

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, June 26, 2012 in the Town Hall Board Room.

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	Robert Hornik

CHARGES ISSUED

The Town Clerk issued charges to Steve Dear, a recent OWASA Board of Directors appointee, and Ramchandra Athavale, a recent Recreation and Parks Commission appointee.

REQUEST FOR APPROVAL OF A SUPPLEMENTAL AGREEMENT AND CAPITAL PROJECT ORDINANCE FOR THE WILSON PARK MULTI-USE PATH

The Board considered approval of a Supplemental Agreement with NCDOT for the Wilson Park Multi-Use Path to provide \$25,303 additional STP-DA funding for the project and to extend the milestone date for completion of construction to December 31, 2012. Concurrently, the Board was asked to amend the Capital Project Ordinance for this project.

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

A RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE WILSON PARK MULTI-USE PATH
Resolution No. 196/2011-12

WHEREAS, the Town of Carrboro has received authorization from the Federal Highway Administration and North Carolina Department of Transportation (NCDOT) to construct the Wilson Park Multi-use Path (NCDOT TIP #U-4726-DC); and,

WHEREAS, on May 1, 2012, the Board of Aldermen approved a Supplemental Agreement extending the milestone date for construction completion to December 31, 2012; and,

WHEREAS, the project is partially funded by federal Surface Transportation Program-Direct Apportionment (STP-DA) funding; and,

WHEREAS, the initial cost estimate for the project was completed in 2007 for the 2009-2015 STP-DA Call for Projects; and,

WHEREAS, since that time, due to costs related to preliminary engineering, construction engineering and inspection, and an increased construction cost estimate, additional funds are needed to cover the cost of the project; and,

WHEREAS, on June 13, 2012, the Transportation Advisory Committee of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) approved \$25,303 of additional STP-DA funds; and,

WHEREAS, a Supplemental Agreement is necessary to amend the Municipal Agreement to include the additional funds, and such an agreement has been prepared, which also includes the language of, and is a substitute for, the May 1 Supplemental Agreement, which will be overridden by the most recent Agreement;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board approves the Supplemental Agreement with NCDOT for the Wilson Park Multi-use Path and authorizes the Town Manager to execute the Supplemental Agreement.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 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 Lavelle and seconded by Alderman Johnson:

**WILSON PARK MULTI-USE PATH CAPITAL IMPROVEMENT PROJECT
ORDINANCE, FY 2011-2012
Ordinance No. 35/2011-12**

WHEREAS, the Town of Carrboro has received additional funding from the North Carolina Department of Transportation (NCDOT) under the federal Surface Transportation Program-Direct Attributable (STP-DA) program for the design and construction of the Wilson Park Multi-Use Path; and,

WHEREAS, on April 9, 2010, the Town of Carrboro entered into a Municipal Agreement with NCDOT to administer federal funding to design and construct the Wilson Park Multi-Use Path; and,

WHEREAS, on May 1, 2012, the Board of Aldermen approved a Supplemental Agreement extending the milestone date for construction completion to December 31, 2012; and,

WHEREAS, a Supplemental Agreement is necessary to amend the Municipal Agreement to include the additional funds, and such an agreement has been prepared, which also includes the language of, and is a substitute for, the May 1 Supplemental Agreement, which will be overridden by the most recent Agreement;

WHEREAS, the Town of Carrboro Board of Aldermen has approved the aforementioned Supplemental Agreement governing the additional STP-DA funding and authorized the Town Manager to execute the Supplemental Agreement with NCDOT; and,

WHEREAS, the Town of Carrboro has received a Recreational Trails Program Grant from the North Carolina Department of Environmental and Natural Resources (NCDENR) to support the construction of the Wilson Park Multi-Use Path; and,

WHEREAS, additional local funds are required to match the additional STP-DA funding; and,

WHEREAS, funds in the Town's Bond Fund are available to match the STP-DA and NCDENR funding award;

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

1. The Wilson Park Multi-Use Path Capital Improvement Project is hereby authorized to be undertaken until all project activity is completed.
2. The following revenues are anticipated to be available to the Town of Carrboro to complete the project:

Federal STP-DA Funds	\$ 193,987.00
NCDENR Recreational Trails Program Grant	\$ 75,000.00
Town Bond Funds	\$ 149,628.00
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	\$ 418,615.00

3. The following amount is appropriated for this project to be expended in the following manner:

Design A & E	\$ 54,476.00
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Construction/Engineering & Inspection	\$ 303,139.00
Contingency	\$ 61,000.00
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	\$ 418,615.00

4. This Capital Project Improvement Ordinance supersedes all other project ordinances regarding the design and construction of the Wilson Park Multi-Use Path.
5. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director and Planning Director.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 26th day of June 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 CONSTRUCTION CONTRACT FOR THE WILSON PARK MULTI-USE PATH PROJECT

The purpose of this agenda item was to request that the Board of Aldermen award a construction contract for the Wilson Park Multi-Use Path project (NCDOT #U-4726 DC) and to authorize the Town Manager to execute the contract.

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

A RESOLUTION AWARDING A CONTRACT TO CAROLINA ASPHALT AND
 AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT ON BEHALF
 OF THE TOWN OF CARRBORO FOR THE PROJECT KNOWN AS WILSON PARK
 MULTI-USE PATH (U- 4726 DC)
 Resolution No. 197/2011-12

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

Section 1. The contract for construction of Wilson Park Multi Use Path (U-4726 DC) is awarded to Carolina Asphalt in the amount of \$258,138.72

Section 2. The Town Manager is hereby authorized to execute on behalf of the Town of Carrboro a contract with Carolina Asphalt in the amount of \$258,138.72 and any change orders with Carolina Asphalt and Concurrence in Award, provided the award of contract is approved by the North Carolina Department of Transportation.

Section 2. The resolution shall become effective upon adoption

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2012:

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

Noes: None

Absent or Excused: None

REQUEST TO AUTHORIZE THE TOWN MANAGER TO AWARD A CONSTRUCTION CONTRACT FOR PINE STREET – PHASE 1B SIDEWALK PROJECT

The purpose of this agenda item was to request that the Board of Aldermen authorize the Town Manager to award and execute a construction contract for the Pine Street sidewalk project.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE PINE STREET SIDEWALK PROJECT

Resolution No. 195/2011-12

Section 1. The Board of Aldermen hereby authorizes the Town Manager to award and execute a contract for the Pine Street Sidewalk Project in an amount not to exceed \$350,000.

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 26th day of June 2012:

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

Noes: None

Absent or Excused: None

FY 2011-12 BUDGET ORDINANCE AMENDMENT – BOND FUND

The purpose of this item was to request approval of an amendment to modify the general obligation bond fund appropriation for Davie Road and Wilson Park Multi-Use Path.

George Seiz, the Public Works Director, explained that the Davie Road project has a reduced cost based on preliminary plans and estimates.

The following ordinance was introduced by Alderman Lavelle and seconded by Alderman Johnson:

**AMENDMENT TO FY 2011-12 ANNUAL BUDGET ORDINANCE
Ordinance No. 36/2011-12**

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:

Projects	CURRENT BUDGET	INCREASE (DECREASE)	NEW BUDGET TOTAL
Wilson Park MUP	\$ 97,316.00	\$ 52,312.00	\$ 149,628.00
Davie Rd. Sidewalk	\$ 651,000.00	\$ (52,312.00)	\$ 598,688.00

REASON: Due to recent cost estimates, there is a need to modify the estimated project expenditures for these two bond fund projects.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2012:

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

Noes: None

Absent or Excused: None

DUKE/PROGRESS ENERGY MERGER RESOLUTION

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

**A RESOLUTION CONCERNING THE PROPOSED MERGER OF DUKE ENERGY AND
PROGRESS ENERGY
Resolution No. 199/2011-12**

WHEREAS, the NC Utility Commission is being pushed to consider and approve the proposed merger between Duke Energy and Progress Energy Companies before July 1, 2012; and

WHEREAS, there has been no coherent study of predictable future effects of the merger on North Carolina's electricity market; and

WHEREAS, the merger would make Duke Energy virtually the only provider of retail electricity in the state and the largest electric corporation in the entire United States; and

WHEREAS, our economic system is based upon competition and the dangers of monopolies have caused our nation to outlaw them in most forms; and

WHEREAS, statewide monopoly control of the NC electricity market by one company would frustrate the intention of our regulatory system; and

WHEREAS, the Federal Energy Regulatory Commission has raised concerns that the merger would curb wholesale competition in certain Carolinas' markets; and

WHEREAS, the NC Waste Awareness and Reduction Network opposes the merger and contends that the impact of those additional costs on retail customers cannot be adequately considered without an additional public testimony hearing; and

WHEREAS, turning NC's electricity market into a one-producer, statewide monopoly dangerously concentrates control of a vital resource and is not prudent.

WHEREAS, There have been 17 non-transparent settlement agreements between Duke/Progress Energy and customer groups which may be subject to open records laws.

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

Section 1. We ask that the NC Utility Commission postpone making a decision on the proposed merger until further study can be completed.

Section 2. That either the NC Utilities Commission or the Legislature open half the electricity territories for service by other companies to re-establish a diversity of electricity providers.

Section 3. We ask that the NC Attorney General review whether merger settlement agreements between the utility companies and customer groups do not violate NC open records laws.

Section 4. That copies of the resolution be provided to the NC Utility Commission and the state legislative delegation of Orange County and the NC Attorney General.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 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 FOR JORDAN LAKE NEW DEVELOPMENT RULES ORDINANCE

The Jordan New Development Stormwater Rule, 15A NCAC 2B. 0265, sets out standards that Carrboro is required to incorporate into its local stormwater program. A draft ordinance including the new requirements was prepared. The Board was required to receive public comment before taking action on the draft ordinance.

Randy Dodd, the Town's Environmental Planner, made the presentation to the Board.

Alderman Lavelle asked if the Town can create a program to allow offsite offset options.

Alderman Slade asked staff to research the state's minimum fee allowed for private sellers.

Alderman Johnson stated that she would like staff to report back on the Town developing a fee.

Alderman Gist asked that when staff consider creating an offset fee, that they also consider a fee waiver for applicants that would not be adding Nitrogen and Phosphorous to the new development.

MOTION WAS MADE BY ALDERMAN LAVELLE AND SECONDED BY ALDERMAN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 184/2011-12

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO BRING THE ORDINANCE INTO COMPLIANCE WITH THE JORDAN RULES RELATING TO NEW DEVELOPMENT

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

Section 1. The North Carolina General Assembly, Environmental Management Commission and Division of Water Quality have adopted and are implementing rules to limit nitrogen and phosphorus inputs to Jordan Lake, and have required local governments to develop and enforce local ordinances to limit phosphorus and nitrogen from new development.

Section 2. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 regarding efforts to protect water resources, particular the following sections:

5.22 Carrboro should adopt a strategy and set of policies to protect all of our creeks, streams, ponds, and lakes.

5.23 Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing impacts on waterways.

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 remain consistent with its adopted plans or policies.

Section 4. The resolution is effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2012:

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

Noes: None

Absent or Excused: Mark Chilton

The following ordinance was introduced by Alderman Lavelle and seconded by Alderman Haven-O'Donnell:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO BRING
THE ORDINANCE INTO COMPLIANCE WITH THE JORDAN RULES RELATING TO
NEW DEVELOPMENT
Ordinance No. 37/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-263 of the Carrboro Land Use Ordinance, entitled "Management of Stormwater," is amended to read as follows:

- (a) The requirements of this section shall apply to developments to the extent provided in this subsection.
 - (1) For purposes of this subsection, "impervious surface" means that portion of the development of a lot or tract that is covered by a surface or material that substantially or completely prevents rainwater from reaching and being absorbed into the underlying soil. Impervious surfaces include but are not limited to streets, driveways, sidewalks, parking lots, buildings, and other roofed, paved, or graveled areas. Wooden slatted decks and the water area of swimming pools are considered pervious, as are ponds.
 - (2) For purposes of this subsection, "net addition of impervious surface" shall be determined by subtracting the total square footage of impervious surface prior to commencement of construction authorized by a development permit from the total square footage of impervious that is proposed to be located on the development site when all construction authorized by the development permit (including all phases thereof) is completed. If the permit issuing authority reasonably concludes that a permit applicant is seeking or has sought separate permits (simultaneously or sequentially) for different components of what is demonstrably intended to be a single development in an attempt to stay below the impervious surface threshold

that triggers the requirements set forth in this section, then the permit issuing authority shall treat such multiple applications as a single application for purposes of determining whether the requirements of this section are applicable.

- (3) All unsubdivided developments that involve a net addition of more than 5,000 square feet of impervious surface shall be subject to the requirements of this section, except that these requirements shall not apply if the total of the net addition of impervious surface area plus the previously existing impervious surface area on the lot does not exceed (i) six percent (6%) of the lot area within a B-5 or WM-3 zoning district, or (ii) for lots in all other zoning districts, the amount of impervious surface area permissible on lots within the C or WR zoning districts under subsection 15-266(b) of this part.
- (4) When land is subdivided, and the permit authorizing the subdivision does not itself authorize the net addition of more than 5,000 square feet of impervious surface to the tract to be subdivided, then the requirements of this section shall not be applicable to the subdivision. The applicability of the requirements of this section to each of the individual lots so created shall then be determined as development permits are issued for each such lot.
- (5) When land is subdivided, and the permit authorizing the subdivision itself authorizes the net addition of more than 5,000 square feet of impervious surface to the tract to be subdivided (regardless of whether such impervious surface consists of a road or other facilities external to the lots so created, or buildings, parking lots, and other facilities constructed within the lots so created, or a combination of the two), then the subdivision shall comply with the requirements of this section. Furthermore, the stormwater management system that is installed to comply with the provisions of this section shall be required to take into account all the stormwater reasonably expected to be generated by the development (according to generally accepted engineering standards) when all subdivided lots five acres or less in size are fully developed. When such lots are subsequently developed, they shall be exempt from further review under the provisions of this section. However, any lot within such subdivision that is greater than five acres in size and that was not included in the stormwater calculations for purposes of designing a stormwater management system that satisfies the requirements of this section shall be required to comply with the requirements of this section at the time such lot is developed, if and to the extent required to do so under subsection (a)(3) of this section.

- (6) Notwithstanding the other provisions of this subsection, if (i) a lot is within a commercial district described in Section 15-136 or a manufacturing district described in 15-137, (ii) on the date that a development permit application is submitted and the fees paid the lot is already developed to the extent that the lot contains at least 10,000 square feet of impervious surface area, and (iii) the reasonably estimated cost of the redevelopment of the lot as proposed in the development permit application exceeds the greater of \$100,000, or fifty percent (50%) of the appraised value of the existing improvements on the lot, then the requirements of this section shall be applicable to such redevelopment. For purposes of this subdivision (a)(6), the terms “cost” and “appraised value” shall have the same meaning as provided in Subsection 15-125(c) of this chapter.
- (7) Notwithstanding the other provisions of this subsection, the requirements of this section shall apply to any development involving the reconstruction of a previously paved area comprising at least 10,000 square feet (repaving or resurfacing shall not be considered reconstruction).
- (8) Notwithstanding the other provisions of this subsection (but subject to the provisions of subsection (a)(8)f below), the requirements of this section shall apply to all proposed new development that cumulatively disturbs one acre or more for single family and duplex residential property and recreational facilities, and one-half acre for commercial, industrial, institutional, multifamily residential, or local government property. For purposes of this subsection (a)(8) only:
- a. Development means any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
 - b. New development means any development project that does not meet the definition of existing development set forth immediately below.
 - c. Existing development means development not otherwise exempted from the provisions of this section that meets one of the following criteria: (i) it either is built or has established a vested right based on statutory or common law grounds as of the effective date of this section, or (ii) it occurs after the effective date of this section but does not result in a net increase in impervious surface area and does not increase the infiltration of precipitation into the soil..
 - d. Land disturbing activity means any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

- e. Larger common plan of development or sale means any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.
- f. ***Redevelopment means any development on previously developed land.***

(b) Developments must install and maintain stormwater management systems that will control and treat runoff from the first one inch of rain as follows:

- (1) Draw down the treatment volume in accordance with the requirements of the North Carolina Division of Water Quality Best Management Practices (NC DWQ BMP) Manual.
- (2) Achieve an eighty-five percent (85%) average annual removal rate for Total Suspended Solids.

(c) Subject to subsections (d) and (f), developments must install and maintain stormwater management systems that ensure that the nutrient load contributed by the development is limited to not more than 2.2 pounds per acre per year of nitrogen and 0.82 pounds per acre per year of phosphorus.

(d) Subject to subsection (f), developments that (i) would otherwise be required under subsection (a) to comply with the stormwater treatment standards set forth in subsection (c), and (ii) involve the replacement or expansion of existing structures or improvements, shall have the option of either satisfying the requirements of subsection (c) of this section or achieving a thirty-five percent (35%) nitrogen and five percent (5%) phosphorous reduction in the loading rates for these nutrients when comparing the situation that exists on the date a completed application is submitted to the post redevelopment situation for the entire project site.

(e) The need for engineered stormwater controls to meet the nutrient loading rate standards set forth in subsections (c) and (d) shall be determined by using the loading calculation methods and other standards established by the Division of Water Quality as set forth in Sub-Item (4)(a) of 15A NCAC 2B.0265, including the current version of the Stormwater Best Management Practices Manual published by the Division.

(f) Developers shall have the option of offsetting part of their nitrogen and phosphorus loads by implementing or funding offsite management measures as follows:

- (1) Before using offsite offset options, a development shall attain a maximum nitrogen loading rate on-site of six pounds per acre per year for single-family detached and duplex residential development and ten pounds per acre per year for other development, including multi-family residential, commercial and industrial, and shall meet any requirement for engineered stormwater controls required by this Article..
- (2) Offsite offsetting measures shall achieve at least equivalent reductions in nitrogen and phosphorus loading to the remaining reduction needed onsite to comply with the loading rate standards set forth in subsection (c) of this section.
- (3) A developer may make offset payments to the N.C. Ecosystem Enhancement Program contingent upon acceptance of payments by that Program. A developer may use an offset option provided by the Town of Carrboro, or may propose other offset measures including providing the developer's own offsite offset or utilizing a private seller. All offset measures shall meet the requirements of 15A NCAC 02B.0273(2) through (4) and 15A NCAC 02B.0240.

(g) Developments shall be constructed and maintained so that their stormwater management systems meet the following minimum standards:

(1) The post-development discharge rates shall be less than or equal to the pre-development discharge rates for the 1-, 2-, 5-, 10-, and 25-year 24-hour design storms.

(2) For upstream properties, the 1% chance flood elevation may not be increased.

(h) The presumption established by this section is that, to satisfy the standards set forth herein, the applicant shall design and construct all stormwater management systems required by this section in accordance with the guidelines set forth in the Town of Carrboro Storm Drainage Design Manual (Appendix I to this chapter). However, the permit issuing authority may establish different requirements when it concludes, based upon (i) the information it receives in the consideration of the specific development proposal, and (ii) the recommendations of the public works director or the town engineer, that such deviations from the presumptive guidelines are necessary to satisfy the standards set forth in this section, or that the standards can still be met with such deviations and the deviations are otherwise warranted.

(i) Approval by the town of an applicant's stormwater management plans, and construction by the applicant of the stormwater management systems as shown in such plans, shall not relieve the applicant of the responsibility of complying with the standards set forth in this section. If at any time prior to two years following the issuance of a certificate of occupancy, for an unsubdivided development, or the approval of a final plat, for a subdivision, the town determines that the stormwater management systems planned to be installed or actually installed to meet the requirements of this section do not achieve that objective, the town may require the submission of revised plans and the installation of new,

altered, or additional facilities to bring the development into compliance. Prior to issuance of a certificate of occupancy or approval of a final plat, the town may require the applicant to post a performance bond or other sufficient surety to guarantee compliance with this section.

(j) Upon completion of construction of the stormwater management facilities, the permit recipient shall submit to the town “as built” plans for all such facilities in the form required by the town. Compliance with this requirement must occur prior to issuance of a certificate of occupancy, or prior to final plat approval (if applicable), unless adequate security is otherwise provided in accordance with the provisions of Sections 15-53 or 15-60.

(k) Proposed new development undertaken by the Town solely as a public road project shall be deemed compliant with the provisions of this section if it meets the buffer protection requirements of Part III of this Article. All other developments shall comply with both the requirements of this section and the provisions of Part III of this Article.

(l) Variances from the provisions of this section may only be granted in accordance with the requirements of Section 15-92, including subsection (l) of that section.

Section 2. Section 15-92 of the Land Use Ordinance is amended by adding a new subsection (l) to read as follows:

(l) If the board votes to grant a major variance from the provisions of Section 15-263, the board shall then prepare a preliminary record of the hearing and submit it to the Environmental Management Commission for review and approval. If the Commission approves the major variance or approves with conditions or stipulations added, then the Commission shall prepare a Commission decision which authorizes the board to issue a final decision which would include any conditions or stipulations added by the Commission. If the Commission denies the major variance, then the Commission shall prepare a Commission decision to be sent to the board. The board shall prepare a final decision denying the major variance. For all proposed major and minor variances from the provisions of Section 15-263, the town shall notify and allow a reasonable comment period for all other local governments having jurisdiction within the Jordan Lake Watershed Area and any local governments using Jordan Lake as a water supply for consumption. Appeals from a board decision on a major or minor variance request are made on certiorari to the local Superior Court. Appeals from the Commission decision on a major variance request are made on judicial review to Superior Court. For purposes of this subsection, a major variance is one that authorizes a relaxation by more than five percent of any requirement set forth in Section 15-263.

Section 3. Article XI of the Carrboro Land Use Ordinance is amended by adding Section 15-179.1 to read as follows (the substance of this section is transferred from pre-existing Subsection 15-263(b)(3)):

Section 15-179.1 Day Care Uses Within Village Mixed Use Developments.

All 22.000 (Day Care) uses that are located within the single family residential use areas of a village mixed use development shall install and maintain site development and/or building features to ensure that the environmental impact, including but not limited to storm water volume, nutrient loading, water use or greenhouse gas emissions, contributed by the development activity is managed and/or reduced through a combination of features and practices that will result in an overall reduction in environmental impact from that which otherwise could reasonably be expected to occur in association with development of the 22.000 use. Specific performance measures that will be evaluated to determine whether the intent of this subsection has been met are as follows:

- (1) Open space, if practicable, is dedicated to either the homeowners association or the town, and
- (2) Storm water best management practices (BMPs) and associated grading and stabilization occur outside any primary conservation areas, and all runoff from the BMPs is discharged in a diffuse manner that insures that erosional rills will not be created as runoff enters and flows through conservation areas; and
- (3) Roof drainage is captured in sufficient quantity and in appropriately sized and sited devices to provide at a minimum for all on-site plantings, including but not be limited to screenings, vehicle accommodation areas, foundation plantings, garden beds, trees, shrubs, flowers, groundcover, and turf, and
- (4) Nutrient load requirements may be met (i) by storm water management structures or devices on the development site itself and/or (ii) the retrofitting of existing or construction of new BMPs elsewhere in the VMU development, and
- (5) Educational materials including, but not limited to on-site signage, brochures, and web postings on stormwater management practices are prepared and/or installed, and
- (6) Low Impact Development techniques are used to the extent practicable

Section 4. Section 15-2 (Authority) of the Carrboro Land Use Ordinance is amended to read as follows:

This chapter is adopted pursuant to the authority contained in Article 19 of G.S. Chapter 160A; Article 21 (Part 6) of G.S. Chapter 143; G.S. 143-215.6A; G.S. 143-214.5; Article 4 of G.S. Chapter 113A; as well as Chapter 527 of the Session Laws of 1953; Chapters 122 and 136 of the Session Laws of 1963; Chapter 260 of the Session Laws of 1977; Chapter 753 of the Session Laws of 1979; Chapters 233 and 476 of the 1987 Session Laws; Chapters 216 and 484 of the 2009 Session Laws; and other state and local laws.

Section 5. Chapter 1 of the Carrboro Land Use Ordinance is amended by adding a new Section 15-9 to read as follows:

Section 15-9 Stricter Regulation Controls

The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

Section 6. Section 15-263.1 of the Carrboro Land Use Ordinance (Maintenance of Structural BMPs) is amended by adding new subsections (g) and (h) as follows:

(g) If a structural BMP is located within a subdivision, then the recorded plat of such subdivision shall include a reference to the book and page number where the Operation and Maintenance Agreement is recorded.

(h) Where appropriate in the determination of the Administrator to assure compliance with this section, structural BMPs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

Section 7. Section 15-272 of the Carrboro Land Use Ordinance (Signs Excluded from Regulation) is amended by adding a new subsection (12) as follows:

(12) Signs posted near structural BMPs to comply with Subsection 15-263.1(h) that do not exceed four square feet.

Section 7. All provisions of any town ordinance in conflict with this ordinance are repealed.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2012:

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

Noes: None

Absent or Excused: Mark Chilton

MOTION WAS MADE BY ALDERMAN LAVELLE AND SECONDED BY ALDERMAN JOHNSON FOR STAFF TO INVESTIGATE THE CREATION OF AN OFFSITE OFFSET TOWN PROGRAM, RESEARCH THE STATE'S CURRENT HIGHEST PRIVATE SELLER OFFSET FEE, AND TO ALSO INVESTIGATE AN

INCENTIVE FOR THE REDUCTION OF NITROGEN AND PHOSPHOROUS AT DEVELOPMENT SITES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

PUBLIC HEARING FOR LAND USE ORDINANCE TEXT AMENDMENT ADDING A STORMWATER VOLUME CONTROL REQUIREMENT

[Mayor Chilton arrived at the meeting.]

The purpose of this item was to review a new stormwater volume requirement in the Land Use Ordinance.

Megan Coller, a Board Member of the Friends of Bolin Creek, expressed support for the proposed ordinance.

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

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

Resolution No.190/2011-12

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE TO ESTABLISH REQUIREMENTS LIMITING THE PERMISSIBLE VOLUME OF STORMWATER THAT RUNS OFF A DEVELOPED SITE

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

Section 1. The Town's Land Use Ordinance includes provisions for stormwater management which can provide additional protection for groundwater resources and the stability of stream channels with additional requirements to reduce the total volume of water running off of new developments via stormwater; and

Section 2. The Board concludes that the above described amendment is also consistent with Carrboro Vision 2020 regarding efforts to protect water resources, particular the following sections:

5.22 Carrboro should adopt a strategy and set of policies to protect all of our creeks, streams, ponds, and lakes.

5.23 Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing impacts on waterways.

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 remain consistent with its adopted plans or policies.

Section 4. The resolution is effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 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 Haven-O'Donnell:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
ESTABLISH REQUIREMENTS LIMITING THE PERMISSIBLE VOLUME OF
STORMWATER THAT RUNS OFF A DEVELOPED SITE
Ordinance No. 38/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-263 of the Carrboro Land Use Ordinance, entitled "Management of Stormwater," is amended by adding thereto a new Subsection (g1) to read as follows:

(g1) Developments shall install and maintain stormwater management systems such that the post-development total annual stormwater runoff volume shall not exceed the pre-development volume by more than the limits set forth in the following table. The pre-development and post-development annual stormwater runoff volume shall be calculated using the Jordan Lake Accounting Tool. A composite curve number shall be assigned to the development site in the pre-development stage using the runoff curve number method described in USDA NRCS Technical Release 55, Urban Hydrology for Small Watersheds (June, 1986). See also Chapters 4 through 10 of NEH-4, SCS (1985).

Preexisting Composite Curve Number *	Maximum allowable increase in annual stormwater runoff volume
>78	50%
>70-78	100%
>64-70	200%

<=64	400%
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Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption but shall not apply to projects with respect to which a complete application has been submitted and fees have been paid prior to the date of adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2012:

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 SLADE AND SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT FUTURE CONSIDERATIONS OF STORMWATER RUNOFF BE REFERRED TO THE ENVIRONMENTAL ADVISORY BOARD (EAB) FOR REVIEW AND THAT PLANNING BOARD AND FRIENDS OF BOLIN CREEK BE INVITED TO THE EAB MEETING. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENT TO AUTHORIZE DEVIATIONS FROM REQUIREMENTS OF THE SIGN ORDINANCE

The purpose of this agenda item was for the Board of Aldermen to consider amending the Land Use Ordinance (LUO) relating to the approval process for signage for multi-use businesses in one or more multi-story buildings, located in the B-1(C) or B-1(G) zoning districts and subject to a conditional use permit.

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

Damon Seils, speaking on behalf of the Planning Board, stated that they Planning Board does not recommend adoption of this ordinance at this time. They asked for further study on zoning, deviation from the sign ordinance, that the Board consider the Design Standards document, and that the application still go to the Appearance Commission.

Tom Wiltberger, speaking on behalf of the Appearance Commission, stated that there may be issues associated with grouping the master sign plan in with a CUP application. He recommended that all sign changes should be reviewed by the Appearance Commission. He

suggested a revision of the sign ordinance because it does not lend itself well to large scale developments.

Laura Van Sant, speaking on behalf of the 300 E. Main development, stated that she agrees that the sign ordinance needs review and asked that the Board also consider guidelines when reviewing the proposed ordinance changes.

Alderman Slade stated that the new ordinance should include design standards.

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

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

Resolution No. 187/2011-12

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO AUTHORIZE THE BOARD OF ALDERMEN TO ALLOW DEVIATIONS FROM THE REQUIREMENTS OF THE SIGN ORDINANCE WHEN APPROVING A MASTER SIGNAGE PLAN FOR MULTI-USE BUSINESS DEVELOPMENTS THAT REQUIRE THE ISSUANCE OF A CONDITIONAL USE PERMIT

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 *Carrboro Vision 2020* regarding efforts to preserve Carrboro's town character, particularly the following sections:

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

2.41 The town should support the evolution of a downtown district that embodies Carrboro's character.

3.22 Carrboro should encourage the development and placement of architecturally significant commercial and civic buildings.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

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 26th day of June 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 Lavelle:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO AUTHORIZE THE BOARD OF ALDERMEN TO ALLOW DEVIATIONS FROM THE REQUIREMENTS OF THE SIGN ORDINANCE WHEN APPROVING A MASTER SIGNAGE PLAN FOR MULTI-USE BUSINESS DEVELOPMENTS THAT REQUIRE THE ISSUANCE OF A CONDITIONAL USE PERMIT

Ordinance No. 39/2011-12

THE BOARD OF ALDERMEN ORDAINS:

Section 1. The first sentence of Subsection 15-271(c) of the Carrboro Land Use Ordinance is amended to read:

(c) Signs not approved as provided in subsections (b) or (d), or exempted under the provisions referenced in subsection (a), may be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the administrator.

Section 2. Section 15-271 of the Carrboro Land Use Ordinance is amended by adding a new subsection (d) to read as follows:

(d) In the B-1(C) and B-1(G) zoning districts, with respect to developments that (i) require the issuance of a conditional use permit, (ii) are intended to be occupied by multiple commercial enterprises, and (iii) will contain one or more buildings that are at least three stories in height, the Board of Aldermen may approve a master signage plan that shows in detail the dimensions, locations, and characteristics of all signs within that development other than those signs that are excluded from regulation under Section 15-272 or that do not require permits under Section 15-273.

(1) Such master signage plan may be approved as part of the issuance of the original conditional use permit or as a minor amendment to the original conditional use permit, provided that no such master plan shall be approved through the minor

amendment process unless the Board of Aldermen first holds a public hearing on the proposed amendment. Amendments to a master signage plan approved under this section may be approved in accordance with the provisions of Section 15-64 (Amendments to and Modifications of Permits).

(2) In approving a master signage plan as authorized by this subsection, the Board may allow deviations from the requirements of this chapter relating to the number and type of permissible signs as well as other dimensional restrictions applicable to such signs if the Board concludes that such deviations are warranted given the height, shape, dimensions, and orientation of buildings on the development site, the number of individual businesses likely to occupy the development site, the need of the traveling public to be able conveniently and safely to locate and access destination businesses (e.g. hotels and restaurants) and parking areas.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. 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 26th day of June 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 Haven-O'Donnell and seconded Attachment C Alderman Coleman:

A RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED MODIFICATION
TO THE CONDITIONAL USE PERMIT FOR THE HAMPTON INN & SUITES
AT 300 EAST MAIN STREET
Resolution No.188/2011-12

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a modification to the conditional use permit for the Hampton Inn & Suites at 300 East Main for a master signage plan,

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on September 25, 2012, to discuss the proposed modification to the conditional use permit.

BE IT FURTHER RESOLVED that the master signage plan is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Appearance Commission | <input type="checkbox"/> Recreation and Parks Commission |
| <input checked="" type="checkbox"/> Transportation Advisory Board | <input type="checkbox"/> Northern Transition Area Advisory Committee |
| <input type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> _____ |
| <input checked="" type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____ |

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2012:

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

Noes: None

Absent or Excused: None

Alderman Haven-O'Donnell requested that staff provide the Board with guidance for the master sign plan.

**PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENT
RELATING TO PAYMENT-IN-LIEU FOR AFFORDABLE HOUSING UNITS**

The Town received a request from Community Home Trust to amend the Land Use Ordinance relating to the payment-in-lieu fee for affordable housing units.

Christina Moon, The Town's Planning Administrator, made the report to the Board.

Bethany Chaney, speaking on behalf of the Planning Board, explained that the Planning Board would like to see that the fee is more relevant to established affordable housing goals. She also asked that the Board review the calculation for fairness. They Board also expressed concern with the 11th hour request based on the needs of the developer and their affordable

housing partner. The Planning Board asked that the Board have thorough review affordable housing review.

Alderman Coleman suggested a formula based on a factor of the rolling average of median home sale prices (for CHCCS district) for the past three years. This year the fee would be based on the average for 2009, 2010, 2011 but next year will be for 2010, 2011, 2012.

Thus, for the upcoming FY, the payment in lieu would be calculated as:

Year	Average	Median
2009	365,674	305,000
2010	378,623	325,000
2011	372,983	325,000
3-yr avg	372,427	318,333
*10%	37,243	31,833

Robert Dowling, the Executive Director of the Community Home Trust, also suggested that the Board thoroughly review the affordable housing ordinance.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Haven-O'Donnell:

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF
THE CARRBORO LAND USE ORDINANCE
Resolution No. 191/2011-12

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE WITH RESPECT TO AFFORDABLE HOUSING PAYMENTS IN LIEU

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 *Carrboro Vision 2020* regarding efforts to provide housing for a diverse population, particularly the following three sections:

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

6.17 The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Corporation, Empowerment Inc., and Habitat for Humanity.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

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 26th day of June 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 Haven-O'Donnell:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE WITH
RESPECT TO AFFORDABLE HOUSING PAYMENTS IN LIEU
Ordinance No. 40/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-54.1(b)(4) of the Carrboro Land Use ordinance is amended to read as follows:

(4) The affordable housing payment in lieu fee shall be an amount established by the Board of Aldermen and shall be included in the Town's Miscellaneous Fees and Charges Schedule. In establishing the amount of this fee, the Board may consider (i) the extent to which the costs incurred by a developer in constructing and selling a two bedroom affordable housing unit (including land cost, the cost of construction, interest cost, closing costs, and other costs allocable to such unit) exceed the maximum amount for which that housing unit could be sold (as an affordable housing unit) by the developer in accordance with Section 15-182.4, (ii) the extent to which non-monetary factors might induce developers to prefer paying a fee in lieu of constructing an affordable housing unit if the monetary cost of doing one or the other were roughly equivalent, and (iii) any other factors the Board deems relevant in establishing a fee that provides developers with a practical and financially viable means of satisfying the Town's affordable housing policy goals.

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 26th day of June 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 Haven-O'Donnell:

**A RESOLUTION AMENDING THE MISCELLANEOUS FEES AND CHARGES
SCHEDULE TO ADD AN AFFORDABLE HOUSING UNIT PAYMENT-IN-LIEU FEE
Resolution No. 192/2011-12**

WHEREAS, the Carrboro Board of Aldermen has established an affordable housing goal, and

WHEREAS, the Aldermen seek to provide alternative methods of reaching that goal, including a payment in lieu fee,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO that the Aldermen amend the Miscellaneous Fees and Charges Schedule by establishing a new "Payment-in-Lieu for Affordable Housing Units" and adding the following line under this item:

"The fee shall be determined by multiplying the average of median home sales prices, as obtained from MLS data, of the previous three years for the Chapel Hill Carrboro City School District, by 10%"

BE IT HEREBY FURTHER RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO that the Aldermen designate any payments as restricted revenues to be used for the Town's Affordable Housing Special Reserve Fund.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 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 Haven-O'Donnell:

A RESOLUTION WAIVING THE APPLICATION FEE RELATED TO A LAND USE
ORDINANCE TEXT AMENDMENT REQUESTED BY THE COMMUNITY HOME
TRUST FOR A CHANGE TO THE PAYMENT-IN-LIEU FEE FOR AFFORDABLE
HOUSING UNITS

Resolution No.193/2011-12

WHEREAS, the Board of Aldermen seeks to further affordable housing opportunities and;

WHEREAS, a request to waive the application fee for a text amendment related to the definition of affordable housing has been made by the Community Home Trust, a non-profit organization committed to the creation of affordable housing opportunities.

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen that the Aldermen grant a waiver of the application fee associated with a land use ordinance text amendment request, in accordance with Administrative Policy 540-1 in the amount of \$425.00.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2012:

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

Noes: None

Absent or Excused: None

**REQUEST FOR MINOR MODIFICATION OF THE BALLENTINE
ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE
PERMIT RELATED TO AFFORDABLE HOUSING**

M/I Homes, developer of the 96 unit dwelling unit subdivision located at 8110 Old NC 86, submitted an application for a *Minor Modification* to the Conditional Use Permit issued for the AIS on August 28, 2007 (Attachment D). The proposed changes would allow a payment-in-lieu for two affordable housing units. Town staff requested that the Board review, deliberate, and make a decision on the application.

Marty Roupe, the Town's Zoning Administrator made the presentation to the Board.

A representative from M/I Homes told the Board that the payment-in-lieu fee of \$31,833 is too high. He stated that the number that he thinks is fair is between \$21,000 and \$22,000. He asked that this item be tabled for further discussion.

No action was taken on this item.

AFFORDABLE HOUSING COMMITTEE

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN THAT AN AFFORDABLE HOUSING COMMITTEE BE CREATED AND THAT ALDERMEN SLADE, JOHNSON AND COLEMAN BE APPOINTED TO THE COMMITTEE. THE COMMITTEE MEMBERS SHALL USE THEIR BEST KNOWLEDGE AND RESOURCES OF THE TOWN, AND THE TOWN'S ADVISORY BOARDS, TO DEVELOP A RECOMMENDATION TO THE BOARD OF ALDERMEN IN DECEMBER OF 2012. VOTE: AFFIRMATIVE ALL

Alderman Haven-O'Donnell requested that the Subcommittee include a Planning Board member as a liaison.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN TO ADJOURN THE MEETING AT 10:28 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk