



TOWN OF PITTSBORO

The Pittsboro Board of Commissioners met in Regular Session on **Monday, June 13, 2022** at 7:00pm in the meeting room at the Chatham County Agriculture and Conference Center with Mayor Cindy Perry presiding. The meeting was called to order at 7:00 pm. Mayor Perry requested a moment of silence with the recitation of the Pledge of Allegiance following led by Commissioner Farrell.

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, Finance Director Heather Meacham, Planning Director Theresa Thompson, Public Information Officer/Emergency Manager Colby Sawyer, Parks & Recreation Director Katy Keller, and Director of Engineering Kent Jackson, Public Utility Director Adam Pickett.

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 as presented, seconded by Commissioner Vose.

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

Resolution Commemorating Juneteenth was presented by Mayor Perry.

Mayor Pro Tem Baldwin made a motion to adopt the resolution, seconded by Commissioner Shipp.

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

CITIZEN MATTERS

1. Manager Updates

Town Manager Chris Kennedy shared the extended timeline on the consent agenda for the full year looking forward. The Parks & Recreation Department and Chatham Park Investors have been working to keep the Knight Farm Community Park splashpad open and operational while working through mulch issues. The Town of Pittsboro has signed a contract for a future land use plan with Stewart Consulting Firm. Reminder of Arts in the Park on Thursday in downtown Pittsboro at Page Vernon Park and the mural is complete. SummerFest event hosted by PBA will happen on July 3rd located in downtown Pittsboro on the future Town Hall site between Salisbury and Hanks Street.

2. Mayor and Commissioner Updates and Concerns



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

3. Public Comment-none

CONSENT AGENDA

Mayor Perry called for action on the Consent Agenda

The Consent Agenda contained the following items:

1. Minutes of the April 25, 2022 Regular Meeting of the Board of Commissioners.
2. Set Public Hearing for Town of Pittsboro Minimum Housing Code of Ordinances Amendment
3. Set Public Hearing for SUP-2022-01 Roca Fuerte Cemetery
4. Legislation Tracking & Policy Updates for the Board of Commissioners
5. Board of Commissioners Future Agenda Item "Look Ahead" Tentative Schedule

Commissioner Shipp made a motion to approve the consent agenda, seconded by Mayor Pro Tem Baldwin.

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

NEW BUSINESS #1

1. Sher Edling Legal Services Agreements-1,4 dioxane Litigation & PFOS/PFOA Litigation

Town Manager Chris Kennedy reviewed the Request for Information (RFI) to obtain professional legal services from a private law firm to pursue common law environmental tort claims on behalf of the Town of Pittsboro. The Town selected Sher Edling LLP to represent the Town in its investigation and litigation relating to the contamination of the Town's drinking water supply with PFAS and 1,4 dioxane. Town Manager Chris Kennedy shared the amount the Town has spent so far is more than 3.5 million dollars for the GAC system, with expenditures increasing due to pilot study expense, engineering reports, chemical and energy costs to run the GAC system. To install proper measures at the plant would be more than 23-25 million dollars of capital cost.

Commissioner Shipp shared that information on this issue has and will continue to be discussed by the Board in closed session. A 23-25% fee the Town will be incurring with the investigation and litigation process versus a 100% fee.

Town Attorney Paul Messick shared that process would start with an investigation of the situation to try to identify the potential responsible parties involved and the Town would then make a choice about what avenues to take on how to deal with the responsible parties.



Commissioner Bonitz made a motion to approve the Terms of each Agreement and Authorize the Town Manager to Execute the Legal Service Agreements for 1,4 dioxane and PFOS/PFOA, seconded by Commissioner Vose.

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

Commissioner Shipp made a motion to open public hearing, seconded by Commissioner Farrell.

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

PUBLIC HEARINGS

a) Rezoning-REZ-2022-01-102 Park Drive (PARID 79930) – R-12 to OI-CZ, Veologica LLC c/o Randy Voller

Janie Phelps, Planner II presents the item. The application and its process is presented with a GIS image of the property.

Mayor Perry asks for any public comment. Four individuals signed up to speak: Paul Neville, Paul Jackson, Anna Davidson, list could not be accessed at the time by Chris Kennedy, Town Manager. Participants asked to raise hand to speak through Zoom.

1. Anna Davidson - 230 Oakwood Dr. Neighbors are concerned with traffic within their neighborhood. No traffic calming devices on their roads. Not included in sidewalk plan for greater Pittsboro. Concern about volume of traffic. Zoning conditions state no direct access from Park Dr, but the Alpha center has two accesses off Park Dr. Applicant states need for additional office space, but there are multiple vacant buildings and office space within Town jurisdiction. There are many properties already to suit office needs and this is in a floodplain. This is not beautification to the neighborhood. The application is overly broad. What will the use ultimately be? Does this need to be done all at once? There is discussion of a road widening of 15-501. Feels like our neighborhood is forgotten about. Ask the BOC to strongly consider slowing down the application process and putting civic planning at the forefront. A petition has been created through Change.org and was submitted for public record. It so far has 58 signatures of concerned citizens.
2. Paul Neville – 194 Park Dr. 2 major detrimental issues: safety and flooding. The last speaker touched on safety. The PB recommended unanimous approval although the Land Use Plan Consistency Statement stated denial. The surrounding community voiced that this was in the best interest of the public. The only support seen was the previous property owner, JA Webster, who was selling



the property at the time. Safety is compromised with the increased traffic on Park Dr. There are no sidewalks on Park Dr. and there are many instances of speeding. Flooding is common on Park Dr., and many pay for flood insurance. The increase of impervious surface will increase the flooding. This parcel of land is ill suited for the requested development.

3. Brandon Moore – representative for the developer. The Site Group, 1111 Overland Rd, Raleigh. Anticipate much of the traffic, vast majority, to enter and exit through 15-501 and not through any access off Park Dr. This should not increase the traffic through the neighborhood off Park Dr. Development has been set back from the floodplain by approximately 150 feet. The layout is so that vegetation can remain along Park Dr., for aesthetic purposes, and to accompany proper stormwater device. Vegetative buffer will be existing and undisturbed.

4. Randolph Voller – applicant. Representing Veologica LLC, owned by Keith McCray, who also owns the Alpha Center. Spectrum was originally to come to Pittsboro and wanted to have parking available that could have some type of control parking if rented space. Didn't think that just fenced parking would look good on 15-501. Approximately 17 months ago, the applicants reached out to the Town to inquire on what is needed to build a parking lot. This is walkable to the Marketplace and will have different types of rents and uses, aside from existing space. Reached out to the Town's Engineer department about the stormwater measures for if/when something is proposed here that the property owner would work with the Town on stormwater measures. The site plan shows an appropriate stormwater device that will help with the runoff. Met with the realtor and neighboring owner about this proposal to discuss potential development. Previously a general use rezoning was applied and withdrawn, and a conditional use rezoning was applied for based on community input. The assessment of the property has gone up which, if developed, would benefit the Town.

Comm. Shipp – application says septic is proposed.

Voller – if/when application is approved; the property owner will wait until wastewater is available.

Shipp – 15-501 widening will be along the entirety of the property?

Voller – NCDOT has a STIP project and there are intended improvements on Park Dr. A neighbor concern asked if the applicant could help once NCDOT makes improvements.

General discussion of the NCDOT STIP project for widening of 15-501.

Voller – further process of submitting applications for actual development of the property.

Moore – any substantial change to the layout would require a rezoning amendment.

Shipp – of the conditions, how will the access for non-residential be enforced through the Alpha Center?



Moore – There will not be an access constructed off Park Dr. if developed as non-residential. It is still available to be accessed for residential purposes.

General discussion about the access.

Shipp - Is a Bed and Breakfast residential or non-residential? If we rewrite the conditions about the access, would Bed and Breakfast be included?

Chris Kennedy – This is under commercial use, not residential.

Comm. Bonitz – Asked if the parking lot could be permeable?

Voller – that can be addressed when the site plan is submitted about permeable pavers. The owner currently can't use this property as commercial and therefore this needs to go through this process.

Comm. Shipp – How is parking the best use for a pedestrian connection downtown?

Voller – Anyone potentially working there can walk downtown; that is the walkability. Currently, there are people that walk to Aromatic Roasters at the Alpha site.

Anna Davidson – *submitted question* How will traffic be directed to 15-501? It will be 3 lanes with the turn lane going into the Alpha Center already. What is the theory that the traffic will be routed through 15-501?

Mayor Perry – My understanding is that the improvement from Launis St to Lowes Home Improvement there will be 3 lanes with turn lanes.

Voller – Intention is to not have another driveway access. Want to keep as much of the land preserved as possible. We don't anticipate people to come through this neighborhood as they would come to the site and leave the same way.

Moore – touch on condition about the access. No director or commercial access from Park Dr. No new driveway from Park Drive but could have indirect traffic from Park Drive to the site.

Mayor Pro Tem Baldwin – concerned about the floodable area and increasing the floodable area.

Voller – that is not the intention. the stormwater pond will capture discharge. Part of the problem is the size of the pipes.

Bonitz – owner open to a stormwater device on the property at Park Drive and 15-501?

Voller – property owner is open to working with the Town to find the best location for a stormwater device that can alleviate the downstream problems.

Kennedy – caution the Board on these comments of working with the Town for stormwater measures; this is not part of the request. General discussion about potential stormwater property owner/Town device.

5. Kathy Zaumsiel – 410 Oakwood Dr, 35+ years. Experienced regular flooding. It's gotten worse over the years with further development. Our concern is that



nowhere in the document does it limit the use of the land to this proposed office building. If the office building doesn't proceed as planned that other uses can be made. Concerns about safety and increased traffic in the neighborhood.

Commissioner Shipp made a motion to close public hearing for 102 Park Drive, seconded by Mayor Pro Tem Baldwin.

Vote: Aye-5 Nay-0 Motion carried unanimously

Commissioner Shipp made a motion that the Land Use Plan is not consistent with zoning map and to deny the rezoning and adopt the Resolution that the rezoning is not consistent, seconded by Mayor Pro Tem Baldwin.

Vote: Aye-5 Nay-0 Motion carried unanimously

Mayor Pro Tem Baldwin made a motion to go into public hearing, seconded by Commissioner Vose.

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

2. Rezoning-REZ-2022-02-Turkey Creek (PARID 7461,7462,62851) – R-A & M-2 to R-10-CZ, C-2-CZ, MR-CZ, AF Bynum LLC & Greenhawk Development

Planner II, Janie Phelps, presents the item.

The applicant and applicants' consultant presents the proposal.

Comm. Shipp – two applications in the packet, but are these separate?

Holloman (consultant) – it is one application

Shipp – why weren't affordable housing incentives being used?

Medlin (applicant/developer) – a variety of homes are proposed already with different layouts and price points. We reviewed the incentives and they are a bit ambiguous.

Shipp – Timeline?

Medlin – Throughout 2023 work on Construction drawings and start development by 2024. Aware of sewer issues. Zoning will give greater clarity.

Shipp – Doesn't see how multifamily next to industrial makes sense.

Holloman – the topography adjacent to this is not set well for industrial development, but it is more conducive to residential uses. The proposed layout is to give more complimentary zoning uses. Want to provide a lot of walkability.

Comm. Bonitz – did you talk to anyone that is constructing the concrete plant?



Medlin – I purchased the property prior to that discussion and realize that possibility. Approximately 200,000 SF of non-residential space. It can be an array of things; retail, restaurants.

Holloman – Traffic Impact Analysis (TIA) that was done considered 180,000 sf of office and 20,000 sf of retail/commercial uses.

Mayor Pro Tem Baldwin – like that the applicant will consider affordable housing incentives. Public was concerned about the amount of traffic but understand the TIA has already been completed.

Shipp – this area is hard that we want to keep industrial away from residential. We also want to preserve some industrial. This is pretty good, pretty close, but an area we need to look at with our future land use plan.

Bonitz – similar but much larger project, Robeson Walk, and the concern I have is having more high density residential. Walkability is a must. Would like to see higher density residential with prioritizing pedestrian walkability and vehicular structure. I'm uncomfortable with it at this stage.

Jason Hoyle – VPO for 840 Moncure Pittsboro Rd. Not anti-development, but are M-2, Heavy Industrial, and want to make potential developers aware of their operations. Been located here and in this operation for a little over ten years. Lots of tractor trailer traffic around this area. Approximately 100-125 trucks/day ingress/egress for this property (parcel 7393).

Commissioner Shipp made a motion close public hearing for Turkey Creek, seconded by Commissioner Bonitz.

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

Comm. Shipp made a motion to approve the Land Use Consistency and deny the ordinance for rezoning.

Commissioner Farrell asks if this rezoning will come up with the update of the Land Use Plan. Kennedy states that there is a prohibition for an applicant to resubmit the same application for 6 months (UDO states 1 year, this was later corrected).

Vote: Aye-4 Nay-1 Mayor Pro Tem Baldwin Motion passed.

Commissioner Shipp made a motion to go into public hearing, seconded by Commissioner Vose.

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



3. Text Amendment-ZTA-2022-04 – UDO Amendments: Parking Lot List Series #4
Various zoning text amendments to the UDO presented by Janie Phelps, Planner II.

General discussion was held on the proposed amendments.

Commissioner Bonitz made a motion to close public hearing for Parking Lot List Series #4, seconded by Mayor Pro Tem Baldwin.

Vote: Aye-5 Nay-0 Motion carried unanimously

Commissioner Bonitz made a motion to make a recommendation to approve the Text Amendment ZTA-2022-04, to Unify Development Ordinance and adopt the Town of Pittsboro Board of Commissioners Land Use Plan Consistency Statement for approval and adoption, Commissioner Shipp offered to amend to include the removal of Special Use and seconded by Commissioner Shipp.

Vote: Aye-5 Nay-0 Motion carried unanimously

OLD BUSINESS

1. None.

MISCELLANEOUS

1. Chatham Park Way South STIP Roadway Project Acceleration

Town Manager Chris Kennedy shared information on the roadway known at Chatham Park Way from Sanford Road and extending northward and connecting to US 15/501 north of the US Highway 64 bypass. NCDOT performed a re-prioritization in early 2022 on all funded STIP projects in SPOT 3.0, 4.0, and 5.0. Project R-5963 retained its funding and commitment status from NCDOT, which is a requirement for municipalities wishing to accelerate the construction of a NCDOT STIP funded project. Chatham Park Investors has expressed interest in accelerating the construction of this roadway both financially and from a project management perspective, with the Town of Pittsboro.

Mr. David Mason of Chatham Park Investors shared mapping of the proposed location of roadway located on Chatham Park property, discussed acceleration details of NCDOT STIP project R-5963, provided documentation detailing project reimbursement, permits and agreements, non-delegable responsibilities of the Town and a phasing schedule which outlines an estimated cost breakdown.

Questions and comments were made by the Board to better understand the project and the impact on the Town of Pittsboro. Further discussion shall resume during the July or August board meeting.



2. Town of Pittsboro Wastewater Capacity Status Staff Report to the Board

Engineering Director Kent Jackson shared current wastewater capacity status for the Town of Pittsboro. Currently the Town has 90% total paper flow of tributary and permitted capacity as of May 6, 2022 with application requests not permitted and not considered tributary yet which would total 22,000 GPD to total approved flow of close to 700,000 GPD.

Kent Jackson shared proposed changes to the current Sewer Allocation Guidelines for general requirements of 1.d., 2.e., and 4.d. ii.

Commissioner Shipp made a motion to approve amendments to the Sewer Allocation Policy, seconded by Mayor Pro Tem Baldwin.

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

NEW BUSINESS #2

1. Chatham Park Wastewater Displacement Reconciliation and Northwood Landing Wastewater Allocation Request

Chatham Park Investors, LLC (CPI), has diverted or intends to divert 121,010 GPD of wastewater capacity from the Town's wastewater treatment plant to the Chatham Park Water Recovery Center for treatment. Of that flow amount, CPI is requesting to allocate 91,735 GPD of that diverted flow to Northwood Landing (Eco Northwood MUPD, LLC) for its use that would flow and be treated at the Town's wastewater treatment plant. Concurrent to CPI's request, Eco Northwood MUPD, LLC has requested a wastewater allocation in the amount of 129,514 GPD. The Town of Pittsboro does not currently have sufficient wastewater capacity to approve this request, but the Board may wish to consider allocating a portion of the requested amount up to 91,735 GPD if the displacement reconciliation is approved.

Mayor Pro Tem Baldwin asked about the difference of allocation numbers. Robbie Oldham of WithersRavenel clarified that the reserve of 29,000 GPD would be used for future Chatham Park projects in the Vineyard area with the remainder for Northwood Landing. Kent Jackson clarified the 91,735 is neutral and no additional allocation given at that amount. Robbie Oldham shared that part of allocation will go towards Northwood Landing and will be used to assist with building apartments, ten percent of units will be dedicated to the workforce with market rate.

Mayor Pro Tem Baldwin made a motion to approve the Chatham Park Wastewater Displacement Reconciliation and Northwood Landing Wastewater Allocation request, seconded by Commissioner Shipp.

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

2. Preliminary Plat -SUB-2022-01 Chatham Park Section 5.1 East Townhomes



The petitioner, Chatham Park Investors, LLC, is requesting preliminary plat approval to subdivide a 1.13-acre portion of a 4.25-acre subject parcel (Parcel ID 94583) to create ten (10) residential townhome lots.

Planning Project Manager, Molly Boyle, shared the data analysis of the proposed project.

Commissioner Bonitz made a motion to approve Chatham Park 5.1 Townhomes as presented, seconded by Commissioner Farrell.

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

Commissioner Shipp shared that the previous few rezonings have been denied and looking forward to the next meeting a formal discussion should include sewer capacity and to the Future Land Use Plan and what those mean to rezoning. A request was made to add this discussion to the agenda for next meeting to provide clarity for applicants and being mindful of staff, applicant, and Planning Board time.

Town Manager Chris Kennedy stated that he and Town Attorney Messick would prepare notes available to the Board or a Resolution the Board would like to adopt or request edits. Mr. Messick shared a new plan may not be anymore helpful than the current plan.

Discussion was had with changing Board meetings start times to due to larger agendas or setting time limits for each agenda item. Discussion ensued for future Board meeting arrangements providing for in person participants and hybrid viewers.

Commissioner Bonitz requested bonus allocation information pertaining to estimates, round figures and estimated timing.

Town Manager Chris Kennedy answered that the only bonus allocation project is in kind improvement with Chatham Park Investors of \$4.5 million dollars towards a DOT facility envisioned to be Eubank Road.

Discussion ensued with the Board on bonus allocation and agreements.

CLOSED SESSION

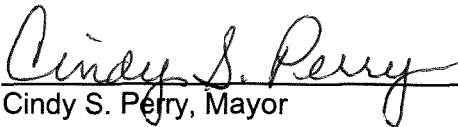
1. None.

ADJOURNMENT


Mayor Pro Tem Baldwin made a motion to adjourn at 12:18 am, seconded by Commissioner Shipp.

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




Cindy S. Perry, Mayor

ATTEST:


Carrie L. Bailey, Town Clerk

