

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 26, 2007 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
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE JUNE 12 AND 19, 2007 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO THE ENVIRONMENTAL ADVISORY BOARD

The purpose of this item is for the Mayor and Board of Aldermen to consider appointing Jennifer Everett to the Environmental Advisory Board.

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

A RESOLUTION MAKING APPOINTMENTS
TO THE ENVIRONMENTAL ADVISORY BOARD
A RESOLUTION MAKING AN APPOINTMENT TO
THE ENVIRONMENTAL ADVISORY BOARD
Resolution No. 240/2006-07

WHEREAS, there is currently one (1) vacant seat on the Environmental Advisory Board (EAB); and

WHEREAS, the position have been advertised and Jennifer Everett has submitted an application expressing interest in serving on the EAB; and

WHEREAS, the application was forwarded to the Chair of the EAB for review and consideration; and

WHEREAS, Tom Cors, Chair of the EAB has reviewed these applications and is recommending that Jennifer Everett be appointed.

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

Section 1. The Board of Aldermen hereby appoints Jennifer Everett to a seat on the EAB. Ms. Everett's term shall expire in February 2008.

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 2007:

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

Noes: None

Absent or Excused: None

TOWN CODE AMENDMENT REVISING THE MEMBERSHIP OF THE GREENWAYS COMMISSION

The Board of Aldermen at its meeting on June 19, 2007 voted to revise the membership of the Greenways Committee by converting the five neighborhood representative seats to at-large seats. The town staff recommended adoption of an ordinance to revise the membership of the Greenways Commission.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO REVISE THE MEMBERSHIP OF THE GREENWAYS COMMISSION." VOTE: AFFIRMATIVE ALL

REQUEST TO REVISE THE HOURS OF OPERATION FOR THE CARRBORO FARMERS' MARKET

The purpose of this item was to request an amendment to the contract between the Town of Carrboro and the Farmers' Market to allow the farmers an additional hour for operation and additional half-hour after the market to clean up the facility before the next function moves on site. Parking restrictions in Section 6-19 of Article IV of the Town Code would also need to be amended to reflect this change.

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

**A RESOLUTION AMENDING THE FARMERS' MARKET CONTRACT
WITH THE TOWN OF CARRBORO
Resolution No. 249/2006-07**

WHEREAS the Carrboro Farmers' Market has formally requested a change in the time the Town Commons is reserved for their operation and clean-up on Saturdays, which time is now to extend to 2:30 pm rather than 1:00 pm, and

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby approve a change in the Farmers' Market contract to allow the reserved time for their operations and clean-up to extend to 2:30pm on Saturdays when the Farmers' Market takes place.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2007:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE MODIFICATION OF THE AGREEMENT WITH THE CHAPEL HILL-CARRBORO FARMERS' MARKET, INC. VOTE: AFFIRMATIVE

REQUEST FOR A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR THE WINMORE VILLAGE MIXED USE PROJECT FOR THE ADDITION OF A SWIM CLUB

The Board was asked to review a request for a Minor Modification to the Conditional Use Permit for the Winmore Village Mixed Use project at 1400 Homestead Road for the addition of a swim club. The request involves adding a swimming pool, patio/decking, and a clubhouse/changing facility within the open space. Town Staff recommended that the Board of Aldermen deliberate and make a decision regarding the CUP Minor Modification request.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Alex Zaffron.

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE WINMORE VILLAGE MIXED-USE CONDITIONAL USE PERMIT PROJECT AT 1400 HOMESTEAD ROAD FOR THE ADDITION OF A SWIMMING POOL CLUB
Resolution No. 242/2006-07

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Winmore Village Mixed-Use Project at 1400 Homestead Road on June 10, 2003; and

WHEREAS, the Town of Carrboro desires to see developments constructed in the Town's jurisdiction with appropriate recreation amenities and facilities such as a swimming pool; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Winmore Village Mixed-Use Conditional Use Permit is hereby approved, subject to the following stipulations:

That the following additional CUP conditions are hereby added:

- That the applicant is authorized to file a correction plat or other suitable legal device to remove the offer of public dedication limited to the area encompassing the fruit orchards and swim club (approximate reduction of 52,078 square feet).

- That, for the pool, any removals of significant portions of water for cleaning purposes or otherwise shall be handled by an appropriate and reputable company and that all water shall be removed from the site and processed in an appropriate manner off-site.
- That the homeowners' association documents include a provision that all residents of Winmore have access to the pool.
- That the pool drainage shall take place only upon acceptance by the Orange Water and Sewer Authority.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2007:

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 PHASE A OF 300 EAST MAIN STREET CONDITIONAL USE PERMIT

Main Street Partners, LLC has submitted a Conditional Use Permit (CUP) application for construction of a five-story commercial building at 208 East Main Street along with associated parking at 200 East Main Street. Prior to reaching a decision on a request for a CUP, the Board must hold a public hearing to receive input. Town staff recommended that the Board of Aldermen hold a public hearing and consider issuing the requested Conditional Use Permit.

Marty Roupe, the town's Zoning Administrator, was sworn in and made the presentation.

Jim Spencer and Laura van Sant were sworn in. Mr. Spencer presented the proposed site plan. He stated that they were planning to build the building as proposed.

Laura van Sant stated that the development was broken down into two phases to allow them to get started on the construction. She stated that they would build the parking deck when the second phase is built in two years, that they would accept the conditions regarding stormwater, and stated that they would like to improve the section of sidewalk along Main Street that extends to Roberson Street if it is not cost prohibitive.

Nathan Milian, representing Carr Mill Mall, was sworn in. He expressed concern that the building would only have 35 parking spaces for 2 years when it should have 150 parking spaces for a building this size. He stated that this would place an immediate burden on the other businesses in the downtown. He asked that the developer be required to deliver sufficient parking to satisfy the building when it is opened.

James Carnahan, Chair of the Planning Board, was sworn in. He stated that the Planning Board voted unanimously to support the project. The Planning Board recommended that the developer work with the town study ways to improve pedestrian access and ambience on the sidewalk on the south side of Main Street between the railroad tracks and Roberson Street. He stated that Ken Moore, a botanist, had recommended that the sidewalk could be widened modestly without great risk to the trees, particularly if the work was performed between November and March when the trees are dormant and if several inches of mulch were maintained over the remaining root area, and if a semi-pervious paving material like brick were used and if the parking lot were not paved.

Josh Davis, a resident of Broad Street, was sworn in. He expressed concern about people parking on weekends on Broad Street and Cobb Street to attend events at the Cats Cradle and Mill Town.

Jennie McMillan, a Carrboro business owner, was sworn. She stated that the sidewalk should be corrected on Main Street, and asked that the Board give serious consideration to requiring the developer provide sufficient parking.

Alderman Coleman asked that the Board have a discussion of downtown parking in the fall.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA 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 SPECIFIC REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT THE BOARD FINDS 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 BOARD FINDS 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 JOHN HERRERA THAT THE BOARD FINDS 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 JACQUELYN GIST TO REMOVE CONDITION #6. MOTION DIED FOR THE LACK OF A SECOND.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. Prior to construction plan approval, the applicant shall replace the currently-shown handicap accessible ramp detail with a detail conforming to NCDOT roadway standard specifications for handicap ramp curb cut / sidewalk connections w/in public right-of-way (i.e.: two ramps per radius, 90-degrees from one another, instead of one ramp per radius).

4. That the applicant be required to show on the construction plans a 7-foot brick-edged sidewalk with the southernmost brick-edge defining the edge of the public right-of-way. Further, the applicant must publicly dedicate right-of-way to the back edge of the 7-foot wide sidewalk prior to receiving a certificate of occupancy.
5. That prior to construction plan approval the applicant must receive a driveway permit from NCDOT. The Town of Carrboro encourages NCDOT to require the improvements mentioned in Condition #4 and to consider requiring the improvements mentioned in Condition #3 both in the '12/22/06 TIA Memorandum,' and to discuss their final list of requirements with the Town of Carrboro Transportation Planner to ensure compatibility with the Carrboro Downtown Traffic Circulation Study.
6. That within 24-months of the date the applicant (Main Street Properties of Chapel Hill, LLC) receives its certificate of occupancy for Building A, the applicant shall construct, lease or otherwise provide at least 90 additional parking spaces for use for use by the tenants and customers of Building A and the existing 300 East Main Shopping Center. The additional spaces will either be in the planned parking deck, in surface parking on nearby land owned by the applicant, or at an alternate location within 1320-feet of the Phase A of 300 East Main site. To the extent that part or all of such additional spaces may need to be located on the same land area on which the planned parking deck is later to be constructed, such additional spaces may be removed by the applicant with no requirement of substitution for a time period of eight months as necessary to allow applicant to construct its planned parking deck on that land area.
7. That the Board of Aldermen hereby finds 35 dedicated parking spaces, in conjunction with a shared-parking arrangement with the existing shopping center at 300 East Main Street, is sufficient to serve the project based on information submitted by the applicant describing how the proposed parking arrangement is adequate to handle the project.
8. That before construction plan approval the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize parking spaces at 300 East Main Street.
9. That the Board of Aldermen finds that no screening requirements are imposed on this project because the Board desires to foster a pedestrian-friendly atmosphere in the downtown area and further finds that integration of this project with the neighboring property on the eastern side would be diminished were screening required between the two sites.
10. That the applicant shall consider suggestions made by the Environmental Planner prior to construction plan approval related to finding possible additional or alternate locations for shade trees.
11. That prior to construction plan approval the applicant must fully analyze and survey the existing storm drain system all the way to the outlet and modify elements of the underground detention system if necessary based on associated findings.
12. That the applicant must incorporate an appropriate filter or similar type device into the proposed swirl-type vault system, upon such device being reasonably available, in order to increase to percentage of TSS removal associated with the stormwater device.
13. That the construction plans show a catch basin including the phrase 'dump no waste, drains to Jordan Lake.'

14. That before construction plan approval, the applicant shall record a stormwater facility and drainage easement agreement or similar legal instrument providing that the new building at 208 East Main Street may direct stormwater into an underground system below property at 300 East Main Street. The easement shall specify a responsible party for maintaining the system in perpetuity and grant access as necessary for maintenance duties and responsibilities.
15. That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.
16. That on the construction plans a 20-foot easement must be shown around the meter vault as referenced on OWASA's May 16, 2007 letter.
17. That prior to construction plan approval the applicant must submit a 'service letter' from Duke Power making it clear that they are willing and able to serve the project as designed.
18. That before construction plan approval, the applicant shall record a shared-use of solid waste facilities easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize facilities at 300 East Main Street.
19. That prior to construction plan approval an engineer with expertise in lighting design must seal the lighting plan to certify that the plan does comply with the lighting-related provisions of the LUO (Sections 15-242 and 243).
20. That a covered bus shelter be required with a custom design.
21. That lighting be allowed to spill over onto the railroad in order to increase safety in this area to the extent permitted under the Land Use Ordinance.
22. That the bike parking be covered and be capable of holding a minimum of 20 bikes.
23. The Board asked that the developer provide an 8-foot wide sidewalk between the railroad right-of-way and Roberson Street if possible.
24. In addition the Board approved the following uses as part of the conditional use permit: The following uses are approved as part of this conditional use permit: Open Air Markets (23.000), Temporary structure or parking lots used in conjunction with construction of a permanent building (29.000), special events.

VOTE: AFFIRMATIVE ALL

REQUEST FOR A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR 300 EAST MAIN STREET

The Board was asked to review a request for a Minor Modification to the Conditional Use Permit for the existing shopping center at 300 East Main Street. The request involves improving the westernmost entranceway and reconfiguring a portion of the parking spaces on the western side of the parking lot. Town staff recommended that the Board of Aldermen deliberate and make a decision regarding the CUP Minor Modification request.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE
300 EAST MAIN STREET SHOPPING CENTER CONDITIONAL USE PERMIT
FOR MODIFICATIONS TO THE WESTERNMOST ENTRANCEWAY
Resolution No. 250/2006-07

