

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, March 24, 2009 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun (arrived at 7:35 p.m.)
	Dan Coleman
	Randee Haven-O'Donnell
	Jacquelyn Gist
	John Herrera
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

A PUBLIC HEARING ON THE FINAL DRAFT OF THE COMPREHENSIVE BICYCLE TRANSPORTATION PLAN

Greenways Incorporated has prepared the final draft of the Comprehensive Bicycle Transportation Plan. A public hearing has been set so that the Board of Aldermen may receive public comment on the final plan, and provide any additional comments to the consultants. Staff recommended adoption of the plan.

Adena Messinger, the town's Transportation Planner, introduced Matt Hayes with Greenways Incorporated and pointed out that the town had received a letter from NCDOT and thanked the Bicycle Plan Steering Committee for their hard work.

Matt Hayes with Greenways Incorporated made the presentation.

Wayne Pein spoke against the proposed plan. He suggested removing bike lanes so that bikes integrate with other vehicles. He stated that he feels bike lanes are too restrictive on bicyclists and that often times there is debris in bike lanes.

Alise Giddings, owner of Cycle 9, stated that she feels confident riding in the travel lane but other people do not have that comfort level. She stated that she appreciates that the plan encourages education.

Tom Roach asked about efforts for working with Chapel Hill on improvements to Estes Drive just east of Greensboro.

Carol Barrell expressed concern about not being able to ride her bike on Smith Level Road.

Robert McCanville stated that the road should be an inclusive place but does recognize that young children and some bikers need bike lanes delineated.

Ms. Messinger stated that there had been a representative from Chapel Hill on the Bicycle Plan Steering Committee and there is a shared goal for bikelanes. The town is working on putting a multi-use path on the north side of Estes Drive. In addition, the town is working with NCDOT to put bike lanes on Estes Drive. She stated that there was a sign-up sheet being circulated for folks interested in serving on bicycle advocacy group.

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

A RESOLUTION ADOPTING A COMPREHENSIVE BICYCLE TRANSPORTATION PLAN
Resolution No. 87/2008-09

WHEREAS the Carrboro Board of Aldermen seeks to provide safe, efficient, and convenient bicycle transportation throughout the community, and

WHEREAS the North Carolina Department of Transportation awarded the Town of Carrboro a bicycle planning grant, and

WHEREAS the Board of Aldermen appointed the Bicycle Plan Steering Committee to guide the planning process for a comprehensive bicycle transportation plan for the town of Carrboro, and

WHEREAS the Board of Aldermen have held a public hearing on the final draft of the Comprehensive Bicycle Transportation Plan,

NOW, THEREFORE BE IT RESOLVED that:

Section 1. The Bicycle Plan Steering Committee has fulfilled its charge and the Board of Aldermen hereby thanks the committee members and hereby dissolves the committee.

Section 2. The Board of Aldermen adopts the Comprehensive Bicycle Transportation Plan

Section 3. The Board of Aldermen directs staff, with input from the Transportation Advisory Board, to develop a list of the Town's "top ten" bicycle-related priorities along with recommendations for implementation, as recommended by the plan.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 24th 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

**CONTINUATION OF THE PUBLIC HEARING ON A LAND USE ORDINANCE TEXT
AMENDMENT RELATING TO WATER QUALITY BUFFERS**

Comprehensive revisions of the Town's stream buffer provisions have been prepared by staff to enhance water quality protection, establish consistency across the different areas of the Town's planning jurisdiction, clarify the purpose and requirements to all affected and interested parties, and consider new rules for Jordan Lake. The Board of Aldermen must receive public comment before taking action on changes to the Land Use Ordinance.

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

(Alderman Herrera left the meeting due to illness.)

Henry Wells, the town's engineer, stated that he feels the proposed ordinance will be simpler to enforce than the current ordinance.

Marty Roupe, the town's Zoning Administrator, stated that steep slopes are non buildable areas if it is residential property.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Joal Hall Broun.

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. 85/2008-09

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 Article XVI of the Carrboro Land Use Ordinance Dealing with Flood Damage Prevention, Storm water Management, and Watershed Protection.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro concludes that the above described amendment is necessary in order to support the policies embodied in Carrboro Vision2020, particularly:

Policy 5.22 and 5.23 and the Facilitated Small Area Plan for Carrboro's Northern Study Area (Goal 3, Objectives 3.2).

BE IT FURTHER RESOLVED that the Board concludes that its adoption of the above described amendment is reasonable and in the public interest because it makes local regulations and procedures consistent with adopted policies.

This resolution becomes effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 24th 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

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE REVISING ARTICLE XVI OF THE CARRBORO LAND USE ORDINANCE DEALING WITH FLOOD DAMAGE PREVENTION, STORMWATER MANAGEMENT, AND WATERSHED PROTECTION", WITH CORRECTIONS. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

PUBLIC HEARING ON A CONDITIONAL USE PERMIT REQUEST FOR ARBORS AT WINMORE

Crosland, LLC, as represented by The John R. McAdams Company, has submitted an application for the construction of a 22 dwelling unit project located within the Winmore Village Mixed Use project at 1400 Homestead Road. The Conditional Use Permit, if approved, would allow the creation of 22 multi-family units with associated infrastructure. Staff recommended that the Board of Aldermen hold a public hearing and consider granting the CUP.

Marty Roupe, the town's Zoning Administrator, was sworn in and made the presentation.

Dean Edwards and Brandon Finch were sworn in. They addressed the Board's questions about the sidewalk and foundation plantings. Mr. Edwards asked to be allowed to work with the town staff on low plantings and placement of bike racks. He showed a picture of the type of railing that would be used, and stated that students cannot rent tax credit units.

Alderman Broun asked that the name of the development be changed.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST 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 prior to construction plan approval, the Town Attorney must receive and approve information regarding the continued affordability of all dwelling units sufficient to ensure adherence to the provisions of LUO Section 15-182.4. Details regarding continued affordability must be specified in the Owner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance.
4. That prior to construction plan approval, the name of the project must be approved by the Town's GIS Specialist.
5. That the applicant must ensure that the written agreement regarding the proposed Stormfilter© device is honored.
6. 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.
7. 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, bio-retention 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 owners' association documentation.

8. 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 building permit approval.
9. That the applicant must obtain all necessary temporary construction easements and permanent easements related to the project before construction plan approval, and that all easements shall be labeled appropriately on the construction plans and, for permanent easements, on the final plat.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

MINOR MODIFICATION OF WINMORE VMU CONDITIONAL USE PERMIT FOR SOUTH CAMELIA MULTI-FAMILY SITE, GRIFFITH'S LANDING

Crosland, LLC, as represented The John R. McAdams Company, has submitted an application for a Minor Modification to the Winmore VMU CUP for construction of a 36 dwelling unit project located within the Winmore Village Mixed Use project at 1400 Homestead Road. The CUP Minor Modification, if approved, will allow the creation of 36 multi-family units with associated infrastructure. Staff recommends that the Board of Aldermen review and consider granting the Minor Modification application.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE WINMORE VILLAGE MIXED USE
CONDITIONAL USE PERMIT PROJECT AT 1400 HOMESTEAD ROAD FOR THE GRIFFITH'S
LANDING PROJECT ON SOUTH CAMELIA STREET
Resolution No. 90/2008-09

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Winmore Village Mixed Use Project at 1400 Homestead Road on June 10, 2003; and

WHEREAS, the Town of Carrboro desires to see developments constructed in the Town's jurisdiction with affordable housing included and Griffith's Landing will in fact provide such housing; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Winmore Village Mixed Use Conditional Use Permit is hereby approved, subject to the following stipulations:

That the following additional CUP conditions are hereby added:

- That prior to construction plan approval, the Town Attorney must receive and approve information regarding the continued affordability of all dwelling units sufficient to ensure adherence to the provisions of LUO Section 15-182.4. Details regarding continued affordability must be specified in the Owner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance.
- That prior to construction plan approval, the name of the project must be approved by the Town's GIS Specialist.
- 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.
- 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, bio-retention 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 owners' association documentation.
- 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 building permit approval.
- That the applicant must obtain all necessary temporary construction easements and permanent easements related to the project before construction plan approval, and that all easements shall be labeled appropriately on the construction plans and, for permanent easements, on the final plat.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 24th 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

COST TO PROVIDE WATER AND SEWER TO ROGERS ROAD RESIDENTS

Alderman Coleman stated that this matter is scheduled for the March 26th Assembly of Governments meeting and suggested that the cost should be divided among county residents through the county property tax. Do Carrboro citizens have a special and extra burden more so than the residents of the ETJ?

Mayor Chilton stated that the sewer line will benefit the owners of underdeveloped properties in Chapel Hill's annexation area and will lead to tax growth in Chapel Hill.

Alderman Broun stated that the residents want sewer and water extended but the problem is the cost involved in getting the lines extended from the OWASA lines to houses. She suggested that CDBG be funds be sought to assist with the costs.

Alderman Gist stated that there are also problems with the pipes inside the homes.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 10:09 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk