

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, February 26, 2008 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

### **REQUEST FROM CITIZEN**

Rev. Robert Campbell asked that the speed limit on Rogers Road be lowered from 40 mph to 35 mph and that the speed limit on Eubanks Road be lowered from 45 to 35 mph. In addition, that water and sewer lines be extended. He stated that the some wells are contaminated with arsenic. He stated that this problem also affects Dairyland Road.

Alderman Coleman asked Rev. Campbell for a list of people on the Carrboro side of Rogers Road that have been having problems with their wells.

Alderman Haven-O'Donnell asked for any information Orange County has for testing the wells.

Mayor Chilton asked that the town staff report back to the Board on the status of who has gotten water service on Rogers Road and the cost to connect those not currently connected to OWASA water. He suggested that when sewer is extended to the Greene tract for the affordable housing, that discussions should be held to consider extending sewer to the Rogers Road area. He suggested that the Board request that NCDOT consider lowering the speed limits on Rogers Road and Eubanks Road in addition to the possibility of installing a traffic signal at the Eubanks/Old 86 intersection.

Alderman Broun asked for information from OWASA on water and/or sewer subsidies offered in the past to Mt. Bolus and other neighborhoods.

\*\*\*\*\*

### **PUBLIC HEARING ON A TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE TAR HEEL 10 MILER**

The purpose of this agenda item was to conduct a public hearing for a Street Closing Permit Application submitted by Endurance Magazine for the temporary closing and usage of streets from 7:30 am to 10:00 am on Saturday, April 26, 2008 to accommodate the Tar Heel 10 Miler.

Steve Lackey stated that the only street that will be closed is a portion of Weaver Street from 7:45 a.m. to 8:15 a.m.

Brian Beatty, Weaver Street business owner, spoke in favor of the race.

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

A RESOLUTION AUTHORIZING THE TEMPORARY STREET CLOSING AND USAGE OF STREETS  
TO ACCOMMODATE THE TAR HEEL 10 MILER  
Resolution No. 105/2007-08

Section 1. The following streets shall be temporarily used on Saturday, April 26, 2008 from 7:30 am to 10:30 am to accommodate the Tar Heel 10 Miler running race. The 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.

Carrboro Run Race Route – Tar Heel 10 Miler

1. W. Rosemary ( Merritt Mill to E. Main St.)
2. E. Main St. (Rosemary to E. Weaver St.)
3. E. Weaver St. ( E. Main to N. Greensboro St.)
4. N. Greensboro ( E. Weaver St. to Hillsborough Rd.)
5. Hillsborough Rd. (Greensboro to Old Fayetteville)
6. Old Fayetteville (Hillsborough to McDougle school Bike/Ped path)
7. Across school property to Quail Roost Dr. and Lisa Dr.
8. Lisa Dr. (Quail Roost to Carol St.)
9. Carol St.(Lisa Dr. to James St.)
10. James St.(Carol to Lorraine St.)
11. Lorraine (James to Mary St.)
12. Mary St. ( Lorraine to Simpson)
13. Simpson ( Mary to W. Main St. and cross to enter bike lane)
14. W. Main St. (east from Simpson to Jones Ferry Rd. and cross to PTA Bike Path)
15. PTA Bike Path (Jones Ferry to W. Carr St.)
16. W. Carr St. ( PTA Bike Path to S. Greensboro St.)
17. Cross S. Greensboro to W. Carr St.(S. Greensboro to Maple Ave.)
18. Maple Ave. (E. Carr to Roberson St.)
19. Roberson ( Maple Ave. to Libba Cotten Bikeway)
20. Libba Cotten Bikeway (Roberson to Merritt Mill to access Chapel Hill to end of race at Church St.)

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 re-opened 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 26th day of February 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

\*\*\*\*\*

**PUBLIC HEARING ON THE STREET CLOSING PERMIT APPLICATION FOR THE KIDNEY KARE 5K RUN/WALK**

The purpose of this item was to receive public input on a Street Closing Permit Application submitted by the UNC Kidney Center for the temporary closing and usage of streets to accommodate the *Kidney Kare 5K Run/Walk* on Saturday, March 15, 2008 from 8:00 AM to 9:30 AM.

Alderman Lavelle suggested that it be noted in the future whether events are for profit or non-profit.

The following resolution was introduced by Alderman Randee Haven-O'Donnell and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF STREETS TO ACCOMMODATE THE *KIDNEY KARE 5K RUN/WALK***  
Resolution No. 108/2007-08

Section 8. The following streets shall be temporarily used Saturday, March 15, 2008 from 8:00 am to 9:30 am to accommodate the *Kidney Kare 5K Run/Walk*. 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.

Start and Finish on McDougale School southeast driveway.

Right on *Hillsborough Rd.* (Stay on Hillsborough Rd. through the N. Greensboro St.

Right on *High St.*

Right on *Main St.* (stay in bike lane)

Right on *James St.*

Left on Hillsborough Rd. (stay in bike lane)

Left on McDougale School southeast driveway.

Section 9. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 10. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 11. 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 12. 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 13. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 14. 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 26<sup>th</sup> day of February 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

\*\*\*\*\*

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

On January 22, 2008, the Board of Aldermen began a public hearing for a CUP application from Darcon of NC, LLC, to allow for the construction of a five-story mixed-use building at 203 South Greensboro Street, on the site where the Andrews—Riggsbee Hardware Store formerly operated. The public hearing was then continued to February 26, 2008. Prior to reaching a decision on a request for a CUP, the Board of Aldermen must finish the public hearing. Town staff recommended that the Board of Aldermen continue the public hearing and consider issuing the requested Conditional Use Permit.

Marty Roupe, the town's Zoning Administrator, made a presentation.

David Ripperton stated that they would be willing to provide eight parking spaces along Carr Street. He presented a map showing available parking. He stated that the owners would like to request approval of the project with the first floor being retail without the restaurant at this time, that the affordable units be one-bedroom, and that the name of the project remain Roberson Square.

Buddy Kelly, a resident of Carr Street, stated that he would rather not see parking on Carr Street.

Gary Kramling asked how the presumptive parking requirement for office, retail and restaurant uses was calculated than a gross square footage calculation

Adena Messinger, the town's Transportation Planner, stated that the presumptive parking requirement was based on net square footage.

**MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL**

**MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL**

MOTION WAS MADE BY DAN COLEMAN 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 DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL THAT THE BOARD FINDS THAT THE PROPOSED USE WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY, THAT THE BOARD FINDS THAT THE PROPOSED USE WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND 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 DAN COLEMAN AND SECONDED BY JOHN HERRERA THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED 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. That the continued affordability of three dwelling units must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with LUO Section 15-182.4.
4. That certificates of occupancy for the last three (3) market-rate dwelling units not be issued until all three (3) affordable dwelling units are offered for sale or rent.
5. That if Orange Community Housing and Land Trust is unable to sell any affordable unit within one year of the date it receives a certificate of occupancy, Darcon of NC, or its successors or assigns, will be released from its obligation to sell that unit to OCHLT and may instead provide to the Town of Carrboro a payment-in-lieu of providing an affordable unit, consistent with the applicable, related Land Use Ordinance language. If a payment-in-lieu is not an available option under the Land Use Ordinance at that time, then the developer must provide alternative means for ensuring that the affordable units comply with Section 15-182.4 of the Land Use Ordinance.
6. That prior to construction plan approval, the applicant must prepare and the Town Manager accept a three-party agreement between the future owner's association, Orange Community Housing & Land Trust, and the Town of Carrboro. The agreement must: 1) stipulate that either the Land Trust or the Town must verify compliance with the applicable provisions of the conditional use permit and Land Use Ordinance prior to the sale/resale of any affordable unit, 2) establish and implement a one-percent transfer fee program wherein market-rate units will subsidize affordable units within the development, and 3) stipulate that the owner's association covenants must include language regarding the affordable units and properly disclose related information to purchasers of market-rate units information regarding the one-percent transfer fee program. Details regarding this condition must be presented to and approved by the Town Attorney and Town Manager prior to construction plan approval. Monies collected in the affordable housing transfer fee program, associated with the sale / resale of properties, are to be placed into a fund for the specific purpose of paying condominium and townhome Owner's Association dues for persons who acquire affordable housing.

7. That only retail and office uses be allowed in the commercial area.
8. That the applicant must receive a Town of Carrboro driveway permit for Maple Avenue Extension and a NCDOT driveway permit if determined to be necessary, prior to construction plan approval.
9. That the Board of Aldermen finds that no screening is required along Maple Avenue Extension (eastern side of the property) as a sidewalk in this location is more beneficial to public safety than providing street trees in the area.
10. That if the applicant desires to install site and/or exterior building lighting in the future, then upon reviewing associated information staff must determine what type of permit modification is involved, per Land Use Ordinance Section 15-64, and process the request accordingly.
11. That prior to issuance of a building permit for the project, the applicant must record a plat that dedicates sufficient right-of-way along all sides of the property such that every adjacent right-of-way exceeds fifty-feed in width.
12. That the applicant must submit the final version of the condominium owner's association documents for review and approval by the Town Attorney prior to construction plan approval.
13. That the applicant must obtain all necessary temporary and permanent easements prior to construction plan approval.
14. That the applicant receive(s) 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.
15. That seven (7) parking spaces and a landscaped (xerioscaped) area be provided along Carr Street.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN THAT THE BOARD FINDS THAT THE PARKING SATISFIES THE TERMS OF THE LAND USE ORDINANCE.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS GRANTED, SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL THAT THE TOWN STAFF REPORT BACK TO BOARD ABOUT REDUCING THE SPEED LIMIT ON CARR STREET. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 9:04 P.M. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

---

Mayor

---

Assistant to the Town Manager