WHEREAS, the Carrboro Board of Aldermen originally approved a Conditional Use Permit for the 300 East Main Street shopping center on February 13, 1979; and

WHEREAS, the Town of Carrboro desires to see appropriate improvements to existing developments constructed in the Town's jurisdiction such as improved entranceways and reconfigured parking areas where appropriate; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the 300 East Main Street shopping center is hereby approved, subject to the following stipulations:

That the following additional CUP conditions are hereby added:

- That the Board hereby allows a reduction of 4 parking spaces on the 300 East Main Street site.
- That the applicant is authorized to allow and required to approve shared-use agreements as outlined in the Phase A of 300 East Main Street project, such as shared parking and shared solid waste facilities, as well as placement of an underground stormwater system in the western section of the parking lot.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2007:

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 REVISE PROVISIONS RELATED TO DAY CARE HOMES AND FACILITIES

The purpose of this item was to receive citizens' comments regarding a request to amend the text of the Land Use Ordinance to revise several current restrictions on day care homes and facilities, and to consider the adoption of an ordinance which responds to the subcommittee requests and to the suggestions made at the January 23, 2007 public hearing and March 13, 2007 work session.

Kendal Brown, one of the town's Planner/Development Specialists, pointed out minor corrections to the ordinance.

James Carnahan, Chair of the Planning Board, reviewed the Planning Board's recommendation regarding this amendment.

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

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall 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. 235/2006-07

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 Change the Definitions and Restrictions Regarding Child Day Care Uses.

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 (Policies 2.11, 3.1, and 3.6), the Carrboro Land Use Ordinance, and the Facilitated Small Area Plan for Carrboro's Northern Study Area.

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 expand opportunities for small business establishment within the town while protecting existing neighborhoods from negative impacts such as excessive traffic, parking, and noise.

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 26th day of June 2007:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE AS IT PERTAINS TO CHILD CARE HOMES, CHILD CARE FACILITIES AND SENIOR CITIZEN DAY CARE FACILITIES", AMENDED TO INCLUDE THE PLANNING BOARD'S RECOMMENDATION TO MODIFY SECTION 15-179, SUBSECTION (c) (AS SPECIFIED IN SECTION 8 OF THE DRAFT ORDINANCE) TO REQUIRE A NEIGHBORHOOD MEETING. VOTE: AFFIRMATIVE ALL

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

A RESOLUTION THANKING THE CHILDCARE STUDY COMMITTEE
Resolution No. 243/2006-07

WHEREAS, a goal of the Board of Aldermen’s 2004-2005 Work Plan was to improve options for childcare businesses, and on May 4, 2004, the Board of Aldermen created the Childcare Study Committee; and

WHEREAS, the Childcare Study Committee was charged with gathering information and making a report on the following issues:

- A. Planning and zoning treatment of childcare facilities,
- B. Revenue neutral steps that the Town can take to increase childcare options in Carrboro; and
- C. Opportunities for improving working conditions for childcare workers.

WHEREAS, the Committee fulfilled its last duty in presenting its final report to the Board of Aldermen on March 14, 2006.

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

Section 1. The Board of Aldermen hereby thanks the Childcare Study Committee members for their diligent participation and thoughtful recommendations.

Section 2. The Board of Aldermen hereby dissolves the committee.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2007:

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

Noes: None

Absent or Excused: None

Mike Brough pointed out that Section 6 of the ordinance adopted by the Board needed to be amended to read as follows: “Notwithstanding the foregoing, Uses 22.200 Child Day Care Facilities serving 9 – 15 children and 22.300 Senior Citizen Day Care, Class A serving 4 – 16 seniors that are located on collector or arterial streets are permissible with a Zoning Permit issued by the Administrator. For purposes of this section.....”

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO RECONSIDER THIS MATTER. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE REVISED ORDINANCE AS RECOMMENDED BY THE TOWN ATTORNEY ENTITLED, “AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE AS IT PERTAINS TO CHILD CARE HOMES, CHILD CARE FACILITIES AND SENIOR CITIZEN DAY CARE FACILITIES.” VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATED TO AFFORDABLE HOUSING

A draft ordinance that would, if adopted, modify the affordable housing density bonus provisions of the Land Use Ordinance and revise the manner in which consistency with the town's affordable housing goal is determined has been prepared. It was necessary for the Board of Aldermen to receive public comment before taking any action.

Trish McGuire, the town's Planning Administrator, made the presentation.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Dan Coleman.

**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. 245/2006-07**

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 Revise the Affordable Housing Density Bonus Provisions and to Provide Alternative Methods for Developers to Fulfill the Town's Affordable Housing Policy Goal.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro concludes that the above described amendment is necessary in order to support the policies embodied in Carrboro Vision2020, particularly:

Policies 6.11, 6.12, 6.17, and 6.18), and

Facilitated Small Area Plan for Carrboro's Northern Study Area (Goal 4, Objective 2).

BE IT FURTHER RESOLVED that the Board concludes that its adoption of the above described amendment is reasonable and in the public interest because it makes local regulations and procedures consistent with adopted policies.

This resolution becomes 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 2007:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO REVISE THE AFFORDABLE HOUSING DENSITY BONUS PROVISIONS AND TO PROVIDE ALTERNATIVE METHODS FOR DEVELOPERS TO FULLFILL THE TOWN'S AFFORDABLE HOUSING POLICY GOAL,"AMENDING SUBSECTIONS 15-54.1(c)(8) and (9) BE TO STATE 90 DAYS RATHER THAN 30 DAYS. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

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

A RESOLUTION CREATING AN AFFORDABLE HOUSING
SPECIAL REVENUE FUND
Resolution No. 244/2006-07

WHEREAS, the Board of Aldermen has, through the adoption of policies and ordinances attempted to endorse and encourage the creation of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Board believes that the creation of an Affordable Housing Special Revenue Fund will be another way in which the Board can advance its goal of increasing the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the term “affordable housing” shall have the meaning specified in Section 15-182.4 of the Carrboro Land Use Ordinance;

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

Section 1. The Town shall establish and maintain an Affordable Housing Special Revenue Fund. Payments to the Town made by developers in lieu of providing affordable housing under the applicable provisions of the Land Use Ordinance shall be deposited into this fund. Other revenue sources for the fund may include grants, donations, loans, interest payments, or other revenues that may become available.

Section 2. The Board shall authorize all disbursements from the fund.

Section 3. Appropriations from the fund may be in the form of grants or loans and may be used for any of the following purposes:

- To guarantee the payment of loans or subsidize the interest rate on loans made by financial institutions to qualified individuals for the purpose of acquiring or rehabilitating affordable housing (such guarantees shall not extend beyond funds available in the Affordable Housing Special Revenue Fund);
- To provide direct deferred payment loans to qualified individuals to supplement loans made by financial institutions for the purpose of acquiring or rehabilitating affordable housing;
- To purchase land for reconveyance to nonprofit affordable housing agencies;
- For down payments, earnest money, or first options on properties to be made available to low or moderate income families or individuals by nonprofit agencies that are in the business of meeting the housing needs of such families or individuals.
- To pay some or all of the expenses associated with the construction of affordable housing;
- To acquire developed properties suitable for resale to qualified low and moderate income buyers;
- To pay some or all of the pre-development costs (such as feasibility studies, appraisals, land options and preparation of an application) for projects to be developed for the purpose of providing rental or owner-occupied affordable housing.
- To provide grants to organizations for land trust projects that guarantee long-term affordability of a property through a 100-year renewable ground lease.
- Consider also, to provide permanent subsidies to reduce the sales price of existing housing units so as to make it more affordable as well as new homes developed under the Town’s affordable housing policies. Restrictive covenants, affordability easements, and/or other mechanisms would be required from affordable housing agencies.

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 26th day of June 2007:

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

Noes: Jacquelyn Gist

Absent or Excused: None

**PUBLIC HEARING ON BALLENTINE ARCHITECTURALLY INTEGRATED SUBDIVISION
CONDITIONAL USE PERMIT REQUEST LOCATED AT 8110 OLD N.C. 86**

M/I Homes as represented The John R. McAdams Company, has submitted an application for the construction of a 96 dwelling unit subdivision located at 8110 Old NC 86. The Conditional Use Permit, if approved, would allow the creation of 62 single-family-detached and 34 townhome lots with associated infrastructure, including publicly dedicated streets.

Jeff Kleaveland was sworn in and made the presentation.

Mitch Huff, representing M/I Homes and Kevin Hamak, the project's landscape architect, were sworn in.

Mr. Huff stated that they had been working with surrounding property owners and public entities to come up with their development proposal. He stated that they would accept all of the staff's recommended conditions.

Mr. Hamak stated that they accept all of the staff recommendations, but have a few concerns about some advisory board recommendations. He stated that they feel that they have done the best they can given the site constraints trying to have a good mix of housing. He stated that they are meeting the 40% requirement for open space and they are providing 48% open space. He expressed concern about being able to meet the EAB recommendation about level spreader design guidelines, but feels they are meeting the stormwater requirements. They do not agree with the NTAAC's recommendation that there not be an entrance to the subdivision off N.C. 86.

Jeremy Finch with the John McAdams Co, was sworn in. He said that he and the town's engineer were proposing the following language in lieu of providing a filtration system: "that the applicant must, prior to construction drawing approval, investigate and obtain approval from the town engineer alternative treatment methods to potentially replace or enhance the proposed hydrodynamic separators."

James Carnahan, Chair of the Planning Board, was sworn in. He stated that the Planning Board recommended that the developer increase the density of the project and asked the Board of Aldermen to consider rezoning the property.

Robert Kirschner was sworn in. He suggested that different homeowners associations be required for each housing type.

Jay Bryan, Chair of the NTAAC, was sworn in. He reviewed the recommendations of the Northern Transition Area Advisory Committee.

Robert Dowling, Executive Director of the Orange Community Housing and Land Trust, was sworn in. He stated that he had met with the developer about the affordable housing units. M/I Homes will build 17 affordable townhomes and provide a mix of 2 and 3 bedroom units. They will sell us the 2 bedroom units for \$120,000 and 3 bedroom units for \$130,000. The OCHLT will need additional public subsidy in order to sell these homes to qualified buyers.

Alderman Zaffron asked Mr. Dowling to consider the new affordable housing ordinance provision over the summer to see if they can come to a better resolution in regard to this permit.

Alderman Gist stated that she would like to see the moderate income housing have equal access to amenities, including schools and the park.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO CONTINUE THIS PUBLIC HEARING UNTIL AUGUST 28, 2007. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS DEALING WITH STORMWATER MANAGEMENT

A draft ordinance amending the Land Use Ordinance to revise stormwater management provisions in relation to the NPDES Phase II permit and the Jordan Lake TMDL has been prepared. It was necessary for the Board of Aldermen to receive public comment before taking action.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Randee 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. 247/2006-07**

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 dealing with stormwater management.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro concludes that the above described amendment is necessary in order to support the policies embodied in Carrboro Vision2020, particularly:

Policy 5.22 and 5.23 and the

Facilitated Small Area Plan for Carrboro's Northern Study Area (Goal 1, Objectives 1 and 2).

BE IT FURTHER RESOLVED that the Board concludes that its adoption of the above described amendment is reasonable and in the public interest because it makes local regulations and procedures consistent with adopted policies.

This resolution becomes 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 2007:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT AN ORDINANCE ENTITLED, "AN ORDINANCE REVISING THE PROVISIONS OF ARTICLE XVI OF THE CARRBORO LAND USE ORDINANCE DEALING WITH STORMWATER MANAGEMENT, AS AMENDED." VOTE: AFFIRMATIVE ALL

Mike Brough stated that the City of Durham is planning to retain the services of an attorney to assist in interpreting the stormwater rules and advising them on their options and asked if Carrboro would like to participate by providing funding of up to \$2,000.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO AUTHORIZE THE TOWN ATTORNEY TO SPEND UP TO \$2,000 FOR THIS. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY JOAL BROUN TO ADJOURN THE MEETING AT 11:32 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk