A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 24, 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 7:40)	
	Randee Haven-O'Donnell	
	Alex Zaffron	
Town Manager	Steven E. Stewart	
Town Attorney	Michael B. Brough	
Deputy Town Clerk	Sharmin E. Mirman	

INVITATION TO GREENWAYS SUMMIT

Mayor Chilton invited the public to attend the Greenways Summit, to be held at the Century Center this Saturday, October 28th from 8:30 am-12:30 pm.

Alderman Haven O'Donnell, who has spearheaded this effort, said that those who cannot attend could contribute to the brainstorming process at <u>greenwaysummit@townofcarrboro.org</u>.

ONE-STOP VOTING

Mayor Chilton said that early voting has started at Town Hall. Citizens can vote between 9:00 am - 4:30 pm through November 3rd⁻

<u>REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO</u> <u>MODIFY THE CURVE RADIUS REQUIREMENTS FOR COLLECTOR STREETS</u>

Town staff has been involved in discussions with Mike Hammersly, on behalf of the Chapel Hill-Carrboro City Schools, regarding the School System's interest in amending the Land Use Ordinance to modify the minimum centerline radius for collector streets. It is necessary for the Board to hold a public hearing and to refer a draft ordinance making the requested change to the Planning Board and Orange County staff prior to taking any action. The town staff recommended that a public hearing be set for November 28, 2006.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION CALLING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REVISE THE DESIGN STANDARDS FOR COLLECTOR STREETS Resolution No. 65/2006-07

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on November 28, 2006 to consider adopting "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REVISE THE DESIGN STANDARDS FOR COLLECTOR STREETS."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendations prior to the specified public hearing date:

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Appearance Commission

Recreation and Parks Commission

 \boxtimes

Transportation Advisory Board

Northern Transition Area Advisory
Committee

Economic Sustainability Commission	

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 24th day of October, 2006:

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

Noes: None

Absent or Excused: John Herrera

<u>PUBLIC HEARING: CONDITIONAL USE PERMIT REQUEST FOR COMBINATION USE</u> <u>BUILDINGS AT 211 LLOYD STREET</u>

Jack Haggerty has submitted an application for a Conditional Use Permit to allow for the construction of three mixed-use buildings to be located at 211 Lloyd Street. Pursuant to Section 15-64(a) of the Town of Carrboro Land Use Ordinance, the proposed mixed-use development shall be processed as a Conditional Use Permit (CUP). Prior to reaching a decision on a request for a CUP, the Board of Aldermen must hold a public hearing to receive input.

James Thomas, one of the Town's Planners, was sworn in and made a presentation to the Board.

Jack Haggerty was sworn in and made a presentation to the Board. He stated that the three buildings proposed buildings should fit well in the neighborhood. He said it would be a great location for silkscreen tee shirt printers who have expressed interest in being in Carrboro. He stated that there is enough space for eight bikes. He stated that they would demonstrate to staff that there will be junction boxes for lights if we need to increase the number of lights.. They do not see the point in extending the sidewalk to the railroad tracks because there is nowhere to go.

Alderman Zaffron asked about lighting fixtures for the parking lot and the space between parking and buildings.

Jack Haggerty said there are recessed cans. They are limited because of a Duke Power easement. They think the building enhances existing properties and does not harm the value of other buildings and is in harmony with neighborhood and other buildings.

Alderman Gist asked about leakage and how bright the light would be to neighbors that face the building and the to people across the street.

Jack Haggerty said that they are not very bright and they will start with fewer/less bright lights and add mor lighting if necessary. He said they contacted Terry Carver and set up neighborhood meeting and gave drawings.

David Ontjes was sworn in and addressed the Board. He stated that several years ago, before they built the building at 205 Lloyd Street, there had been a neighborhood meeting and the neighbors thought it was a good thing. After its completion, they thought it was an improvement. This time, Mr. Carver showed some of them the plans informally and although a meeting was scheduled, the neighborhood representative called and said it was not necessary because they said they had no problems with the plans.

Alderman Herrera asked staff if Piedmont Health Services has to get permission to drain their property back into the railroad right-of-way.

Marty Roupe, the Town's Zoning Administrator, was sworn in and addressed the Board. He said Piedmont Health Services did not have to get permission to drain into the right-of-way because their drainage was going towards Lloyd Street and not towards the railroad track.

Jack Haggerty said that the new development needs permission because they need to put a pipe in for discharging water into the railroad ditch.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST THAT THE PROPOSED USE WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE PROPOSED USE WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN THAT THE PROPOSED USE WILL BE IN GENERAL CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN, AND OTHER PLANS OFFICIALLY ADOPTED BY THE BOARD. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN O'DONNELL THAT IF THE APPLICATION IS GRANTED, IT SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE APPLICANT SHALL COMPLETE THE DEVELOPMENT STRICTLY IN ACCORDANCE WITH THE PLANS SUBMITTED TO AND APPROVED BY THIS BOARD, A COPY OF WHICH IS FILED IN THE CARRBORO TOWN HALL. ANY DEVIATIONS FROM OR CHANGES IN THESE PLANS MUST BE SUBMITTED TO THE DEVELOPMENT REVIEW ADMINSISTRATOR IN WRITING AND SPECIFIC WRITTEN APPROVAL OBTAINED AS PROVIDED IN SECTION 15-64 OF THE LAND USE ORDINANCE.
- 2. IF ANY OF THE CONDITIONS AFFIXED HERETO OR ANY PART THEREOF SHALL BE HELD INVALID OR VOID THEN THIS PERMIT SHALL BE VOID AND OF NO EFFECT.
- 3. THAT THE HOSIERY STREET SIDEWALK CONTINUE TO THE WESTERN PROPERTY LINE AT THE RAILROAD RIGHT-OF-WAY AND BE SHOWN ACCORDINGLY ON CONSTRUCTION PLANS FOR THE PROJECT.
- 4. THAT THE APPLICANT MUST RECEIVE PERMISSION TO CONDUCT CONSTRUCTOIN OPERATON AND TO COMPLETE OFF-SITE IMPROVEMENTS IN THE ADJACENT RAILROAD RIGHT-OF-WAY. EVIDENCE OF FORMAL PERMISSION MUST BE SUBMITTED AND APPROVED BY THE TOWN ATTORNEY PRIOR TO THE APPROVAL OF CONSTRUCTION PLANS FOR THE PROJECT. IF PERMISSION IS NOT FORTHCOMING, THEN THE NECESSARY CHANGES TO THE SITE DESIGN WILL BE SUBJECT TO THE PROVISIONS OF SECTION 15-64 OF THE LUO INCLUDING POSSIBILITY OF A MAJOR MODIFICATION AND ASSOCIATED PUBLIC HEARING TO CONSIDER ALL NECESSARY CHANGES.
- 5. THAT THE BOARD OF ALDERMEN FINDS THE PARKING RATIO OF 1 SPACE PER 320 SQUARE FEET IS ACCEPTABLE BASED ON EVIDENCE SUBMITTED BY THE APPLICANT SUGGESTING THAT THE EXPECTED MIX OF USES IN THE BUILDING WILL PRODUCE A PARKING DEMAND IN ACCORDANCE WITH THIS RATIO.
- 6. THAT THE BIKE PARKING CAPACITY BE INCREASED BY 50% WITH THE LOCATION OF THE BIKE RACKS AT THE DISCRETION OF THE APPLICANT.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN-O'DONNELL THAT THE APPLICATION IS GRANTED, SUBJECT TO THE CONDITIONS AGREED UPON. VOTE: AFFIRMATIVE ALL

<u>CONTINUATION OF THE PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO</u> <u>ALLOW RESIDENTIAL USE ON THE GROUND FLOOR</u>

On August 22, the Board of Aldermen opened a public hearing on a draft ordinance that had been prepared in response to 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. The Board continued the hearing and requested additional information.

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

Jack Haggerty addressed the Board. He stated that he is associated with the project that this would have an effect on. In downtown lots, it does not make sense to put a residence on the first floor. The lot where Fitch Lumber is would be nice to have residences if it were allowed. He stated after his initial presentation to the Planning Board was rejected, they invited him back for reconsideration. He asked the Board to consider

conditional use because it leads to better project integration and will give a more sophisticated development of larger tracts.

Michael Neal addressed the Board. He stated that he supports Mr. Haggerty's proposal to allow residential use on the first floor in B-1(c). Where a proposed development does not lie on a street or thoroughfare and is set back far enough, residential use on the first floor should be considered.

Martha Arnold, a resident of 213 Maple Avenue, addressed the Board. She said this is a broader issue than a neighborhood issue. Mr. Haggerty is a responsive developer and tries to be sensitive to his surroundings but she is against the text amendment because she thinks it is against supporting commercial growth in downtown. She is concerned that this is not a good method for changing zoning. It should be a broader discussion than a text amendment

Bill Jackson, a resident from Raleigh, addressed the Board on behalf of Downtown Urban Ventures, located near Cat's Cradle. He stated that they have designed a five-story building on the Ray Butler property which is a useful adjunct to the Sherman Richardson property and have the ability to do non-residential uses on the first floor. The adjacent property's current plan obliterates 100% of the view of our property from Main Street. When you get into larger projects, what purpose does the five-story serve? If you want office use on the first floor of the project, we will do it. From a practical standpoint, we are adding \$100-200,000 dollars to the cost of that project and wonder if it will serve the benefit of what the ordinance was designed to achieve in the first place. He stated that larger mixed-use projects need a mix of uses.

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

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Joal Broun.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE Resolution No. 63/2006-07

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 Allow Residential Uses on the Ground Floor of Buildings in the B-1(c) Zoning District Under Certain Circumstances

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

Section 1. The Board concludes that the above-described amendment is not consistent with <u>Carrboro Vision</u> 2020: Policies through the year 2020.

Section 2. The Board concludes that rejection of the above-described amendment is reasonable and in the public interest because existing regulations and policies are sufficient.

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 24th day of October, 2006:

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

Noes: None

Absent or Excused: None

PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH A CONCEPT PLAN REVIEW PROCESS

The Board of Aldermen is considering the establishment of either a voluntary or a mandatory concept plan review process. Two draft ordinances have been referred to advisory boards for review and an opportunity for public comment must occur prior to taking action on this matter.

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

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

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. 58/2006-07

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 a Concept Plan Review Process for Developments Requiring Special Use Permit or Conditional Use Permit Approval

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 <u>Carrboro Vision 2020</u>: <u>Policies through the year 2020</u>.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town of Carrboro seeks to encourage active participation of its citizens in community planning.

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 24th day of October, 2006:

- Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron
- Noes: None

Absent or Excused:

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO ADOPT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH A CONCEPT PLAN REVIEW PROCESS FOR DEVELOPMENTS REQUIRING SPECIAL USE PERMIT OR CONDITIONAL USE PERMIT APROVAL," AMENDED BY REVISING THE LANGUAGE OF SECTION (E) OF THE ORDINANCE TO READ AS FOLLOWS: WHEN THE DEVELOPMENT APPLICATION COMES BACK BEFORE THE ADVISORY BOARDS FOR A RECOMMENDATION PRIOR TO THE PUBIC HEARING ON SUCH APPLICATION, THE APPLICANT SHALL PROVIDE A WRITTEN RESPONSE TO ALL ADVISORY BOARD COMMENTS, AND EACH ADVISORY BOARD THAT HAS REVIEWED THE CONCEPT PLAN AND MADE COMMENTS ON IT SHALL REVIEW THOSE COMMENTS AND MAY ASK THE DEVELOPER TO EXPLAIN HOW THOSE COMMENTS HAVE BEEN ADDRESSED OR WHY THEY HAVE NOT BEEN ADDRESSED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO TOWN CODE AND LAND USE ORDINANCE TO COMPLY WITH RECENT CHANGES TO THE NORTH CAROLINA GENERAL STATUTES

Three bills were enacted during the 2005 session of the North Carolina General Assembly necessitate changes to the Town's planning and development regulations. A draft ordinance that includes amendments to the Town Code and Land Use Ordinance has been prepared.

Alderman Gist asked if the Board has any choice in making these changes if it is state mandated.

Mike Brough said that we do not have much choice. We are revising our ordinance to comply with state law.

Mayor Chilton said that while some may not find changes desirable, in a worst scenario, when a resident reads our ordinance and we are put in position to say that even though the ordinance says so, that is not how it really works

Kendall Brown, one of the Town's Planners, addressed the Board.

Alderman Broun asked for a definition of General Statute 14-234.

Carrboro Board of Aldermen

Mike Brough said it criminalizes board members who make contracts that benefit themselves.

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

The following resolution was introduced by Alderman Zaffron and duly seconded by Alderman Joal Broun

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. 60/2006-07

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 comply with recent changes to the North Carolina General Statutes.

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

Section 1. The Board concludes that the above-described amendment is necessary in order to remain in compliance with State statutes.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because it would eliminate regulations that conflict with State statutes.

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 24th day of October, 2006:

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

Noes: Jacquelyn Gist

Absent or Excused: None

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO ADOPT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE AND LAND USE ORDINANCE TO COMPLY WITH RECENT CHANGES TO THE NORTH CAROLINA GENERAL STATUTES". VOTE: AFFIRMATIVE ALL

HEALTH INSURANCE FOR PART-TIME EMPLOYEES

Mayor Chilton stated that there are a small number of permanent part-time employees employed by the Town that are not eligible to participate in the Town's health insurance program. It is not just that the town does not pay for them, but they are not allowed to pay in to join our health insurance system and that has to do with our contract with our health insurance company. He asked staff to investigate if that can be changed in the future so permanent part-time employees who wish to pay in to join our health insurance system can join if they wish to do so. He asked that the town staff check into this matter.

MOTION WAS MADE BY JOAL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 9:37 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk