



TOWN OF PITTSBORO

The Pittsboro Board of Commissioners met in Regular Session on **Monday, December 13, 2021**, at 7:00pm via a virtual format on Zoom with Mayor Cindy Perry presiding. The meeting was called to order at 7:05 pm.

ELECTED TOWN OFFICIALS PRESENT: Mayor Cindy S. Perry, Mayor Pro Tem Pamela Baldwin, Commissioner John Bonitz, Commissioner Jay Farrell, Commissioner Kyle Shipp, and Commissioner James Vose.

TOWN STAFF PRESENT: Town Manager Chris Kennedy, Town Attorney Paul S. Messick, Chief of Police Shorty Johnson, Planning Director Theresa Thompson, Senior Planner Victoria Bailiff, Town 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 Bonitz.

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

ELECTION OF MAYOR PRO TEMPORE

Commissioner Farrell made a motion to nominate Commissioner Baldwin as Mayor Pro Tempore, seconded by Commissioner Vose.

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

SELECTION OF BOARD OF COMMISSIONERS OFFICERS/LIASON ASSIGNMENTS

- **Bank Signatories: Alternate #1- Pamela Baldwin**
- **Alternate #2-Jay Farrell**
- **Chatham County Affordable Housing Advisory Committee-Mayor Pro Tem Baldwin**
- **Chatham Count Arts Council-Commissioner Vose**
- **Chatham County Economic Development Corporation (EDC), ex officio-Commissioner Shipp**
- **Chatham County Climate Change Committee-Mayor Perry,**
- **Alternate-Commissioner Bonitz**
- **Fairground Association-Mayor Pro Tem Baldwin**
- **Main Street Pittsboro (MSPBO)-Commissioner Shipp**
- **Parks and Recreation Advisory Board (PARAB)-updates by staff- Katy Keller**
- **Pittsboro Business Association-(PBA)-Commissioner Farrell**
- **Triangle Area Rural Planning Organization (TARPO)-Commissioner Vose**



- Triangle J Council of Governments (TJCOG): Delegate- Mayor Pro Tem Baldwin
- Alternate-Commissioner John Bonitz

Commissioner Shipp made a motion to adopt recommendations for selected Officer and Liaisons, seconded by Commissioner Farrell.

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

UPDATES AN COMMISSIONER CONCERNS

1. Manager Updates

Town Manager Chris Kennedy wanted to welcome newly appointed Mayor Perry and Commissioner Vose. Kennedy extended a final thank you of service to Mayor Nass and Commissioner Fiocco. Kennedy thanked Greg Lewis for the contribution of space at Forest Hall to swear in new Mayor and Commissioners. Kennedy shared this was the last meeting of the calendar year and the next Board of Commissioner meeting would be on January 10, 2022.

2. Mayor and Commissioner Updates and Concerns

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

Mayor Pro Tem Baldwin had a concern of the Town continue to fund the Main Street Pittsboro program to provide for obligations until

Town Manger Chris Kennedy stated that stipulations are unknown to release funds but would fulfill release of funds per the Board.

Commissioner Shipp stated an agreement was made at the last project meeting for changes to occur with the MOU, and those changes were voted to end MOU at the end of the fiscal year. Shipp stated that he was in favor of releasing twenty five thousand dollars of the sixty five thousand allocated.

Mayor Perry questioned entering new contracts between now and end of fiscal year.

Commissioner Shipp felt Main Street Pittsboro had less than five thousand dollars for operational funds and still have restricted funds available for façade grants.

Commissioner Shipp thanked the Town of Pittsboro staff efforts on the Christmas Parade event.

CITIZEN MATTERS

1. Public Comment

Dr. Jessica Merricks, 126 Evergreen Drive, Pittsboro, NC discussed her recommendation for the Town of Pittsboro to use the state of North Carolina standard for 1,4 dioxane at .35 mcg per liter versus the EPA standard for 1,4 dioxane at 35 mcg per liter.

Jennifer Platt, 830 Thompson Street, Pittsboro NC stated her displeasure on the coupon code information that was printed on the December 2021 utility statement for Chatham



Marketplace filtered water. Ms. Platt recommended that a separate flier be sent to communicate to the Town residents and customers.

CONSENT AGENDA

Mayor Perry called for action on the Consent Agenda

The Consent Agenda contained the following items:

1. Minutes of the April 17, 2021, Special Meeting of the Board of Commissioners
2. Minutes of the June 28, 2021, Regular Meeting of the Board of Commissioners
3. Resolution Designating Authorized Signatories for Withdrawals from Depositories of the Town of Pittsboro
4. Set Public Hearing for REZ-2021-07-45 The Whites Way, Leonard & Angela Kaye Haitb
5. Town of Pittsboro Development Specification "Specs" Updates-Streets & Greenways
6. Adoption of 2021 North Carolina Department of Nature and Cultural Resources Municipal Records Retention and Disposition Schedule
7. Adoption of 2022 Board of Commissioners Regular Meeting Schedule
8. Adoption of 2022 Planning Board Regular Meeting Schedule
9. Adoption of 2022 Parks and Recreation Advisory Board (PARAB) Regular Meeting Schedule
10. Adoption of 2022 Board of Adjustment Regular Meeting Schedule
11. Adoption of 2022 Town of Pittsboro Holiday Schedule
12. Legislation Tracking & Policy Updates for the Board of Commissioners
13. Board of Commissioners Future Agenda Item "Look Ahead" Tentative Schedule
14. Pittsboro Boys & Girls Club Quarterly Report-October 1, 2021-December 31, 2021

Commissioner Shipp made a motion to approve the consent agenda, seconded by Commissioner Vose.

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

PUBLIC HEARINGS

1. None.

OLD BUSINESS

1. Preliminary Plat-SUB-2021-05-Flynn Farm-2537 US Highway 64 Business West

Planning Director Theresa Thompson presented the item. This proposal was previously discussed at the November 22, 2021, meeting. The Board requested a perimeter buffer along the western property line (parcel 6250). The applicant proposed a 20' undisturbed buffer. The buffer is open in some areas because there are identified soils for septic.



Commissioner Baldwin made a motion to approve the preliminary plat for SUB-2021-05-Flynn Farm, seconded by Commissioner Farrell.

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

2. Special Use Permit-SUP-2021-03 Mellott Tract-1108 Russet Run (PARID 7146, 75037), 15-501 East LLC

Planning Director Theresa Thompson presented the staff analysis. The application proposed a Special Use Permit for a Planned Unit Development (PUD). The PUD included 127 residential lots on approximately 43 acres adjacent to Russet Run. The request required a site-specific vesting plan, which, in this case, was the preliminary plat for the subdivision.

The evidentiary public hearing for the Special Use Permit was held on October 25th. The item then went to the Planning Board on November 11th. The Planning Board recommended approval.

The item was back before the Board of Commissioners at this meeting for decision. Staff included a sample Resolution of Approval in the board packet, which included the required Findings of Fact for Special Use Permits. The resolution also included conditions of approval, to which both the applicant and the Town needed to agree.

In addition to the conditions discussed previously, additional language was added to the resolution prior to the meeting. The new language stated that 1) the all-weather vehicular access must be maintained and 2) the parking of construction vehicles would be prohibited on said vehicular access.

Commissioner Shipp asked who proposed the most recent revisions. Theresa Thompson said that staff proposed the revisions based on public comment. The applicant worked with staff on revising the language.

Commissioner Shipp also asked about the age restriction provision for the community. He wanted to be sure that the age restriction and the waiver for recreational area were tied together. In other words, he did not want to waive the recreational requirement unless the proposed development would indeed be age restricted. Ms. Thompson confirmed that age restriction was a condition of approval.

There was some discussion about the condition of the vehicular access being insufficient. The Town Manager, Chris Kennedy, explained that all-terrain gravel is an alternative to having a proper base course for the road. The goal is for the road to support a fire apparatus, which has a static load of 75,000 lbs. The road may not be smooth to drive on with the all-terrain gravel, but it can withstand the weight of emergency access vehicles.

Patrick Bradshaw, the applicant's attorney, said that the Fire Marshal and Fire Chief examined the road recently and confirmed it was suitable for emergency access.



Commissioner Bonitz asked about the stormwater aspects of the application. He said that he understood that the applicant submitted revised stormwater plans, and he wanted to know what those revisions were.

Kent Jackson, Engineering Director, explained that the stormwater features were located spatially but detailed calculations were not yet required. He confirmed that the Town's ordinance required that the post-development run-off rate not exceed the pre-development run-off rate based on a 10-year, 24-hour storm event.

Commissioner Bonitz voiced concern that projects like this were not being voluntarily incorporated into the Chatham Park PDD. Bonitz said it was frustrating and said it must be for staff as well.

Theresa Thompson shared an email from the Chatham County Fire Marshal, Billy Judson, that confirmed Russet Run could be used as emergency access in its current condition.

Commissioner Shipp made a motion to approve the Special Use Permit SUP-2021-03, seconded by Commissioner Farrell.

Vote: Aye-5 Nay-0 Commissioner Bonitz abstained Motion carried unanimously.

Commissioner Vose also expressed discomfort that the property was not being incorporated into the Chatham Park PDD, but he said he would still vote in favor.

3. Annexation-A-2021-04 Mellot Tract-1108 Russet Run (PARID 7146, 75037), 15-501 East LLC

The Town Clerk, Cassie Bullock, summarized the annexation request. The Public Hearing was held on October 25th and the vote was delayed until this meeting date.

Commissioner Farrell asked about the acreage on the annexation request. There was a discrepancy between the acreage listed on applicant's annexation application and the staff memo for the agenda.

Planning Director Theresa Thompson shared the original request for the subdivision included an additional phase which was removed but the annexation size stayed the same.

Town Manager Chris Kennedy said the acreage listed on the application would prevail. He said it was his understanding that the acreage included in the Special Use Permit and on the preliminary plat had decreased, but the acreage proposed for annexation remained the same.

Patrick Bradshaw, the applicant's attorney, confirmed that the acreage on the annexation petition is what the applicant volunteered to annex.

Kennedy asked that any motion from the Board include the 116 acres, and any fraction thereof, stated in the applicant's petition.



Commissioner Farrell made a motion to approve the annexation of 116.90 acres in accordance with the annexation petition, seconded by Mayor Pro Tem Baldwin.

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

NEW BUSINESS

1. Preliminary Plat-SUB-2020-01-Mellot Phase 1A & 1B

Planning Director Theresa Thompson presented the staff analysis for this item. She explained that this subdivision would receive sewer service via the Chatham Park Water Recovery Center. The anticipated flow was listed as 22,860 gallons per day. Ms. Thompson stated that the public recreation requirement for the development would be met by either a public amenity to the south or a payment-in-lieu. Staff will ensure that the recreation requirement is met prior to Final Plat approval.

Thompson explained that the property in question was not included in the Chatham Park PDD. The Master Plan and Additional Elements for Chatham Park did not apply.

Commissioner Farrell asked when the Chatham Park Water Recovery Center would be operational. Engineering Director Kent Jackson said that the center was in “start-up” mode and said it was receiving flow from different sources since late October.

Mayor Perry asked about the reference to a “Tanker Task Force” in the staff analysis under Fire Flow on page 3.

Thompson explained that the Tanker Task Force is a collaborative effort between fire departments in the area.

Commissioner Bonitz said he understood the technical reason why the Mellott subdivision was not within the Chatham Park PDD. Bonitz said his previous comment was not a challenge to staff, it was a comment to the applicant. Bonitz stated his desire was to have cleaner planning.

Commissioner Shipp made a motion to approve Preliminary Plat SUB-202-01-Mellot Phase 1A and 1B, seconded by Mayor Pro Tem Baldwin.

Commissioner Vose further clarified his previous comments. He said he intended to vote in favor. However, in the future, he wanted to see continuity with the Chatham Park PDD and held to the same standards.

Vote: Aye-5 Nay-0 Commissioner Bonitz abstained Motion carried unanimously.



2. Budget Amendment to add an Affordable Housing Density Credit Payment Fee Amount to the Fiscal Year 2021-2022 Budget Ordinance

3.

Town Manager Chris Kennedy shared the amendment proposal in the amount of eighty-five thousand dollars.

Commissioner Shipp made a motion to approve the budget amendment, seconded by Commissioner Bonitz.

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

Town Manager Chris Kennedy shared that this number will be adopted annually in the fee schedule with the fiscal year budget and if changes arise, the amount can be adjusted during annual budget review.

MISCELLANEOUS

1. Town of Pittsboro Administrative Manual

Planning Director Theresa Thompson presents the proposal. The Administrative Manual contains application processes and applications. It is to be information for citizens and staff to assist in applying for applications. The anticipated approval date should be February 2022.

Commissioner Shipp comments that the hope is for this to be simplified for applicants applying for permits.

ADJOURNMENT

Commissioner Bonitz made a motion to adjourn at 8:51pm, seconded by Commissioner Farrell.

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

Cindy S. Perry, Mayor

ATTEST:

Carrie L. Bailey, Town Clerk