

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 22, 2006 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	John Herrera (arrived at 7:59 pm)
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

MAYOR'S INVITATION TO BICYCLE SAFETY RODEO

Mayor Chilton invited families to come to the Bicycle Safety Rodeo this Saturday morning. He stated that State Farm Insurance and the Orange County Partnership were sponsoring it for Young Children. It will be held from 9:30 -11:30 in the Whole Foods Market parking lot in Chapel Hill. He encouraged children between the ages of 3-8 and adults to attend.

WELCOME HA HA SHOES

Mayor Chilton welcomed Ha Ha Shoes to downtown Carrboro. It is located on the corner of Lloyd Street and Main Streets.

PUBLIC HEARING: REQUEST TO TEMPORARILY CLOSE BROAD STREET FOR THE ST. JOSEPH CME CHURCH'S "FRANGELISM IN THE PARK" EVENT

The purpose of this item is to receive public comment on a Street Closing Permit Application submitted by St. Joseph CME Church to temporarily close Broad Street between Fowler Street and Hill Street on Saturday, September 9th from 10:00 a.m. to 4:00 p.m. for the "Frangelism In the Park" event. The town staff recommends approval of the request with the condition that the applicant distribute flyers of notification to persons occupying property abutting the streets where the event is to take place.

Reverend Troy F. Harrison addressed the Board. He thanked the town and said that the application was submitted for safety purposes - especially for the safety of young children.

Howard Baldwin addressed the Board. He thanked Carrboro for letting them use the park. Baldwin Park was his uncle's park. They asked that the street to be closed for the safety of the children.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF BROAD STREET
TO ACCOMMODATE THE ST. JOSEPH'S CME CHURCH

FRANGELISM IN THE PARK EVENT

Resolution No. 16/2006-07

Section 1. The following street shall be used and temporarily closed Saturday September 9, 2006 from 10:00 am to 4:00 pm to accommodate St. Josephs CME Church *Frangelism in the Park* event Broad Street between Fowler Street and Hill Street.

Section 2. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

Section 3. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 4. 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 22nd day of August, 2006:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: John Herrera

CONTINUATION OF THE PUBLIC HEARING: CONDITIONAL USE PERMIT REQUEST FOR THE JONES PROPERTY

1st American Builders, as represented by Coulter, Jewell, Thames, P.A. have submitted an application for the construction of a 65-dwelling unit subdivision, identified as the Jones Property AIS and located at 8112 Old NC 86. The public hearing for this item was officially opened on June 27, 2006 and was continued to August 22nd. The Conditional Use Permit, if approved, would allow the creation of 49 single-family-detached and 16 townhome lots with associated infrastructure, including publicly dedicated streets.

Jeff Kleaveland, the town's planning/zoning specialist, addressed the Board.

Dan Jewell, representing the applicant, stated that they are in agreement with all of the revised conditions for this project.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN O'DONNELL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION IS IN COMPLIANCE WITH THE ORDINANCE REQUIREMENTS: VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

[Alderman Herrera arrived at the meeting.]

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITONS:

1. The continued affordability of the units (lots 51, 52, 55, 56, 59, 60, 61, 62, 63, 64) must be specified in the Homeowner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance. These documents must be approved by the Town Attorney prior to construction plan approval.
2. Certificates of Occupancy for each of the seven (7) bonus 'market-rate' units may not be issued until such time as all of the affordable units (lots 51, 52, 55, 56, 59, 60, 61, 62, 63, 64) are constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.
3. No additions or interior renovations designed to increase the heated square footage of the size-restricted units (lots 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65) can be approved/completed within the first year following the issuance of the Certificate of Occupancy (CO) per Section 15-188(e). This statement must also be included on the recorded final plat.
4. That the single family home lots, when developed have sufficient room to conveniently park two cars, off of the street, without blocking the sidewalk. Garages may not be counted toward this requirement. This parking will be shown on individual plot plans during the building permit stage.
5. That on the construction plans, a handicap van accessible parking space and corresponding ramp be provided in each of the two townhome parking lots, to be shown on the construction plans
6. That, if it is determined that the construction of the sewer in the proposed location will cause a rise in the 100 year flood, the developer will be allowed to construct the sewer only if the Board of Aldermen concludes that such rise does not constitute "damage" to the affected property in accordance with Section 15-263 of the Land Use Ordinance.
7. Prior to construction plan approval, the on-site, 100-year floodplain needs to be field-located and that information needs to be shown on the plans, subject to the approval of the Town Engineer. Furthermore, if any lots shown on the preliminary plat are so constricted by areas made unbuildable in accordance with this condition that they cannot practicably be developed, then the preliminary plat must be redesigned to eliminate such lots. Similarly, if any areas shown as bio-retention facilities are shown to fall within the 100 year floodplain, that they will be redesigned to eliminate this encroachment. Any changes required by this condition are subject to the provisions of Section 15-64 of the Land Use Ordinance.
8. Prior to construction plan approval, the crossings of the PSNC gas transmission line must be field-verified to meet PSNC's minimum cover and maximum fill requirements, subject to the approval of the Town Engineer.
9. 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.
10. That the developer shall include a detailed stormwater system maintenance plan. This maintenance plan shall specify the entity responsible for performance of all elements of this maintenance plan,

shall indicate how that entity will fund said maintenance, and shall clearly indicate that the Town of Carrboro is not responsible for these activities. The maintenance plan shall include scheduled maintenance activities for each stormwater best management practice (BMP) in the development, (including but not limited to cisterns, bio-retention areas, swales, constructed wetlands, level spreaders, energy dissipaters, and buffers), performance evaluation protocol for each BMP, and frequency of self-inspection and self-reporting requirements (including a proposed inspection/reporting template clearly indicating how often reports will be submitted to the Town of Carrboro) for maintenance and performance of each BMP. The maintenance plan and supporting documentation shall be submitted to the Town Engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the maintenance plan and supporting documentation shall be included in the construction drawings and homeowner's association documentation to ensure the long-term maintenance of the BMPs.

- ~~11. That the Glen Ridge CUP Minor Modification pertaining to the sewer extension required for this project be approved by the Board of Aldermen prior to the Jones Property AIS Construction Plan approval. (ITEM COMPLETED SINCE JOINT REVIEW)~~
12. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.
13. That an additional fire hydrant be placed, to the satisfaction of the Town Fire Marshall, at the entrance to the development off of Hogan Hills Road and that this hydrant is to be shown on the construction plans.
14. 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.
- ~~15. Prior to the Board of Alderman public hearing, the applicant shall provide representative (typical) drawings for the townhomes and single-family homes to be reviewed by the staff and Appearance Commission for compliance with the 15-182.4(a-iii) and 15-177 as pertaining to Architectural Standards. (ITEM COMPLETED SINCE JOINT REVIEW)~~
16. That the applicant submit a Voluntary Annexation Petition to the Town Planning Department prior to final plat approval.
17. That the applicant receive CAPs from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.
18. That, for the townhome parking lots, the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 31 spaces combined are sufficient to serve the 16 townhomes. Per 15-292(a), the Board makes this finding based on evidence submitted by the applicant as referenced in Attachments G of the staff report.
19. That all references to the project as being a part of the Lake Hogan Farms Homeowner's Association or subdivision be removed on the construction drawings.
20. That street trees, per the provisions of Section 15-315 of the Land Use Ordinance, be provided along the east side of the Lake Hogan Farms Road extension on the construction drawings.
21. In accordance with Section 15-182.4, the developer shall include in the restrictive covenants applicable to the subdivision, and in the deeds for the affordable units, covenants and restrictions

that are sufficient to ensure that the affordable units will remain affordable as described in that section. Those covenants and restrictions shall include provisions that will allow the Town of Carrboro to enforce the commitment that the housing units remain affordable. These documents shall be subject to the approval of the Town Attorney.

22. That an *additional* speed table be provided, to be located approximately 400 to 500 feet west of the currently proposed speed table on Hogan Hills Road. The exact location of said speed table shall be coordinated during construction plan review.
23. That screened storage areas for the rollout garbage containers are provided for the townhome units and that their design and location be coordinated during construction plan review.
24. That mulch piles created during construction shall not exceed 8 feet in height, 20 feet in width and 20 feet in length. Piles shall be separated from adjacent piles and other exposures by 50 feet and a fire apparatus access road approved by the Fire Department shall be provided within the 50-foot separation.
25. That an area on the development be reserved for a future bus stop and;
26. That, in an effort to maintain the rural character of the Northern Transition Area by managing lighting and glare, the street lights be full cutoff ~~and the total number of street lights be reduced to four units~~ and that the HOA documents require all outdoor lighting fixtures on the new homes or associated with common facilities be International Dark Sky Association (IDA) certified

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN-O'DONNELL TO GRANT THE APPLICATION, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

Alderman Gist requested a future Board discussion on the carbon footprint recommendation.

Mr. Stewart stated that one of the charges for the town's economic development consultant is to develop a sustainability checklist.

Alderman Zaffron stated that the language in the land use ordinance is not consistent with the way the Land Trust prices homes. He stated that the town needs to clarify the Land Trust's role in how the affordable housing density bonus is administered so that long-term affordability is taken care of. He asked that staff be directed to consult with Orange Community Housing and Land Trust and try to develop an agenda item and recommendations for how to update the ordinance to make it consistent with the intent of the town's ordinance.

It was the consensus of the Board to bring an amendment to the land use ordinance related to affordable housing to the Board as soon as possible.

Mike Brough asked for clarification on how to fulfill Condition #19. The Town must approve a sale in order for it to take place. This commitment would be backed by a deed of trust. Alternatively, should the Board prefer, and should the Orange County Community Housing and Land Trust be willing to act as the approval agency, the developer has agreed to substitute that organization for the town as the approval entity.

It was the consensus of the Board to require the deed of trust.

**PUBLIC HEARING TO CONSIDER A LAND USE ORDINANCE TEXT AMENDMENT
THAT ESTABLISHES ARCHITECTURAL STANDARDS FOR MAJOR SUBDIVISIONS**

The Board of Aldermen requested that staff prepare a draft ordinance from the recommendations made by the Vernacular Architectural Standards Review Subcommittee. It was necessary to receive public comment prior to taking any action on the draft ordinance.

Trish McGuire, the town's Planning Administrator, addressed the Board.

James Carnahan, Chair of the Planning Board, addressed the Board. He said they were hoping that the Board and the town attorney could come up with a mechanism in a case where 5 or more lots were sold off subsequent to the approval of the subdivision, the standards would apply. They are also asking for screening to mitigate visual and auditory feedback of air conditioning units.

Giles Blunden addressed the Board. He stated that he appreciated all the time, energy and effort that went into this discussion.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn 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. 12/2006-07

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 Establish Architectural Standards for Subdivisions Containing Four or More Single-Family Detached Residences.

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: Policies through the year 2020.

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 ensure the attractiveness of the development environment, in part through the use of architectural standards for residential property. Furthermore, Town policies identify the need to periodically revisit and update architectural guidelines to evaluate their effectiveness and their impact on other policy areas.

Section 3. This resolution becomes effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd day of August, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Mark Chilton, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH ARCHITECTURAL STANDARDS FOR SUBDIVISIONS CONTAINING FOUR OR MORE SINGLE-FAMILY DETACHED RESIDENCES," AS AMENDED TO APPLY ONLY TO SUBDIVISIONS CONTAINING FOUR OR MORE SINGLE-FAMILY DETACHED RESIDENCES. VOTE: AFFIRMATIVE: SIX, NOES: ONE (HERRERA)

Mike Brough asked for clarification on whether this amendment would affect projects in the pipeline.

It was the consensus of the Board that this amendment would apply to projects in the pipeline.

PUBLIC HEARING TO CONSIDER A LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW RESIDENTIAL USE ON THE GROUND FLOOR OF BUILDINGS IN CERTAIN LOCATIONS IN THE DOWNTOWN

The town has received a request from Jack Haggerty, on behalf of NR Milian and Associates, to amend the text of the Land Use Ordinance to allow residential uses on the ground floor of buildings in the B-1(c) district that share a common boundary with a lot where the zoning classification allows that use. A draft ordinance that responds to this request has been prepared. It is necessary to receive public comment before taking action on this requested amendment.

Trish McGuire, the town's planning administrator, addressed the Board.

Jack Haggerty addressed the Board. He stated that he is dismayed that the Planning Board voted against the text amendment. It does not require residential uses on the ground floor and he did not think ground floor residential uses would result.. They do not believe it will undermine the goal of increased commercial square footage.

Bob Kirschner expressed concern about unintended consequences. Where B-1(G) has some density regulations and B-1C has none, does that mean that they can build smaller apartments and get more people in because there is no regulation?

Mayor Chilton asked staff to report back about which zoning districts prohibit residential uses on the ground floor.

Alderman Broun asked for a color map with B-1(c) properties marked out.

Alderman Broun asked that the staff answer questions about unintended consequences.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO CONTINUE THIS PUBLIC HEARING UNTIL OCTOBER 24, 2006. VOTE: AFFIRMATIVE ALL

Alderman Broun asked for a copy of Mr. Haggerty's remarks.

Alderman Gist asked that when this type public hearing is held about matters affecting the downtown, that additional notification be given. She asked that the town staff look into this.

SEPTEMBER 5TH BOARD OF ALDERMEN MEETING

Alderman Haven O'Donnell stated that she will be out of town on September 5th and as a result, will not be in attendance at the September 5th Board meeting.

TOWN ATTORNEY'S RESPONSE TO SUPPORT ANYSOLDIER.COM

Mike Brough stated that there is no statutory authority for the Town to expend public funds to assist with the AnySoldier.com effort. Under G.S. 160A-20.1, the Town may contract with and appropriate money to private persons or entities to carry out any public purpose that the Town is authorized to engage in. That is why the Town can appropriate funds to various non-profit organizations as it does every year. But he stated that he knows of no authority for municipalities to appropriate funds to assist our nation's armed forces

Alderman Gist asked if the town staff could inform Ms. Connolly about the attorney's recommendation and let her know that the Board agrees with it.

Mr. Stewart said that he would write to Ms. Connolly.

BOARD MEETINGS ON ROSH HASHANAH AND YOM KIPPUR

Alderman Broun reminded the Board that she had requested last year that the Board of Aldermen not meet during Rosh Hashanah or Yom Kippur.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO ADJOURN TO CLOSED SESSION AT 10:11 P.M. TO DISCUSS ACQUISITION OF PROPERTY. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk