



**MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, JANUARY 24, 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 7:04pm.

**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**

Commissioner Shipp made a motion to approve the Regular Agenda as presented, 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.

## **UPDATES & COMMISSIONER CONCERNS**

### **1. Manager Updates**

Town Manager Chris Kennedy noted an agenda modification to add a discussion item under New Business pertaining to a Reimbursement Agreement with Chatham Park Investors for water treatment plant design expenses as the Town works with the City of Sanford on expanding our potable water resources. Town Manager Kennedy stated that as part of our continued desire to improve our meetings, we will keep the main Zoom meeting room open when the Board departs to Closed Session and a placeholder slide will be displayed on the screen, so the public is aware the Board is in Closed Session. Town Manager Kennedy reminded water customers about the Town's arrangement with Chatham Marketplace, thanked Evan Diamond and his team for their continued assistance, and asked the public to direct any questions or frustrations to the Town and not Chatham Marketplace staff.

### **2. Mayor Updates**

Mayor Perry announced that she and Mayor Pro Tem Baldwin developed a Proclamation recognizing the Martin Luther King, Jr. holiday. Mayor Perry mentioned a North Carolina mayor's effort to support a Regional Greenhouse Gas Initiative Letter. Mayor Perry mentioned that preparations are beginning for Earth Day on April 22, 2022. Mayor Perry added she held a meeting with the Town Manager and Chatham Park representatives to discuss a revision to the downtown vision plan. Mayor Perry stated that she will be meeting with Congressman David Price and will be shooting a video with the Congressman discussing to the bipartisan infrastructure bill. Mayor Perry added she will be attending the next Chatham County Climate Change Committee meeting.

### **3. Commissioner Updates**

Commissioner Farrell offered that he will be attending the next PBA (Pittsboro Business Association) meeting.

Commissioner Shipp stated MSPBO (Main Street Pittsboro) is working on its ongoing operational budget to determine funding needs for the remainder of the fiscal year and working on a few art projects in downtown. Commissioner Shipp added that the North Carolina Main Street conference has decided to hold the conference in a virtual format. Commissioner Shipp stated that he attended his first Chatham EDC (Economic Development Corporation) meeting and that he will be attending the next Chatham County AHAC (Affordable Housing Advisory Committee) meeting.

Mayor Pro Tem Baldwin mentioned that she will be attending the upcoming meetings of the TJCOG and the Chatham County AHAC (Affordable Housing Advisory Committee).

Commissioner Vose mentioned water customer complaints that he had recently received and asked about the process for questioning or formally appealing a bill or fine assessed to a customer.

Town Manager Kennedy responded that any complaints about the bills can be forwarded to him and that he will work with utility billing staff to rectify the situation or better inform the customer.

Commissioner Bonitz mentioned that the Chatham County Climate Change Advisory Committee had identified ten (10) recommendations and asked if everyone had received an invitation to a session by Dr. Robert Cox to discuss these recommendations. Commissioner Bonitz stated that he would forward the invite to the meeting to his fellow Board members.

**CITIZEN MATTERS**

**1. Public Comment**

None.

**CONSENT AGENDA**

- 1. Town of Pittsboro Financial Reports by Month – November 2021**
- 2. Town of Pittsboro Financial Reports by Month – December 2021**
- 3. Minutes of the August 9, 2021 Regular Meeting of the Board of Commissioners**
- 4. Minutes of the August 23, 2021 Regular Meeting of the Board of Commissioners**
- 5. Minutes of the September 27, 2021 Regular Meeting of the Board of Commissioners**
- 6. A-2022-01 Chatham Park Section 5.1 East – Wendover Parkway (PARID 87175, 7339), Chatham Park Investors, LLC**
- 7. Letter of Support for Raleigh-Durham International Airport (RDU) Supporting \$275M in Federal Funding to Replace Its Primary Commercial Service Runway, 5L-23R**
- 8. Haw River Trails Memorandum of Understanding (MOU)**
- 9. Board of Commissioners Future Agenda Item “Look Ahead” Tentative Schedule**

End of Consent Agenda.

Commissioner Farrell made a motion to approve the Consent Agenda as presented with Commissioner’s Shipp’s scrivener’s edits to the August 9, 2021 and August 23, 2021 Meeting Minutes, 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.

## **PUBLIC HEARINGS**

### **1. Public Hearing for REZ-2021-07 – 45 The Whites Way, Leonard & Angela Kaye Haibt**

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

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.

Senior Planner Victoria Bailiff presented the staff report for REZ-2021-07 with an overview of the request stating that the petitioner, Terco Properties was requesting a Conditional Rezoning at the property addressed at 45 The Whites Way from R-A (Residential Agricultural) to M1-CZ (Light Industrial Conditional Zoning). Ms. Bailiff provided a summary of the nine (9) proposed Conditions of Approval and offered that one of the proposed conditions will restrict permitted uses in the district to Mini-Storage and Boat & RV Storage with Retail as an accessory use to Mini-Storage.

No Public Comment was provided.

The petitioner, Joe Kugler, spoke to the Board about his application.

Mayor Perry asked if the subject property intends to front on the future Chatham Park Way extension.

Joe Kugler confirmed yes.

Commissioner Farrell asked about the storage operation and whether the boat and RV storage would be covered or open air.

Joe Kugler stated that it would be open air but would only face internally.

The Board discussed this concept and Joe Kugler agreed to Condition of Approval #10 that boat and RV storage that considered to be open air would be internally situated and not visible from external view.

Mayor Pro Tem Baldwin asked about the septic field shown on the proposed site plan.

Joe Kugler stated that staff had worked with the applicant and is willing to allow septic and public water until public sewer is available to the site.

Senior Planner Victoria Bailiff confirmed to the Board that staff has allowed this utility scenario after conversations with both Planning and Engineering staff.

Town Manager Chris Kennedy questioned if the septic would be publicly or privately maintained and offered that he would recommend that the Board only allow this scenario if the septic was privately maintained.

Joe Kugler agreed to Condition of Approval #11 that any septic for the site be privately maintained.

Commissioner Bonitz asked about the proposed building materials and outdoor lighting for the site and requested that the lighting package be outfitted with dimmers and motion activated features to reduce lighting impacts to protect the dark night sky.

Joe Kugler agreed to Condition of Approval #12 to include these lighting features offered by Commissioner Bonitz.

Commissioner Shipp asked about the existing access easement to the subject property and the existing home on the site.

Joe Kugler stated that the exact easement provided to the neighbor behind the subject property is set to remain and that the applicant wished for that to remain as is for the convenience of their neighbor.

Discussion ensued about the roadway alignment for Chatham Park Way adjacent to the property.

Commissioner Shipp requested to amend Condition #4 to the following:

Accessory uses may include leasing offices, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use.

Joe Kugler agreed to revise Condition of Approval #4 to that listed above and proposed by Commissioner Shipp.

Commissioner Shipp asked staff about the high-density option and whether the Board was authorizing this now or was the Town approving 70% impervious.

Senior Planner Victoria Bailiff confirmed that the applicant requested this to avoid coming back to the Town for approval of the high-density option.

Town Manager Chris Kennedy offered of a “may” instead of a “shall” in this condition might allow the Town to authorize the use of the high-density option without simply granting an impervious surface percentage of 70%.

Commissioner Shipp suggested changing this condition to state that development is permitted to build using the high-density option and not specifically mentioning any impervious surface percentage.

Joe Kugler agreed to revise Condition of Approval #7 to state that development is permitted to build using the high-density option.

Commissioner Shipp asked about the enforceability of the earth tone palette offered by the petitioner.

Senior Planner Victoria Bailiff stated that any infringement upon that or any other standard would be a zoning violation and enforced using the policies of the Town at the time of a violation.

Mayor Perry summarized the revisions and additions to the list of Conditions of Approval.

Joe Kugler reiterated his acceptance of the Conditions of Approval.

Commissioner Farrell asked the petitioner if the building would be two or three stories.

Joe Kugler stated that the development team did not know if the building would be two or three stories.

Commissioner Farrell asked if the building would be fitted with a fire sprinkler system.

Commissioner Bonitz stated that he would prefer denser development on this site and would support a greater number of stories in exchange for a more compact footprint to support better walkability and density in Town.

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

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.

Commissioner Shipp made a motion to approve the Land Use Plan Consistency Statement and the Ordinance to Approve the Rezoning request as identified by REZ-2021-07 with the revisions and additions to the Conditions of Approval as agreed to during the Public Hearing, seconded by Commissioner Farrell.

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.

### **NEW BUSINESS**

1. **Town of Pittsboro Reimbursement Agreement for the Town's Cost Share of the City of Sanford Water Treatment Plant Expansion Design Costs**

Town Manager Chris Kennedy presented an overview of this request and stated that this request is to consider a Reimbursement Agreement for the design costs of the water treatment plant expansion project at the City of Sanford, a project that includes other participating partner communities including the City of Sanford, Chatham County, the Town of Fuquay-Varina, and the Town of Holly Springs, in addition to the Town of Pittsboro. These five (5) partners are coordinating to expand the City of Sanford water treatment plant from 12.0 MGD (million gallons per day) to 30.0 MGD, with the communities splitting this 18.0 MGD expansion as follows: Fuquay-Varina – 6.0 MGD, Sanford – 4.0 MGD, Holly Springs – 4.0 MGD, Pittsboro – 3.0 MGD, and Chatham County – 1.0 MGD. The Town of Pittsboro has been working as a partner in this water treatment plant expansion effort and the costs have now been identified to continue acting as partner in the project. Based on the initial capacity to be set aside or dedicated to the Town of Pittsboro, 3.0 MGD, the Town's share of the design costs is \$1,878,583. Town Manager Kennedy stated that at the November 22, 2021 Regular Meeting of the Board, the Board authorized him to communicate the Town's commitment to the project with the City of Sanford and to negotiate and execute a reimbursement agreement with Chatham Park Investors. Town Manager Kennedy stated that he had completed those tasks, but desired for the Board to review the proposed Reimbursement Agreement and then grant him the ability to execute the Reimbursement Agreement with Chatham Park Investors to allow the Town to participate in the water treatment plant expansion design project with the City of Sanford. Town Manager Kennedy stated that the agreement allows the Town to reimburse Chatham Park Investors for the listed dollar amount using a credit towards future water SDF (system development fee) payments that would be made to the Town of Pittsboro. Town Manager Kennedy also noted that since the Town was currently undergoing a revision to its SDF study, and since the current SDF fee structure does not contemplate this project, Chatham Park Investors agreed that the fee listed in next year's budget would be more appropriate

for determining the reimbursement amount (credit) on a per unit basis and will be used in the Reimbursement Agreement.

Commissioner Shipp asked about a provision of the agreement that states if the Town withdraws that the Town must continue to financially participate in the contract with the City of Sanford, so how does the Town intend to continue to financially participate if Chatham Park Investors is not able to or does not pay.

Town Manager Kennedy stated that the Town would be factoring this project into the upcoming Capital Improvements Plan and that will be a part of the SDF and rates setting as well, so while the Town does not have the cash currently, we would need to adjust our rate schedule to account for this expense should Chatham Park Investors not participate in the funding with the exposure being whether lot development would occur quickly enough to allow the SDF revenue to come in to pay the bills invoiced by the City of Sanford.

Commissioner Shipp also expressed concern about the payment structure listed in the agreement where the Town has 30 days to pay the City of Sanford and Chatham Park Investors has 30 days to pay the Town and how that sequence could be problematic.

Town Manager Kennedy stated the Town would process the bill immediately and hopefully avoid any conflict in the sequence.

Commissioner Bonitz stated that he appreciated the work performed on this Reimbursement Agreement thus far and that he would like more time to review the agreement language. Commissioner Bonitz expressed his support with the project concept overall, as it improves our water and sewer capacities. Commissioner Bonitz asked staff how this agreement would affect our financial condition, particularly with rating agencies or the LGC.

Town Manager Kennedy stated that while the dollar figure discussed will show on our books, he did not feel like the Reimbursement Agreement would negatively affect our financial position in the eyes of the LGC.

Commissioner Shipp asked when the project design was set to begin.

Town Manager Kennedy stated that the City of Sanford had communicated to him that they would like to commence forward with the design work as soon as possible.

Town Manager Kennedy stated that he was comfortable with delaying action on this request to the February 14, 2022 Regular Meeting.

Discussion ensued about the agreement and the effect on the Town's finances.

Commissioner Farrell expressed that he was comfortable moving forward this evening.

Mayor Pro Tem Baldwin stated that she was comfortable with moving forward this evening as well but would be okay with waiting to February 14, 2022.

Commissioner Vose stated that he would prefer to wait to February 14, 2022 to allow more time to review the agreement language.

Town Manager Kennedy stated that if it served the Board's pleasure, he would be happy to address any Board comments in the interim and to place this item for consideration on the February 14, 2022 Regular Meeting agenda.

Further discussion on the timing ensued.

Commissioner Shipp requested that this item be placed on Consent Agenda on February 14.

No formal action was taken by the Board, and it was agreed that the item be considered by the Board at the February 14, 2022 Regular Meeting on the Consent Agenda.

## **MISCELLANEOUS**

### **1. Pittsboro Affordable Housing Task Force Membership Eligibility and Identification of Tasks Discussion**

Town Manager Chris Kennedy provided an overview of the purpose of this agenda item and explained the need of task identification if the Board wished to utilize a Pittsboro Affordable Housing Task Force to aid in the Board's decision-making, particularly now that the Town has adopted its own Affordable Housing Incentives Policy and approved the Chatham Park Affordable Housing Additional Element. Town Manager Kennedy recommended that the appointment of members to the Affordable Housing Task Force be dependent on the tasks to ensure there is the proper expertise on the committee to complete the identified tasks.

Commissioner Farrell announced that he needed to leave the meeting at this time to address a family need.

Discussion ensued about the tasks and potential members to serve on the Affordable Housing Task Force.

Following discussion, the Board agreed to the following three (3) tasks:

Task 1: Prepare a recommendation to the Board of Commissioners for how to administer, support, and incentivize the development of an affordable dwelling units and workforce dwelling units in the town. Section 10 of the Chatham Park Additional Element for Affordable Housing states:

*On or before July 1, 2024, the Affordable Housing Task Force previously appointed by the Town, with replacement of persons on the Task Force as necessary (e.g. unavailability) shall recommend to the Town how to administer, support, and incentivize the development of Affordable Dwelling Units and Workforce Dwelling Units in the Town of Pittsboro. If the Town has not established a method or entity to administer, support, and incentivize*

*development of AHUs and WHUs by July 1, 2026, the requirement for provision of AHUs and WHUs shall be suspended until the method or entity is established. Provided, however, AHUs and WHUs for Chatham Park may continue to be provided during such time of suspension.*

Task 2: To review the set of recommendations from the original Affordable Housing Task Force for the Town of Pittsboro with the new task of producing a recommendation to the Board of Commissioners for what remains uncompleted, whether the uncompleted recommendations are still valid or require adjustment, plus any new recommendations the current Affordable Housing Task Force would wish to make now that the Town has an adopted Affordable Housing Incentives Policy in the UDO and an approved Chatham Park Additional Element for Affordable Housing.

Task 3: The development of bylaws and eligibility requirements of an eventual Affordable Housing advisory committee/entity in charge of managing the Town's Affordable Housing programs.

Town Manager Kennedy stated that if the Board is acceptable to these three (3) tasks, he will engage the previous members of the Pittsboro Affordable Housing Task Force to gauge their interest to serve again with the context of these newly identified tasks.

The Board agreed.

## **2. Downtown Advisory Board Membership Eligibility Discussion**

Town Manager Chris Kennedy provided an overview of this agenda item and discussed the desire to establish a Town advisory board to guide downtown matters once the administration of the local Main Street program returns as an internal department on July 1, 2022. Town Manager Kennedy stated that Commissioner Shipp had introduced a draft framework for the composition of this advisory board.

Commissioner Shipp detailed his advisory board composition suggestions and extended his appreciation for the Town dedicating a large portion of Planning Director Theresa Thompson's time to guide the Main Street program for the Town.

Commissioner Bonitz offered his appreciation for Commissioner Shipp putting this together and the emphasis on downtown-oriented businesses on the advisory board.

Discussion ensued about the particulars of the eligibility requirements, the practicality of those requirements, and recruitment of advisory board members.

The Board decided to postpone a formal acceptance of the eligibility requirements to allow Commissioner Farrell to comment and to place on the February 14, 2022 Regular Meeting Consent Agenda for approval.

**CLOSED SESSION**

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

Mayor Pro Tem Baldwin 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-4 Nay-0

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

Motion Passed.

Commissioner Shipp made a motion to come out of Closed Session, seconded by Commissioner Bonitz.

Vote: Aye-4 Nay-0

Mayor Perry: N/A  
Mayor Pro Tem Baldwin: Aye  
Commissioner Bonitz: Aye  
Commissioner Farrell: Absent  
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 Shipp made a motion to go into Closed Session pursuant to N.C.G.S. § 143-318.11. (a)(6), seconded by Mayor Pro Tem Baldwin.

Vote: Aye-4 Nay-0

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

Commissioner Vose: Aye

Motion Passed.

Commissioner Shipp made a motion to come out of Closed Session, seconded by Commissioner Bonitz.

Vote: Aye-4 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye

Commissioner Bonitz: Aye

Commissioner Farrell: Absent

Commissioner Shipp: Aye

Commissioner Vose: Aye

Motion Passed.

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

Commissioner Shipp stated that TJCOG desired an Infrastructure Jobs Act representative to represent the Town.

Commissioner Vose stated that he was willing to serve in that role.

Commissioner Bonitz made a motion to adjourn at 12:07am, seconded by Commissioner Shipp.

Vote: Aye-4 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye

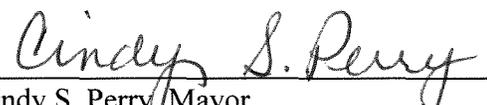
Commissioner Bonitz: Aye

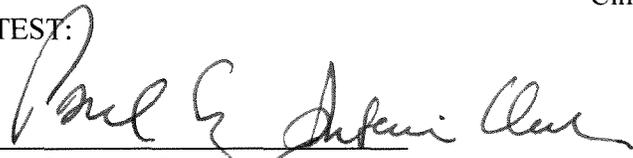
Commissioner Farrell: Absent

Commissioner Shipp: Aye

Commissioner Vose: Aye

Motion Passed.

  
Cindy S. Perry, Mayor

ATTEST:  
  
Paul S. Messick, Interim Town Clerk