

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, January 22, 2008 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun (arrived at 7:50 p.m.)
	Dan Coleman
	Jacquelyn Gist
	John Herrera
	Randee Haven-O'Donnell
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Attorney	Robert Hornik for Michael B. Brough
Town Clerk	Sarah C. Williamson

CLIMATE CHANGE AWARENESS DAY

Mayor Chilton read a proclamation proclaiming January 31st as Climate Change Awareness Day and encouraging all residents to actively engage in discussions or activities focusing on climate change and to take at least one proactive step to reduce their own or their family's ecological footprint for the sake of their own health and well being and that of future generations.

PUBLIC HEARING ON A TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE CARRBORO CLASSIC ENDURANCE SPORTS FESTIVAL

Endurance magazine has submitted a Street Closing Permit Application for the temporary closing and usage of streets from 8:00 am to 11:30 am on Sunday, April 6, 2008 to accommodate the *Carrboro Classic Endurance Sports Festival*. The town staff recommended approval of the permit with conditions.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN).

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman John Herrera.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF STREETS TO ACCOMMODATE *CARRBORO CLASSIC ENDURANCE SPORTS FESTIVAL* Resolution No. 81/2007-08

Section 1. The following streets shall be temporarily used Sunday, April 6, 2008 from 8:00 am to 11:30 am to accommodate the *Carrboro Classic Endurance Sports Festival* (road race). 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.

Running Portion

1. Hillsborough Road from McDougale School rear service road to Lorraine Street
2. Lorraine Street from Hillsborough Road to James Street
3. James Street from Lorraine Street to Quail Roost Drive
4. Quail Roost Drive from James Street to McDougal School property

Biking Portion

5. Old Fayetteville Road from McDougal School entrance to Hillsborough Road
6. Hillsborough Road from Old Fayetteville Road to city limits (and continuing into county)

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. Applicant shall distribute flyers of notification, to persons occupying property abutting the streets where the event is to take place, of the contents of any resolution passed.

Section 5. Applicant will be responsible for all costs incurred by Police and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police and Public Works.

Section 6. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 7. 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 January 2008:

Ayes: Mark Chilton, Dan Coleman, Randee Haven-O'Donnell, Jacquelyn Gist, John Herrera, Lydia Lavelle

Noes: None

Absent or Excused: Joal Hall Broun

PUBLIC HEARING TO OBTAIN COMMUNITY INPUT ON TOWN NEEDS AND BUDGET FOR UPCOMING FY08-09

Annually, the Board of Aldermen adopts a budget, effective July 1- June 30th for the Town. The Board, as part of its budget review, schedules a public hearing to receive comments from residents in the community regarding town services. These comments shall be considered in developing the FY2008-09 operating and capital budgets during the budget process.

Robert Dowling, Executive Director of Orange Community Housing and Land Trust, requested funding for the Land Trust in the amount of \$30,000 for FY2008-09.

An unnamed citizen requested that the Board consider funding for the Blue Ribbon Bike Project.

The Board requested that he submit a funding request to the town.

Alderman Gist noted that the Board had received a request from Jay Bryan requesting that the town consider allocating one cent on the tax rate to the Arts Committee to use for various art projects and endeavors in the town including public art.

Alderman Coleman noted that the Arts Committee had submitted a budget request last year for several items that were not funded and asked that the Board consider the unfunded items.

Alderman Gist stated that the Board would be receiving a request from Zach Ward asking for funding for the Dirty South Improv Festival.

It was noted that the Board also received a funding request in the amount of \$500 from Nerys Levy, Chair of the Community Dinner Committee.

PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO AUTHORIZE DENSITY BONUS UNITS FOR PAYMENTS MADE IN LIEU OF CONSTRUCTING AFFORDABLE UNITS

A draft ordinance that would allow payments to be accepted in lieu of constructing affordable housing units has been prepared. It was necessary for the Board of Aldermen to receive public comment on changes to the text of the ordinance prior to taking action.

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

[Alderman Broun arrived at the meeting.]

Robert Dowling, Executive Director of the OCHLT, spoke in support of the text amendment.

Gary Kramling, a member of Friends of Affordable Housing and a Carrboro resident, spoke in support of the text amendment and asked that the Board consider giving developers the discretion on where the affordable housing payment in lieu funds go or either allow developers to specify which affordable housing agency provider that the funds should go to.

The following resolution was introduced by Alderman Dan Coleman 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. 87/2007-08**

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 Density Bonus Units for Payments Made in Lieu of Constructing Affordable Housing Units

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.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of January 2008:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO AUTHORIZE DENSITY BONUS UNITS FOR PAYMENTS MADE IN LIEU OF CONSTRUCTING AFFORDABLE HOUSING UNITS." VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A CONDITIONAL USE PERMIT REQUEST FOR THE ROBERSON SQUARE MIXED USE BUILDING

Darcon of NC, LLC has submitted an application for a Conditional Use Permit (CUP) to allow for the construction of a five-story mixed-use building at 203 South Greensboro Street, on the site where the Andrew - Riggsbee Hardware Store formerly operated. Prior to reaching a decision on a request for a CUP, the Board of Aldermen 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.

David Ripperton, representing Darcon, was sworn in and made the presentation.

Jason Hamilton, Steve Adie, Paul Snow, Julia Young were sworn in.

Jason Hamilton, a traffic engineer with Ramey Kemp Associates, stated that his firm was hired to conduct a traffic impact analysis for the site. He stated that this site will generate approximately 1,000 trips per day, and will have a fairly minor impact to operations of the intersections with slight delays at unsignalized intersections.

Paul Snow, with Analytical Associates, stated that the former building on this site was an older building that was not going to be rehabilitated. Additional traffic created by this development will not create a negative impact on property values. The development will encourage occupancy by less car dependent residents and companies that will reduce noise and pollution. The loading and unloading are situated in a way so that they minimize impact. Most the businesses face into the courtyard. Overall, this development will not have a negative impact on surrounding property values.

Steve Adie, with SGI Engineers, addressed stormwater runoff on this site. There will be increased impervious surface for the sidewalk improvements and there will be a small cistern underground to collect roof runoff to provide irrigation, and the developer is working with the town engineer and NCDOT to improve the runoff control on the four surrounding streets.

David Ripperton addressed harmony and conformity with the town's long-range plans.

Robert Dowling and Gary Kramling were sworn in.

Mr. Dowling stated that the OCHLT would be happy to work with the developers of Roberson Square to sell three affordable condos to low-income individuals. These units would be priced at \$75,000 each. He stated that no additional subsidy would be necessary if the developer agrees to a 1% transfer fee on the market rate units.

Gary Kramling expressed concern about the lack of parking for this building and asked that the Board consider future buildings with similar requirements. He stated that the applicant should be given credit for the eight

parking spaces on Roberson Street in light of the land that the developer is dedicating to the town.

Buddy Kelly, resident of 102 E. Carr Street, was sworn in and stated that he had lived through the eyesore with the old Andrews-Riggsbee building and demolition of that building. He stated that he feels the town needs to protect the rights of the neighbors during construction, and feels there we are heading toward a parking nightmare with this project.

Daniel Amoni, a member of the TAB, was sworn in and gave a report from the TAB regarding this project. He encouraged payment-in-lieu of seven parking spaces.

Heidi Perry was sworn in and addressed the number of bike spaces.

Jennifer McMillan, a Carrboro business owner, was sworn in and stated that she feels additional parking is needed in the downtown and expressed concern about the lack of a plan to fix the problem. She stated that all allowable uses should be considered in the parking and the town needs a parking plan.

Bob Kirscher was sworn in and expressed concern about the transfer fee. His concern was that this condition will affect future homeowners that will not be able to represent themselves. He questioned whether it is constitutionally legal.

[Alderman Lavelle had to leave the meeting to attend a conference for newly elected officials.]

James Carnahan was sworn in and summarized the Planning Board's recommendations.

Ellen Perry was sworn in and asked that a parking space be allotted for EZ Rider.

Patrick McDonough, a resident of 105 Fidelity Street, was sworn in and spoke in favor of the type of building proposed. He stated that as long as there is free parking in downtown Carrboro that is unmanaged, there will be parking problems. He suggested parking unbundling where people have the option of purchasing parking spaces.

David Jessie, one of the owners of the Trading Post, was sworn in and spoke in support of the building, but expressed concern about the inadequate parking.

Julia Young, representing the developer, stated that this developer should not be required to fix the downtown parking problem and stated that she did not feel the affordable housing requirement is unfair to future homeowners or future homeowners association because this stipulation would be incorporated into the recorded declarations and any homeowner would be privy to that requirement before purchasing the units.

Alderman Coleman asked for clarification of the range of numbers of parking as they relate to uses, and asked about putting a condition on the permit if we have a parking plan and the developer is willing to contribute to a payment in lieu or either allow off-site parking as an alternative.

Alderman Broun asked for the following information:

If there is on-site parking in the development, who would be allowed to park there?

A map of existing parking in downtown

The number of parking spaces and methodology used for the Alberta and 300 E. Main Street developments.

Examples of payment in lieu of parking in other jurisdictions.

Alderman Herrera asked that the developer investigate additional underground parking.

Alderman Coleman asked for information on the potential of ten parking spaces on Carr Street and any concerns about having those spaces.

Alderman Broun asked how long a c.u.p. can stay open before the Board acts on it.

Mayor Chilton asked about the legality of the transfer fee, asked how E-Z Rider will access the development, asked about the number of parking spaces that 300 E. Main will be required to provide after completion of the building, a breakdown of parking – residential and commercial, and will there be assigned spaces for the residential units.

Alderman Gist asked for a copy of the town's noise ordinance regarding construction noise and asked for a copy of Chapel Hill's permit-only parking ordinance.

Alderman Haven-O'Donnell asked for information on block out times for construction noise for previously approved projects, and asked for parking recommendations from the downtown visioning charrette.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO CONTINUE THIS PUBLIC HEARING TO FEBRUARY 26, 2008. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY FOOT CANDLE LIMITATIONS IN B-1(C) AND B-1(G) DISTRICTS AND PARKING SPACE DIMENSIONS

The Board of Aldermen must receive public comment prior to taking action on a draft ordinance that modifies maximum light levels in two downtown zoning districts and reduces parking space length throughout Town.

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

Laura van Sant requested approval of the proposed amendments.

Alderman Coleman asked when parking spaces are shorter and longer vehicles park in them, if more accidents occur.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO CONTINUE DISCUSSION OF THIS MATTER UNTIL FEBRUARY 5, 2008. VOTE: AFFIRMATIVE ALL

DEDICATION OF SEWER LINE IN THE NORTHEAST ANNEXATION AREA

The Town recently finished construction of a sewer main that will serve part of the Northeast Annexation Area. Under State law, construction of the line must be completed within two years of the effective date of annexation, which was January 31, 2006. Although the line has been completed, OWASA will not allow customers to connect to the line until the Town formally offers it for dedication to OWASA.

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

**A RESOLUTION DEDICATING A SEWER LINE TO THE
ORANGE WATER AND SEWER AUTHORITY**

Resolution No. 91/2007-08

WHEREAS, the Town of Carrboro recently completed construction of a new sewer main line within its Northeast Annexation area, and said line is the same line specified in the plans entitled "Northeast Annexation Area Sewer," prepared by Sungate Design Group, P.A., and dated April 26, 2007, and said line is also the same line constructed within the Permanent Sewer Easement area granted to the Orange Water and Sewer Authority by easement recorded in the Orange County Registry at Book 4284, Page 174;

WHEREAS, the Town of Carrboro desires that sewer service be provided by the Orange Water and Sewer Authority using the new sewer main line;

WHEREAS, the Orange Water and Sewer Authority will not allow connections to the new sewer main line or otherwise provide service using the line until it has been offered for dedication to the Orange Water and Sewer Authority;

NOW, THEREFORE, IT IS RESOLVED BY THE TOWN OF CARRBORO BOARD OF ALDERMEN AS FOLLOWS:

1. The sewer main line described in this Resolution, including all rights, title and interest in the line, is hereby offered for dedication and conveyance to the Orange Water and Sewer Authority, its successors and assigns.
2. The Orange Water and Sewer Authority is hereby deemed to have accepted this offer of dedication and conveyance unless the Authority notifies the Town, in writing, otherwise.
3. The Mayor of the Town of Carrboro is hereby directed to notify the Orange Water and Sewer Authority of this offer of dedication and conveyance by executing the letter attached hereto as "Attachment B."
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 January 2008:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO ADJOURN THE MEETING AT 10:43 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk