

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 16, 2008 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton (arrived at 7:54 p.m.)
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Randee Haven-O'Donnell
	John Herrera
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

### **PROCLAMATION ISSUED**

Mayor Pro Tem Herrera read a proclamation proclaiming the week of October 5 – 11 as Fire Prevention Week in the Town of Carrboro.

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### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO APPROVE THE SEPTEMBER 9, 2008 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

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### **REQUEST TO CANCEL NOVEMBER 4<sup>TH</sup> BOARD MEETING**

The Mayor and Board of Aldermen were asked to cancel the November 4, 2008 meeting of the Board of Aldermen due to that date being Election Day.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Randee Haven-O'Donnell.

A RESOLUTION CANCELLING THE NOVEMBER 4, 2008  
MEETING OF THE BOARD OF ALDERMEN  
Resolution No. 07/2008-09

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen hereby cancels its regular meeting scheduled for November 4, 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 16<sup>th</sup> day of September 2008:

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

Noes: None

Absent or Excused: Mark Chilton

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**REQUEST TO SET A PUBLIC HEARING REGARDING OUTDOOR DISPLAY IN WM-3 ZONING DISTRICT**

On November 27, 2007 the Board of Aldermen adopted an amendment to the Land Use Ordinance that expanded the uses available in the WM-3 zoning district and requested that staff evaluate an additional request to allow outdoor display in this zone. Staff requested that a public hearing be scheduled for October 28, 2008 on the draft amendment.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION SETTING A PUBLIC HEARING TO MODIFY  
OUTSIDE DISPLAY PROVISIONS IN THE WM-3 ZONING DISTRICT  
Resolution No. 17/2008-09**

WHEREAS, the Carrboro Board of Aldermen seeks to consider policies, plans and regulations pertaining to development opportunities; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen:

Section 1. Sets a public hearing on "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW OUTSIDE DISPLAY WITH RETAIL USES IN THE WM-3 ZONING DISTRICT" for October 28, 2008; and

Section 2. Refers the draft ordinance to the Planning Board and Orange County for review.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16<sup>th</sup> day of September 2008:

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

Noes: None

Absent or Excused: Mark Chilton

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**REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE MAP AMENDMENT REZONING 401 NORTH GREENSBORO STREET FROM B-2 TO CZ**

Section 15-321 provides for the initiation of amendments to the Town's zoning map. Such a petition has been received from Mac Fitch regarding the rezoning of 401 N. Greensboro Street. A resolution that provides an opportunity for the Board of Aldermen to set a public hearing date and direct the staff to prepare an appropriate ordinance was provided.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION SPECIFYING FOLLOW-UP TO THE REZONING REQUEST FOR**

WHEREAS, the Carrboro Board of Aldermen seeks to consider policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Board of Aldermen has received a request to rezone the parcel known as 7.95.G.9 and located at 401 N. Greensboro Street from R-7.5 to B-2- Conditional; and

WHEREAS, adopted policies call for protection of historic properties and older neighborhoods and this parcel is located in such an area; and

WHEREAS, adopted policies also call for increased commercial opportunities, particularly downtown developments with a mix of uses.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen specifies the following:

Section 1. Accept the petition, direct staff to prepare an ordinance that rezones 401 N. Greensboro Street (Orange County TMBL 7.95.G.5) from R-7.5 to B-2- Conditional, set a public hearing for October 28, 2008 and refer the rezoning petition and draft ordinance to the Planning Board for review.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16<sup>th</sup> day of September 2008:

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

Noes: None

Absent or Excused: Mark Chilton

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**REQUEST TO SET A PUBLIC HEARING TO MODIFY AFFORDABLE HOUSING PROVISIONS**

On June 26, 2007 the Board of Aldermen adopted Land Use Ordinance provisions to accept payments in lieu of units provided to meet the Town's affordable housing goal. A method for annually calculating a payment in lieu fee was included. Staff has identified some needed adjustments to this formula and schedule, has prepared a draft ordinance that would make these changes and offered a resolution setting a public hearing for the Board's consideration.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION SETTING A PUBLIC HEARING TO MODIFY  
AFFORDABLE HOUSING PAYMENT IN LIEU PROVISIONS  
Resolution No. 14/2008-09**

WHEREAS, the Carrboro Board of Aldermen seeks to consider policies, plans and regulations pertaining to development opportunities; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen:

Section 1. Sets a public hearing on “AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MODIFY THE FORMULA AND SCHEDULE FOR ESTABLISHING THE TOWN’S ANNUAL PAYMENT IN LIEU OF AFFORDABLE HOUSING UNITS” for October 28, 2008; and

Section 2. Refers the draft ordinance to the Planning Board and Orange County for review.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16<sup>th</sup> day of September 2008:

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

Noes: None

Absent or Excused: Mark Chilton

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**APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD**

The Chair of the Transportation Advisory Board recommended that Austin Brown be appointed to the TAB. It was recommended that the Board consider adopting a resolution making this appointment.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Randee Haven-O’Donnell.

A RESOLUTION MAKING AN APPOINTMENT  
TO THE TRANSPORTATION ADVISORY BOARD  
Resolution No. 18/2008-09

WHEREAS, there are currently two vacant seat on the Transportation Advisory Board (TAB); and

WHEREAS, these positions have been advertised and Austin Brown and Seth LaJeunesse have submitted applications expressing interest in serving on the TAB; and

WHEREAS, these applications were forwarded to the Chair of the TAB for review and consideration; and

WHEREAS, the Chair of the TAB, has reviewed these applications and is recommending that Austin Brown be appointed to the vacant seat.

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

Section 1. The Board of Aldermen hereby appoints Austin Brown to the Transportation Advisory Board. His term shall expire in February 2011.

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 16<sup>th</sup> day of September 2008:

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

Noes: None

Absent or Excused: Mark Chilton

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## **FURTHER FOLLOW UP TO TRAFFIC CALMING ON OAK AVENUE**

The purpose of this item was to provide further follow-up information to the Board of Aldermen about traffic calming on Oak Avenue. Staff has identified some potential options for moving forward and offered a resolution for the Board's consideration.

Adena Messinger, the town's Transportation Planner, made the presentation.

Alderman Coleman asked if the town staff could discuss with NCDOT about the possibility of installing rumble strips at the N. Greensboro/Oak Avenue intersection.

Elizabeth Falsing, a resident of 101 Evans Ct., stated that she supports the idea of pursuing a one-way street, that the neighbors are concerned about the traffic in the neighborhood, and asked that the town look at what the residents want.

Ginny Mcmillan, a resident of 403 Oak Avenue, stated that they have asked for a speed bump on her end of the street, expressed concern about the speeding on the street, stated that she doesn't feel like a sidewalk is needed, but feels traffic calming is needed. She encouraged a neighborhood survey, expressed concern over the lack of sidewalks on Shelton St., and stated that she feels law enforcement will not make a difference.

John Alderson, a resident of 100 Oak Avenue, urged town to take a preventative approach by doing a survey of the neighborhood.

[Mayor Chilton arrived at the meeting.]

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Dan Coleman.

### A RESOLUTION SPECIFYING FOLLOW-UP TO TRAFFIC CALMING ON OAK AVENUE Resolution No. 13/2008-09

WHEREAS, the Carrboro Board of Aldermen requested Town staff to provide follow-up information with reference to traffic calming on Oak Avenue, and

WHEREAS, Town staff has provided said follow-up information with recommendations,

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

1. That the Police Department continues to monitor Oak Avenue as part of their routine enforcement
2. That edge lines should not be striped along Oak Avenue
3. That on street parking is not feasible for Oak Ave
4. That additional signage should not be added to the street
5. That the town staff schedule a meeting with the neighborhood to discuss the development of a comprehensive traffic flow plan for the neighborhood, that the neighborhood be surveyed and the option of one-waying other neighborhood streets and the addition of speed bumps be considered.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16<sup>th</sup> day of September 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

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**CONTINUATION OF A PUBLIC HEARING ON A MAJOR MODIFICATION OF PHASE A OF 300 EAST MAIN STREET CONDITIONAL USE PERMIT TO INCORPORATE PHASE B OF THE PROJECT**

Main Street Partners, LLC has submitted an application for a Major Modification of the Phase A of 300 East Main Street Conditional Use Permit to allow for construction of multiple commercial buildings on an assemblage of land on and near 300 East Main Street. The Board of Aldermen began a public hearing on August 26, 2008 and continued the hearing until September 16, 2008. Town staff requested that the Board of Aldermen continue the public hearing, deliberate the application, and consider granting the CUP.

Marty Roupe, the town's Zoning Administrator, presented an update on the project.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO EXCUSE ALDERMAN HERRERA DUE TO ILLNESS. VOTE: AFFIRMATIVE ALL

Jim Spencer reviewed the site plan of the project, stated that they will be using 48-inch pots for the trees in the plaza, that the plaza will be for pedestrians only, explained the open space within the project, and showed the rendering of the façade of the building.

Dave Boyette, the developer's engineer, was sworn in answered the Board's questions about stormwater runoff.

Laura van Sant explained the goals for this development and asked for the Board's decision on this project tonight.

James Morgan was sworn in. He spoke in favor or the project and stated that Carrboro needs space to grow.

John Alderson was sworn in. He asked if Carrboro needs a hotel of the proposed scale, whether there are plans to deal with the traffic during construction, and express his desire to see more green space in the development.

James Carnahan was sworn in. He spoke in support of the project and explained the history leading up to this development proposal. He stated that he likes the hotel and the fact that it will provide conference space which will bring people to Carrboro. He stated that he does not feel that all the parking proposed will be needed.

Jack Haggerty was sworn in. He stated that he feels the application is incomplete, and expressed concern about the placeholder buildings and the project effect on Main Street. He stated that the project design changed after advisory board review, that the cut through from Roberson Street was not included, and asked that tonight's public hearing be continued.

Aggie Crews, a resident of 421 Ray Road, was sworn in. She expressed concern about the sequence of construction and how buildings will evolve over time, that she does not like the look of the parking deck, expressed concern over traffic congestion caused by construction downtown, stated that she does not want to see a chain hotel in Carrboro, and asked for a custom design of the hotel to make it more unique to Carrboro.

Christine Ellestad, a resident of 101 Buck Taylor Trail, was sworn in. Expressed concern about the buildings being located so close to the street, stated that she was disappointed over the lack of green space in the project,

feels the plaza is overdone, appreciates the tax money this project will offer, and stated that she feels Carrboro does need a hotel downtown that fits into Carrboro.

Mitch Virchick was sworn in. He expressed concern about traffic congestion in the downtown, and stated that the Roberson Street connection should be addressed.

Ellie Kinnaird affirmed. She spoke in support of the project, gave a history of the town, urged the Board not to delay this project, and encouraged approval of the proposal.

Ginny McMillan, a resident of Oak Avenue was sworn in. She stated that she is uncomfortable with the placeholder buildings, asked how the ArtsCenter will remain in operation during construction of this project, asked that the developer provide a complete application, expressed concern with building design for the hotel, and expressed concern that the sales tax revenue will not be as high as projected.

Buz Gaver, was sworn in. He expressed concern about Building A being located so close to Main Street.

Sherman Richardson affirmed and stated that Main Street Partners is committed to doing the best job that it can with this project, that this project has to be fluid, that he feels this idea will work, and asked for a decision from the Board.

Andrew Topp, the applicant's traffic consultant, was sworn and explained that the Boyd Street access would be full access.

Marty Roupe stated that the developer has left a stub out that could connect to Roberson Street in the future.

Alderman Coleman asked that the staff prepare a condition indicating a percentage of landscaping for the plaza area.

Alderman Haven-O'Donnell asked that a certain percentage of the trees within the plaza area be rooted.

Alderman Coleman asked that the developer consider improving the architectural presentation on the northeast side of the parking deck and hotel.

Alderman Coleman asked for a clarification of Condition #20 regarding the design of buildings and expressed a desire for the Board of Aldermen to consider revising the land use ordinance whereby the Board of Aldermen would ultimately approve the design of buildings.

The Board asked that conditions be prepared for the following items:

1. List of water conservation tools/practices that will be in place at the Hilton
2. Protections of Mr. Palau's house located near the parking deck
3. Traffic calming for the drive that crosses the pedestrian walkway
4. Items applicant verbally agreed to
5. Signage for traffic control during construction
6. Posting of a contact number for after hours
7. Connection to The Butler development

Alderman Haven-O'Donnell asked that the developer try to make the plaza greener, and that the developer be encouraged to commit to local entrepreneurs.

Mike Brough stated that a condition could be added to the permit to encourage locally owned businesses.

Alderman Lavelle asked for staff clarification of Condition #20 regarding design of buildings, and that the hotel attempt to improve the appearance of the roof from the rooms.

Alderman Gist expressed concern about the lack of parking and the valet arrangement and asked staff to address this more completely.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONTINUE THIS PUBLIC HEARING ON SEPTEMBER 30<sup>TH</sup> AND THAT COMMENT BE LIMITED TO RESPONSES TO THE CONDITIONS. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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**ADOPTION OF THE LOCAL PRIORITY LIST FOR FY 2011-2017 TRANSPORTATION IMPROVEMENT PROGRAM**

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) has initiated the preparation of the 2011-2017 Transportation Improvement Program (TIP). At the beginning of this process, local governments are requested to provide a local priority list of projects. The Board was requested to adopt a 2011-2017 local TIP priority list and refer that list to the MPO.

The following resolution was introduced by Alderman Lydia Lavelle and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION RECEIVING THE REPORT ON THE 2011-2017  
TRANSPORTATION IMPROVEMENT PROGRAM LOCAL PRIORITY LIST  
Resolution No. 12/2008-09

WHEREAS, the Town of Carrboro participates in the development of the Transportation Improvement Program (TIP) as a member of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, the Transportation Advisory Board has reviewed transportation needs in Carrboro and provided recommendations on a local priority list for adoption by the Board of Aldermen.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen have received the report on the local priority list for the 2011-2017 TIP.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen refers a local priority list to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, with the following change in the priority:

1	Old Fayetteville Road - Add bike lanes and transit accommodations on both sides of the road and sidewalk on the east side from McDougle Middle School to NC 54.
2	Homestead Rd. – Add bike lanes, sidewalks, and transit accommodations on both sides of the road from Seawell School Road to Old NC 86.
3	Transit Capital Projects – Fund transit capital projects as identified by Chapel Hill Transit and agreed to by the Transit Partner’s Committee.
4	Estes Drive – Add bike lanes, sidewalks, and transit accommodations on both sides of the road from Greensboro Street to Town limits, as well as a multi-use path from Williams Street to Estes Drive to provide an alternative bicycle-pedestrian connection.
5	South Greensboro Street – Add sidewalks on the west sides of the road from Old Pittsboro road to Merritt Mill Road.
6	Old NC 86 - Add bike lanes and transit accommodations on both sides of the road, and sidewalk on the east side from Hillsborough Road to Homestead Road.



7	Old NC 86 – Add bike lanes, sidewalks, and transit accommodations on both sides of the road from Homestead Road to Eubanks Road.
8	Eubanks Rd – Add bike lanes, sidewalks, and transit accommodations on both sides of the road from Old NC 86 to Rogers Road.
9	Franklin / Main / Merritt Mill / Brewer Intersection – Make changes to improve operation and safety for motorists, pedestrians, bicyclists, and transit.
10	N. Greensboro corridor from Weaver Street to Shelton - bicycle and pedestrian improvements
11	Seawell School Rd – Add bike lanes, sidewalks, and transit accommodations on both sides of the road from Homestead Road to Estes Drive.
12	N. Greensboro/Estes Ext. intersection roundabout
13	Fixed Guideway – Connection to Carolina North / Horace Williams property utilizing existing railroad right-of-way from University Power Plant to Carolina North
14	NC 54 from James St. to Anderson Park - side path on the northern side to accommodate two-directional bicycle transportation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16<sup>th</sup> day of September 2008:

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

Noes: None

Absent or Excused: John Herrera

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO ADJOURN THE MEETING AT 11:31 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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Mayor

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Town Clerk