

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 17, 2009 in the Board Room of the Carrboro Town Hall.

Present and presiding:

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

ANNOUNCEMENT

Alderman Haven-O'Donnell announced that Cliff Collins, owner of Cliff's Meat Market, was the recipient of the Pauli Murray business award for humanitarian efforts.

CHARGES ISSUED

The Deputy Town Clerk issued charges to the following recent advisory board appointees:

David Shoup – Planning Board
Erin Hurst, Chris Beacham and Bob Saunders – Arts Committee
Seth LaJeunesse – Transportation Advisory Board
Sarah Andrews – Appearance Commission/NPDC
David Jessee – Economic Sustainability Commission

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO APPROVE THE FEBRUARY 24 AND MARCH 3, 2009 MINUTES. VOTE: AFFIRMATIVE ALL

A REQUEST TO ISSUE PERMITS FOR THE ANNUAL FOUR ON THE FOURTH ROAD RACE, CARRBORO 10K ROAD RACE AND GALLOP AND GORGE 8K ROAD RACE

The purpose of this item was to consider issuing street closing permits for the following three road races: Annual Four on the Fourth Road Race, Carrboro 10 K Road Race, and the Gallop and Gorge 8 K Road Race.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF STREETS
TO ACCOMMODATE THE *FOUR ON THE FOURTH ROAD RACE,*
CARRBORO 10K ROAD RACE, AND GALLOP AND GORGE 8K ROAD RACE
Resolution No. 80/2008-09

Section 1. The following streets shall be temporarily closed Saturday, July 4, 2009 from 7:45 am to 9:00 am to accommodate the *Four on the Fourth 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.

1. Old Fayetteville Road
2. Carol Street
3. Lorraine Street
4. Hillsborough Road
5. West Main Street
6. James Street

Section 2. The following streets shall be temporarily closed on Saturday, October 3, 2009 from 7:45 AM to 9:45 AM to accommodate the *Carrboro 10 K 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.

1. Old Fayetteville Road from Winsome Lane intersection to Carol Street intersection
2. Carol Street from Old Fayetteville Road intersection to James Street intersection
3. James Street from Carol Street intersection to Lorraine Street intersection
4. Lorraine Street from James Street intersection to Hillsborough Road intersection
5. Hillsborough Road from Lorraine Street intersection to Simpson Street intersection
6. Simpson Street from Hillsborough Road intersection to West Main Street intersection
7. West Main Street from Simpson Street intersection to Hillsborough Street intersection
8. Hillsborough Street from West Main Street intersection to Oak Street intersection
9. Oak Street from Hillsborough Road intersection to North Greensboro Street intersection
10. North Greensboro Street from Oak Street intersection to Morningside Drive intersection
11. Morningside Drive from North Greensboro Street intersection to Blueridge Road intersection
12. Blueridge Road from Morningside Drive intersection to Spring Valley Road intersection
13. Spring Valley Road from Blueridge Road intersection to Pathway Drive intersection
14. Pathway Drive from Spring Valley Road intersection to Parkview Drive intersection
15. Parkview Drive from Pathway Drive intersection to Hillsborough Road intersection
16. Hillsborough Road from Parkview Drive intersection to James Street intersection
17. James Street from Hillsborough Road intersection to Rainbow Drive intersection
18. Rainbow Drive from James Street intersection to Lisa Drive intersection
19. Lisa Drive from Rainbow Drive intersection to Carol Street intersection
20. Carol Street from Lisa Drive intersection to Old Fayetteville Road intersection
21. Old Fayetteville Road from Carol Street intersection to Winsome Lane intersection

Section 3. The following streets shall be temporarily closed Thursday, November 26, 2009 from 7:45 am to 9:30 am to accommodate the *Gallop and Gorge 8K 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.

1. Roberson to S. Greensboro St.
2. Greensboro St. to Hillsborough Rd.
3. Hillsborough Rd. to James St.
4. James St. to Rainbow Dr
5. Rainbow Dr. to Lisa Dr
6. Lisa Dr. to Carol St.
7. Carol St. to James St.
8. James St. to Lorraine St.
9. Lorraine St. to Phipps St.
10. Phipps St. to Simpson St.
11. Simpson St. to W. Main St.
12. W. Main St. to High St.

13. High St. to Hillsborough Rd.
14. Hillsborough Rd. back to W. Main St.
15. W. Main St. to E. Poplar
16. E. Poplar to N. Greensboro St.
17. Greensboro St. to Roberson St.

Section 4. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 5. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

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. Applicant shall post signs at roadway intersections along race course, 5-7 days before the event, to notify the public about the running race.

Section 8. 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 9. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of March 2009:

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

Noes: None

Absent or Excused: None

A REQUEST TO ADOPT A RESOLUTION SETTING A SPECIAL MEETING OF THE BOARD OF ALDERMEN FOR MARCH 31, 2009

The Board was requested to adopt a resolution setting a special meeting of the Board of Aldermen for March 31, 2009 in order to allow members of the Board of Aldermen to attend a presentation hosted by the University on the fiscal impact analysis for Carolina North.

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

**A RESOLUTION SETTING A SPECIAL MEETING
OF THE CARRBORO BOARD OF ALDERMEN
Resolution No. 83/2008-09**

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

Section 1. The Board of Aldermen hereby sets a special meeting of the Board for Tuesday, March 31, 2009 at 7:00 p.m. in order to allow members of the Board to attend a presentation hosted by the University of North Carolina at Chapel Hill.

Section 2. The purpose of this meeting will be for Tischler-Bise to present their Fiscal Impact Analysis for Carolina North.

Section 3. This meeting will be held at the UNC School of Government.

Section 4. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of March 2009:

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

Noes: None

Absent or Excused: None

A REQUEST TO ADOPT A BUDGET AMENDMENT

The Board was requested to approve a budget amendment appropriating \$5,000 in revenue for economic development projects to help build a larger retail client base in the downtown area. The Town has received contributions from Orange County Economic Development Commission (\$1,000) and Triangle Community Foundation (\$2,000); and anticipates a contribution from the Strowd Roses Foundation (\$2,000).

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2008-09 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

CONTINUATION OF THE 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 (CUP) for Claremont Subdivision, Phase I, II, and III for the construction of ninety-six (96) additional lots located at 1001 Homestead Road. The Board of Aldermen began a public hearing on January 27, 2009, continued the hearing until February 24, 2009 and then continued the hearing until March 17, 2009. Town staff requested that the Board of Aldermen deliberate the application, and consider making a decision on the CUP application.

James Thomas, one of the town's Planners, addressed the board about follow up items from the last meeting.

Adena Messinger, the town's Transportation Planner, explained the pedestrian refuge and the signage.

Phil Post stated that a double reflective strip would outline the island. He stated that it was his professional opinion that the underpass would be safe as a way to get pedestrians from one side of the road to the other. In addition, NCDOT has been very supportive of this underpass. In addition, Greenways, Inc. stated that the underpass is very common and is comfortable with the underpass for this site. He stated that the developer will

provide the refuge island and crosswalk in Homestead Road at Claremont Drive on the eastern crosswalk. In addition, he stated that the development will install a playground/tot-lot consisting of 140 recreation points appropriate for ages 2-12.

Omar Zinn stated that a basketball court is being installed in Phase 1-3 of Claremont. He stated that the affordable housing would sell for \$115,000 - \$120,000.

Marty Roupe, the town's Zoning Administrator, stated a price is not typically included in permits for affordable houses.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN 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 JACQUELYN GIST AND SECONDED BY JOHN HERRERA THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BROUN)

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. The continued affordability of the units (lots 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 86, 87, 88, 93, 94, 95) must be specified in the Homeowner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance. These documents must be approved by the Town Attorney prior to construction plan approval.
4. Certificates of Occupancy for each of the five (5) bonus 'market-rate' units may not be issued until such time as the corresponding affordable unit (lots 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 86, 87, 88, 93, 94, 95) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-82.4 of the Town of Carrboro Land Use Ordinance.
5. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.
6. That if a CLOMR for the proposed walkway beneath the Homestead Road bridge is necessary, then it must be received prior to the approval of the Construction Plans. The LOMR, if necessary must be received prior to the recording of the final plat for Phase IV of Claremont.
7. If necessary, that all state and federal 401 and 404 permits be obtained prior to construction plan approval.
8. Additional width for the easement be provided in the greenway for the area north of the bridge where steps may need to be installed due to the steep slope of the area.

9. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in Claremont meet the street tree requirements of Section 15-315 of the Land Use Ordinance and that the final arrangement is such that 1/3rd of the street trees proposed for this purpose are evergreen.
10. That the Homestead Road buffer and screening layout be incorporated into the Construction Plans.
11. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
12. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.
13. That prior to Construction Plan approval, the developer provide the necessary easements for all the bio-retention basins.
14. That prior to Construction Plan approval, a soil scientist (or other qualified engineers/personnel) provide the appropriate information that the seasonal water table is at least two (2) feet below the bottom of the basins per NCDENR "Best Management Practice" manual. Any substantial design changes will require the approval of the Board of Aldermen (with possible public hearing) per the provisions of 15-64 of the LUO.
15. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
16. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.
17. 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.
18. On the final plat, the street right-of-way for the two connections to the Carolina North Property be dedicated right-of-way, but that no improvement (ie. grading, paving, curbing etc.) within these portions of the right-of-way be completed.
19. That a voluntary payment be paid the Town of Carrboro for a portion of the greenway that connects to the Carolina North Property. This payment will be of the developer's estimate to construct the greenway.
20. On the final plat, a sixteen (16) foot public access and maintenance easement that will connect to the Carolina North Property be dedicated.

21. During construction plan review, the developer will discuss with staff and consider alternative designs for constructing the project's greenway, in conjunction with recommendations for the Bolin Creek Greenway conceptual design if they are available at the time.
21. As recommended by the Transportation Advisory Board, and to the extent approved by NCDOT, the developer shall install a pedestrian refuge island and crosswalk in Homestead Road at Claremont Drive on the eastern crosswalk.
22. In Phase 4/5, the developer shall install a playground/tot lot consisting of 140 recreation points appropriate for ages 2-12.
23. That full right-of-way dedication remain for Colfax Drive, as shown on the CUP plans, but construction of a full street is not required at this time. Instead, construction within the Colfax Drive right-of-way, from its current terminus to Subcollector Street A in Claremont, shall consist of an asphalt pedestrian and bicycle path the minimum width necessary to satisfy State standards for fire emergency access. Design and engineering details for this section must be reviewed by the Fire Department and Town Engineer, with the Town Manager granting final approval for the design prior to construction plan approval. Also, removable or collapsible bollards must be installed such that Fire and other emergency services may make use of the connection in emergency situations. Signage also shall be posted informing viewers of the possibility of a future full-street connection.
24. That there be no construction access through Colfax Drive.

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BROUN)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO GRANT THE PERMIT SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BROUN)

REQUEST TO ACCEPT OWNERSHIP OF THE CARR COURT HEAD START BUILDING FROM THE CHAPEL HILL-CARRBORO CITY SCHOOLS AND APPROVAL OF A LEASE AGREEMENT WITH THE COMMUNITY SCHOOL FOR PEOPLE UNDER SIX

The town staff presented a proposal to the Board of Aldermen to accept ownership of the Carr Court Head Start building from the Chapel Hill-Carrboro City Schools and request the Board to consider allowing the Community School for People Under Six to use this building to house approximately 57 students.

Mayor Chilton asked that this matter be deferred because of another step that needs to be taken by the school system.

REVIEW OF DRAFT SUSTAINABILITY RESOLUTION RECOMMENDED BY ADVISORY BOARDS

On May 1, 2008, NC Power Down made a presentation to the Joint Review Advisory Boards regarding Peak Oil and requested support for a resolution specifying community action. A draft resolution relating to community sustainability, inspired by the NC Power down request, was prepared by the Planning Board and reviewed by several other boards and commissions, and was forwarded for review by the Board of Aldermen.

Heidi Paulsen, a member of the Planning Board, addressed the Board and presented the draft resolution for the Board's consideration.

James Carnahan, a member of the Planning Board, addressed the board. He thanked the advisory members and folks from NC Power Down and stated that we are increasingly at risk because of the way we inhabit the planet. He spoke in favor of creating a sustainable legacy for the Town of Carrboro.

Sammy Slade addressed the Board. He stated that the town is already making efforts towards sustainability in Carrboro and stated that there is potential for collaboration by producing food locally. He spoke in support of the proposed resolution.

Abraham Palmer stated that this type of effort has been successful in other towns. He stated that the citizens need to be charged with supporting this effort.

Tim Peck addressed the board stating that there is a finite amount of oil on the planet and spoke in support of the sustainability resolution.

Daniel Morris with NC Power Down addressed the Board about the limited amount of oil available.

Ari Berenbaum with NC Power Down addressed the finances relating to Peak Oil. He stated that we have hit the peak in production and we are in the decline phase.

Sarah Weaver urged the Board to adopt the proposed resolution and adopt a sustainability committee.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO REFER THIS MATTER TO THE TOWN STAFF FOR REVIEW. VOTE: AFFIRMATIVE ALL

GRANT FOR ROGERS ROAD NEIGHBORHOOD COMPOST PROJECT

Alderman Broun stated that she would obtain a copy of the grant request from Rev. Campbell to share with the Board and staff for a neighborhood composting project.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA TO ADJOURN THE MEETING AT 10:15 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk