

A regular meeting of the Carrboro Board of Aldermen was held on July 28, 1987 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Tom Gurganus
	Hilliard Caldwell
	John Boone
	Judith Wegner
	Zona Norwood
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Alderman	Randy Marshall
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE MINUTES OF JULY 21, 1987 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST FOR CONDITIONAL USE PERMIT MODIFICATION/CHESWICK (FORMERLY OAKBRIDGE)

Helen Waldrop, Zoning Administrator, stated that Dennis Howell had applied for a conditional use permit modification for Cheswick (formerly Oakbridge) located on High Street. The Board of Aldermen issued the conditional use permit on September 11, 1984 and an extension on September 2, 1986. This permit will expire on September 11, 1987. The permit allows the construction of 14 single-family dwelling units in an architecturally integrated subdivision. Ms. Waldrop stated that the applicant had requested that Conditions #3, 4, 8 and 10 of the conditional use permit issued on 9/24/84 be removed and that a landscape buffer had been proposed in place of the fencing which was required as a condition of the original permit. Ms. Waldrop stated that the applicant was also requesting an extension of the conditional use permit.

Ms. Waldrop stated that the administration recommended approval of the conditional use permit modification with the following conditions:

- 1) That landscaping in the right-of-way that is to be dedicated to the town consist of easy to maintain trees that will provide ample screening to adjoining property owners and that the town's horticulturist approve those trees.
- 2) That landscape easement documents be submitted and approved by the town attorney for approval prior to issuance of the conditional use permit.
- 3) To reword Condition #10 as follows:

The fence along the Neville property line shall be six feet in height and constructed of chain link. If a different fencing/screening material is requested by adjoining property owners, the developer may request minor modification approval from the zoning administrator.
- 4) That with the permission of the property owner (Lot 103, Block A, Lot 14), the drainage swale on the east side of the property be regraded to accommodate flow and that the existing undersized pipe on the east side of Hillsborough Road be replaced with a 24" reinforced concrete pipe which would be consistent with the existing twin 24" rcp under Hillsborough Road (State Road 1009).
- 5) That the existing pedestrian 20-foot easement must be maintained by the applicant.

- 6) That the developer be required to make any off-site drainage improvements that become necessary within one year after the first certificate of occupancy is issued. This is subject to the developer acquiring the necessary easements, all subject to the approval of the town's consulting engineer.
- 7) That the trees and underbrush that are to be cleared for the construction of each house be limited to that which is absolutely necessary for construction to take place. Plans indicating clearing limits are to be submitted prior to issuance of building permits.

Greg Shepard, representing the developer, stated that the developer preferred to submit landscape easement documents to the town for approval prior to issuance of building permits, rather than prior to issuance of the conditional use permit. Mr. Shepard requested a minor amendment to the staff's condition #3 concerning fencing material; that staff condition #4 be amended to add language specifying where the pipe was to be replaced; that the developer has a problem with staff condition #6; and that staff condition #7 be amended to add language "and proper surface drainage".

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JOHN BOONE THAT THE CONDITIONAL USE PERMIT MODIFICATION BE APPROVED WITH THE FOLLOWING CONDITIONS:

- 1) That landscaping in the right-of-way that is to be dedicated to the town consist of easy to maintain trees that will provide ample screening to adjoining property owners and that the town's horticulturist approve those trees.
- 2) That landscape easement documents be submitted and approved by the town attorney for approval prior to issuance of building permits.
- 3) To reword Condition #10 as follows:

The fence along the Neville property line shall be six feet in height and constructed of chain link. Adjoining property owners may select the screening type of their choice, either natural buffering or fencing, between the proposed development and their own property. The screening must be approved by the town's zoning administrator.

- 4) That with the permission of the property owner (Lot 103, Block A, Lot 14), the drainage swale on the east side of the property be regraded to accommodate flow and that the existing undersized pipe on the east side of Hillsborough Road under the property owner's driveway be replaced with a 24" reinforced concrete pipe which would be consistent with the existing twin 24" rcp under Hillsborough Road (State Road 1009).
- 5) That the developer be required to make any off-site drainage improvements that become necessary in the opinion of the town's consulting engineer within one year after the last certificate of occupancy is issued and that the applicant post a bond or other satisfactory security to remain in effect during that period. The amount of the bond to cover the cost of drainage improvements that may reasonably be determined by the town's consulting engineer. This is subject to the developer acquiring the necessary easements.
- 6) That the trees and underbrush that are to be cleared for the construction of each house be limited to that which is absolutely necessary for construction and proper surface drainage to take place. Plans indicating clearing limits are to be submitted prior to issuance of building permits.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT STAFF CONDITION #5 (THAT THE EXISTING PEDESTRIAN 20-FOOT EASEMENT MUST BE MAINTAINED BY THE APPLICANT) BE DROPPED. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (WEGNER, GURGANUS)

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY HILLIARD CALDWELL THAT THE CONDITIONAL USE PERMIT BE EXTENDED FOR ONE YEAR, AS MODIFIED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARINGS:

(1) VOLUNTARY ANNEXATION REQUEST/AMBERLY LANDS

Mike Brough advised the Board that all those wishing to speak should be sworn since all three public hearing were being held consecutively. Mr. Brough also advised the Board that it could not make its decision on whether to zone this property a certain zone based on the specific proposal at hand. Mr. Brough stated that after the property is zoned, any use permissible under that zone could be made of the property.

Ann Weeks, the town's senior planner, was sworn in. Ms. Weeks stated that the Town of Carrboro had received six (6) petitions for annexation from property owners associated with the proposed "Amberly" subdivision. Those property owners are:

- a. Myron and Christine Lloyd, Tax Map 108, Lot 39E - 7.09 acres
- b. Mary Cheek, Tax Map 108, Lots 39D and F - 7.57 acres
- c. Elizabeth and Lacy Neville, Tax Map 108, Lot 39C - 7.66 acres
- d. The M.M. Strowd Heirs, Tax Map 108, Lots 40 and 40C - 134.76 acres
- e. John and Rebecca Bland, Tax Map 108, Lot 39B- 7.66 acres
- f. Edgar and Hazel Lloyd, Tax Map 114, Lot 1B - 40.76 acres

TOTAL ACREAGE: 205.5 ACRES

Ms. Weeks stated that the petitioners had requested that the annexation become effective upon the approval of a conditional use permit for the proposed project currently referred to as "Amberly", which is to be located on their property.

Ms. Weeks stated that the administration recommended approval of the annexation as requested by the petitioners.

(2) ZONING OF LAND ANNEXED FROM COUNTY JURISDICTION

Ms. Weeks stated that because 144 acres of the property requested for annexation in #(1) above lies outside the town's zoning district, their annexation requires the town to assign to them an appropriate zoning designation. No rezoning is requested for the portions of the proposed annexation properties that are currently in the town's zoning district, and the zoning of the 144 acres that are currently in the county's jurisdiction is contingent on their annexation by the town.

Ms. Weeks stated that the administration recommended that the Board of Aldermen zone this property R-40.

(3) CONDITIONAL USE PERMIT REQUEST/AMBERLY

Roy Williford, Planning Director, was sworn in. Mr. Williford stated that Phillip Szostak Associates had applied for a conditional use permit which would allow the construction of Amberly--a single-family, cluster-style development of 158 units. The 215 acres comprise several contiguous lots located in both the Orange County Planning Jurisdiction and the Town of Carrboro Planning Jurisdiction. The land is identified as Tax Map 108, Lots 39B, 39C, 39D, 39E, 39F, 40 and part of Tax Map 114, Lot 1B and is zoned R-40 in the Town of Carrboro's Planning District.

Mr. Williford stated that the administration recommended approval of the conditional use permit with the following conditions:

- 1) That the applicant secure documentation from the Orange Water and Sewer Authority stating that water and sewer service shall be provided to the development prior to issuance of the conditional use permit or that the applicant provide the necessary permits required by the State and County acknowledging approval of the low pressure septic system and well water system as required.
- 2) That construction of the proposed water lines and associated fire hydrants shall be coordinated with the Fire Chief and that a sufficient pressure system be provided by the applicant for adequate fire protection if the applicant is unable to obtain water from OWASA. The system is to provide a flow of no less than 1000 gallons per minute (gpm) at 20 pounds per square inch (psi) with a static pressure sufficient to maintain flow for a period of two hours. If any houses are above two floors, then 1500 gpm at 20 psi is to be provided.
- 3) That written approval from NC DOT for improvements on NC 54 and Old Fayetteville Road be secured prior to construction plan approval. These improvements shall include on NC 54 a deceleration and acceleration lane for westbound traffic, and a left turn lane for eastbound traffic turning into the site. On Old Fayetteville Road, a left turn lane be provided for northbound traffic turning into the site.
- 4) That final design and construction plans for the proposed stormwater drainage system shall be approved by the Town Engineer. Drainage easements shall be required where necessary on individual lots.
- 5) The applicant has requested that the Town accept a payment in lieu of construction of active recreation facilities as stipulated by Section 15-196 of the Land Use Ordinance. The applicant proposes to provide on-site active recreation facilities totaling 239.12 points against the 1,641.62 points required by the ordinance which leaves a deficiency of 1,402.5 points. The administration prefers that the payment in lieu be made in cash rather than by the dedication to the Town of 17.85 acres of land. The total dollar amount of the required payment in-lieu will be determined in accordance with the Town's schedule of fees and charges in effect at the time the payment is made prior to final plat approval.
- 6) That lot number 56 be deleted from the plan and included as open space.

Mr. Williford summarized a memorandum dated July 22, 1987 from the town administration to the Mayor and Board of Aldermen concerning the proposed sewage treatment system for Amberly. (See Town Clerk's file of this meeting for a copy of this memorandum.)

Robin Lackey, Chair of the Planning Board, was sworn. Ms. Lackey stated that the Planning Board had considered both the zoning and conditional use permit requests for this project. Ms. Lackey stated that the Planning Board at its meeting of July 16, 1987, recommended that if the property is annexed, be zoned R-80. Ms. Lackey stated that the Planning Board at its meeting of July 16, 1987, recommended that the conditional use permit be granted as recommended by the town staff, with the exception that condition #5 read as follows: "That the Town accept as payment-in-lieu of construction of active recreation facilities as stipulated by Section 15-196 of the Land Use Ordinance the 17.85 acres of land located south of NC 54. The suggested land donation, or the cash payment-in-lieu, the value of which is to be determined in accordance with the Town's schedule of fees and charges in effect at the time the payment if made, shall be made prior to final plat approval.

Steve Oglesbee, Chair of the Transportation Advisory Board, was sworn in. Mr. Oglesbee stated that the Transportation Advisory Board at its meeting of July 16, 1987, recommended approval of Amberly with the same condition which was part of the TAB's March 19, 1987 recommendation on this project which read as follows: "That written approval from NCDOT for improvements on NC 54 and Old Fayetteville be secured prior to construction plan approval. These improvements shall include on NC 54 a deceleration and acceleration lane for westbound traffic, and a left turn lane for eastbound traffic turning into the site. On Old Fayetteville Road, a left turn lane be provided for northbound traffic turning into the site."

Mayor Porto read the Appearance Commission's recommendation which was to recommend approval of the conditional use permit with a waiver of the A Buffer to a C Buffer.

Barry Jacobs, Chair of the Orange County Planning Board, was sworn in. Mr. Jacobs stated that the Orange County Planning Board at its meeting of July 20, 1987, provided a courtesy review of the Amberly project and had recommended denial of the subdivision pending completion of the OWASA study. Mr. Jacobs stated that his Board did not have enough information on the alternate sewer system to make a determination on its suitability.

