



## TOWN OF PITTSBORO

The Pittsboro Board of Commissioners met in Regular Session on **Monday, June 27, 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 7:03 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, Customer Service Specialist Carrie Bailey, Chief of Police Shorty Johnson, Finance Director Heather Meacham, Planning Project Manager Molly Boyle, Planner II Janie Phelps, Parks Planner Katy Keller, and Director of Engineering Kent Jackson.

### ADOPTION OF THE AGENDA

Mayor Perry called for a motion to either approve or modify the agenda as proposed.

***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.***

### CITIZEN MATTERS

#### 1. Manager Updates

Town Manager Kennedy noted agenda additions with the addition of Miscellaneous #1 to discuss a Chatham Park project development status update and two additions to Miscellaneous #2 to add a letter to NCDEQ requesting additional loan proceeds for SRF funding for the Pittsboro Wastewater Improvements project and a letter received from NCDEQ regarding the potential distressed unit designation for Pittsboro's water and wastewater utility. Kennedy shared the progress of the Fast Track GAC project at the water treatment plant and stated that the project is on schedule for completion and in operation in late July. Kennedy stated that the Town will continue to serve customers with filtered water via our partnership with Chatham Marketplace through Labor Day. Kennedy reminded the public that the Board of Commissioners will hold one regular meeting in the month of July, rather than two, with the one meeting on July 25, 2022.



## 2. Mayor and Commissioner Updates and Concerns

### **Mayor Perry**

- Chatham County Climate Change Advisory Committee
- Comments / Concerns

Mayor Perry had no updates to provide.

### **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 attended the most Triangle J Council of Governments meeting for an executive committee session to perform the evaluation of Executive Director.

### **Commissioner Bonitz**

- Comments / Concerns

Commissioner Bonitz had no updates to provide.

### **Commissioner Farrell**

- Pittsboro Business Association (PBA)
- Comments / Concerns

Commissioner Farrell had no updates to provide.

### **Commissioner Shipp**

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

Commissioner Shipp attended the June 16, 2022 Chatham County AHAC. The AHAC received a report from Rebuilding Together of the Triangle, Inc., a non-profit who helps people stay in their home. The individuals are required to be earning under 65% AMI and own their building and land to qualify, and there are 150 Chatham County homes on their waiting list per the report. Shipp attended the Pittsboro Gallery of Arts Grand Opening on June 17, 2022. Shipp stated that he is seeking to set up a joint special meeting with Greensboro board and staff in July 2022. Shipp expressed a concern for a greater need for trash receptacles at the Knight Farm Community Park.

### **Commissioner Vose**

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

Commissioner Vose attended the most recent Chatham County Arts Council meeting on June 14, 2022 and attended the EDC meeting on June 22, 2022.

## 1. **Public Comment**

None.



## CONSENT AGENDA

Mayor Perry called for action on the Consent Agenda

The Consent Agenda contained the following items:

1. Resolution Designating Authorized Signatories for Withdrawals from Depositories of the Town of Pittsboro
2. Budget Amendment for Water Meters
3. Budget Amendment for Water Extensions and Maintenance Project Fund to Recognize Revenue for the Town of Pittsboro and Chatham County Water Conveyance from Sanford Preliminary Engineering Report and Environmental Assessment
4. Town of Pittsboro Parks and Recreation Advisory Board (PARAB) Quarterly Update
5. Board of Commissioners Future Agenda Item "Look Ahead" Tentative Schedule

***Mayor Pro Tem Baldwin made a motion to approve the consent agenda 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.***

## MISCELLANEOUS #1

### 1. Chatham Park Project Development Updates – Chatham Park Investors

Chuck Smith, on behalf of Chatham Park Investors, shared a video status report on the Chatham Park development. Smith also provided a verbal update on the beekeeping efforts in Chatham Park and shared jars of honey from Chatham Park's first harvest from their beehives. Smith added that Chatham Park was interested in providing more regular updates to the Board with new projects and progress updates in the development.

## NEW BUSINESS

### 1. Approval of Town Sponsorships for PBA Summer Fest 2022

Town Manager Kennedy stated the Pittsboro Business Association (PBA) was hosting Summer Fest in downtown once again on July 3, 2022. Kennedy added that Town staff and Town resources are used in the administration of the event and that the PBA has requested a waiver of the Town's costs. Kennedy stated the purpose of this agenda item is to determine whether the Board of Commissioners are interested in sponsoring the 2022 PBA Summer Fest for the Town related expenses needed for the event. Kennedy offered that Police Department personnel hours, plus Public Works staff time, cones, barricades, on-site electricity and water, trash receptacles, trash removal, water hoses, and the venue space were a part of the waiver of costs request.



Kennedy estimated that the expenses would likely cost the Town between \$3,000 - \$5,000. Kennedy stated that if the Board wished to approve the waiver via sponsorship of the event, a budget amendment would follow post-event in July 2022.

Discussion ensued about the Town's expenses, the event, and the budget for the potential sponsorship.

**Mayor Pro Tem Baldwin made a motion to approve the Town sponsoring Summer Fest 2022 waiving the fees to be charged to the Pittsboro Business Association (PBA) for Town related expenses needed for the event, 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.**

**2. Termination and Release of Services Agreement with Main Street Pittsboro for the Town's Administration of the Main Street Program**

Town Manager Chris Kennedy shared an overview of the Termination and Release of Services Agreement with Main Street Pittsboro. Kennedy stated that the Main Street Pittsboro board voted unanimously to recommend that the Board of Commissioners approve this agreement as presented. Kennedy added that the Board of Commissioners can now approve, recommend edits, or take no action.

Commissioner Shipp, referencing a provision within the agreement, recommended staff make a formal request for all accessible documents from Main Street Pittsboro.

Commissioner Bonitz requested a change to language of restricting the use of the acronym "MSPBO" in addition to a prohibition of the use of "Main Street Pittsboro" by the 501(c)(3) entity.

Town Manager Chris Kennedy provided the section reference to incorporate Commissioner Bonitz's request.

**Commissioner Shipp made a motion to approve the Termination and Release of Services Agreement with Main Street Pittsboro with the following modifications to amend Section 8 of the Agreement to add the acronym "MSPBO" to "From and after the Termination Date, MSPBO shall not use any corporate name, service mark or trademark that includes the phrase, "Main Street Pittsboro" or "MSPBO", 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. Special Use Permit – SUP-2022-01 – New Cemetery, Iglesia Bautista Misionera Roca Fuerte Inc.

Mayor Perry provided an explanation for Quasi-Judicial decision requirements.

Town Attorney Messick stated that no persons had signed in to testify on this matter.

Planner II Janie Phelps and applicant Rosalba Valdez were sworn in by Town Attorney Messick.

**Mayor Pro Tem Baldwin 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.**

Mayor Perry called upon the Board for any disclosure of ex parte communication or conflicts of interests. There were none.

Planner II Janie Phelps presented the staff report for SUP-2022-01 and stated that the request consisted of the petitioner requested to add a cemetery as a permissible use on their existing property. The subject property is approximately 11.61 acres (Parcel ID 68571) located at 1365 NC Highway 902. Phelps provided a summary of the five (5) proposed special use standards and offered that all conditions were met.

Rosalba Valdez, on behalf of Roca Fuerte Church, spoke to the church's need to add a cemetery.

Public Comment: None.

**Commissioner Shipp 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 Resolution approving the application Special Use Permit – SUP-2022-01 for a new cemetery for Iglesia Bautista Misionera Roca Fuerte Inc., 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.**

2. Code of Ordinances Amendment – COA-2022-01 – Pittsboro Minimum Housing Code  
Town Manager Kennedy provided an overview of the application stating that staff was requesting an amendment to Chapter 150 of the Town of Pittsboro Code of Ordinances to revise the Town's minimum housing code. Kennedy added that Code of Ordinance amendments need not require a public hearing for adoption; however, the Board has requested a public hearing to solicit feedback from the public. Kennedy advised the Board to hold the public hearing and vote on the proposed amendment if the Board is comfortable with the language.

**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.**

Public Comment: None.



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

**Commissioner Farrell made a motion to approve Code of Ordinances Amendment – COA-2022-01 for the Pittsboro Minimum Housing Code, 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.**

## **MISCELLANEOUS #2**

1. Report to the Board on the Pittsboro Wastewater Improvements SRF Project Status – The Wooten Company

Charles Davis, of the Wooten Company (the Town's engineering consultant on the project), presented a status and proposed timeline for the completion of the Town's wastewater improvements project that includes the conversion of the Town's existing wastewater treatment plant and the construction of a wastewater forcemain to Sanford. Davis stated that the project is estimated to be completed by December 2024. Davis also discussed the alignment changes that have delayed the project, in addition to volatile bidding markets experienced over the last two years.

Discussion about the project ensued. The Board thanked Charles Davis for his presentation.

2. Letter to NCDEQ Requesting An Additional \$5-Million in Clean Water State Revolving Fund (CWSRF) for Pittsboro Wastewater System Improvements Project

Town Manager Kennedy, adding to the previous agenda item conversation and the volatile bidding market the Town has seen over the last two years, requested that the Board allow him to send a letter to NCDEQ requesting the ability to add \$5-million to the Town's existing \$21.65-million SRF loan approval. Kennedy stated that while the Town desires a low-bid award within our existing budget, staff is skeptical that the current loan amount will cover the anticipated bid costs.



**Commissioner Shipp made a motion to authorize the Town Manager to submit a letter to NCDEQ requesting an addition \$5-Million in Clean Water State Revolving Fund (CWSRF) for the Pittsboro Wastewater System Improvements Project, 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.**

**3. Board Discussion Regarding Potential Designation of Distressed Unit in the Viable Utility Program for Water/Wastewater Utility**

Town Manager Kennedy stated that the Town received a letter from NCDEQ, dated June 21, 2022, that the Town of Pittsboro had met or exceeded the threshold for potential designation as a distressed unit under the Viable Utility Program (VUP). Kennedy added that utilities with a score in excess of 9 are considered potentially distressed and the recent assessment of the Town's water and wastewater utility rated the Town of Pittsboro with a score of 11 based on fiscal year 2020-2021 data. Kennedy discussed a series of questions he sent to the State in response to this letter and offered that he had yet to hear back as of the beginning of the meeting. Kennedy reviewed the options the Town could take as a result of the letter, including a voluntary acceptance of the distressed designation, which the Board had a deadline of July 1, 2022 if Town wished to take advantage of the designation in the State's Fall 2022 funding round. Kennedy stated that if the distressed designation was accepted, there would be several actions that will be required, one being training for Board members, the Town Manager, and the Finance Director. A rate study would also need to be performed as well. Kennedy shared that despite the tag and its less than desirable title, accepting the distressed designation would give the Town of Pittsboro priority in the State's funding cycles.

Commissioner Shipp asked if a higher score would be beneficial. Shipp added that recent actions of Town staff and the Board to increase utility rates in addition to work on the utility merger with the City of Sanford would seem to eliminate points, but we may be better off with a higher score and accepting the distressed designation.

Mayor Pro Tem Baldwin stated her preference was to investigate the points allocated, clarify that understanding with NCDEQ, and request an extension on accepting the distressed designation.

Town Manager Kennedy stated the Town could appeal the decision or simply not accept the designation and allow the NCDEQ to review our financial data next year and see if the distressed designation criteria were improved. Kennedy added that if the Town did not accept the designation, and the Town's score did not dramatically improve, we would likely receive the letter again next year.





Commissioner Bonitz stated the short turnaround requested by NCDEQ was concerning and that he would like to learn more about the drawbacks of the distressed designation. Bonitz added that he felt the Town was pursuing corrective action already to remedy the issues identified in the letter, but also thought that accepting the distressed designation was the right choice.

Commissioner Shipp agreed with Commissioner Bonitz to voluntarily accept the distressed designation, so long as that decision did not negatively affect the Town's utility merger with the City of Sanford.

Town Manager Kennedy stated that he would be seeking additional clarification on the distressed designation and that he would also communicate with the City of Sanford.

Mayor Perry stated a preference for requesting an extension on making a decision and that she was interested in more detail on the designation.

Commissioner Bonitz shared that he was concerned that delaying action would result in the Town losing money available to distressed utilities that could be available in the Fall.

Town Manager Kennedy recommended that the Board hold a Special Meeting of the Board to further discuss the distressed designation. Kennedy stated that this would allow him to coordinate with staff officials on the particulars of the distressed designation and the time to provide the Board with a resolution to accept the designation, if desired.

The Board agreed to call a Special Meeting of the Board for June 30, 2022 at 4:00pm to be held remotely via Zoom.

#### **MEETING RECESS**

***Commissioner Shipp made a motion for a five-minute recess, 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.***

#### **4. Report to the Board on NCDOT Bonus Allocation**

Town Manager Kennedy and the Board discussed the Town's previous action with NCDOT bonus allocation. Kennedy stated that the Board adopted a resolution on August 10, 2020 for how the Town would process NCDOT bonus allocation for a specific project in Chatham Park.



Commissioner Bonitz thanked Town Manager Kennedy for the information and offered that he would share additional information and letters with Town staff and the Board to advance context on the subject.

5. Board Discussion Regarding the Consideration of Future Rezoning (Zoning Map Amendment) Requests

Town Manager Kennedy, Town Attorney Messick, and the Board discussed how to proceed with and consider rezoning requests with the current water and wastewater capacities, and the Town's recent commencement to revise the Future Land Use Plan. After discussion, no formal action was taken but the Board expressed hesitancy about rezoning requests while the Town revises the Future Land Use Plan and seeks to add more utility capacity.

**OLD BUSINESS**

1. None.

**CLOSED SESSION**

1. None.

**ADJOURNMENT**

**Mayor Pro Tem Baldwin made a motion to adjourn at 10:52pm, seconded by Commissioner Shipp.**

**Vote: Aye-5 Nay-0**

**Mayor Perry: N/A**

**Mayor Pro Tem Baldwin: Aye**

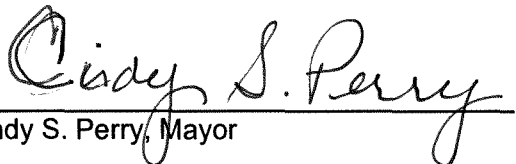
**Commissioner Bonitz: Aye**

**Commissioner Farrell: Aye**

**Commissioner Shipp: Aye**

**Commissioner Vose: Aye**

**Motion Passed.**

  
Cindy S. Perry, Mayor

ATTEST:

  
Paul S. Messick, Interim Town Clerk