



**MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, JANUARY 10, 2022  
7:00 PM**

Members Present (Virtual): Mayor Cindy S. Perry, Mayor Pro Tem Pamela Baldwin, Commissioner John Bonitz, Commissioner Jay Farrell, Commissioner Kyle Shipp, and Commissioner James Vose.

Staff Present (Virtual): Town Manager Chris Kennedy, Town Attorney Paul S. Messick, Town Clerk Cassandra Bullock, Chief of Police Shorty Johnson, Finance Director Heather Meacham, Planning Director Theresa Thompson, Senior Planner Victoria Bailiff, Parks Planner Katy Keller, Director of Engineering Kent Jackson, and Project Engineer Morgan DeWit.

**Call to Order – Mayor Perry**

Mayor Perry called the meeting to order at 7:02pm.

**Invocation / Moment of Silence**

Mayor Perry asked for a moment of silence.

**Pledge of Allegiance**

Pledge of Allegiance was led by Commissioner Farrell.

**Adoption of the Agenda**

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

Vote: Aye-5 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye

Commissioner Bonitz: Aye

Commissioner Farrell: Aye

Commissioner Shipp: Aye

Commissioner Vose: Aye

Motion Passed.

## **UPDATES & COMMISSIONER CONCERNS**

### **1. Manager Updates**

Town Manager Chris Kennedy discussed a few Board agenda modifications by alerting the public that the Consent Agenda had been trimmed from nine (9) items to seven (7) for this evening. Town Manager Kennedy also stated that the Haw River Trails Memorandum of Understanding would be moved to the January 24, 2022 Regular Meeting agenda.

### **2. Mayor Updates**

Mayor Perry discussed a postcard that she received from the Haw River Assembly pertaining to local water information and offered that former Mayor Nass had expressed his desire to serve on the Town's next iteration of the Affordable Housing Task Force.

### **3. Commissioner Updates**

Commissioner Farrell offered that he had no updates for this evening but did state that he would be attending the PBA (Pittsboro Business Association) meeting next Wednesday.

Commissioner Shipp stated that he attended an Innovate Chatham program on January 4, 2022 that discussed technology and broadband opportunities in the community. Commissioner Shipp stated that he attended his first MSPBO (Main Street Pittsboro) meeting on January 5, 2022 and discussed a mural in Page Vernon Park and a new awning at M2 Graphics at 102 Hillsboro Street. Commissioner Shipp stated on January 6, 2022, the Chatham County AHAC (Affordable Housing Advisory Committee) held their most recent meeting and discussed Article 46 sales tax and how it funds affordable housing projects in Chatham County. Commissioner Shipp then offered that his first Chatham EDC (Economic Development Corporation) meeting will be next week.

Mayor Perry discussed transitions from former elected Board members to our current elected officials on our community boards and committees.

Mayor Pro Tem Baldwin discussed a letter of support for funding for the RDU airport at the request of the TJCOG that she wished for the Board of Commissioners to adopt and send to Washington.

Mayor Perry asked for this letter of support for RDU airport to be placed on the January 24, 2022 Regular Meeting Consent Agenda.

## **CITIZEN MATTERS**

### **1. Public Comment**

T.C. Morphis, an attorney with the Brough Law Firm in Chapel Hill, North Carolina, and speaking on behalf of his clients Bill and Cheryl Hamlet who own 92 acres off Moncure-Pittsboro Road in Pittsboro, NC, expressed his clients's concerns about the Town adopting a NRCO (Natural Resources Conversation Overlay) district into the UDO as the current draft's impervious surface standards would substantially restrict urban development in Pittsboro subject to the NRCO.

**CONSENT AGENDA**

- 1. Minutes of the May 24, 2021 Regular Meeting of the Board of Commissioners**
- 2. Minutes of the September 13, 2021 Regular Meeting of the Board of Commissioners**
- 3. Set Public Hearing for ZTA-2022-02 Town of Pittsboro Unified Development Ordinance (UDO) Amendments: Parking Lot Series #3**
- 4. Set Public Hearing for ZTA-2022-03 Town of Pittsboro Affordable Housing - Application Rebates & Qualifying Projects**
- 5. Legislation Tracking & Policy Updates for the Board of Commissioners**
- 6. Board of Commissioners Future Agenda Item “Look Ahead” Tentative Schedule**
- 7. Main Street Pittsboro Quarterly Report – October 1, 2021 – December 31, 2021**

End of Consent Agenda.

Commissioner Bonitz made a motion to remove items #3 and #4 as listed on the Consent Agenda to allow for discussion.

Town Manager Chris Kennedy offered that we can move these two (2) items to New Business, as items #1 and #2, respectively.

Motion seconded by Mayor Pro Tem Baldwin.

Vote: Aye-5 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye

Commissioner Bonitz: Aye

Commissioner Farrell: Aye

Commissioner Shipp: Aye

Commissioner Vose: Aye

Motion Passed.

Mayor Pro Tem Baldwin made a motion to approve the revised Consent Agenda (approving items #1, #2, #5, #6, and #7 as listed above), seconded by Commissioner Bonitz.

Vote: Aye-5 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye

Commissioner Bonitz: Aye

Commissioner Farrell: Aye

Commissioner Shipp: Aye

Commissioner Vose: Aye

Motion Passed.

**NEW BUSINESS**

**1. Set Public Hearing for ZTA-2022-02 Town of Pittsboro Unified Development Ordinance (UDO) Amendments: Parking Lot Series #3 (formerly Consent Agenda Item #3)**

Commissioner Bonitz stated that he heard concerns from constituents about revising our UDO to remove criminal penalties from our enforcement capabilities and that he shared that concern about our enforcement capabilities if we removed the criminal penalty option from the UDO.

Town Manager Chris Kennedy responded by stating that the State law change preempts the Town's ability to enforce criminal penalties for zoning violations regardless of whether the UDO language is changed or not.

Town Attorney Paul Messick also responded and stated that the State law would preempt the Town's ability to enforce criminal penalties for zoning violations and that the UDO has adequate civil penalties that remain enforceable.

Commissioner Bonitz asked what the deadline was for remedying our code removing this criminal penalty language from the UDO.

Town Attorney Paul Messick responded stating that his understanding was that the State law was effective in August 2021 and offered that he does not believe that the Town can charge criminal penalties for violating the UDO today.

Commissioner Shipp encouraged the Board that if the public had provided specific feedback about the proposed text amendment language, that is why we should set the public hearing to allow the public to comment on the proposed language and policy.

Town Manager Kennedy stated that Planning staff would be happy to respond to any specific feedback at the public hearing.

Commissioner Shipp made a motion to set the public hearing for ZTA-2022-02 for February 28, 2022, seconded by Mayor Pro Tem Baldwin.

Vote: Aye-5 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye

Commissioner Bonitz: Aye

Commissioner Farrell: Aye

Commissioner Shipp: Aye

Commissioner Vose: Aye

Motion Passed.

**2. Set Public Hearing for ZTA-2022-03 Town of Pittsboro Affordable Housing - Application Rebates & Qualifying Projects (formerly Consent Agenda Item #4)**

Commissioner Bonitz referenced an email from resident Liz Cullington and suggested that the Town test the Affordable Housing Incentives Policy and not alter the language so quickly after the first adoption.

Town Manager Chris Kennedy responded by stating that when the Town adopted the Affordable Housing Incentives Policy, on November 8, 2021, the Board discussed amending that proposed text amendment to allow for any amount participation in affordable housing to be eligible for Town incentives. Town Manager Kennedy stated that he requested no alterations be made that evening so as to not slow down the initial adoption process with the agreement that he would bring back an amendment draft addressing the Board's concerns about incentive eligibility in January, hence the reasoning and date of this proposal. Town Manager Kennedy offered that the Board may wish to delay or reject this current amendment language if it so chooses, but that he wanted to meet the timeline he suggested back in November.

Commissioner Shipp offered that the currently proposed amendment would make the incentive policy more open to more projects.

Commissioner Shipp made a motion to set the public hearing for ZTA-2022-03 for February 28, 2022, seconded by Commissioner Bonitz.

Vote: Aye-5 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye

Commissioner Bonitz: Aye

Commissioner Farrell: Aye

Commissioner Shipp: Aye

Commissioner Vose: Aye

Motion Passed.

## **MISCELLANEOUS**

### **1. Fiscal Year 2020-2021 Town of Pittsboro Financial Audit Report to the Board – Sharpe Patel CPA**

Town Manager Chris Kennedy provided a brief overview of the Town's audit process and introduced the Town's auditor, Mr. Jay Sharpe with Sharpe Patel CPA. Town Manager Kennedy stated that the LGC had approved the Town's audit with no adjustments.

Jay Sharpe, with Sharpe Patel CPA, presented a PowerPoint presentation to the Board with the results of the Town's annual audit for Fiscal Year 2020-2021. Mr. Sharpe stated that the Town's finances are in good condition, the audit produced no findings of materials weaknesses or significant deficiencies noted this year, and the Town received an Unmodified Opinion, which is the best possible opinion. Mr. Sharpe stated that the General Fund revenues continue to exceed expense and that the General Fund revenue was \$5.908 million and the expense was \$4.638 million. On the Enterprise Fund, Mr. Sharpe stated that the Enterprise Fund expenses have outpaced revenues eight of the last ten years, dating back to 2012, and that continued in Fiscal

Year 2020-2021 with \$3.425 million in revenue and \$3.892 million in expense. This is partly explained by including depreciation in the expense side of the balance sheet; depreciation in Fiscal Year 2020-2021, was nearly \$600,000.

Commissioner Bonitz asked about the Enterprise Fund's operating profit in Fiscal Year 2020-2021 minus depreciation.

Jay Sharpe responded that the Enterprise Fund, minus depreciation, operated with a net profit of around \$125,000 in Fiscal Year 2020-2021.

Commissioner Bonitz asked staff about what signal do we gain from this information and how that affects our repair and replacement of our Town utility assets.

Town Manager Chris Kennedy stated that yes, this depreciation information is indicative of additional repair and replacement needed in our utility fund.

Commissioner Farrell asked about the category of Environment Protection.

Jay Sharpe stated that category includes the sanitation contract with GFL.

## **PUBLIC HEARINGS**

### **1. Text Amendment – ZTA-2021-06 – Parking Lot List Series #2**

Commissioner Shipp made a motion to open the Public Hearing, seconded by Commissioner Bonitz.

Vote: Aye-5 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye

Commissioner Bonitz: Aye

Commissioner Farrell: Aye

Commissioner Shipp: Aye

Commissioner Vose: Aye

Motion Passed.

Planning Director Theresa Thompson presented the staff report for Parking Lot Series #2.

No Public Comment was provided.

Commissioner Shipp made a motion to approve the Land Use Plan Consistency Statement and the Ordinance to Approve the Text Amendment as identified by ZTA-2021-06, seconded by Commissioner Baldwin.

Vote: Aye-5 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye  
Commissioner Bonitz: Aye  
Commissioner Farrell: Aye  
Commissioner Shipp: Aye  
Commissioner Vose: Aye

Motion Passed.

**OLD BUSINESS**

1. None.

**CLOSED SESSION**

1. **The Board of Commissioners wish to hold a Closed Session pursuant to N.C.G.S. §143-318.11. (a)(3).**

Commissioner Shipp made a motion to go into Closed Session pursuant to N.C.G.S. § 143-318.11. (a)(3), seconded by Commissioner Bonitz.

Vote: Aye-5 Nay-0

Mayor Perry: N/A  
Mayor Pro Tem Baldwin: Aye  
Commissioner Bonitz: Aye  
Commissioner Farrell: Aye  
Commissioner Shipp: Aye  
Commissioner Vose: Aye

Motion Passed.

Mayor Pro Tem Baldwin made a motion to come out of Closed Session, seconded by Commissioner Vose.

Vote: Aye-5 Nay-0

Mayor Perry: N/A  
Mayor Pro Tem Baldwin: Aye  
Commissioner Bonitz: Aye  
Commissioner Farrell: Aye  
Commissioner Shipp: Aye  
Commissioner Vose: Aye

Motion Passed.

2. **The Board of Commissioners wish to hold a Closed Session pursuant to N.C.G.S. §143-318.11. (a)(6).**

Commissioner Farrell made a motion to go into Closed Session pursuant to N.C.G.S. § 143-318.11. (a)(6), seconded by Commissioner Shipp.

Vote: Aye-5 Nay-0

Mayor Perry: N/A  
Mayor Pro Tem Baldwin: Aye  
Commissioner Bonitz: Aye  
Commissioner Farrell: Aye  
Commissioner Shipp: Aye  
Commissioner Vose: Aye

Motion Passed.

Mayor Pro Tem Baldwin made a motion to come out of Closed Session, seconded by Commissioner Bonitz.

Vote: Aye-5 Nay-0

Mayor Perry: N/A  
Mayor Pro Tem Baldwin: Aye  
Commissioner Bonitz: Aye  
Commissioner Farrell: Aye  
Commissioner Shipp: Aye  
Commissioner Vose: Aye

Motion Passed.

### **Final Board of Commissioner Comments & Adjournment**

Commissioner Shipp discussed putting together an eligibility framework for the Town's downtown advisory board that will serve the Town's Main Street program.

Mayor Pro Tem Baldwin expressed some concerns about recent paving projects near E. Cornwallis Street and the transitions from the roadway to driveways.

Commissioner Bonitz discussed the Chatham Forest neighborhood's desire to consider utilization of the Town's traffic calming policy with options on the neighborhood streets.

Commissioner Shipp made a motion to adjourn at 11:18pm, seconded by Commissioner Bonitz.

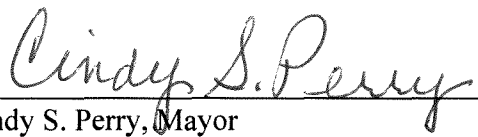
Vote: Aye-5 Nay-0

Mayor Perry: N/A  
Mayor Pro Tem Baldwin: Aye  
Commissioner Bonitz: Aye  
Commissioner Farrell: Aye  
Commissioner Shipp: Aye




Commissioner Vose: Aye

Motion Passed.

  
Cindy S. Perry, Mayor

ATTEST:

  
Paul S. Messick, Interim Town Clerk