Olivia Ludington, a member of the Carrboro Planning Board, was sworn in. Ms. Ludington presented a minority report from the Planning Board which was that there was concern that approval of Amberly would set a precedent for development in the watershed. Ms. Ludington requested that the Board of Aldermen adopt a policy of not allowing further development in the watershed pending completion of the OWASA study if Amberly is approved.

Donald Safrit, an environmental engineer with the N.C. Department of Natural Resources and Community Development, was sworn in. Mr. Safrit explained the application process for obtaining a permit to operate a low-pressure ground absorption sewage treatment system. Mr. Safrit stated that State regulations do not provide for a public hearing during such a permitting process, but the Director could hold such a hearing if he so chooses.

Barrett Kays, a soil scientist representing the developer, was sworn in. Mr. Kays stated that the Environmental Management Commission in 1983 recommended that wherever possible that non-discharge types of sewage systems be the recommended type systems in watershed supply areas. Mr. Kays stated that this is the type system being recommended for Amberly. Mr. Kays stated that the present regulations that are in force today by the N.C. Division of Environmental Management allow for a hydraulic loading rate considerably higher than what is being recommended for Amberly. Mr. Kays stated that a smaller wastewater treatment facility could be used than what is being proposed for Amberly. Mr. Kays requested that in staff condition #1 be amended by deleting the words "and county" since the State will be the approving authority.

Phil Szostak, the developer, was sworn in. Mr. Szostak stated that the project meets the density requirements of the land use ordinance. Mr. Szostak stated that the open space requirements will need to be modified. Mr. Szostak stated the plans before the Board tonight are essentially the same project as was presented previously with three major changes: (i) the wastewater treatment proposes a low-pressure discharge system; (ii) the recreational facilities have been modified to make room for the dedication of land for Rainbow Soccer; and (iii) the open space has been modified and rearranged to provide for the absorption field, the elimination and modification and some recreation facilities and the payment-in-lieu of and the elimination of Lot 56 and to include the additional 18 acres of land.

Blanche Arons, speaking for the League of Women Voters, was sworn in. Ms. Arrings stated that League of Women Voters wished to urge the Board of Aldermen not to permit any construction in the watershed until completion of the OWASA study.

Melva Okun, a resident of 302 Rainbow Drive, was sworn in. Ms. Okun read a letter from Douglas Rader, a resident of Route 4, Box 594 Chapel Hill. Mr. Rader's letter stated that the high failure rate of modern package-treatment plants in North Carolina and the current difficulty in correcting failing community-owned systems in the absence of adequate developer-provided bonds, suggests that a long-term liability to vital services will accompany any high-density development in the watershed.

Fred Chamblee was sworn in. Mr. Chamblee spoke in favor of the proposals before the Board.

Kathy Putnam, a resident of 400 Davie Road, was sworn in. Ms. Putnam read a letter from Dr. David Moreau, a resident of 16 Kendall Drive in Chapel Hill. Dr. Moreau's letter expressed concern that the major impact of development on the watershed is most likely to come from construction activities, increased traffic, and the accelerated transport of a wide variety of substances in stormwater run-off. Dr. Moreau urged the Board not to approve the Amberly project.

Jerry Levit, a resident of 201 Butternut Drive, was sworn in. Mr. Levit presented a letter from Barbara and Felix Lopez, owners of Wizard of VID, speaking in favor of the proposed Amberly project.

Barbara Heis, a resident of C-9 Estes Park, was sworn in. Ms. Heis presented a letter from Dr. Daniel Okun. Dr. Okun's letter urged the Board to delay its decision on the Amberly project until the OWASA study is completed. Dr. Okun stated that if the Amberly project is approved before the permissible intensity of development is established, water quality may be seriously threatened. Furthermore, a precedent will have been established and other landowners and jurisdictions on the watershed may feel they have a right to the same density of development as Amberly, which if permitted, would place a burden on water quality that might result in a loss of the resource.

Gary Buck, owner of a Carrboro business, was sworn in. Mr. Buck spoke in favor of the proposed development.

Furman Herring, a resident in the University Lake watershed, was sworn in. Mr. Herring spoke against the proposed development.

Libby Neville Bennett, speaking on behalf of her grandparents, Elizabeth and Lacy Neville, spoke in favor of the proposed development.

Allen Spalt, a resident of 300 James Street, was sworn in. Mr. Spalt stated that density and development in the watershed is an issue. Mr. Spalt spoke against the proposed development and requested that the Board place a moratorium on development in the watershed until the OWASA study is completed.

Robin Dorf, representing Wells Management Group, was sworn in. Mr. Dorf spoke in favor of the proposed project and stated that he felt the concerns for water protection will be addressed by the State.

Elizabeth Poletti, a resident of 500 W. Poplar Avenue, was sworn in. Ms. Poletti spoke against the proposed project.

Phillip Singer, a resident of 617 Longleaf Drive, was sworn in. Mr. Singer, a member of OWASA's Technical Advisory Committee, urged the Board to delay a decision on this project until the OWASA study is completed.

Dr. Robert Greenberg, a resident of Moon Ridge Road, was sworn in. Dr. Greenberg urged the Board to retain its previous decision not to allow this development and stated that it is not known at this time what the effect of on-site sewage treatment systems will have on the watershed.

Gary Seleby, a resident of Chapel Hill, was sworn in. Mr. Seleby pointed out that there had been a watershed study done previously and urged the Board to approve this project.

Everett Billingsley, Executive Director of the Orange Water and Sewer Authority, was sworn in. Mr. Billingsley, speaking on behalf of the OWASA Board, stated that OWASA stands behind its statement dated April 23, 1987 concerning public water and sewer extensions in the University Lake watershed. Mr. Billingsley also presented a letter dated July 28, 1987, which pointed out that OWASA does not oppose carefully planned and controlled development activities within the watershed provided that such development does not impair University Lake water quality. OWASA has authorized a complete study of the watershed and requests for

proposals are in the hands of consultants and a contract should be awarded within 6 to 8 weeks. It would be preferable to have the results of this watershed study before such a significant intrusion of development is approved for the watershed. The plan for the large-scale subsurface wastewater disposal system is unacceptable to OWASA because it does not adequately assure the long-term protection of University Lake. Finally, a detailed investigation of site suitability and consideration of the need for dual absorption fields may result in the need for greater absorption field area, which in turn could require a significant modification to the proposed subdivision layout and development density.

Mary Bushnell, a resident of Pine Street, was sworn in. Ms. Bushnell spoke against development in the watershed.

Jim Tatum, an attorney representing the developer, was sworn in. Mr. Tatum stated that the OWASA study will not provide answers--only recommendations. Amberly was designed to accommodate this location and the land use ordinance. This development represents a modest use in the watershed. The Division of Environmental Management regulations will be adhered to.

Hanna Krothers, was sworn in. Ms. Krothers urged preservation of natural resources.

Kip Ward, representing Rainbow Soccer, was sworn in. Mr. Ward spoke in favor of the proposed development.

J.J. Askew was sworn in. Mr. Askew spoke in favor of the proposed development.

Carol Drinkard, a Carrboro resident, was sworn in. Ms. Drinkard urged the Board to plan for the future by planning development and urged the Board to approve this project.

Jay Bryan, a resident of 301 Oak Avenue, was sworn in. Mr. Bryan presented a package of Exhibits numbered 1-18. Mr. Bryan stated that the conditional use permit application was incomplete and urged the Board not to approve this project.

Toy Cheek, a resident of Old Fayetteville Road, was sworn in. Mr. Cheek spoke in favor of the proposed development.

Alderman Boone read a letter from Christine Lloyd speaking in favor of the proposed project.

Mayor Porto noted receipt of a letter from Kathy Newell, a resident of 119-A Pine Street, speaking against the proposed development, and requested that this letter be entered into the official records of this meeting. (A copy of this letter is located in the Town Clerk's file of this meeting.)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE FOLLOWING ORDINANCES BE ADOPTED, CONTINGENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT FOR THE AMBERLY PROJECT:

- 1) AN ORDINANCE ANNEXING MYRON G. AND CHRISTINE C. LLOYD PROPERTY;
- 2) AN ORDINANCE ANNEXING JOHN AND REBECCA BLAND PROPERTY;
- 3) AN ORDINANCE ANNEXING MARY W. CHEEK PROPERTY;
- 4) AN ORDINANCE ANNEXING ELIZABETH C. AND LACY B. NEVILLE PROPERTY;
- 5) AN ORDINANCE ANNEXING M.M. STROWD HEIRS PROPERTY; AND
- 6) AN ORDINANCE ANNEXING EDGAR KENNETH LLOYD AND HAZEL H. LLOYD PROPERTY.

VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (WEGNER)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO ZONE APPROXIMATELY 144 ACRES OF LAND LYING NORTH OF NC 54 WEST, EAST OF MORGAN CREEK AND WEST OF OLD FAYETTEVILLE ROAD TO R-40 (WATERSHED RESIDENTIAL, 40,000 SQUARE FEET PER DWELLING UNIT), BE ADOPTED. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (WEGNER, NORWOOD)

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT, YES THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

3) That the applicant secure documentation from the Orange Water and Sewer Authority stating that water and sewer service shall be provided to the development or that the applicant provide the necessary permits required by the State or County, as applicable, acknowledging approval of the low pressure septic system and well water system as required.

4) That construction of the proposed water lines and associated fire hydrants shall be coordinated with the Fire Chief and that a sufficient pressure system be provided by the applicant for adequate fire protection if the applicant is unable to obtain water from OWASA. The system is to provide a flow of no less than 1000 gallons per minute (gpm) at 20 pounds per square inch (psi) with a static pressure sufficient to maintain flow for a period of two hours. If any houses are above two floors, then 1500 gpm at 20 psi is to be provided.

5) That written approval from NC DOT for improvements on NC 54 and Old Fayetteville Road be secured prior to construction plan approval. These improvements shall include on NC 54 a deceleration and acceleration lane for westbound traffic, and a left turn lane for eastbound traffic turning into the site. On Old Fayetteville Road, a left turn lane be provided for northbound traffic turning into the site.

6) That final design and construction plans for the proposed stormwater drainage system shall be approved by the Town Engineer. Drainage easements shall be required where necessary on individual lots.

7) That lot number 56 be deleted from the plan and included as open space

8) That the developer be allowed to use a Type "C" screen in lieu of a Type "A" screen around the polo field.

VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (WEGNER, NORWOOD)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY JOHN BOONE THAT THE FOLLOWING CONDITION BE ADDED: "The applicant has requested that the Town accept a payment in lieu of construction of active recreation facilities as stipulated by Section 15-196 of the Land Use Ordinance. The applicant proposes to provide on-site active

recreation facilities totaling 239.12 points against the 1,641.62 points required by the ordinance which leaves a deficiency of 1,402.5 points. The administration prefers that the payment in lieu be made in cash rather than by the dedication to the Town of 17.85 acres of land. The total dollar amount of the required payment in-lieu will be determined in accordance with the Town's schedule of fees and charges in effect at the time the payment is made prior to final plat approval." VOTE: AFFIRMATIVE TWO, NEGATIVE FOUR (NORWOOD, WEGNER, PORTO, CALDWELL)

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JUDITH WEGNER THAT THE FOLLOWING CONDITION BE ADDED: "That the Town of Carrboro accept as payment-in-lieu of construction of active recreation facilities as stipulated by Section 15-196 of the Land Use Ordinance the 17.85 acres of land located south of NC 54. The land donation shall be made prior to final plat approval. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (BOONE, GURGANUS)

MOTION WAS MADE BY JUDITH WEGNER THAT AT THE TIME THE FIRST BUILDING PERMIT FOR THE PROJECT IS ISSUED, THAT THE APPLICANT POST AND MAINTAIN A BOND OR OTHER APPROPRIATE SECURITY IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS OF REMEDIATION IN THE EVENT THE WATER AND SEPTIC SYSTEM WERE TO FAIL WITHIN A PERIOD OF TWENTY YEARS. (MOTION DIED FOR THE LACK OF A SECOND)

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE CONDITIONAL USE PERMIT BE GRANTED WITH THE APPROVED CONDITIONS. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (WEGNER, NORWOOD)

MOTION WAS MADE BY TOM GURGANUS THAT THE TOWN OF CARRBORO WILL NOT APPROVE ANY REQUESTS FOR LARGE DEVELOPMENTS GREATER THAN OR EQUAL TO 25 UNITS FOR THAT PORTION OF THE UNIVERSITY LAKE WATERSHED THAT IS WITHIN CARRBORO'S LAND USE AUTHORITY (APPROXIMATELY 9%) UNTIL THE OWASA STUDY IS COMPLETED, NOT TO EXCEED DECEMBER 31, 1988. CARRBORO ALSO ENCOURAGES ORANGE COUNTY TO ADOPT A SIMILAR RESOLUTION TO APPLY TO THE 83% OF THE UNIVERSITY LAKE WATERSHED IN ORANGE COUNTY'S LAND USE AUTHORITY. AND, SIMILARLY TO CHATHAM COUNTY FOR THE 8% OF THE UNIVERSITY LAKE WATERSHED WITHIN THEIR LAND USE AUTHORITY. (MOTION DIED FOR THE LACK OF A SECOND)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY TOM GURGANUS THAT THE BOARD OF ALDERMEN EXPRESS ITS INTENT THAT APPROVAL OF THIS CONDITIONAL USE PERMIT IS NOT A PRECEDENT FOR ANY FUTURE PROJECT TO BE PROPOSED WITHIN THE WATERSHED DURING THE PERIOD OF THE OWASA STUDY AND THAT THIS DECISION TONIGHT WAS BASED VERY NARROWLY ON THE FACTS AND SPECIFIC SITUATION AT HAND. VOTE: AFFIRMATIVE ALL (It was the consensus of the Board that this message be conveyed to the other jurisdictions located within the University Lake watershed.)

The following resolution was introduced by Alderman Judith Wegner and seconded by Hilliard Caldwell.

A RESOLUTION REQUESTING A PUBLIC HEARING AND A FULL RANGE
OF STATE REVIEWS FOR THE AMBERLY PROJECT

Resolution No. 8/87-88

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen hereby requests the N.C. Division of Environmental Management to refer the formal permit application for the proposed low-pressure ground absorption sewage treatment system for the Amberly Subdivision to the full range of possible State reviews and that a public hearing be held by the State's Division of Environmental Management on the permit application to consider findings of the Town as well those of others.

Section 2. A copy of this resolution shall be forwarded to the Division of Environmental Management.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 28th day of July, 1987:

Ayes: Tom Gurganus, Hilliard Caldwell, James V. Porto, Jr., John Boone, Judith Wegner, Zona Norwood

Noes: None

Absent or Excused: Randy Marshall

CONTRACT WITH ORANGE COUNTY FOR INSPECTION SERVICES

Roy Williford, Planning Director stated that to date the Town has been unsuccessful in its efforts to employ a chief building inspector. In order to provide an acceptable level of building inspection and code enforcement service, it would be beneficial to secure temporary electrical and supervisory inspection services. The Town has been offered this service by Orange County.

In order to secure these services, a contract has been drafted for consideration.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE TOWN MANAGER BE AUTHORIZED TO ENTER INTO A 90-DAY CONTRACT WITH ORANGE COUNTY TO PROVIDE TEMPORARY ELECTRICAL AND SUPERVISORY INSPECTION SERVICES. VOTE: AFFIRMATIVE ALL

There being no further business, the meeting was adjourned.

Sarah C. Williamson
Town Clerk

J. M. Porto
Mayor