

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 17, 2012 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Michelle Johnson
	Sammy Slade
Town Manager	David Andrews
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

JAMES WILSON – CONCERNS WITH POLICE DEPARTMENT

James Wilson explained that he is a member of the Carrboro Commune. He stated that a police officer approached him at Wilson Park and warned him about his participation with the Carrboro Commune and requested to see his identification. He also stated that he witnessed the police interrogating a homeless man and that during this event, he wrote down the license plates and vehicle numbers of the police vehicles. He was later stopped by an officer and asked why he was writing down the plate and vehicle numbers. The officer requested his identification and requested to search him. He stated that in both instances he acted lawfully and the police should not have the right to request identification from someone that is following the law.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN LAVELLE TO REFER THIS ITEM TO THE POLICE DEPARTMENT FOR A FOLLOW-UP REPORT. VOTE: AFFIRMATIVE ALL.

Alderman Slade specifically requested the follow-up include information related to two recent complaints of people being stopped and requested to show identification.

WEEK OF THE YOUNG CHILD

Mayor Chilton proclaimed the week of April 22-28 as the "Week of the Young Child."

PREVIEW OF NATIONAL BIKE MONTH ACTIVITIES

An update was provided to the Board on events planned in Carrboro and vicinity to celebrate May as “National Bike Month.”

Jeff Brubaker, the Town’s Transportation Planner, made the presentation to the Board.

Mayor Chilton proclaimed May as “National Bike Month,” May 9th as “Bike and Walk to School Day,” and May 14-18 as “Bike to Work Week” in the Town of Carrboro.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST TO APPROVE THE MINUTES OF APRIL 3 AND 10, 2012. VOTE: AFFIRMATIVE ALL

AN ORDINANCE REVISING THE MEMBERSHIP AND A RESOLUTION MAKING TEMPORARY APPOINTMENTS TO THE GREENWAYS COMMISSION

The purpose of this item is for the Board to consider an ordinance revising the membership and a resolution making temporary appointments to the Greenways Commission.

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Gist:

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO PROVIDE THAT, UNTIL JANUARY 1, 2013, THE BOARD OF ALDERMEN SHALL APPOINT TO THE GREENWAYS COMMISSION ONE LIAISON MEMBER REPRESENTING THE PLANNING BOARD, ONE MEMBER REPRESENTING THE RECREATION AND PARKS COMMISSION, ONE MEMBER REPRESENTING THE ENVIRONMENTAL ADVISORY BOARD, AND ONE MEMBER REPRESENTING THE TRANSPORTATION ADVISORY BOARD.

Ordinance No. 25/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section . Section 3-24.7 (Greenways Commission Created) of the Carrboro Town Code is amended by adding a new subsection (e) as follows:

(e) Notwithstanding any of the other provisions of this section, the Board of Aldermen shall appoint to the commission, in addition to the members appointed in accordance with subsection (a), one liaison member representing the planning board, one member representing the recreation and parks commission, one member representing the

environmental advisory board, and one member representing the transportation advisory board. The terms of each of the members appointed pursuant to this subsection shall commence upon their appointment and shall expire January 1, 2013.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become applicable upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 17th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Coleman and seconded by Alderman Gist:

A RESOLUTION MAKING TEMPORARY APPOINTMENTS TO THE GREENWAYS
COMMISSION
Resolution No. 125/2011-12

WHEREAS, The Board of Aldermen wishes to appoint advisory board representatives to the Greenways Commission.

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT:

Section 1. The following people are appointed to the Greenways Commission as representatives of their respective advisory board.

Damon Seils	Planning Broad
Eric Allman	Recreation and Parks Commission

Section 2. The terms of the appointees shall expire January 1, 2013.

Section 3. This resolution shall become effective immediately upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

AWARD OF CONTRACT FOR AUDIT FIRM

The purpose of this agenda item was to award the contract for the Town's annual audit for the fiscal year ending June 30, 2012.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Gist:

A RESOLUTION AWARDING THE CONTRACT FOR THE FY 2011-12 AUDIT
Resolution No. 126/2011-12

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

Section 1. The audit contract for the fiscal year ending June 30, 2012 is awarded to Dixon Hughes Goodman LLP for a total cost of \$53,000.

Section 2. The Mayor is authorized to sign the Audit Contract required by the Local Government Commission and Dixon Hughes Goodman LLP Letter of Engagement.

Section 2. 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 17th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

BUDGET ORDINANCE AMENDMENT

The purpose of this item was to request Board approval of a budget amendment to increase the general obligation bond fund appropriation for sidewalk and greenway projects from \$2,590,000 to \$4,600,000.

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Gist:

AMENDMENT TO FY 2011-12 ANNUAL BUDGET ORDINANCE

Ordinance No. 26/2011-12

WHEREAS, the Town Board of the Town of Carrboro on June 21, 2011 adopted annual budget ordinance number 23/2010-11 for the fiscal year beginning July 1, 2011 and ending June 30, 2012; and

WHEREAS, it is appropriate to amend the budget accounts in the funds listed to provide for increased expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

BOND FUND ACCOUNT	CURRENT BUDGET	INCREASE (DECREASE)	NEW TOTAL
Bond Proceeds	\$ 76,945.00	\$ 259,243	\$ 336,188
Bolin Forest Sidewalk	\$ 25,141.00		\$ 25,141
Lisa Drive Sidewalk	\$ 127,800.00		\$ 127,800
Quail Roost Sidewalk	\$ 145,999.00		\$ 145,999
Hannah Sidewalk	\$ 66,659.00		\$ 66,659
N. Greensboro Sidewalk	\$ 348,864.00		\$ 348,864
Williams St. Sidewalk	\$ 31,555.00		\$ 31,555
Lloyd St. Sidewalk	\$ 10,855.00		\$ 10,855
Jones Ferry Rd. Sidewalk	\$ 15,918.00		\$ 15,918
Fowler Rd. Sidewalk	\$ 16,535.00		\$ 16,535

S. Greensboro Rd. Sidewalk	\$ 43,153.00		\$ 43,153
Phase IB Sidewalk Projects	\$ 1,106,711.00	\$ 10,540	\$ 1,117,251
Elm St. Sidewalk	\$ 82,200.00		\$ 82,200
Bolin Creek Greenway	\$ 147,500.00		\$ 147,500
Morgan Creek Greenway	\$ 120,000.00		\$ 120,000
Wilson Park Multi-Use Path	\$ 97,316.00		\$ 97,316
Shelton St. Sidewalk	\$ -	\$ 212,000	\$ 212,000
Davie St. Sidewalk	\$ -	\$ 651,000	\$ 651,000
Pine St. Sidewalk	\$ -	\$ 362,000	\$ 362,000
Rogers Road	\$ -	\$ 515,217	\$ 515,217
TOTAL ALL PROJECTS	\$ 2,590,000.00	\$ 2,010,000.00	\$ 4,600,000.00

REASON: To recognize additional project expenditures for sidewalk and greenway trails funded by general obligation funds.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 17th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

PUBLIC HEARING: VOLUNTARY ANNEXATION OF THE CLAREMONT SOUTH SUBDIVISION

The Board of Aldermen was required to hold a public hearing to receive public comments on a petition for the voluntary annexation of the Claremont South subdivision and to consider adoption of an ordinance incorporating the property into the Town of Carrboro effective upon adoption.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN LAVELLE TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL.

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Gist:

AN ORDINANCE ANNEXING THE CLAREMONT SOUTH PLANNED UNIT
DEVELOPMENT/ARCHITECTURALLY INTEGRATED SUBDIVISION
Ordinance No. 27/2011-12

WHEREAS, a petition was received requesting the annexation of the Parker Louis LLC property located at 1001 Homestead Road; and

WHEREAS, the petition was signed by the owners of all the real property located within such area; and

WHEREAS, a public hearing on the question of annexation was held on April 17, 2012, following notice of such hearing published in The Chapel Hill Herald on April 6, 2012.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The Board of Aldermen finds that a petition requesting the annexation of the area described in section 2 was properly signed by the owners of all real property located within such area and that such area is contiguous to the boundaries of the Town of Carrboro, as the term "contiguous" is defined in G.S. 160A-31(f).

Section 2. The following area is hereby annexed to and made a part of the Town of Carrboro: Beginning at an existing axle in the southern Right-of-Way line of Homestead Road and running with said southern Right-of-Way line S 80°00'14" E, 293.14' to a computed point; thence S 85°16'15" E, 108.68' to a computed point; thence N 88°05'37" E, 111.71' to a computed point; thence N 81°57'24" E, 112.82' to a computed point; thence N 74°30'27" E, 130.83' to a computed point; thence N 68°54'58" E, 185.03' to a computed point; thence N 67°59'33" E, 109.48' to a computed point; thence N 67°44'29" E, 392.15' to a computed point; thence N 64°20'51" E, 144.06' to a computed point; thence N 57°03'53" E, 127.01' to a computed point; thence N 52°08'24" E, 277.13' to a computed point in the center of Bolin Creek; thence with the center of said Bolin Creek as represented by the following 13 calls: S 41°59'01" E, 12.00' to a computed point; thence S 50°55'33" E, 36.80' to a computed point; thence S 29°01'15" E, 131.69' to a computed point; thence S 33°52'52" E, 72.47' to a computed point; thence S 11°08'50" E, 35.53' to a computed point; thence S 35°49'58" E, 89.76' to a computed point; thence S 38°01'41" E, 65.26' to a computed point; thence S 50°39'17" E, 81.13' to a computed point; thence S 47°10'45" E, 346.65' to a computed point; thence S 23°45'19" E, 130.86' to a computed point; thence S 00°40'05" W, 127.89' to a computed point; thence S 37°47'01" W, 188.01' to a computed point; thence S 58°22'03" W, 67.41' to a computed

point; thence leaving Bolin Creek and running N 75°14'44" W, 21.96' to an existing concrete monument; thence N 75°14'45" W, 1597.39' to an existing concrete monument; thence S 02°29'36" W, 441.96' to a computed point; thence S 02°29'36" W, 562.97' to an existing iron pipe; thence N 88°07'48" W, 635.52' to an existing iron rod; thence N 01°33'18" W, 510.99' to an existing iron pipe set in concrete; thence N 01°33'48" W, 445.43' to a computed point; thence N 01°33'48" W, 142.60' to a computed point; thence N 01°33'48" W, 5.10' to the Point of Beginning and containing 38.152 acres as shown on that plat of survey entitled "Annexation Survey: Claremont South PUD and CUP," prepared by Philip Post & Associates, dated February 15, 2012.

Section 3. The area within the street right-of-way (to the center of the street) immediately adjacent to the boundaries of the above-described area is also annexed to the Town of Carrboro.

Section 4. This ordinance shall become effective upon adoption.

Section 5. The Town Clerk shall cause to be recorded in the Office of the Register of Deeds of Orange County and in the Office of the Secretary of State an accurate map of the annexed territory described in sections 2 and 3 together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 17th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

PUBLIC HEARING TO CONSIDER A MAP AMENDMENT OF THE PROPERTY LOCATED AT 1001 HOMESTEAD ROAD – THE PROPOSED CLAREMONT SOUTH DEVELOPMENT FROM R-15 AND R-20 TO R-10/B-3 PLANNED UNIT DEVELOPMENT

Section 15-321 of the Land Use Ordinance (LUO) provides for the initiation of amendments to the Town's zoning map. The Board of Aldermen considered a petition from Parker Louis, LLC, to rezone property located at 1001 Homestead Road (Claremont South) at its March 20th meeting, and referred the item to advisory board review. A draft ordinance making the requested changes was prepared for the Board's review tonight. The Board must receive public comment before taking action on the draft ordinance.

Tina Moon, the Town's Planning Administrator, made the presentation to the Board.

Alderman Coleman suggested that, in the future, the Board revisit Town Code Section 15-155 (d) regarding the occupation of non-residential portions of future planned unit developments.

Phil Post, representing the developer, and Omar Zinn, the property owner, made a presentation and answered questions from the Board.

Linda Haac, a resident of 102 Millrock Ct., stated that she is troubled by placing a playing field underneath high-tension power lines. She also stated that she abstained from voting as a member of the Transportation Advisory Board because she didn't feel she had enough information. She expressed concern with the increase of traffic and the location of the proposed development. The tract will also slope and drain into Bolen Creek – is the applicant following the Jordan Lake Rules? She stated the protection of drinking water is very important.

Mary Parker Sonis, a resident of 210 Cobblestone Dr., showed the Board a picture of two Great Horned Owls nesting in a tree near the proposed development. She stated that this area is a natural habitat area and expressed concern with habitat destruction associated with the proposed project. She asked if the Greenbridge Development did not teach people enough about what the people of Carrboro want and asked the Board to keep Carrboro what it is, without this development.

Alderman Slade asked for a report on electromagnetic readings.

Julie McClintock, representing the Friends of Bolin Creek, expressed concern with the proposed development's impact on Bolin Creek and the amount of impervious surface. She stated that it will increase the amount of nutrients in Bolin Creek and Jordan Lake.

Diana Robertson, a resident of 405 Waterside Dr., expressed concern with the proposed development's look and how that will affect the brand of the Town. She stated that the rezoning would make Carrboro bigger but not better.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Gist:

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE ZONING
MAP OF THE CARRBORO LAND USE ORDINANCE

Resolution No. 123/2011-12

WHEREAS, an amendment to the map of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: An ordinance amending the zoning classification for 38.152 acres of property known as 1001 Homestead Road (TMBL /PIN and TMBL/PIN) from R-15 and R-20 (Residential, 15,000 and 20,000 square

feet per dwelling unit, respectively) to R-10/B-3 Planned Unit Development (Residential, 10,000 square feet per dwelling unit and B-3, Neighborhood Business Planned Unit Development).

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with the Facilitated Small Area Plan for Carrboro's Northern Study Area, particularly, Goals 1, and 8 related to the encouragement of compact residential development with the provision of modest neighborhood-scale commercial and office uses in mixed use areas, and Goals 7 and 8 which speak to the incorporation of pedestrian-scaled communities.

Section 2. The Board concludes that the above amendment is consistent with *Carrboro Vision 2020*, particularly the following section:

2.52 The town should continue to require the construction of a diverse housing stock.

Section 3. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to further its goals related to clustered, neighborhood residential development and the provision of modest community-scale commercial and office uses in mixed use areas, and supporting a pedestrian-scale community.

Section 4. This resolution becomes effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Gist:

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY 38.152 ACRES OF THE PROPERTY KNOWN AS 1001
HOMESTEAD ROAD FROM R-15 AND R-20 TO R-10/B-3 PLANNED UNIT
DEVELOPMENT
Ordinance No. 28/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property being described on Orange County Tax Maps as:

Block C, Lots 16D and 17, in Chapel Hill Township (PIN 9779-37-0343 and 9779-47-6533, respectively), encompassing approximately 38.152 acres of land shown on the accompanying map titled "Illustrative Plan PUD," is hereby rezoned from R-15 and R-20 (Residential, 15,000 and 20,000 square feet per dwelling unit, respectively) to R-10/B-3 PUD (Residential, 10,000 square feet per dwelling unit and B-3, Neighborhood Business) Planned Unit Development.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

SECTION 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 17th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AT 1001 HOMESTEAD ROAD

The purpose of this item was for the Board to hear a request for Conditional Use Permit for Planned Unit Development at 1001 Homestead Road to be called "Claremont South Subdivision."

James Thomas, the Town's Planner/Zoning Development Specialist, was sworn in and made the presentation to the Board.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST THAT THE BOARD WILL NOT RECONSIDER THE QUESTION OF THE COLFAX DRIVE CONNECTOR. VOTE: AFFIRMATIVE ALL

John Killeen, representing the Planning Board, was sworn in and spoke to the Board about the Connector Roads Policy. He stated that based on consistency, the policy requires that the

Town continue to implement the Connector Roads Policy. He also spoke as a resident, not representing the Planning Board, asked that the Board consider a more articulated plan for affordable housing in Carrboro. Alderman Gist stated that the affordable housing model is shifting and that the Town is working with Orange Community Home Trust.

Matthew Barton, a resident of 218 Stratford Dr., was sworn in and reaffirmed his support of the Town's Connector Policy. He asked the Board at what point will the Board consider opening up the Colfax connection. Alderman Coleman explained that the Board is scheduling a review of the connector roads policy.

Dan Tracey, a resident of 221 Stratford Dr., was sworn in and asked that the connector to Colfax be reconsidered because the development is going to increase traffic.

Linda Haac, a resident of 102 Millrock Ct., was sworn in and expressed concern with playfields under power lines. She asked the Board what other communities are doing with playing fields under power lines.

Diana Robertson, a resident of 405 Waterside Dr., was sworn in and asked what kind of plan the developer has to help the Town with issues such as overcrowding in schools.

Braxton Foushee, a resident of Carrboro, was sworn in and stated that he is appalled with the lack of affordable housing in this project. He stated that \$200,000 is not affordable housing for the people that he knows. He asked the Board to have a future conversation on affordable housing.

Phil Post, representing the applicant, was sworn in and stated that they are in support of staff's 13 conditions.

Alderman Johnson asked if the plan would meet the Town's future volume control requirements on nitrates in Jordan.

Mr. Post, in response to the questions related to future Jordan Lake Rule requirements, stated that the development is in compliance with the water control, stream buffers, and volume control requirements that are currently in place and he also feels that the design will meet the requirement of the future rules. He explained that bioretention and retention ponds are the most effective options to reduce the flow of nitrates to water sources. There are also three retention ponds and eight rain gardens that are designed to catch flow from the development.

Patricia McGuire, the Town's Planning Director, was sworn in and stated that the current development meets the Town's current requirements for stream buffers.

Omar Zinn, the property owner, was sworn in and gave a presentation to the Board. He stated that an electromagnetic reading had been completed by a private property owner and it was found to be lower readings than a microwave oven.

Alderman Coleman suggested a condition related to low-water landscaping standards for the residential portion of the development.

Alderman Haven-O'Donnell suggested that the applicant meet with the Town's Planning Staff to further discuss nutrient reduction in the proposed plan.

Marty Roupe, the Town's Zoning Administrator, was sworn in and explained that the developer is required to develop the project as it is shown in the plans; with bollards and a stub-outs for the Colfax Connector.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.
2. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in Claremont South meet the street tree requirements of Section 15-315 of the Land Use Ordinance and that the final arrangement is such that 1/3rd of the street trees proposed for this purpose are evergreen.
3. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
4. That the Homeowners Association's restrictive covenants must include language clearly establishing their responsibility to fully comply with Land Use Ordinance Section 15-263.1 regarding stormwater features within the subdivision. The

covenants are subject to review and approval by the Town Attorney prior to any final plat approval.

5. That if any easements are needed from adjacent parcels, they shall be obtained prior to Construction Plan approval. Any easements over private lots within the development shall be recorded on the final plat.
6. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
7. That a new CUP application must be reviewed and approved, subsequent to a public hearing, before any use other than the existing single-family home use or a usual and customary sales office (associated with the development only) may take place within the B-3 portion of the site.
8. That the developer agrees to provide a payment in lieu for its estimated cost of installation of the greenway along Bolin Creek (to include pedestrian underpass and connection to Claremont, Phases 1, 2 &3) and for the greenway to the UNC property, as shown on the CUP plans. This voluntary payment shall be made to the Town by the developer in lieu of construction by the developer of the design shown on the plans, and the payment shall be an amount equal to the developer's estimated cost (certified by developer's engineer) to construct the portion of the greenway indicated, and shall be in lieu of and shall satisfy the developer's obligation to construct this portion of the greenway. Payment shall be made in installments at the time each phase is recorded. The amount of each installment payment shall be pro-rated as a percentage according to the number of lots platted within each respective phase, i.e. if half the lots are recorded in Phase 1, then half the payment shall be due.
9. Unless otherwise agreed upon by the developer, the payment in lieu funds made by the developer to the town for the Bolin Creek greenway and the greenway to the UNC property shall be returned to the developer if the proposed greenways are not constructed by the town within one-year of recording a final plat for the last lot(s) in the subdivision. The developer will then have the responsibility of installing the proposed greenway infrastructure per the design shown on the approved CUP plans. If this circumstance occurs, then the developer will be obligated to obtain any and all necessary local, state, and federal permits associated with the work, i.e. CLOMR, LOMR, 401, 404, etc. where applicable.
10. That the developer shall ensure that agents of the Town have the ability to enter all respective properties under their control (including Claremont Phases 1, 2, and 3) for purposes of conducting survey and associated work to facilitate construction of the greenway system. The developer further agrees to sign plats and complete related

documents, within ten (10) days of receiving a request, in order to execute offer(s) of dedication related to the public greenway system. The town will pay for surveying and associated work related to these tasks.

11. That staff may approve, as an Insignificant Deviation to the CUP, a phasing plan for the project, so long as staff determines that each respective phase complies with LUO requirements.
12. That prior to any final plat approval, the applicable Homeowners' Association Documents must be reviewed and approved by the Town Attorney to ensure that residents of Claremont South Subdivision have perpetual access to and use of all amenities (i.e. pool, pool house, play area, etc.) within Claremont Phases 1, 2, and 3, as provided in LUO Section 15-199.
13. That the applicant must demonstrate compliance with Section 15-269.4 "Diffuse Flow Requirement" of the Land Use Ordinance prior to construction plan approval.
14. That the Appearance Commission be allowed to review the elevations of the size limited units to be constructed within the proposed Planned Unit Development prior to the issuance of the building permits.
15. That a bike rack be added to the tot lot.
16. That wayfinding signs be put up that direct people to the greenway.
17. That chicanes be used instead of speed tables to control speed on the roads that were originally slated for speed tables.
18. That the sidewalk along Homestead Road between the two portions of the development be made wide enough to be a multi-use path to accommodate both bikes and pedestrians (a minimum of eight feet)
19. That native, or low-water plants be used for residential landscaping.

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

MINOR MODIFICATION TO CONDITIONAL USE PERMIT FOR CLAREMONT SUBDIVISION, PHASES 1, 2, & 3 TO DELETE PHASES 4 & 5 FROM PERMIT

Since the Claremont South Rezoning and Conditional Use Permit were approved, a Minor Modification was requested to delete the Major Modification to the Claremont Subdivision Conditional Use Permit that approved two additional phases (Phase 4 & 5) on March 17th, 2009.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Lavelle:

A RESOLUTION CALLING A MINOR MODIFICATION TO THE CLAREMONT SUBDIVISION CONDITIONAL USE PERMIT TO REMOVE TWO ADDITIONAL PHASES (PHASE 4 & 5) APPROVED ON MARCH 17TH, 2009 BY THE BOARD OF ALDERMEN

Resolution No. 128/2011-12

WHEREAS, an application has been received for a Minor Modification to delete the Major Modification to the Claremont Subdivision Conditional Use Permit that approved two additional phases on March 17th, 2009 by the Board of Aldermen.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen to approve the Minor Modification to delete the Major Modification to the Claremont Subdivision Conditional Use Permit that approved two additional phases (Phase 4 & 5).

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

AMENDMENT TO THE MISCELLANEOUS FEES AND CHARGES SCHEDULE TO ESTABLISH MITIGATION FEE FOR STREAM BUFFER IMPACTS AND DIRECT FEES TO WATER QUALITY ENHANCEMENT FUND

Section 15-269.7 of the Carrboro Land Use Ordinance allows payment of a mitigation fee for certain activities in Water Quality Buffers. A resolution that revises the Miscellaneous Fees and Charges Schedule to establish this fee was prepared by staff and recommended for the Board's adoption.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST TO POSTPONE THIS ITEM TO A LATER DATE. VOTE: AFFIRMATIVE ALL

DISCUSSION OF OWASA DRAFT DROUGHT RESPONSE OPERATING PROTOCOL (DROP) SUBCOMMITTEE

The purpose of this item was for the Board of Aldermen to discuss the possible creation of an OWASA Draft DROP Subcommittee. This agenda item was requested by Alderman Haven-O'Donnell.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST TO POSTPONE THIS ITEM TO A LATER DATE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO ADJOURN THE MEETING AT 10:30 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk