

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, APRIL 23, 2007
7:00 P.M.

Mayor Randolph Voller called the meeting to order. Rev. Kenneth M. Brooks, Pastor of Mitchell Chapel AMEZ Church gave invocation.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Gene T. Brooks and Chris Walker and Clinton E. Bryan, III.

Other staff present: Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr. and Planner David Monroe.

AGENDA APPROVAL

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the agenda as presented. Vote Aye-5 Nay-0

CONSENT AGENDA

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the consent agenda as presented.

1. Minutes of April 9, 2007 Board of Commissioners regular meeting.
2. Resolution declaring May Motorcycle Awareness Month.
3. Resolution Supporting Pittsboro Merchant Association Request

Commissioner Cotten stated on the two blue signs (on Hwy 64 by-pass) that are currently there if you wish to participate (having your business on the sign) you have to pay for it.

Vote Aye-5 Nay-0

CITIZENS MATTERS

None

PUBLIC HEARING

ZONING TEXT AMENDMENT

A request to amend Article III, Section 3.2, and Article V, Section 5.3.3.37 of the Zoning Ordinance relating to Planned Unit Developments by DHIC.

The proposed amendments are as follows:

**Proposed Zoning Ordinance Text Amendments
Town of Pittsboro Zoning Ordinance**

A. It is proposed that Article III, Section 3.2 be amended to include planned unit developments (PUDS) as an additional specifically listed exception to the requirement of only one main building per lot. It is proposed that Section 3.2 be amended as follows:

Article III, Section 3.2 Only One Main Building on Each Lot

In all districts every main building hereafter erected or altered shall be located on a separate lot, as defined in this ordinance, and in no case shall there be more than one main building and permitted accessory buildings on the lot; provided that this requirement shall not apply to multi-family developments, planned unit developments (PUDS), and to certain special uses as specified in Article V. Section 3, the MU-PD district, nor to a bona fide rural farm use. No main building and permitted accessory building shall occupy more than forty (40%) of the lot area in any zoning district, with the exception of the C-4 district.

B. It is proposed that Article V, Section 5.3.3.37 be amended to include additional standards and requirement for planned unit developments (PUDS). The proposed amendment details the types of permissible residential uses and authorizes a variation of area, yard, and height requirements provided that certain design, construction, and amenity standards are met. The maximum density of the residential component of a PUD would not exceed that allowed in the underlying zoning district except in the R-10 and R-12 zoning district where a cap of twelve dwelling units per acre is proposed. It is proposed that Section 5.3.3.37 be amended as follows:

Article V, Section 5.3.3.37 ~~Planned Unit Developed~~Development (PUD)

A. Where Required

R-15, R-12, R-10, O-I, RA, RA-2, and RA-5 districts.

B. Purpose and Permissible Uses

To provide desirable open space, tree cover, recreation areas, scenic vistas and variety in residential properties by allowing certain variations in lot sizes. ~~so long as the over all density of dwelling units is no greater than that permitted by any applicable zoning requirements of the zoning district in which proposed.~~ and

dimensional requirements. The development proposed in the PUD Plan shall provide for a mix of residential uses delineated in the Plan. Permissible residential uses include one-family detached residences, two-family residences, townhouse residences, multifamily dwellings, and residential condominiums. Manufactured homes are not permissible residential uses in a PUD. Permissible public and institutional uses that support residential development shall be the same as those specified in Sec. 5.2.1, Table of Permitted Uses for the zoning district in which the proposed PUD is located. Condominiums shall also comply with the requirements of Section 5.3.3.16.

C. Area, Yard and Height Requirements

The area, yard, and height requirements in Section 5.4, Table of Area, Yard, and Height Requirements, may be varied in the Special Use Permit for the PUD approved by the Town.

The maximum number of dwelling units per gross acre shall be no greater than that permitted in the underlying zoning district in which the proposed PUD is located except, that in the R-12 and R-10 zoning districts, the maximum number of dwelling units in a PUD shall not exceed twelve units per gross acre.

The permissible density, lot sizes, building setbacks, and building heights shall be determined during the special use permit review process. In exchange for flexibility in dimensional requirements and density, PUDs shall provide a design, as agreed upon in the Special Use Permit review process, that (i) ensures quality development and construction that is compatible with and which enhances or exceeds surrounding land uses and character of development, (ii) provides open space and community amenities, (iii) preserves sensitive environmental features, (iv) includes landscaping and screening that ensures compatibility with the area, (v) provides an efficient design and layout of utilities, streets, and other infrastructure and (vi) includes creative and innovative design and construction principles.

The PUD concept shall not be used as a means to circumvent the Town's density and dimensional requirements solely to achieve a higher density of development. PUD design, construction standards, and amenities shall be superior to that of permissible traditional development. To achieve this objective, PUDs shall include the following features:

1. An overall design that encourages cluster and compact development that is interrelated and linked by sidewalks and/or pedestrian paths.
2. A community building or club house.
3. The following building design and appearance features incorporated into all buildings containing multifamily residences:
 - Multiple building materials or multiple surface textures and
 - Façade modulations, architectural elements, or roof line changes.
4. Landscaping and screening, in accordance with the standards delineated in Section 7.4, Screening Requirements and in Appendix 1, on the periphery of the development to adequately buffer any adjoining dissimilar land uses or lower density residential uses. Plantings, fencing, walls, or earthen berms, alone or in combination, may be approved to achieve appropriate buffering and screening to adjoining properties.
5. Foundation landscaping for all buildings, including community buildings, storage and maintenance buildings, and garage buildings.
6. Building heights and setbacks on the periphery of the development that are compatible with adjoining land uses.
7. Five percent of the gross land area reserved as common space, including the minimum active recreational space required in subsection D.

D. Recreational Space Requirements

Play areas shall be provided for all residential buildings groups with over five units and shall contain a minimum of 56 square feet per unit with each play area not to exceed 4,000 square feet. These areas must be clearly delineated on the site plan and shall not be used for paths nor any other purposes other than recreation. The reasonableness that such sites could be used by young children, free from apparent danger, must be clearly evident before approval.

E. Access and Parking Requirements

- (1) ~~Planned Unit Developments shall be located within 500 feet of a major thoroughfare and shall have direct access thereto.~~ Principal vehicular access points shall be designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian or bicycle traffic. Where a PUD abuts

a major collector, arterial road or highway, direct access to such road or highway from individual lots, units or buildings shall be limited.

- (2) Points of access and egress shall consist of driveways or roadways at least 20 feet in width and shall be set back a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
- (3) Parking areas shall have a stabilized surface with parking spaces and traffic lanes clearly marked.
- (4) The property shall not extend across any major arterial street.

F. Site Plan Requirements

- (1) Topography - Topography of the site at contour intervals no greater than five (5) feet.
- (2) Structures - Location and approximate size of all existing and proposed structures within the site and all buildings and structures within 500 feet. All easement or rights-of-way, public or private, adjoining or intersecting such property.
- (3) Circulation - Proposed points of access and egress and proposed pattern of internal automobile and pedestrian circulation.
- (4) Parking and Loading - Location and extent of parking and loading areas and proposed lighting facilities for parking and loading areas.
- (5) Timing - Proposed schedule of development including stages likely to be followed.
- (6) Proposed Uses - Proposed mix of land uses.

Planner Monroe reported the Planning Board reviewed this request to amend several clauses in the Zoning Ordinance. Specifically, the applicant has requested a change to Article III, Section 3.2 seeking to allow more than one building per lot. The balance of the changes sought are in Article V, Section 5.3.3.37 Planned Unit Development. An amendment approved in February allowed changes in lot size and this application seeks variation in dimensional requirements to be allowed in the Special Use Permit review.

The biggest change sought would allow development of up to 12 dwelling units per acre for PUD projects located in the R-12 or R-10 zoning districts. In exchange for the flexibility in dimensional requirements and density, the applicant proposes that PUDs:

- shall provide a design and construction which enhances or exceeds surrounding land uses and character;
- provides open space and community amenities;
- preserves sensitive environmental features;

includes landscaping and screening that ensures compatibility with the area;
provides efficient design and layout of utilities, streets and other infrastructure;
includes creative and innovative design and construction principles.

The applicant incorporated additional requirements which demonstrate that the PUD shall not be used as a means to circumvent the town's density and dimensional requirements solely to achieve more dwelling units. These requirements include:

- cluster and compact development linked by sidewalks and/or pedestrian paths;
- a community building or club house;
- building design which incorporates multiple building materials or multiple surface textures;
- façade modulations, architectural elements, or roof line changes;
- landscaping and screening in accordance with Section 7.4 Screening Requirements and in Appendix 1;
- foundation landscaping for all buildings, including community buildings, storage and maintenance buildings, and garage buildings;
- building heights and setbacks on the periphery of the development compatible with adjoining land uses;
- five percent of gross land area reserved as common open space in addition to the requirement in subsection D of this article

In its review, the Planning Board felt that these additional requirements offset the flexibility in dimensional requirements and density being requested. The Board voted unanimously to recommend approval of the text amendment.

PUBLIC COMMENTS:

Gregg Warren – 113 South Wilmington Street, Raleigh – President of DHIC. Mr. Warren stated they are a non-profit housing development company founded in 1974 and they are seeking to build a 50 unit apartment community and to build townhomes (for first time buyers) on Masonic Street. The apartments will be similar to the Cardinal Chase development that DHIC recently completed in Siler City.

Mr. Warren stated there is a need for affordable housing in Pittsboro. The target market for these apartments are households earning decent but modest wages. Those who work in the public school system and town and county employees. Millview Commons will have five apartments set aside for people with disability living on a fixed income (The State will provide rent subsidies for those units). Eight apartments will be set aside for households with an income at or below 30% of the area median income (\$21,930 for a household of four people). Seven apartments will be set aside for household with an income at or below 50% of the area median income (\$35,650 for a household of 4 people). Thirty apartments will be set aside for households with an income at or below 60% of the area median income (\$42,780 for a household of 4 people). DHIC provides affordable housing services to low-income individuals and families in the Triangle area. Since its founding in 1974, DHIC has developed 1,173 apartments and over 700 single family homes. In addition to constructing affordable housing, DHIC

provides homebuyer counseling and down payment assistance, oversees community and supportive services within its apartment communities, and administers grants and scholarships for education, summer camps, and other activities to families living in its communities.

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They will have a freestanding community building with an office for the property manager, meeting space for residents, computer lab/business center (not all families will have computers), and washer and dryers for residents. There will be a children's playground, picnic areas and a large centralized courtyard with gazebo. Maintenance free exteriors with exterior porches on all units.

They also provide summer scholarships.

DHIC is seeking a \$400,000 grant or low interest loan from Chatham County, the support from Chatham County is critical.

Based on the property tax valuation of Cardinal Chase, it is estimated that Phase I of Millview Commons will be appraised by the county tax office at approximately \$3 million. This development will yield \$13,000 in additional property taxes to the Town and \$20,000 per year for Chatham County. These tax revenues will double upon completion of the town home phase of the development.

More importantly than the immediate economic benefits, however, will be the provision of quality affordable apartments that provide a safe environment to raise a family. Numerous studies indicate that educational achievement among children rises significantly with a quality living environment. There will also be an added health benefit that children living in these apartments will be able to walk to school.

Mr. Warren stated Masonic Street is a neighborhood that needs an investment and they are willing to do that. He apologized for the short time frame, it is really driven by the State Housing Agency that has an annual cycle for funding, they submitted this application in mid January and they advised them in March were they stood in competitive ranking and they were told they are one out three agencies across the State that are funded. They really only want to contribute towards developments that would obviously have the local support, specifically for zoning entitlements and the like that would allow them to go forward with the project.

Commissioner Cotten asked Mr. Warren if he had done a traffic study. Mr. Warren stated he had not but it is typically 1.5 cars per apartment. He stated an outside agency did a professional market study which indicated there are 580 households that could use this type housing. They are projecting to serve less than 10% of them.

Commissioner Cotten asked if he was talking about an area other than Pittsboro. Mr. Warren said he was. The area does not extend all the way to Siler City and to northern Chatham.

Mr. Warren welcomed any town council member to look at their developments. That has been their best advertisement.

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Mayor Voller stated DHIC is up against a deadline. The funding for these type projects are only done once a year, you submitted the first draft in January and the second one is due to be submitted in May, then you presumably would have to wait until next year to apply.

Mr. Warren said yes. DHIC has already spent \$30,000 to get to this point. He stated it may seem they are coming to the Town late in the game but they met with planning staff in January and East West Partners in January or February in regards to sewer allocation. This is a difficult rezoning request they had to try to figure out in the ordinance how one could build rental housing on less than a 25 acre tract and there was no provision in the ordinance for that. They did seek to bring it before the Planning Board but there was not a quorum present.

Mayor Voller asked how long has it been since housing of this type has been built in Pittsboro.

Mr. Warren stated about 20-25 years. This property is very distinguished from some of the existing developments such as Walnut Grove (which is undergoing some renovations) where the residents receive federal assistance with their rent. This development will serve a different population they will be credit checks and police checks for their residents.

Commissioner Bryan asked if this would be done without federal assistance. Mr. Warren stated that is correct. They have a minimum and maximum income limits because they want to know they can pay their rent because DHIC will have a mortgage to pay.

Commissioner Baldwin asked if they would complete a traffic study which would determine improvements that need to be made.

Mr. Warren stated they would look at the traffic study and try to make as many improvements that are economically feasible.

Commissioner Walker asked if they are unable to meet the May 11th deadline where does that put his organization.

Mr. Warren stated they would not submit a final application on May 11th and this project will go by the wayside, whether they would choose to pick it up another year he doesn't know.

Mayor Voller asked how many people apply competitively within the state.

Mr. Warren stated he did not know the exact number, but they divide the State in different competitions, they are in the central region, so they are not competing against Raleigh but against developments down in Denton. They are in a competition pool with about 25 applications.

Mayor Voller stated he believes Speaker Hackney is in favor of this project, correct. Mr. Warren stated that is his understanding.

Buddy Blackburn – The Wooten Company – 120 N. Boylan Ave. Raleigh, The Wooten Company – has been working with Gregg Warren and DHIC on making amendments to the zoning ordinance which would allow multi unit apartments which would also provide a comprehensive revision of the zoning ordinance which relates to PUD. David Monroe has given a summary of what is being requested. With this proposal it would allow for an increase in density in two of the seven zoning district in which PUD's are allowed, there is a cap of 12 units per acre in R-10 and R-12, the zoning districts that are currently more dense zoning districts with the zoning scheme for the whole town. He would also like to reiterate with this proposal it is not just a request to increase density, it is a request to increase density and to allow modifications in lot size and setbacks and so forth. This would give the ability to provide different types of housing, in exchange for all that flexibility there are also requirements for quality developments. He wanted to make sure that was understood it is not just an attempt to increase density. It would be increased density under prescribed conditions that would be approved by the Town.

Mayor Voller asked if there were any questions for Mr. Blackburn.

Syd Alexander, Attorney - office address is 1526 East Franklin Street, Chapel Hill and he represents Tom Roberts who owns the Chatham Mills property to the north of the area you are talking about rezoning. He also wants to speak briefly on the text amendment and that is to speak in favor of it. He thinks it would be an improvement over what we have. He thinks it would be an asset to Pittsboro to have this in place for future developments. There are a couple of concerns from Chatham Mills on how that property

is going to be developed. He has enormous respect for Mr. Warren and he thinks the need for those type services are well documented. He is working with Mr. Roberts the developer of Chatham Mills and they will be back in front of the Board with comprehensive plans on how they are going to develop out the remainder of that entire tract. They are concerned about two areas; one has to deal with traffic. Masonic is of course a potential means of ingress and egress for them to the south; you currently have the entrance way there located to the mill. How another means to 15-501 can be accomplished as they develop the rest of Chatham Mills property. They are concerned about traffic from this development into their property and likewise after their tract is developed going south back out is a concern to them. The second issue has to do with the question of sewer allocation; obviously there are limits there, he understands it is on the agenda later for discussion tonight how that sewer may be reallocated for development, there are competing needs there, and they intend to be involved with those discussions hopefully at some point. In terms of the rezoning specifically he thinks it fits with the needs of Pittsboro. They find it to be a way to encourage an economic investment by this group or some other group if you do not meet the May 11th deadline he has with the Legislature that would enhance that end of the property. They are in favor of the text amendment and the rezoning application with the concerns he has mentioned. He certainly doesn't want to be interpreted as saying anything that would be oppositional to Mr. Warren trying to get his project through as quickly as he can. Their concern would be that the Commissioners and Planning Department move this on what he personally feels is a very fast track, what that says in how you will review their development and other developments with regards to traffic impacts studies, sewer allocations, density and those issues. It is entirely possible they will be coming before you for some rezoning of part of their property as well.

Mayor Voller asked if there were any questions for Mr. Alexander.

Amy Powell – Executive Director, Chatham County Habitat for Humanity and the Chair of Chatham County Affordable Housing Taskforce. They serve a variety of income levels. DHIC adds many amenities to their projects and they are of high quality, she has seen the Community Center in both Siler City and Raleigh. The DHIC project is endorsed by Chatham County Affordable Housing Taskforce. The taskforce has taken trips to Siler City and Raleigh sites – they are managed very carefully, there is tenant satisfaction they all have really positive things to say. Chatham County Habitat for Humanity supports the PUD concept.

Each speaker requested that their comments be entered for the rezoning request.

Mayor Voller stated David (Monroe) and himself serve on the Taskforce.

Mayor Voller stated he dusted off an article entitled Commission on Smart Growth and Development. Representative Joe Hackney and Senator Howard Lee along with a lot of others and it does speak to this issue, and discusses the idea that we should increase residential resources in and around our downtowns and growth centers. Stimulate housing opportunities in downtown areas and nearby neighborhoods and other

concentrated centers, increase the availability of market rate housing in the downtowns and expand funding to increase the supply of housing that is available to low income people and located near jobs, transportation and services but not be too over concentrated. It speaks to a lot of issues that Pittsboro is struggling with.

REZONING REQUEST – DHIC

A request to rezone a tract of land at the north end of Masonic Street from R-12M to R-12CU (Conditional Use), and a Special Use Permit for a PUD by DHIC.

Mayor Voller swore in the speakers for the rezoning request (Syd Alexander, David Brown, Buddy Blackburn and Gregg Warren).

PUBLIC COMMENTS:

Syd Alexander added the following comments to his previous one. Again the issues for them with the special use permit would be what stipulations you might impose. Assuming there is going to be a text amendment which would allow that as he reads the portion on vehicle access it talks about appropriate enhancements. There are guidelines but very little in the terms of definitions. So if this Board is of the mind to grant the special use permit, one of the criteria's they are concerned about has to do with potential improvements to the site as it is developed out because they will be going back before the board as well and as he said they have concerns about how they reallocate wastewater capacity from Powell Place to one entity perhaps without others being able to be involved in the process.

David Brown – 510 Glenwood Avenue, Suite 201, Raleigh, J. W. Architects – The site before you as they noted fronts on Masonic Street immediately to the north are some residential to the south most the land across the street is undeveloped right now. They are looking at about a 7.6 acre tract that has been timbered. What they are proposing to do at the side street and to the south is a townhouse community or something similar to the back of the property they propose to build multi-family apartments. It would be two and three story buildings, they would create by their arrangement a very central courtyard that is where they visualize children being able to play. They discreetly tucked the parking in small areas, and they did not mass it all together so that they break down the scale of the parking. They are making provisions for landscaping and he thinks significantly there is the dedication of a stormwater facility. They have two driveway openings onto Masonic and they also provide a street stub to an adjoining property for the chance of connectivity into the south as it is developed.

Planner Monroe asked if the townhouses were a future phase of the development. Mr. Brown stated yes.

Mayor Voller said to expound on what Commissioner Cotten and Mr. Alexander said earlier, some of this infrastructure is private, typically at apartment sites the roads are owned by the management company or their investors. But, possibly you could have on

the townhouses worked to make that a town street potentially. Mr. Brown stated they set it up that way intentionally Mayor Voller stated so you could get connectivity and walk ability. Mr. Brown said exactly. Mayor Voller stated that would take off some of the stress of the traffic. Mr. Brown stated that is the best way to handle the traffic to diffuse it.

Commissioner Cotten asked what does it tie into back into the back. Mr. Brown said right now it is undeveloped land, they think there is a lot of potential for development, they are trying to set up a street grid it appears there may be a street feature to the adjoining property so right now they are showing at least one stub to an adjoining parcel. When they know a little more about that future they can certainly shift the location, right now it looks like a good thing.

Mayor Voller asked what is the width they are showing for Masonic Street. That road was built to serve the mill at some point Mr. Brooks or Mr. Cotten might remember. Commissioner Brooks stated that was part of the reason. Mr. Brooks stated it is approximately a 22 foot wide section, no curb and gutter it is in a 60 foot right of way which is the old state DOT standard width.

Planner Monroe stated it is 19 foot edge to edge. Mayor Voller stated so it is in between the 18 and 22 foot width somehow. Mayor Voller said there is an 18-20 foot standard for rural roads.

Planner Monroe stated the application submitted should be made a part of the record as well as the email so the record is complete. In the submitted application there are 2 different breakdowns of the apartment type distribution. He would like the applicant to pick one of those.

Mr. Warren stated he would like for his earlier comments to be included in this record as well. He thinks Mr. Monroe is speaking of the 8 (1 bedroom), 30 (2 bedrooms) and 12 (3 bedrooms), that is their proposal. He wanted to make a side comment to Mr. Alexander's comment with respect to the circulation system; they did believe there would be development in that section of town and in an ideal world they would like to see Masonic Street extended with the help of Chatham Mills over to Hillsboro or 15-501 business, he doesn't know if that has any reality or not. They did do a traffic study in Siler City, which is a similarly sized development. They would be glad to share that study with the town because he feels that study would be similar to the need they will have right here. He believes DOT commissioned that study. They had not been asked to provide a traffic study and they apologize.

Buddy Blackburn stated he would like his previous comments entered into the records.

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A request to amend Article III, Section 3.2, and Article V, Section 5.3.3.37 of the Zoning Ordinance relating to Planned Unit Developments by DHIC.

Mayor Voller asked if this had been acted on by the Planning Board. Planner Monroe stated it has been reviewed by the Planning Board and can be acted on tonight.

Motion made by Commissioner Baldwin to approve the text amendment change, seconded by Commissioner Walker for discussion.

Commissioner Walker stated there was one thing that scared him about the change and he found it on page 2 of the text amendments. It reads the PUD concept shall not be used as a means to circumvent the Town's density and dimensional requirements solely to achieve a higher density of development. The way that is written scared him with the word circumvent. Maybe he is not looking at the whole context but there are some things Mr. Alexander eluded too. He is not necessarily opposed, but some of these things seem a little subjective to him and need a little further definition because what if this board or the current planning board does not see eye to eye on uses and on character and what about the next board. It just seems like some things are too subjective if you could elaborate on that some (Planner Monroe).

