the 30-year affordability period. Based on her reading of the element, it appeared the 30-year period applied only to affordable rental units and not workforce units. Mr. Kennedy said he would let Chatham Park answer that question.

Mayor Pro Tem Baldwin also asked about #16 in the element regarding recreation. She wanted to know if #16 prohibited the Town from requesting recreation areas in affordable housing developments. Mr. Kennedy said he did not consider it a prohibition.

Mr. Chuck Smith with Preston Development spoke for the applicant. He noted that #16 specifically states "land dedication," which refers to public park land dedication. He said it was not a reference to private recreation areas in affordable housing developments. He also noted that #6 in Article 2 of the element says that both AHUs (affordable housing units) and WHUs (workforce housing units) were to remain affordable for at least 30 years.

Commissioner Shipp went over his suggested edits. He suggested adding definitions for Fair Market Rent and Job Center. He asked Mr. Smith to explain the platting described in Article 2 Section 1 of the element. He was confused about the Accessory Dwelling Unit (ADU) definition there. Mr. Smith agreed that the ADU language in Article 2 Section 1 (c) should be struck.

Commissioner Shipp also asked about #11, which included language about the fiscal year and ad valorem taxes. He said the reference to #11 in that section should be changed to #10. He



also asked that the language on the 30-year affordability period be changed. He would prefer that the 30-year period begin with the adoption of the element and after 30 years, the Board would re-evaluate.

Commissioner Fiocco clarified that the ad valorem tax referenced in the element does not begin until the fiscal year *after* approval of the element. He suggested mirroring that language in regard to the 30-year affordability period to be consistent.

Mr. Kennedy said staff would prefer that the element reference an actual date, such as July 1st. Commissioner Shipp agreed. He suggested changing the referenced time period to July 1, 2022 – June 30, 2052.

Commissioner Shipp also suggested changing the language in #16 to say “rebated” or “reimbursed” instead of “exempt.” He also suggested using the fee repayment table in the Affordable Housing section of the Unified Development Ordinance in #16 of the element. Mr. Kennedy also noted the language in #16 about building permit and inspection fees. The Town currently contracts with Chatham County for building permits and inspections, so he suggested changes to make that clearer.

Commissioner Shipp also asked for language in #19 that prohibited “double-dipping” with rebates and density credits. Mr. Kennedy asked if the applicant could still “cherry pick” whichever incentive was more advantageous. Commissioner Shipp said yes, picking one or the other would be fine, just not both. Mr. Smith agreed to those changes.

Commissioner Shipp echoed Commissioner Farrell’s concerns about setting up a non-profit to manage the affordable housing funds. He said he would like to see a task force established soon, and the task force could help determine how best to manage the affordable housing monies. Mr. Kennedy said he would like a deliverable from the task force by 2024-25.

Mayor Nass cautioned against underestimating the difficulty of administering these affordable housing policies. He said that based on his research and experience with the Affordable Housing Task Force, he found that administrative failures were the primary barrier to the success of affordable housing developments. He said that this would take a considerable amount of management. Mr. Kennedy agreed. Commissioner Shipp said he would like to see a limit on administration costs that is as low as possible.

Mr. Smith offered the following potential wording for #10:

“Within two years after the adoption of this element, the Affordable Housing Task Force previously appointed by the Town shall recommend to the Town how to establish a housing trust to administer support and incentive the development of affordable housing units and workforce units in the Town.”

Commissioner Shipp agreed with this revised language. Commissioner Fiocco and Mayor Nass also agreed.

Mr. Kennedy recommended defining the two and four-year periods with dates. The two-year period would end July 1, 2024. The four-year period would end July 1, 2026.



Commissioner Bonitz said the conversation was positive and inspiring, and he appreciated the applicant's engagement. He said he was confused by the ad valorem language. He expressed concerns about the ad valorem tax component. He said that he believed Mr. Kennedy heard his concerns and would ensure the taxation was handled appropriately. Mr. Kennedy confirmed.

Commissioner Bonitz asked Mr. Smith about Article 2 Section 8, which references land donation requirements. He asked to add allocation of sewer capacity to that list. Mr. Smith said sewer capacity was addressed in #15. Commissioner Bonitz said if staff felt satisfied with that language, then he would be satisfied. However, he said he would like assurance, if possible, that affordable housing developments would not be stymied by a lack of sewer capacity.

Mr. Smith said that if sewer capacity does not exist, then nothing gets built – affordable or not. He said that provides an incentive for Chatham Park to ensure the capacity is there.

Commissioner Bonitz requested to include something about sewer allocation in Article 2 Section 8c. Mayor Nass asked if Commissioner Bonitz was looking to ensure that any land donations made for affordable housing would have sewer allocation. Commissioner Bonitz confirmed. Mr. Smith agreed.

Chris Kennedy asked to amend #8b to specify that the section would be wide enough to provide vehicular access. Commissioner Shipp pointed out that any plans submitted for affordable housing land donation would need to meet development requirements, including vehicular access. Mr. Kennedy acknowledged that point and said the language could therefore stay the same.

Commissioner Bonitz also suggested harmonizing the incentives in the Chatham Park Affordable Housing Element with those in the Unified Development Ordinance. The Board and the applicant then discussed density and if the density credits could in fact increase density too much.

After the discussion, Commissioner Bonitz said he still was not comfortable. He also noted that he was still receiving comments from the public on this item the day of the meeting. He asked to send those comments to the applicant and the Board. Mr. Smith asked if any of those comments included new requests or information. He noted that Commissioner Shipp had given several edits as well. Commissioner Shipp noted that he had gone through his edits and felt they would be addressed.

Commissioner Shipp also discussed the change in the required percentage of affordable housing and workforce housing units. He noted that other jurisdictions with higher percentages, such as 15% or 20% of all units in the project, had yet to see those numbers realized. In some instances, the jurisdictions were sued over these policies and had to give refunds.

Commissioner Fiocco also noted the delivery schedule in the element, which will ensure that affordable units are built at a defined pace.

Commissioner Bonitz asked to send his comments and public comments to the Board and Mr. Smith. He suggested scheduling the vote on this item for the December 13th meeting.



Commissioner Fiocco made a motion to approve the element with inclusion of the edits discussed at this meeting, seconded by Mayor Pro Tem Baldwin.

Commissioner Bonitz said he did not think it appropriate for the Board to approve the element when so many edits were being made. The public could not see the final document.

Commissioner Shipp suggested that staff could make the requested edits and present the final document at the next meeting.

Commissioner Fiocco stood by his motion, and Mayor Nass asked for the vote.

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

Mr. Kennedy asked if Mr. Smith agreed to all the edits discussed, and Mr. Smith confirmed. Commissioner Bonitz expressed dismay that the motion carried.

NEW BUSINESS #2

1. Preliminary Plat-SUB-2021-01-Corbett Landing

Theresa Thompson, Planning Director, presents the item. Commissioner Shipp asks about the waiver for the sidewalk to only be on one side and how that is decided/determined. Director Thompson recites the Unified Development Ordinance and interprets this as being a discretionary decision.

Commissioner Shipp motions to approve the sidewalk waiver for providing sidewalks on both sides of the street, seconded by Commissioner Farrell.

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

Commissioner Bonitz to approve the preliminary plat SUB-2021-01-Corbett Landing, seconded by Commissioner Fiocco.

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

2. Preliminary Plat-SUB-2021-05-Flynn Farm

Theresa Thompson, Planning Director, presents the item. Commissioner Bonitz asks about the sewer force main and how this is not feasible for this property. Director Thompson responds that the force main is for the jail and it would be difficult for this subdivision to tie on due to engineering challenges and cost prohibitive. Town Manager Chris Kennedy states that force mains are generally not tied in to. Commissioner Shipp asks about the previous rezoning requests for the property. There was confusion previously, so all included properties are zoned R-A (Residential Agriculture). Commissioner Baldwin asks about the property of Lydia Farrar (parcel 6250) and if there is any proposed buffer. Director Thompson responds that no buffer is required. There is a buffer requirement along 64 business. Commissioner Baldwin asks if the applicant is willing to provide a buffer. The applicant responds they are willing to consider providing a buffer. The applicant will speak with their engineer and landscape architect to determine what the buffer will be. Richard Bullock, surveyor for the applicant, states that a 40'-



50' buffer of landscaping could be provided. Mike Zaccardo, Civil Engineer w/ Timmons Group, states they need to have discussions to determine the viability of landscaping along the western property line. A 20'-30' buffer may be potential, and there are septic fields along the western portion of the property line. Commissioner Baldwin recommends a row of cedar trees. Manager Kennedy states that this could be on consent for the next meeting this proposal is viewed, and if needed to be discussed it could be pulled.

Commissioner Shipp made a motion to approve the request for a waiver to provide sidewalks on both sides of the street, seconded by Mayor Pro Tem Baldwin.

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

The Preliminary Plat item SUB-2021-05 Flynn Farms will be added to the Consent Agenda for next regular meeting for approval.

3. Resolution of the Pittsboro Town Board of Commissioners Consenting to the Disinterment, Removal and Reinterment of Graves

Town Manager Chris Kennedy stated that Greg Stafford, of SOCO Development, has suspected graves of drive aisle behind the old hospital. Mr. Stafford has verbally agreed to properly disinter the grave and has spoken to the Methodist Church to accept any remains found.

Commissioner Fiocco made a motion to approve the Resolution contingent on Mr. Greg Stafford fulfilling the requirements of #1 and #2 of Mr. Paul Messick's letter to the Town dated October 27, 2021, seconded by Commissioner Bonitz.

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

4. Town of Pittsboro Vendor Agreement with Chatham County for Low Income Household Water Assistance Program (LIHWAP)

Town Manager Chris Kennedy presented information on the Chatham County Department of Social Services program of LIHWAP. Resident eligibility requirements are at one hundred and fifty percent poverty rate and those receiving assistance with other programs are automatically eligible for assistance. The Town and the County will work jointly to provide support in paying for utility bills. The program begins December 1, 2021, and must be adopted by the Board of Commissioners.

Commissioner Bonitz made a motion to approve the Agreement with Chatham County for Low Income Household Water Assistance Program, seconded by Commissioner Farrell.

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

MISCELLANEOUS



1. Town of Pittsboro Cost Share for City of Sanford Water Treatment Plant Expansion Design Costs

Town Manager Chris Kennedy presented The Town of Pittsboro opportunity to work with the City of Sanford in a project to expand the potable water treatment plant for the City of Sanford to accommodate regional demand for the next twenty years. The City of Sanford water plant is expanding to eighteen million gallons per day (MGD). This project is a combined effort that also includes the Town of Holly Springs, the Town of Fuquay Varina and Chatham County. The initial demand dedicated to the Town of Pittsboro is 3.0 million gallons per day (MGD). For that capacity, the Town’s share of the design costs is \$1,878,583. Town staff wishes to discuss this project and its costs with the Board of Commissioners to determine if the Town can and willing to agree to these costs via an interlocal agreement. Kennedy expressed potential revenue sources of SRF funding, Federal funding for water, or utilize section 4.35 in the development agreement with Chatham Park. Commissioner Fiocco expressed his desire to use this opportunity to secure additional capacity of sewer with costs being minimal compared to original cost. Fiocco stated that this helps reinforce that allocation then it’s agreed to be a good opportunity. Kennedy shared that it would go a long way to show the Town is committed to their water and sewer projects. Town Manager Kennedy will prepare a letter to Sanford City Manager stating the Town of Pittsboro will participate with the City of Sanford for 3 MGD for water and formally requesting 3 MGD of sewer capacity as well.

FINAL BOARD OF COMMISSIONER COMMENTS

Commissioner Farrell that residents on Oakwood Drive are concerned about traffic control. Town Manager Kennedy shared the Town is willing to lay speed humps and the previous speed study suggested it wasn’t a major concern. Farrell confirmed that the residents on Oakwood Drive would be required to pay for the speed bumps and the cost associated was a few thousand dollars. Discussion was had for the swearing of new Mayor and Commissioner for the next meeting.

ADJOURNMENT

Commissioner Shipp made a motion to adjourn at 10:40pm, seconded by Commissioner Farrell.

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

Cindy S. Perry, Mayor

ATTEST:

Carrie L. Bailey, Town Clerk