



**MINUTES  
TOWN OF PITTSBORO  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MONDAY, FEBRUARY 28, 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, Chief of Police Shorty Johnson, Planning Director Theresa Thompson, Senior Planner Victoria Bailliff, Planning Project Manager Molly Boyle, Planner II Janie Phelps, Parks Planner Katy Keller, Director of Engineering Kent Jackson, and Customer Service Specialist Kelly Hughes.

**Call to Order – Mayor Perry**

Mayor Perry called the meeting to order at 7:01pm.

**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 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.

## **CITIZEN MATTERS**

### **1. Manager Updates**

Town Manager Chris Kennedy reviewed the alterations to the agenda with the removal of the former category of “Updates and Commissioner Concerns” and merging those topics into “Citizen Matters”, again as part of the Town’s continued efforts to improve agendas for more efficiency and clarity. As part of this shift, Commissioner comments previously reserved to the end of the meeting will be delivered at the outset under Citizen Matters for those public who may not wish to stay on the meeting for the full extent. Town Manager Kennedy reminded water customers about the Town’s arrangement with Chatham Marketplace and the disbursement of water at that location, and thanked Evan Diamond and his team for their continued assistance. Town Manager Kennedy discussed how interested persons who wish to serve on the Town’s Downtown Pittsboro Advisory Board can submit their letter of interest.

### **2. Mayor & Commissioner Updates and Concerns**

#### **Mayor Perry**

- Chatham County Climate Change Advisory Committee
- Comments / Concerns

Mayor Perry stated that she attended the Chatham County Climate Change Committee meeting and discussed a Chatham County letter sent to the North Carolina Utilities Commission regarding the State’s carbon reduction goals and a request to compel Duke Energy to shift to greater usage of alternative energy sources. Mayor Perry asked the Board if the Town wished to provide a similar letter to the State.

#### **Mayor Pro Tem Baldwin**

- Chatham County Affordable Housing Advisory Committee (AHAC)
- Fairground Association
- Triangle J Council of Governments (TJCOG)
- Comments / Concerns

Mayor Pro Tem Baldwin mentioned that she will be attending the upcoming meetings of the TJCOG and the Chatham County AHAC and asked for improvements to the Board emails sent by staff with agenda materials. Mayor Pro Tem Baldwin also asked to whom she should direct a water customer to discuss their utility bill.

#### **Commissioner Bonitz**

- Comments / Concerns

Commissioner Bonitz stated that he appreciated Mayor Pro Tem Baldwin introducing the concerns about the water bills and requested that the Board take up this issue and discuss penalties and rate structures with the upcoming budget conversations. Commissioner Bonitz offered to compile specific comments and complaints expressed about the Town’s utility billing methods to support this conversation.

### **Commissioner Farrell**

- Pittsboro Business Association (PBA)
- Comments / Concerns

Commissioner Farrell mentioned that he will be attending the next PBA meeting. Commissioner Farrell added that he continued to receive complaints about the Deacon house on Hillsboro Street and its dilapidated condition.

### **Commissioner Shipp**

- Chatham County Affordable Housing Advisory Committee (AHAC)
- Chatham County Economic Development Corporation (EDC)
- Main Street Pittsboro (MSPBO)
- Comments / Concerns

Commissioner Shipp expressed his concurrence with ramping up enforcement measures with the Deacon house on Hillsboro Street. Commissioner Shipp stated that he attended the most recent EDC meeting and offered that the county is seeking lots of exciting activity on the economic development front. Commissioner Shipp stated the MSPBO regular meeting was moved back one week, and that transition discussions continue. Commissioner Shipp reminded the public about the Town's recent press release to recruit volunteers for the new Downtown Pittsboro Advisory Committee. Commissioner Shipp mentioned the recent downtown pub crawl and spoke to benefits of having a downtown shuttle for regular business and events in downtown. Commissioner Shipp noted that he created timestamps on the Board meetings on YouTube for ease of navigating the topics discussed during a meeting when viewed after the meeting.

### **Commissioner Vose**

- Chatham County Arts Council
- Triangle Area Rural Planning Organization (TARPO)
- Comments / Concerns

Commissioner Vose mentioned he had nothing new to report on TARPO and he expressed his gratitude to Selbe Bartlett and Taylor Hobbs who have connected with him about the Arts Council.

## **3. Public Comment**

Liz Cullington, 390 Rocky Hills Road, Pittsboro, NC, offered comments about the composition of the reconstituted Pittsboro Affordable Housing Task Force. Ms. Cullington expressed her concern with having Chatham Park representatives serving on this committee and added that if the Board wishes to allow Chatham Park representatives, that they have a single voting position.

Emily Sutton, 143 Bynum Church Road, Pittsboro, NC, offered comments and expressed concern about the Town removing criminal penalties from its enforcement options pertaining to stormwater and stream buffer violations. Ms. Sutton also discussed the options available to a MS4 (Municipal Separate Storm Sewer System), or stormwater utility.

**CONSENT AGENDA**

- 1. Minutes of the November 10, 2021 Regular Meeting of the Board of Commissioners**
- 2. Minutes of the December 1, 2021 Regular Meeting of the Board of Commissioners**
- 3. Town of Pittsboro UDO Administrative Manual**
- 4. Board of Commissioners Future Agenda Item “Look Ahead” Tentative Schedule**

End of Consent Agenda.

Mayor Pro Tem Baldwin made a motion to approve the Consent 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.

**PUBLIC HEARINGS**

- 1. Annexation – A-2022-01 Chatham Park Section 5.1 East – Wendover Parkway (PARID 87175, 7339), Chatham Park Investors, LLC**

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.

Town Manager Chris Kennedy presented the staff report for A-2022-01 and stated that the petitioner, Chatham Park Investors, LLC, was requesting the approval of a contiguous annexation petition to annex 14.919 acres adjacent to US Highway 64 Business and Chatham Park Way. Town Manager Kennedy stated that the Board has now accepted the investigation of sufficiency

conducted by the Town Clerk and set the public hearing for tonight, so following the public hearing the Board may proceed with a vote on this annexation petition.

No Public Comment was provided.

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

Commissioner Farrell made a motion to approve A-2022-01, 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.

## **2. Text Amendment – ZTA-2022-02 – UDO Amendments: Parking Lot List Series #3**

Commissioner Bonitz made a motion to open the Public Hearing, 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 Comment:

Liz Cullington, 390 Rocky Hills Road, Pittsboro, NC, offered comments and expressed concern about the Town removing criminal penalties from its enforcement options pertaining to stormwater and stream buffer violations and urged the Board to retain these stronger remedies.

End of Public Comment.

Planning Director Theresa Thompson presented the staff report for ZTA-2022-02 and briefly reviewed each of the nineteen (19) text amendments to the UDO proposed by Town staff. Ms. Thompson added that the Planning Board unanimously recommended approval of ZTA-2022-02 with a vote of 5-0. Ms. Thompson stated that following the public hearing, the Board may wish to vote on the Land Use Plan Consistency Statement and the Ordinance to Approve the Text Amendment, both drafted by staff for the Board's convenience and consideration.

Mayor Pro Tem Baldwin inquired about the amendments to the Community Information Meeting requirements and desired for the public to understand that once an application is accepted it should not imply that the application is accepted in terms of an approval by the Town and that there is still time to provide input on the project.

Planning Director Theresa Thompson stated amendment #13 sought to amend the UDO to remove the Community Information Meeting requirement for general use rezoning applications.

Commissioner Shipp asked for this amendment #13 to be stricken from the request and to retain the Community Information Meeting requirement for general use rezoning applications until we can update our Future Land Use Plan to allow the public to be better informed in the interim.

Commissioner Bonitz concurred.

Given the previous public comments about penalties and enforcement, with specific regard to criminal penalties, Planning Director Theresa Thompson addressed the requirements and purpose of staff requesting to remove these criminal penalties from the UDO. Ms. Thompson reviewed the State statute for the Board and the public that staff referenced in its decision to amend the UDO to remove the criminal penalties from our enforcement tools.

Commissioner Farrell asked staff if we should wait until we are absolutely confident that about the State law removing our ability to assess criminal penalties to violators of the stormwater and stream buffers ordinances.

Commissioner Bonitz agreed and stated that if we have time before this law comes into effect, we should wait until that time to ensure that we have the enforcement mechanisms in place to protect stormwater and riparian buffers

Town Manager Chris Kennedy responded that each of the civil penalty enforcement mechanisms mentioned by the public earlier tonight as potential options in place of criminal penalties are all already in the UDO in Chapter 11 and added that the issue at hand resulted from a State law prohibiting the Town from enforcing its ordinance with criminal remedies is the reason for the text amendment. Town Manager Kennedy added that the State statute reviewed by Planning Director Theresa Thompson was not interpreted to be ambiguous by staff.

Town Attorney Paul Messick offered that the State law became effective on December 31, 2021 so the Town was already two months behind in removing this language from the UDO. Mr. Messick added that the Town has not pursued criminal penalties for zoning violations in the past and recommended that the language be removed from the UDO to be consistent with State law.

After discussion the Board decided to remove the criminal penalty language from the UDO.

Planning Director Theresa Thompson discussed the recommended plant list to be included in the Town's Administrative Manual and spoke to native and exotic species.

Commissioner Bonitz suggested that the Town policy, based upon previous discussions, should focus on removing invasive species from the official plant list and not only allow native or exclude exotic, non-invasive species. Commissioner Bonitz offered that we might wish to consult plant experts.

Planning Director Theresa Thompson offered that staff could present disallowed and acceptable plant lists in Parking Lot Series #4.

The Board agreed with this plan.

Discussion ensued about the plan for future text amendments and Parking Lot lists provided by Town staff for mass text amendments.

Mayor Pro Tem Baldwin 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 Zoning Text Amendment request as identified by ZTA-2022-02 with

proposed amendment #13 stricken as agreed to during 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.

### **3. Text Amendment – ZTA-2022-03 – Town of Pittsboro Affordable Housing Incentives**

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

Town Manager Chris Kennedy presented the staff report for ZTA-2022-03 and provided an overview of the request stating that the amendment language seeks to address the qualifying requirements for Development Projects to be considered eligible for the incentives to promote the construction of affordable housing within Pittsboro. Town Manager Kennedy noted that the Board requested some form of incentive to be available to all developers of affordable housing, even for one unit, when the original incentive language was approved in November 2021, this proposed amendment was crafted to target those extra levels of participation to encourage more affordable housing development. Town Manager Kennedy mentioned that the Planning Board unanimously recommended approval of ZTA-2022-03 with a vote of 5-0. Town Manager Kennedy added that following the public hearing, the Board may wish to vote on the Land Use Plan Consistency Statement and the Ordinance to Approve the Text Amendment, both drafted by staff for the Board's convenience and consideration.

Public Comment:



Liz Cullington, 390 Rocky Hills Road, Pittsboro, NC, offered comments and stated that she believed that developers who only participate in affordable housing with density credit payments should not be afforded with the incentive of expedited review.

End of Public Comment.

Discussion ensued about how projects are to be prioritized with expedited review.

Town Manager Kennedy stated that projects would be prioritized with the highest level of participation being reviewed first, by overall number and percentage of affordable housing provided compared to market rate units and then by AMI category. If projects of equal affordable housing participation are submitted, then the priority for review would be determined by who submitted the project first in terms of providing a complete application to the Town.

Commissioner Vose inquired about the purpose or projects that are to result from the Town receiving payments for density credits and what those funds may be used for to promote affordable housing.

Town Manager Kennedy stated many affordable housing projects, be they constructed by Habitat for Humanity, Third Wave, or others, often find development regulations and fees as barriers to entry into the markets they wish to develop, and these funds could be used to offset some of those development costs. Town Manager Kennedy offered the example that the Town could pay or help pay for a required greenway to offset the development costs as a means to provide more affordable housing by relieving that financial burden from the affordable housing builder without the Town relaxing its requirements and desires to have a greenway installed to serve that development.

Mayor Pro Tem Baldwin made a motion to close the Public Hearing, 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.

Commissioner Shipp made a motion to approve the Land Use Plan Consistency Statement and the Ordinance to Approve the Zoning Text Amendment request as identified by ZTA-2022-03 as presented, 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.

## **OLD BUSINESS**

### **1. None.**

## **NEW BUSINESS**

### **1. Preliminary Plat – SUB-2021-06 – Chatham Park Section 5.1 East**

Senior Planner Victoria Bailiff presented the staff report for Preliminary Plat application SUB-2021-06 for Chatham Park Section 5.1 East. Ms. Bailiff stated that the petitioner, Chatham Park Investors, LLC, was requesting to subdivide approximately 24.61 acres located on 3 parcels (Parcel ID 94584, 87175, 7339), into 55 lots (single-family detached), located south of Wendover Parkway and west of Chatham Park Way. Ms. Bailiff stated that the property was previously annexed into the corporate limits of the Town earlier this evening and that the property would be served with Town water and sewer would be served by the Chatham Park Water Recovery Center. Ms. Bailiff added that the Planning Board unanimously recommended approval of the Preliminary Plat with a vote of 5-0. Ms. Bailiff stated a few matters were set to be ironed out after the Planning Board meeting, which included:

- Sidewalks along both sides of the proposed streets where a sidewalk was deleted along a stormwater control measure, and this was addressed by removing a portion of the planting areas to accommodate the right-of-way for the sidewalk.
- Greenway easement and installation where the developer has agreed to install the greenway and timing of the construction will be determined prior to final plat approval.
- Parkland requirement concerns and questions were also attended to by the applicant agreeing to install an additional greenway, running north, on the opposite side of the stream east of the subdivision and adjacent to Chatham Park Way.

Ms. Bailiff stated that if the Board was acceptable to these changes, the Board may wish to vote on the Preliminary Plat application this evening. Ms. Bailiff also referenced the secondary ingress and egress requirements for the Town and the approval of the proposed design by the County Fire Marshal.

Discussion ensued about the secondary ingress and egress of the subject site design and the Board's desire to see multiple points of access for development.

Commissioner Shipp made a motion to approve the Preliminary Plat under application SUB-2021-06 for Chatham Park Section 5.1 East as follows:

1. To approve the proposed 55 lot Preliminary Plat without a secondary ingress or egress (entrance); and
2. To approve use of the proposed East – West and North – South greenways to meet the Park Land requirements; and
3. To approve the Preliminary Plat for Chatham Park Section 5.1 East, subject to the conditions noted in the Resolution Approving a Preliminary Plat Application for Chatham Park Section 5.1 East Residential Subdivision

Motion 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.

### **MISCELLANEOUS**

1. None.

### **CLOSED SESSION**

1. None.

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

Commissioner Farrell asked about Chatham Concrete's revised plans.

Planning Director Theresa Thompson responded that the revisions are relatively minor and include corrections to the site lighting.

Commissioner Bonitz mentioned that lighting concerns with this site had been relayed to him.

Discussion ensued.

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

Vote: Aye-5 Nay-0

Mayor Perry: N/A

Mayor Pro Tem Baldwin: Aye


Commissioner Bonitz: Aye

Commissioner Farrell: Aye

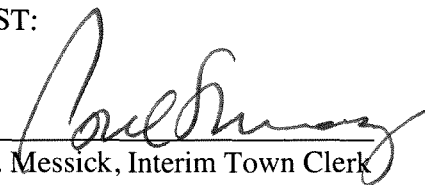
Commissioner Shipp: Aye

Commissioner Vose: Aye

Motion Passed.

  
Cindy S. Perry, Mayor

ATTEST:

  
Paul S. Messick, Interim Town Clerk