Planner Monroe stated that some of the standards are subjective but those issues would ultimately be decided by the Commissioners.

Commissioner Walker asked Attorney Messick about the legal aspect.

Attorney Messick stated if you allow the density higher than we had before you can argue that you are trying to do something with the PUD that you would not otherwise be able to do. Commissioner Brooks stated absolutely. Attorney Messick stated you also have a trade off. This offers flexibility using terms like creative and innovative. He does not know exactly what that means, but you would be able to do that on a case by case basis.

Mayor Voller stated the way the codes are written now if a landowner has a small parcel of land and wanted to do these things they can't do it because our code shackles them. Unless you are in mixed use planned development and have the kind of capital a place like Powell Place would have. Planner Monroe stated that is correct, if the code were a functional code we would have seen PUD developments offered to the Town for its consideration.

Commissioner Brooks stated he commends the organization for what they are doing. As a retired teacher he knows the difficulty of finding affordable housing if you don't make a lot of money. He is in favor of affordable housing. He didn't know anything about this until Thursday or Friday and he doesn't think that is good business or good planning. Here are some of the problems he is having. For the record, the apartments Mr. Warren

spoke about, he believes it is called Creekside, when they got it a long time ago with Federal Funds and they had to guarantee a certain amount of housing for the elderly. We have had some affordable housing built on old 87 since then (Pittsboro Village). He is for affordable housing but there are some problems here. First it is very late and he is not in favor of adding special meetings because he thinks that will establish a precedent that other people will want, Mr. Alexander spoke to that very eloquently, when you start trading sewer and having special meeting, etc., if these people get that then he thinks he said he wanted it for his client (Mr. Alexander) and he is sure others will. He doesn't like the wastewater business one bit. Pittsboro adopted a policy and we are supposed to be in charge of allocating wastewater. The last time he heard from Mr. Perry and the Powell Place folks they wanted 100,000 gallons more and now they want to be in the business of letting some people have it that need it. Lets talk about that, look at all the folks standing in line – Mr. Voller himself, Ricky Spoon, the man that wanted to turn Edwards Antique into a restaurant, Mr. Jackson, Patrick Steele – these people are waiting for capacity and some people have just given up. It seems to him it not a good thing when you get to go to the head of the line on the wastewater. There was an article written by Gerald Totten who is a member of our board of education and this board never thinks about what wastewater they are going to need for the schools. We have so many wastewater needs he just doesn't see how in the world we could do this. We are under a major subdivision moratorium, technically this is not a subdivision but 50 units would use just as much water as a small major subdivision assuming some of them would be three bedrooms. It seems like this is trying to get away from what we have been trying to do which is to slow down residential growth while we try to solve the wastewater situation. Those are some of his concerns. He thinks it is a great idea and it is needed. He has a concern about the density, he doesn't want us to get around our density requirement but so much. Having raised children here, it is nice if they have a place to play and all that (at home). It may appear that he is being negative but he does believe in affordable housing. But there are some problems with this, he thinks. Not the goals but the time line and the sewer problems among other things.

Attorney Messick stated this is the text amendment that is on the table for discussion now.

Commissioner Bryan stated he has to agree with Mr. Brooks there is a need for affordable housing. He thinks the density in any type development like this, now do you get around that. His concern at this point in time would be the traffic. The layout is good. If he read correctly it is two phases. Is all the financing mentioned in the letter for Phase I. Mr. Warren said it was. No provisions are made for Phase II time lines at this point. Mr. Warren said that is correct.

Attorney Messick stated the townhouse phase would be subject to the moratorium..

Commissioner Cotten stated since this is on the text amendment only, he will withhold his comments until the new business items are discussed.

Mayor Voller stated this kind of builds on a global text amendment and is not approving this project and the rest is sending it to the Planning Board to get feed back and then you would have to consider that. He would hope that the wisdom of this board would allow not only this development but others that have been stuck in this situation for a long time.

Vote Aye-2 Walker/Baldwin
Nay-3 Brooks/Cotten/Bryan

Gregg Warren withdrew the other requests he had before the board tonight. He stated the timing is a challenging issue and traffic is an issue but he hopes there might be a way they can work with the Town of Pittsboro in the future.

Commissioner Walker stated he was for the text amendment itself. There are some issues that need to be dealt with. He had concerns it was being rushed through and setting precedence. He is in favor of affordable housing, he hopes DHIC will come back at a later time. This is certainly something we need.

Commissioner Brooks stated he is supportive of DHIC goals and he would like a safe environment for children.

Commissioner Baldwin stated she supports the change in the text amendment and that we certainly desperately need this type development in Pittsboro. She invited him to return at a later time.

REZONING REQUEST

A request to rezone a tract of land at the north end of Masonic Street from R-12M to R-12CU (Conditional Use) and a Special Use Permit for a PUD by DHIC.

No discussion since Mr. Warren withdrew other items on the agenda for DHIC.

NEW BUSINESS

CONSIDERATION OF SPECIAL MEETING

Consideration of Special Meeting Request for Rezoning and SUP request by DHIC.

No discussion since Mr. Warren withdrew other items on the agenda for DHIC.

WASTEWATER CAPACITY ALLOCATION

Consideration of Wastewater Capacity Allocation transfer from Powell Place to DHIC.

No discussion since Mr. Warren withdrew other items on the agenda for DHIC.

2007 CHRISTMAS PARADE

The following information was presented prior to the meeting:

Presentation regarding the Christmas Parade – Tami Schwerin and Andrea Young.

Pittsboro Holiday Parade

Honoring our Past - Sharing our Present – Celebrating our Community

Our Holiday parade has a long tradition of encouraging all neighbors to join in as participants or spectators. This is a custom worth honoring.

Present-day Pittsboro is comprised of vibrant merchants, religious congregations, civic groups and supportive non-profits, some of whom have not joined in the festivities.

The sense of community that Pittsboro offers to residents and visitors alike is a valuable asset. Identifying, acknowledging and celebrating this characteristic by adding to our Holiday celebration is an ideal opportunity for increasing this bounty.

This presentation suggests a proposal to add to our Holiday Parade in a manner that uses the same or less staff hours and the same or less funding from the town.

Adding a Parade Theme

Encourage local businesses to pair with a non-profit that mirrors a core component of their business to build a float together based on a theme that showcases both entities. This year's suggested theme is "Share Your Charity" (i.e. Habitat for Humanity pairs with J. Henry Hardware).

A series of simple steps that lead up to the parade

- 1) The Abundance Foundation hosts a June gathering for merchants, organizations, and non profits to meet and form partnerships. Summer allows for relationships to be established and for the bond to develop.
- 2) The Abundance Foundation hosts a September gathering for partners to meet students and creative individuals from the community if they would like assistance in imagining, designing, and producing their float.
- 3) October and November comprise the period for float construction.
- 4) December 1 - Floats arrive at fairgrounds for judging, To encourage participation, creativity,
- 5) December 2 Parade Day!

Funding

The Abundance Foundation respectfully requests approval to submit proposals for funding to outside organizations and to form a Parade Committee of Volunteers. Funding would be directed towards

- 1) marketing the parade to the town and county.
- 2) production of a parade website to be established to include both pre-parade and post-parade information and photos.
- 3) paying for entertaining additions to the parade such as the Paperhand Puppet group from Bynum.

Sincerely submitted by,

Tami Schwerin, Executive Director The Abundance Foundation
Andrea Young, Development Director The Abundance Foundation

Andrea Young – 192 Lorax Lane, stated The Abundance Foundation is a 501(c)(3) organization. They would like to have an addition to the Christmas Parade and would seek funding sources outside this area to make it possible. They would not require any funding from the Town and it would add a level of community involvement to the parade. She would like for the board to approve the proposal.

Commissioner Cotten asked since they would seek funding from outside sources to be used for the Parade, would it be legal?

Attorney Messick stated the fact that they propose to raise money for the parade, it would be legal. But he thinks there are other issues. Board asked him to expand.

Attorney Messick stated the Town has no policy regarding the parade and since other people will be involved we will need a policy.

Mayor Voller asked about the policy, they are just trying to get more people to contribute to the parade.

Ms. Young stated they are trying to encourage local businesses to pair with a non-profit that mirrors a core component of their business to build a float together based on a theme that showcases both entities. This year's suggested theme is "Share Your Charity" (i.e. Habitat for Humanity pairs with J. Henry Hardware).

Commissioner Cotten stated he has too many misgivings about this to support it.

Ms. Young stated one of the funding sources is Hamburger Helper – they have grants to promote local tourism in town, as the funding come in they will notify the board as to what is going on.

Commissioner Walker stated he noticed the title had changed to Holiday Parade and he would not be in favor of changing it from Christmas Parade.

Ms. Young stated she did not have a problem with calling it a Christmas Parade, but that it was presented to her as a Holiday Parade.

Commissioner Walker stated that Attorney Messick should formulate a policy for the parade.

Commissioner Brooks made a motion to authorize them to pursue grant funding and that a copy of the grant application and a policy proposal be included with the next agenda.

Commissioner Cotten stated he would like to see the application before it is sent in.

Ms. Young stated she can get a copy of the proposed application to board members (email) before it is sent in. It has a deadline of May 1, 2007.

Vote Aye-4 Brooks/Bryan/Walker/Baldwin
Nay-1 Cotten

3M REUSE PROJECT STATUS REPORT

3M Reuse Water Project status Report-HUA.

Attorney Messick stated this is for informational purposes, no action is required.

The following report was submitted:

April 20, 2007

Mr. Paul Messick
Interim Manager, Town of Pittsboro
635 East Street
Pittsboro, NC 27312

RE: Reclaimed Water System to Serve 3M
Project Update

Dear Mr. Messick,

This letter is to inform the Town of Pittsboro about the current status of the Reclaimed Water System to serve 3M. This project features a reclaimed water pump station, approximately 25,000 feet of reclaimed water main, and a reclaimed water storage facility. The purpose of this project is to provide reclaimed water for the 3M facility to use during their dye and fines management processes.

The project was recently modified to reflect a different route through the Town, and the modification of the wastewater plant been replaced with the construction of a new wastewater treatment facility. These modifications required an Amendment to the

Engineering Report to be submitted to NC Construction Grants and Loans. The document was submitted to NC CG&L in August of 2006 and approved in February of 2007.

At this time, NC CG&L is completing their initial review of the modified plans and specifications. The agency has indicated to the Town that they will complete this review by the first of May. An update meeting was held with representatives of 3M, the Town, and Hobbs, Upchurch & Associates on April 19th, 2007. 3M informed the Town that they have had positive conversations with NC CG&L concerning the proposed use of the reclaimed water on their property, and NC CG&L indicated to 3M that a minor permit amendment may be required in order for them to accept the reclaimed water.

As mentioned above, NC CG&L has indicated to the Town that they will complete their initial review of the plans and specifications by the first of May. We will keep the Town officials informed on the review process as soon as communication is received from the agency.

We appreciate the opportunity to be of service to the Town of Pittsboro. If there are any questions or if you require any additional information, please do not hesitate to call me at this office.

Sincerely,
HOBBS, UPCHURCH & ASSOCIATES, P.A.
Adam P. Kiker, E.I.

Commissioner Cotten said he was hoping Mr. Kiker would be here tonight because he has about twelve questions for him regarding his letter.

HYDROSTRUCTURE MONTHLY STATUS REPORT

Hydrostructures monthly status Report.

Mr. Johnston stated he would answer any questions the board may have or he will go over the following briefly.

Commissioner Cotten stated on the 3M Reclaimed Water Project you mentioned the easements are still a concern. Can you elaborate on that. Mr. Johnston stated the alignment for the project changed when HUA got involved and there are some easement concerns on the new alignment. When he said concerns he means that he wants to confirm that easements are either in place, if they are not he wants to get them in place. Commissioner Cotten asked if it by chance had to go down 15-501. Mr. Johnston said there is an easement concern at the intersection of 501 and Moncure Road. Mayor Voller asked what the concern was there. Mr. Johnston stated we will need a temporary construction easement on the south side of Moncure Road.

Attorney Messick stated he and Mr. Johnston have discussed this and he has not told him to go ahead yet. The other concern is on the 3M property and they assured us it would be in place when the Town is in the position to let a contract.

Mayor Voller stated he talked with Mr. Messick. There is a concept out there about providing grey water on some property on Pittsboro-Moncure Road so if this project gets off the ground what would be the procedure for someone to come in and work with the town to take a line down Pittsboro-Moncure Road and take reuse water on that land. Mr. Johnston said it would work a lot like a water line extension. Mayor Voller stated the reason he is bringing this up is Piedmont Biofuels have a pilot project that Congressman Etheridge, Senator Atwater and Speaker Hackney are interested in, it would grow canola, sunflower and soy that would then be crushed into feed stock oil for making Biofuels where farmers could potentially use our wastewater and make money if this could go forward. It would be a viable option for a potential golf course community.

Commissioner Cotten asked if Chapel Ridge was still drawing large amounts of water, are they exceeding what we promised them. Mr. Johnston stated he did not know what their water usage is. Mr. Monroe stated there is a number of units we promised to get water to. They are 195 units away from meeting that cap but the volume of water has no end on it. Commissioner Cotten stated he thought there was some mention of 400,000 per day or something like that.

Mayor Voller asked about the check valve. Planner Monroe stated it is in place and working.

Mayor Voller asked (Johnston) if anyone had contacted him from DSS because there is a water tapping situation they have talked about. He told them that it was a town line and they needed to contact you.

Mr. Jay Johnston submitted the following monthly status report:

MEMORANDUM

To: Town of Pittsboro

From: Hydrostructures, P.A.

Date: April 19, 2007

Subject: Multiple Project Status Report

3M Reclaimed Water Project

- Status unchanged from previous updates.
- Easements remain a concern. Hydrostructures recently submitted easement information to Town staff for review and consideration.

Commissioner Cotten stated the easement issue remains a concern of his.

BB&T (Powell Place Village Center)

- Status unchanged from previous updates.

Chapel Ridge

- Check valve has been installed and appears to function as intended.
- A SCADA system has been installed but has not been set up yet to transmit to the Town water plant. Coordination on this matter remains a concern to be pursued. Chapel Ridge apparently still draws large volumes of water without notification to Town, causing operational difficulties.

Chatham County Department of Social Services

- We have not as yet received any correspondence or resubmittal of dry pond design.

Chatham Forest

- Pavement failures: There is a 2 year warranty currently running on the streets in phase 5B and 9. The pavement repairs will be done in conjunction with the placement of the top course (I-2) of asphalt.
- Malfunctioning Pressure Reducing Valve (PRV): See attached Multiple Project Memo Dated April 11, 2007. This memo addresses a recent site visit with the factory representative. Mr. Johnston stated it works like it is suppose to. Commissioner Brooks stated to make sure the town receives a manual.
- Park Access Road: A required gate valve remains to be installed to complete the water main extension. As of this date there is no schedule to install the valve.

Collection System Rehabilitation

- Bids were received for the Credle basin rehabilitation on April 3, 2007. The project came in over budget and Hydrostructures is currently negotiating with the low bidder (AmLiner) to attempt to bring the project within the budget. A key concern is to capture the public funding provided by the Rural Center.

Potterstone Village

- On Phase 2B & 3 of this project several close out items remain to be done. A recent inspection has revealed that valve box covers in the road shoulders have been buried when final grading was done. These will have to be raised to finish grade. Also MH #30 has been damaged and needs repair. Larry Witek is aware of this matter agreed to correct all problems.
- Valve box covers have been raised to finished grade and MH #30 has been repaired.
- A sink hole has occurred in Windsong Road in Phase 2A near the intersection with Mayfair Road. It appears that the cause was poor compaction of a sewer lateral and Larry Witek stated that he will repair it. The lateral was internally inspected and there was no damage to the pipe. Repair to the road is scheduled to be done by Belcher Utilities on Friday, April 22.

Powell Place

- Phase 2A utility construction is complete, all curb and gutter is installed and base course of paving is down.
- Installation of all utilities has been completed and tested in Phase 2C. Soil subgrade of roads has been successfully proof rolled and stone base is being applied.
- Work has started on Phase 2B on the storm drainage and sanitary sewer systems.

Powell Place – Millbrook Road

- See attached Multiple Project Memo dated April 11, 2007 relating to concerns over standing water in Millbrook Road.

Powell Place Village Center

- Site clearing and grading appears completed and the sites have been stabilized with grass. We are not aware of proposed scheduling for further development on the sites.

River Oaks

- Status unchanged from previous updates.
- Town planning efforts continue, taking into account the potential impact of River Oaks and other possible developments in the area.

Spoon Commercial Project (Bellemont Station)

- Construction of the buildings is well underway. All utility lines have been tested and we will do a final inspection when site work is complete.

Water Distribution System Modeling

- Water system modeling is complete and the report has been submitted to Town staff. A report will be presented to the Board on May 14, 2007.

Sewer System Master Plan

- Sewer system modeling efforts are underway and system mapping is complete. Results are expected in late April.

Water and Sewer System Mapping

- This project is under way (under the purview of Aaron McNeill, PLS) and we anticipate delivering in late April.

East Salisbury Street Repair

See attached Multiple Project Memo dated April 11, 2007 relating to storm drain piping and road failure on E. Salisbury Street.

Mr. Johnston stated the Credle Basin project was bid in early April and the bids came in over budget, but they are in negotiations to work the cost back into budget to try to take care of the grant funds that are available for this project. Mayor Voller asked how much over. Mr. Johnston said about 50%.

INTERLOCAL RECREATION AGREEMENT & MEMORANDUM OF UNDERSTANDING REGARDING THE TENNIS COURT PROJECT

Consideration of Interlocal Agreement for Recreation and Memorandum of Understanding regarding the tennis court project with Chatham County.

Attorney Messick stated this matter was discussed by the Parks and Recreation Committee and Commissioner Cotten has concern with the Memorandum of Understanding regarding the tennis court project #5 which gives Chatham County priority status.

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the Interlocal Agreement for Recreation and Memorandum of Understanding regarding the tennis court project with Chatham County.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to approve the Memorandum of Understanding Regarding the Tennis Court Project.

Commissioner Cotten stated he has a concern with #5 regarding the priority status given to Chatham County when the lease we have with the Board of Education calls for it to be the school system.

Commissioner Brooks amended his motion and Commissioner Walker amended his second to amend #5 to give priority status to the school system, the county and the Town of Pittsboro.

Vote Aye-5 Nay-0

DISCUSSION OF SOLID WASTE COLLECTION

Discussion of solid waste collection in Hillsboro Street business area and number of sidewalk receptacles.

Mayor Voller stated he had received a call from Mr. Andrews basically asking questions about if they could get more receptacles downtown because the current waste receptacles are getting filled up by children, etc. coming out S&T and other places and it is difficult because they are overflowing. They wanted him to bring it before the board to see if we could get the provider of services to perhaps look into it. Commissioner Brooks stated if they are going to be picking up more waste he can tell you they are going to want more money. Mayor Voller stated maybe we can ask them to come back with a proposal, this is coming from our merchants. Attorney Messick stated his investigation reveals it is a confusing issue. Hillsboro Street collection is different on one side of the street than the other. On the east side of the street the truck can manage to get in the back and they are able to use rollouts. On the west side of the street they do not have rollouts because it would obstruct the sidewalk and they are supposed to be using the dumpsters in the rear.

He believes some of the merchants use the sidewalk receptacles and contribute to the overflow issues as well. Attorney Messick stated adding more receptacles on the street may just add more clutter. Attorney Messick stated the businesses could walk around and put them in the receptacles, businesses are only being charged \$12.00 per month the dumpsters are \$136.00 month and there are two dumpsters in the back, he doesn't know how many merchants are on that side. Attorney Messick stated we probably need a policy on that to. Attorney Messick stated if the receptacles are too full Waste Management will not pick them up, so we have to do it. Commissioner Walker asked if we could not on occasion send the town staff up there to check them and if they need to be picked up they can empty them. Attorney Messick stated again that would just encourage merchants that are using the receptacles not to go around the building. Attorney Messick stated he would ask Mr. Poteat's crew to do that. Commissioner Brooks stated a letter might be in order to the merchants explaining to them the receptacles are in the back.

Staff Reports/Manager updates

- Public Utilities updates – John Poteat

UPDATES

DRAINAGE AT THE CHURCH - Midway plumbing and grading said that they will be installing the catch basin next week, weather permitting. They got behind because of the wet weather.

ASPHALT RESURFACING (Starting by the week of the 23rd). Wooten is still on schedule for the week of the 23rd.

LIGHTS AT THE BASKETBALL COURTS. Progress Energy will install photo cells on the lights at the basketball courts as part of a pilot program. The photocells should be installed by the end of the month. The lights will cut off after midnight.

KIWANIS - The trees are on schedule to be cut down on Monday April 23rd, weather permitting. Presently, it's too wet to go on the playground with heavy equipment.

WATER PLANT WORK - We had to call off the water plant work because when we started to pull water from the county some of their customers started to run out of water. I had a meeting with David Hughes (Public Works Director) and Roy Lower (Utility Director) to see what the problem is and to see when we will be able to take water. They are working on a solution.

WASTEWATER PLANT - We had another huge rain event that caused a major upset to the plant. The amounts of flows coming into the plant are at record levels. Luckily we are approaching the driest time of year when we usually have very low flow periods. The Credle Street rehab project should be a big help.

POTHOLE REPAIR - We patched a number of potholes on April the 12th and 13th. We will set aside another day for patching soon. If anyone know of any potholes that need attention please let me know.

Commissioner Brooks asked about the light at Lowes. Planner Monroe stated it is on hold because the sewer line is in the way.

- Sample Holiday Parade Policy

Mayor Updates

- EDC – Is in the process of hiring a new director and they have some businesses interested in locating to Town.
- RPO – At the last meeting he received a promotion and he is now the Chairman of the Board, everything the board recommended was put in the plan and they also endorsed the concept of public transportation going to Chapel Hill and a few other things.
- Solid Waste
- Fairground Association
- Clyde Fest – Is this Saturday at the Fairgrounds.
- PMA/Downtown

Mayor Voller asked about the letter that was received regarding the Rural Center. Attorney Messick stated the letter came today he will have it on the next agenda.

COMMISSIONER CONCERNS

Commissioner Brooks stated in one of the free newspapers there was an article written by Gerald Totten, who is a member of the school board, it indicated the BOE was concerned about anticipated growth they will have for middle schools. He thinks the town needs to factor this in our wastewater projection. Also, we have a problem with mold and mildew here at Town Hall, he would like to have that checked out and maybe budget for it. The board authorize getting a quote for these services.

ADJOURNMENT

Motion made by Commissioner Cotten seconded by Commissioner Walker to adjourn.
Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk