

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, January 27, 2009 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Randee Haven-O'Donnell
	Jacquelyn Gist
	John Herrera
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin Mirman

CONTINUATION OF THE PUBLIC HEARING ON THE CONDITIONAL USE PERMIT APPLICATION FOR THE COLLETON CROSSING ARCHITECTURALLY INTEGRATED SUBDIVISION

The Board of Aldermen continued the public hearing opened on November 25, 2008 regarding the Colleton Crossing AIS Conditional Use Permit application. MBI Development as represented by Phil Post and Associates, has submitted an application for the construction of a 39 dwelling unit subdivision located at 8400 & 8420 Reynard Road. The Conditional Use Permit, if approved, would allow the creation of 39 single-family (6 affordable) lots with associated infrastructure, including publicly dedicated streets.

David Rooks, attorney for the developer, stated that there are a number of matters that are still unresolved, including access, and asked that the Board of Aldermen continue this public hearing to a later date.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO CONTINUE THIS PUBLIC HEARING TO FEBRUARY 24, 2009. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON AN ORDINANCE LIMITING CAMPAIGN CONTRIBUTIONS

The purpose of this item was for the Board to receive public input on and then consider the adoption of an ordinance establishing a \$250 limit on campaign contributions to candidates for town elected offices.

Mayor Chilton opened the public hearing.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO CONTINUE THIS PUBLIC HEARING TO FEBRUARY 24, 2009 DUE TO THE LENGTH OF TONIGHT'S AGENDA. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A 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 21, 2009 from 8:25 AM to 9:45 AM.

Mayor Chilton opened the public hearing.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF STREETS
TO ACCOMMODATE THE KIDNEY KARE 5K RUN/WALK
Resolution No. 63/2008-09

Section 1. The following streets shall be temporarily closed and used Saturday, March, 21 2009 from 8:25 am to 9:45 am to accommodate the Kidney Kare 5K Run/Walk:

Start and Finish on McDougale Southeast Drive
Right on *Hillsborough Rd* (Stay on Hillsborough Rd through the N Greensboro St split)
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 Southeast Drive*

Section 2. 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.

Section 3. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 4. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 3 of this resolution.

Section 5. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 6. 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 7. Applicant will be responsible for all costs incurred by the 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 8. 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 27th day of January 2009:

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

Noes: None

Absent or Excused: None

PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT RELATING TO SERVICE OF THE CHAIRS OF VARIOUS ADVISORY BOARDS AND THE BOARD OF ADJUSTMENT

A draft ordinance pertaining to the terms of service for chairs of the five advisory boards and commissions that are established by the Land Use Ordinance has been prepared. The Board of Aldermen must receive public comment before deciding on this draft ordinance.

Alderman Gist asked why all advisory boards were not included in this amendment.

Trish McGuire, the town's Planning Administrator, stated that the remaining advisory boards were included in the December Town Code amendment adopted by the Board.

Alderman Lavelle asked for a clarification on whether a person could serve as chair again after taking a one year break from chairmanship.

Bob Hornik, the Town Attorney, stated that the ordinance is written in a way whereby one could serve as chair after two consecutive terms and a one year break.

Alderman Haven-O'Donnell asked if currently serving chairs could complete their full terms.

Bob Hornik said that yes they would be able to complete their terms.

Richard Ellington, resident of 109 Bruton Drive and former chair of the Board of Adjustment, asked why the Board was considering this amendment. He stressed the importance of the town's volunteers and asked for a clarification of the proposed change.

Mayor Chilton stated the intent of the ordinance is to ensure that the town's advisory boards keep new perspectives and leadership, and is not meant to undervalue the service of our advisory board members.

Alena Callimanis, a resident of 1004 Camden Lane, spoke in favor of the amendment, but suggested that currently serving chairs be given the opportunity to serve one additional year, if they so choose.

Alderman Herrera stated that it is healthy to have new leadership so everyone can participate.

Alderman Coleman stated that this amendment is not about kicking anyone off a board. It is about giving others the opportunity to lead and give boards more diversity of perspectives.

Alderman Haven-O'Donnell stated that we all support our advisory board chairs, and that there is a need to rotate leadership and have fresh perspectives.

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY JOHN HERRERA TO ADOPT THE AMENDMENT WITH A ONE YEAR GRANDFATHER CLAUSE FOR THOSE CURRENTLY SERVING AS CHAIRS. (SECOND WITHDRAWN BY ALDERMAN HERRERA)

The following resolution was introduced by Alderman Dan Coleman 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. 65/2008-09

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 RELATING TO THE SERVICE OF CHAIRS OF VARIOUS ADVISORY BOARDS AND THE BOARD OF ADJUSTMENT.

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, Policy 1.45.

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 encourage the active participation of its citizens in community planning.

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 27th day of January 2009:

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

Noes: Joal Hall Broun

Absent or Excused: None

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO THE APPOINTMENT OF THE CHAIRS OF VARIOUS ADVISORY BOARDS AND THE BOARD OF ADJUSTMENT, AS AMENDED TO ALLOW THOSE CURRENTLY SERVING AS CHAIR TO COMPLETE THEIR TERMS." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BROUN)

PUBLIC HEARING ON A TOWN CODE AMENDMENT TO REGULATE THE APPLICATION OF FERTILIZER TO TWO ACRES OR MORE OF LAND AREA

The purpose of this agenda item was to receive public input on a draft Town Code amendment requiring that application of nutrients to turf area of 2 acres or greater within the municipal limits be completed by a State-certified person, or follow a nutrient management plan that follows State adopted guidelines.

Randy Dodd, the town's Environmental Planner, made the presentation.

Liz Rooks, a resident of 109 Winsome Lane, stated that she supports the responsible use of fertilizers. She asked that single-family residential properties be exempted from the ordinance requirements. She stated that she and her neighbor do their own fertilizing and liming and feel like they do a far better job than the professional that she had previously used. She stated that they have soil tests run and usually do not apply as much as the soil tests recommend. She urged the town to put its efforts into education rather than regulation of single-family residential properties of two acres and less. If the Board proceeds with the proposed ordinance, she suggested that more specific standards be put in the ordinance rather than referencing various documents. She stated that the ordinance needs specificity

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY LYDIA LAVELLE TO REFER THIS MATTER BACK TO THE TOWN STAFF WITH THE REQUEST THAT MORE SPECIFIC REQUIREMENTS BE ADDED TO THE DRAFT ORDINANCE. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A CONDITIONAL USE PERMIT MODIFICATION FOR CLAREMONT, PHASES IV AND V

Parker Louis, LLC, as represented by Phil Post and Associates has submitted an application for a Major Modification of the original Conditional Use Permit for Claremont Subdivision, Phase I, II, and III for the creation of 96 additional lots located at 1001 Homestead Road. The Major Modification of the Conditional Use Permit, if approved, would allow the construction of 27 townhouses in 4 buildings and 69 single-family homes.

James Thomas, one of the town's Development Review Specialists, was sworn in and made the presentation.

Omar Zinn and Phil Post were sworn in.

Phil Post gave an overview of the proposed project. He stated that they are proposing to connect streets within the project to surrounding properties in accordance with the town's ordinance. He stated that the plan calls for the removal of 19 hardwood trees and some pines, but pointed that this is very minimal for 38 acres and 96 housing units. He stated that they support the staff recommendations, and requested that the developer make a payment-in-lieu of the greenway trail extending to Carolina North since the University has no plans to extend that greenway. He stated that they are proposing to build a concrete trail that runs under the bridge to extend the greenway. They have shown the dedication of right-of-way to the University property line. He pointed out a typographical error in staff recommendation #2. There are only five bonus units in the project, not six as stated in this condition. He stated that they support EAB recommendations 1, 2, 4, TAB recommendations 8, 9, 13, and Planning Board recommendations 14, 15, 16, 17 and 18 (formerly 19), with the understanding that NCDOT will have to approve the crosswalk crossing Homestead Road. The greenway will be part of the town's greenway system and will be maintained by the Town. The playfields will be located abutting the undeveloped land which is open land. He explained where occupants will be parking - some in garages and others in the alley. He stated that NCDOT would not approve a pedestrian tunnel beneath the bridge. He stated that they are using nationwide guidelines to construct the trails. He explained their proposal for the Homestead Road pedestrian crossing including sidewalks and crosswalks. NCDOT have said that they would not allow blinking lights or refuge islands. He pointed out the location of traffic calming devices and stop signs. He stated that there will be a steel rail installed along the concrete trail that runs under the bridge. He indicated the location of the children's playground, addressed future transit stops. He stated that the amenities of these two phases will be available to the residents of the other phases of this development. The trails would be open to the public.

Mr. Zinn stated that the affordable units will be 3-bedroom units. He stated that there will be parking on the subcollector and it should act as a traffic calming device. He stated that he would be willing to construct a speed hump to discourage speeding traffic on Colfax to the Wexford development. He stated that the townhomes would have sprinklers. He said they are trying to keep the cost of the single-family homes down.

Adena Messinger, the town's Transportation Planner, was sworn in and addressed the alignment of the Bolin Creek trail, stating that it is not currently known where that trail will be located.

Alena Calamanis, a resident of 1004 Camden Lane, was sworn in and showed pictures of a September 6th rain event consisting of 4.8 inches. She stated concern about anything affecting the rocks by the bridge, showed pictures of a 2-day, 1.8-inch rain event stating that the water was significant. She stated that the pathways in Claremont IV and V will be steep. She expressed concern about children using the walkway under the bridge and expressed concern about the additional traffic at the Homestead/High School Road as a result of this development

Michael Krasnov, a resident of Wexford, was sworn in. He expressed concern about screening along their property lines. He asked that the Board allow the developer to install a Type A screen on the development's property.

Mr. Zinn stated that he would be willing to install an 8-foot high fence if he is allowed to do so.

Mr. Krasnov showed pictures of the property lines showing the northwest corner of his property. He stated that he does want the trees removed. He stated that he does not want a traffic light shining in his bedroom. He stated that he thinks the connection to Wexford will funnel traffic rather than disperse it and feels like more than 58 trips per day will be generated by this development. He feels like unity/connectivity can be achieved through walking trails and 87% of the Wexford homeowners are against the road connection. Seventy-one percent want a walking or biking connection. He referenced a letter from Bill Carpenter speaking strongly in favor of biking and pedestrian connectivity, but strongly opposing a vehicular connection. He stated that he thought speed bumps would be helpful if the connection is required, but that he is not in favor of the connection.

Ronni Gardner, a resident of 200 Colfax Drive in the Wexford Subdivision, was sworn in. She spoke against the connection of Claremont to Wexford via Colfax Drive. She stated that her neighborhood and other surrounding neighborhoods are part of the walk zone for McDougale Middle and Elementary Schools. She stated that she feels it is a bad idea to add additional traffic to streets where children walk to school. She stated that she considers connectivity to mean walking within neighborhoods visiting with neighbors. She asked that the bulk of the traffic be kept on main roads which are designed to handle large amounts of traffic. She asked the Board to review the connector road policy and talk with the residents of Wexford and surrounding neighbors before making a decision to require the Colfax connection.

Frank Strohleim was sworn in. He stated that he opposes the connection between Colfax and Claremont mainly because of child safety. He stated that there are 180 children under the age of 18 living in Wexford. He pointed out there are 356 homes whose residents could use Colfax to come into Carrboro and feels that these homes will generate more than 48 trips a day. He stated that there must be traffic calming devices and stop signs installed if the connection is required. He stated that they could still be a neighborhood and have great relations with bike and pedestrian connectivity.

Mike Fenton, a resident of 125 Colfax Drive, was sworn in. He stated that he agrees with his neighbors and asked that as the Board considers this, to try to make decision with quality of life and public safety in mind.

Russ Wiener, a resident of 127 Colfax Drive, was sworn in. He stated that he agrees with his neighbors regarding connectivity issues. He stated that there is a need for a walking/biking trail to connect neighborhoods without driving. He stated that he would like to see Carrboro put more pressure on UNC for an interconnecting trail system. He stated that he would like to see limited traffic for child safety, and feels it would be best not to have auto connectivity.

Sharon Cook, a resident of 1610 Claymore Road, affirmed. She stated that she was happy to hear that the developer was willing to work towards providing a greenway connection for school students to use. She stated that Homestead Road needs to be looked at directly—it is not a rural road any longer and the surrounding neighborhoods need to be considered. She suggested that something along the lines of Larksboro on Weaver Dairy Extension be considered.

Scott Christie, President of Williams Woods Homeowners Assoc., was sworn in. He stated his opposition to the connectivity to Colfax and stated that the developer is not passionate about providing that connection, whereas the residents are passionately against the connection. He stated that he feels the connection will not disperse traffic and people will use their neighborhood as a shortcut to get to Hillsborough Road. He expressed concern about traffic going through part of their playground and that speeding is already a problem. In addition, he stated that hundreds of kids will be affected. He stated that he had previously checked with the town about installing traffic calming in their neighborhood and if the Colfax connection is made, they will be requesting these speed bumps and this will cost the town an estimated \$200,000. He said they are open to joggers or bikers coming their neighborhood, but they do not want the stop signs and speed bumps.

Julie McIntock, Co-Chair of the Friends of Bolin Creek, was sworn in. She stated that she would like to see flexibility in the town's connector roads policy, not only for safety reasons but for stream crossings. She stated that in neighborhoods in Chapel Hill, they have a residential fire lane with bollards that works very well and provides a great connection for pedestrian and bicyclists. She asked that tree removal be limited for placement of the stormwater detention pond to prevent mud from going into the creek. She stated that it is important to have a dedicated easement for the greenway trail. She urged the town staff to look at UNC's website for its greenway trails system to find connections to existing trails and future trails. She expressed concern that the proposed stormwater detention ponds and wet detention areas are not state of the art and suggested that rain gardens be considered.

J.W. Walton, a resident of Cobblestone, was sworn in. He stated that his does not have traffic calming in his neighborhood and stated that stop signs are not very effective. He stated that walkways are a great way to meet neighbors and would not be in favor of a vehicular connection.

Alena Callimanis read the Economic Sustainability Commission recommendation which stated that they recommended postponement approval of this project until the findings of the NSAPIRC are reviewed and new zoning supporting commercial development is implemented.

Joan Newcomb was sworn in. She asked about connecting Rock Garden to the Horace Williams tract.

Mayor Chilton stated that the Board of Aldermen had previously decided not to make any connections from Rock Garden, Trip Farm. Hanford and Pathway to Carolina North.

Rebecca Baker, a resident of 308 Windham, was sworn in. She stated that she thinks the parking is the Board's decision, not the developers' decision, and questioned the need for the additional parking behind the townhouses.

Mr. Zinn stated that he has worked for over 2 years to get to this public hearing and that Carrboro's development plan is a very stringent process. He stated that they have complied with the land use ordinance and they have responded to the town's advisory boards' concerns and comments. He stated that to say the stormwater system is not cutting edge is an incorrect statement and that putting in water gardens will create problems with the town's engineer, easement issues, and other issues, and that it is better to have a centralized stormwater system with easements of access. He stated that it is inevitable that Bolin Creek will rise, but that the creek can be crossed underneath the bridge in a 2-inch rain event. No one should cross the creek in larger rain events. He also stated that the pathway will have a rail system and the pathway will provide a safe way to cross underneath the bridge. He stated that NCDOT has approved the crosswalk at Claremont Drive, but to suggest to put a median in the center lane and to suggest that it is better to not approve Claremont IV and V so that existing inventory can be sold is wrong. He stated that they have sold 10 homes in the last 3 ½ months and they have to pay \$10,000 for the loan on this land. He stated that they are providing 16 affordable homes to OCHLT and are only getting 5 bonus rate houses. He urged the Board to look at the advisory board recommendations. He stated that the townhomes will sell for mid \$300,000 and the houses will sell for high \$400,000.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO REQUEST STAFF TO SCHEDULE A BOARD WORKSESSION TO REVIEW THE TOWN'S CONNECTOR ROADS PLAN. VOTE: AFFIRMATIVE ALL

The Board requested the following information:

1. Who does estimate of payment-in-lieu/methodology for trails/greenways?
2. Obtain school assignments for the elementary, middle and high school for Colleton Crossing, Claremont, Winmore and Hogan Farms.

3. Prepare paragraph on NCDOT response to blinking light/crosswalk or pedestrian only crosswalk.
5. Elaborate on recreation points for Phases 1, 2, & 3 and how that fits into the land use ordinance.
6. Need a safe crossing on Homestead – how do we get NCDOT to do what is right – how we will address this - include TAB input.
7. Type A screening: Is that a problem in the land use ordinance to install on Claremont property?
8. Transportation issue: quantify presumed benefit of making connection.
9. Friends of Bolin Creek: Do not remove trees for runoff control. Are we getting what we need out of detention ponds vs. other options? Is there a conflict between saving trees and detention ponds?
10. EAB recommendation: should there be fewer points for recreation allowance under power lines?
11. Property of the State of NC, are there trails/connections? Look on UNC website and talk with UNC staff re. trail system.
12. Connection to east for a bridge - what about dedications to the south for future trails?
13. Want to hear more from developer re: conversations with Orange Community Housing and Land Trust re: price of units to be included in the development.
14. West side of Bolin Creek – trail plans?
15. Would developer have to place more recreation on Phases IV and V if other phases did not exist?

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO CONTINUE THIS PUBLIC HEARING TO FEBRUARY 24, 2009. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 10:38 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk