

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, June 24, 2008 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton (arrived at 7:34 p.m.)
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	John Herrera
	Randee Haven-O'Donnell
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO APPROVE THE JUNE 10 AND 17, 2008 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

STATUS REPORT ON SIDEWALK BOND PROJECTS

This item was intended to provide the Board an update on the status of various sidewalk bond projects since the last update on June 3, 2008.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION ACCEPTING THE STATUS REPORT
ON SIDEWALK BOND PROJECTS
Resolution No. 190/2007-08

WHEREAS, the Board of Aldermen requested an update on Sidewalk Bond projects; and

WHEREAS, the Town Staff has prepared an update for the Board's review and consideration.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen accepts this report.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 24th day of June 2008:

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

Noes: None

Absent or Excused: Mark Chilton

APPOINTMENTS TO THE APPEARANCE COMMISSION / NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION

The purpose of this item was for the Mayor and Board of Aldermen to consider making appointments to the Appearance Commission / Neighborhood Preservation District Commission. The Chair of the Appearance Commission / NPDC recommended that Loren Brandford and Daniel Gelinne be appointed.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Lydia Lavelle.

**A RESOLUTION MAKING APPOINTMENTS TO THE APPEARANCE COMMISSION / NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION
Resolution No. 191/2007-08**

WHEREAS, there are currently four (4) vacant seats on the Appearance Commission/ Neighborhood Preservation District Commission; and

WHEREAS, these positions have been advertised and Loren Brandford and Daniel Gelinne have submitted applications; and

WHEREAS, the Chair of the Appearance Commission / NPDC is recommending that these applicants be appointed to the Commission.

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

Section 1. The Board of Aldermen hereby makes the following appointments to the Appearance Commission / Neighborhood Preservation District Commission:

APPOINTEE	TERM EXPIRATION
Loren Brandford	February 2011
Daniel Gelinne	February 2010

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 24th day of June 2008:

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

Noes: None

Absent or Excused: Mark Chilton

REQUEST TO ADOPT A BUDGET AMENDMENT

The purpose of this item was to formally approve a budget ordinance to amend the Revolving Loan Fund to reflect the loan recently approved by the Board for Carrboro Co-Working. The board, by resolution, acknowledged that budgeted reserves will be used for the loan. Upon further research, it was realized that a budget ordinance must also be approved to enable consummation of the loan.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2007-08 BUDGET ORDINANCE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

CONTINUATION OF A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN VILLAGE MIXED USE DEVELOPMENTS

[Mayor Chilton arrived at the meeting.]

A draft ordinance which would, if adopted, amend the text of the Land Use Ordinance to modify impervious surface limitations for day care uses in Village Mixed-Use developments has been prepared. The Board of Aldermen must receive public comment before deciding on the amendment.

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

Eric Chupp stated that this text amendment would only apply to VMU developments. He stated that the 2006 child care study report indicated a need for additional daycares and that available land has gone to residential and office space with no daycares approved since 2000. An independent study indicates the need for 685 daycare seats needed by the end of this year. This text amendment will provide an incentive for developers of mixed use communities to include them in their plans from the concept stage. It will allow the Goddard group to submit a conditional use permit application for a 130-seat daycare center in Winmore.

Brandon Finch, with The John R. McAdams Co., addressed the stormwater impacts on the site and presented a PowerPoint presentation describing the impervious surface issues for the site.

Donald McDonald, a resident of 1002 Gloucester Lane, stated that the developer of Winmore has been very cooperative during construction of this development, but the proposed daycare will be placed between two residential homes. He stated that he feels this text amendment will allow this school to encroach in their neighborhood, something which cannot be tolerated by the neighbors. He expressed concern about the access that follows the creek.

Steve Bergey, a resident of 1003 Gloucester Lane, stated that he feels the proposed text amendment will set a dangerous precedent, that this amendment is inconsistent with the Vision 2020 document (Section 5.23), and that the water from this site will drain into the creek.

Rose Warner, a resident of 1006 Camden Lane, suggested that other sites be looked at for this daycare, suggested that the daycare might be located in the Winmore community building, and encouraged incentives to open daycare in other areas in the community. This could be done by offering and providing technical assistance to encourage daycare providers, offering below market rents, and offering tax breaks.

Walter Plunkett, a resident of 1005 Camden Lane, showed slides indicating the location of the proposed daycare in relation to his neighbors' homes, and slides of the Goddard School in Morrisville. He stated that the Morrisville school is not located in a residential neighborhood. He stated that the creek near the proposed site in Carrboro floods quite often and the water often turns muddy quickly.

James Scargill, representing Goddard, stated that this daycare would serve children five and under, that the Goddard School proposed for this location would not look like the Morrisville facility, and that the typical fence surrounding their schools is four feet in height and is see through.

Rose Finley, representing Goddard, stated that they have been looking for a site in the Chapel Hill-Carrboro area since 2006. The Goddard school likes to be located at the front entrance to developments. She stated that they are willing to meet Carrboro's architectural requirements. She stated that The Heritage in Wake Forest is a prototype of the Goddard school that is closer to what is being proposed for the Winmore site.

Dave Otto, a Carrboro resident, and representing the Friends of Bolin Creek, read a statement encouraging the Board to disapprove this amendment.

Linda Chapel, representing Child Care Services, stated there is a lack of high quality, affordable daycare in Orange County. There are many ways to support the development of childcare facilities. The town should require that the facility be the highest childcare rating. She stated that there are options for indoor playground facilities.

Alice Mine, a resident of 2002 Camden Lane, stated concern about amending the Land Use Ordinance for the benefit of one developer, and that the Goddard School is not affordable daycare.

Jim Rabinowitz asked if we really want to change the Land Use Ordinance to give a license to degrade the environment to get a daycare center.

Alderman Coleman proposed that Section 2 of the draft ordinance be amended to require the installation of site development and/or building features that mitigate environmental impacts, and suggested more specific standards such as those proposed by the EAB in their recommendation dated June 19, 2008.

Mike Brough explained that if the Land Use Ordinance text amendment is approved, a major modification of Winmore's conditional use permit would be required before the day care could be approved.

Alderman Broun asked for a copy of the notes on the transfer of impervious surface allocation when the VMU was created.

Alderman Herrera asked if there is a way to minimize the environmental impact on this site so that a day care can be built on this site.

Alderman Haven-O'Donnell and asked for more information on the pre-development hydrograph and the potential post-development hydrograph.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONTINUE THIS PUBLIC HEARING TO AUGUST 26, 2008, WITH THE REQUEST THAT THE ENVIRONMENTAL ADVISORY BOARD AND STAFF REVIEW ALDERMAN COLEMAN'S SUGGESTION FOR REVISING SECTION 2 OF THE DRAFT ORDINANCE. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO REQUIRE BEST MANAGEMENT PRACTICES THAT RESULT IN NUTRIENT LOAD REDUCTIONS

A draft ordinance which would, if adopted, amend the text of the Land Use Ordinance to specify that nutrient-load reducing, best management practices are used in meeting storm water management requirements has been prepared. The Board of Aldermen must receive public comment before deciding on the amendment.

Henry Wells, the town's engineer, answered the Board's questions about stormwater management devices.

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 John Herrera 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. 185/2007-08

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 REQUIRE THAT DEVELOPMENTS UTILIZE BEST MANAGEMENT PRACTICES THAT REDUCE NUTRIENT LOADING

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 state and federal laws.

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 advance Carrboro Vision2020 policies 5.22 and 5.23 related to water quality.

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 June 2008:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE THAT DEVELOPMENTS UTILIZE BEST MANAGEMENT PRACTICES THAT REDUCE NUTRIENT LOADING." VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW MOBILE PREPARED FOOD VENDORS IN CERTAIN DISTRICTS

A draft ordinance that defines a new use, mobile food vendor, and establishes it as permitted in three zoning districts has prepared, per the request of the Board of Aldermen. The Board of Aldermen must receive public comments before acting on this ordinance.

MOTION WAS MADE BY JACQUEYN GIST TO CONTINUE THIS PUBLIC HEARING TO AUGUST 26, 2008. (MOTION DIED FOR THE LACK OF A SECOND)

The following resolution was introduced by Alderman John Herrera 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. 189/2007-08

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 LAND USE ORDINANCE TO ALLOW MOBILE PREPARED FOOD VENDORS IN CERTAIN DISTRICTS

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.

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 provide for a diversity of non-residential development.

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 June 2008:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO ADOPT AN ORDINANCE ENTITLED, ”AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ALLOW MOBILE PREPARED FOOD VENDORS IN CERTAIN DISTRICTS.” VOTE: AFFIRMATIVE ALL

Alderman Coleman stated that he had asked staff for a recommendation on an appropriate privilege license fee for mobile food vendors.

PUBLIC HEARING ON “THE BUTLER” MIXED USE BUILDING CONDITIONAL USE DISTRICT REZONING/CONDITIONAL USE PERMIT

Downtown Urban Ventures, LLC has submitted applications for a B-1(c) conditional use rezoning and, a Conditional Use Permit to allow for the construction of a five-story mixed use building on the property adjacent to the existing 110 Brewer Lane mixed use project. Prior to reaching a decision on a request for a CUP, the Board must hold a public hearing to receive input. The applicants are requested that the Aldermen review, deliberate and offer comment on the proposed plans.

Mayor Chilton asked to be recused from consideration of this matter because one of his client's owns a driveway that crosses the property in question.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO RECUSE THE MAYOR. AFFIRMATIVE ALL

Trish McGuire, the town's Planning Administrator, was sworn in and made the presentation on the conditional use district rezoning.

Jeff Kleaveland, one of the town's Planners, was sworn in and made the presentation on the Conditional Use Permit.

Alderman Coleman asked for a staff response to the advisory board recommendations that staff is not recommending.

Alderman Gist asked that the Board consider the letter from Orange Community Housing and Land Trust regarding the affordable housing component of this project.

Alderman Coleman asked that the applicant discuss the affordable housing component with the OCHLT prior to August 26, 2008.

Alderman Broun suggested the Board consider a transfer fee in lieu of affordable housing and asked for information on the town's affordable housing payment-in-lieu fee.

Richard Gaylord and Bill Jackson, partners of Downtown Urban Ventures, and Michael Neal, the project engineer, were sworn in.

Mr. Gaylord presented an overview of the proposed project.

Alderman Gist expressed her desire for the developer to pursue solar hot water heaters and other green building techniques.

Alderman Haven-O'Donnell asked that the developer consider looking into the LEED's silver certification standards without necessarily going for the certification.

Alderman Broun asked that the Summary Sheet of Staff and Advisory Board Recommendations include a column indicating whether the applicant agrees or disagrees with each recommendation.

Doug Granade was sworn in. He explained the building façade.

Michael Neal, the project engineer, stated that when the sewer line is installed on Brewer Lane, one lane will be closed at a time with both lanes open in the evenings.

Alderman Broun asked the developer for a written plan on how dust will be mitigated during construction.

Mr. Neal stated that they will be using reclaimed water to keep the dust down.

Gary Kramling was sworn in. He asked why the step back requirements for five story buildings do not apply to bikepaths.

Marty Roupe, the town's Zoning Administrator, was sworn in and explained the land use ordinance requirements.

Mr. Neal stated that the building has been stepped back from the bikepath.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONTINUE THIS PUBLIC HEARING TO AUGUST 26, 2008. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (CHILTON)

CONSIDERATION OF A MODIFICATION OF THE CONDITIONAL USE PERMIT FOR 110 BREWER LANE

Edwin Andrews, Inc. has submitted an application for a Minor Modification of the existing 110 Brewer Lane Conditional Use Permit. The applicants requested that the Board of Aldermen review, deliberate and offer comment on the proposed plans.

This matter was deferred until August 26, 2008.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 11:05 P.M. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (CHILTON)

Mayor

Town Clerk