

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 19, 2009 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist (arrived at 7:40 p.m.)
	John Herrera (arrived at 8:00 p.m.)
	Randee Haven-O'Donnell
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO APPROVE THE MAY 5 AND 12, 2009 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (GIST, HERRERA)

\*\*\*\*\*

### **REQUEST TO ADOPT A BUDGET AMENDMENT – TOWN COMMONS SOLAR LIGHTING PROJECT**

The Board was requested to approve a budget amendment appropriating \$1,500 in donated revenue from Duke Energy for the Town Commons Solar Sign Lighting demonstration Project.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING FY’2008-09 BUDGET ORDINANCE.” VOTE: AFFIRMATIVE FIVE, ABSENT TWO (GIST, HERRERA)

\*\*\*\*\*

### **REVOLVING LOAN FUND REQUEST FOR THE KIND COFFEE**

The purpose of this item was to present to the Board of Aldermen a loan request from co-owners, Jon Jessee, David Jessee, Karen Jessee and Chyenna Jessee, of The Kind Coffee (DBA Jessee’s) located at 401 East Main Street, Carrboro, North Carolina. It was recommended that the loan request be approved by the Board of Aldermen in the amount of \$57,000.00 at an interest rate of 3% for a term of seven (7) years with loan repayments to begin six (6) months from the date of issuance of the loan proceeds.

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

A RESOLUTION APPROVING A LOAN FROM THE CARRBORO REVOLVING LOAN FUND  
FOR THE KIND COFFEE, LLC  
Resolution No. 117/2008-09

WHEREAS, The Town of Carrboro established A revolving loan fund in 1986 to provide incentives for individuals to start new businesses in the Town of Carrboro, create at least one job per \$10,000 borrowed from the fund and provide an incentive for people to do business in the Town of Carrboro ; and

WHEREAS, the fund now has \$167,112.78 available to be loaned to applicants with viable projects; and

WHEREAS, the applicant has completed the loan application and the loan application has been reviewed by the loan packager reviewer (SBTDC) and found this project to be an existing business expansion; and

WHEREAS, the Economic Sustainability Commission (ESC) and the SBTDC found the project to be eligible for the fund and will create and or retain at least nine (13) full-time and part-time jobs combined; and

WHEREAS, the applicants will provide \$57,000 in equity from their own resources for the project; and

WHEREAS, the applicant have been recommended by the ESC to receive a loan in the amount of \$57,000 and provided collateral in the form of equipment and security in a home owned by David Jessee valued at \$169,000 located at 429 Northside Drive in Chapel Hill, NC; and

WHEREAS, the unexpended reserve expenditure budget is reduced by \$57,000 to consummate the loan.

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES THAT:  
Based upon the review of the application by the SBTDC (Loan Packager) and the review and recommendation of the ESC the loan is approved in the amount of \$57,000 for seven years at an interest rate of 3%.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19<sup>th</sup> day of May 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

\*\*\*\*\*

### **REVOLVING LOAN FUND REQUEST FOR THE CARRBORO CITIZEN**

The purpose of this item was to present to the Board of Aldermen a loan request from Robert and Victoria Dickson, owner/operators, of Carrboro Citizen, LLC located at 309 Weaver Street Suite 300, Carrboro North Carolina. The town staff recommended that the Board support the recommendation from the ESC that this loan be approved in the amount of \$50,000 for a period of 7 years at an interest rate of 2%. It was further recommended that the property at 605 West Main Street be accepted as collateral.

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

#### **A RESOLUTION APPROVING A LOAN FROM THE CARRBORO REVOLVING LOAN FUND FOR THE CARRBORO CITIZEN, LLC Resolution No. 116/2008-09**

WHEREAS, The Town of Carrboro established a revolving loan fund in 1986 to provide incentives for individuals to start new businesses in the Town of Carrboro, create at least one job per \$10,000 borrowed from the fund and provide an incentive for people to do business in the Town of Carrboro ; and

WHEREAS, the fund now has \$167,112 available to be loaned to applicants with viable projects; and

WHEREAS, the applicant has completed the loan application and the loan application has been reviewed by the loan packager reviewer (SBTDC) and found this project to be an existing business expansion; and

WHEREAS, the Economic Sustainability Commission (ESC) and the SBTDC found the project to be eligible for the fund and will retain at least nine (9) jobs; and

WHEREAS, the applicants will provide \$240,000 in equity from their own resources for the project to secure this loan; and

WHEREAS, the applicant has been recommended by the ESC for approval of a loan in the amount of \$50,000 and has provided collateral in the form of real estate located at 605 West Main Street Carrboro.

WHEREAS, the unexpended reserve budget is reduced by \$50,000 to consummate the loan.

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES THAT:

Section 1. Based upon the review of the application by the SBTDC (Loan Packager) and the review and recommendation of the ESC the loan is approved in the amount of \$50,000 for seven years at an interest rate of 2%.

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 19<sup>th</sup> day of May 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

\*\*\*\*\*

**REQUEST TO ACCEPT OWNERSHIP OF THE CARR COURT HEAD START BUILDING FROM THE CHAPEL HILL-CARRBORO CITY SCHOOLS**

The town staff recommended that the Board of Aldermen accept ownership of the Carr Court Head Start building from the Chapel Hill-Carrboro City Schools. In addition, the town staff recommended that the Town began the process to enter into a lease agreement, per General Statute 160A-272, with the Community School for People Under Six to use this building.

Alderman Lavelle noted that the Community School for People Under Six had amended their discrimination clause.

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

A RESOLUTION ACCEPTING OWNERSHIP OF THE CARR COURT HEADSTART BUILDING FROM CHAPEL HILL-CARRBORO CITY SCHOOLS AND AUTHORIZING STAFF TO BEGIN THE PROCESS TO LEASE THE PROPERTY TO COMMUNITY SCHOOLS FOR PEOPLE UNDER SIX FOR NO MORE THAN 10 YEARS

Resolution No. 84/2008-09

WHEREAS, the Community School for People Under Six is being displaced by the Chapel Hill-Carrboro City Schools in order to construction Elementary School Number 11 on the Northside Multi-Purpose site; and

WHEREAS, The Community School For People Under Six has been located at the current site since the 1970's and will now be displaced; and

WHEREAS, on August 30, 1996 the Town of Carrboro entered into a mutual agreement with the Chapel Hill-Carrboro City School System to allow the school system to place a modular classroom building on a Town-owned property to provide for a Head Start program that would serve early child care needs in the community and is no longer needed for that purpose by the school system; and

WHEREAS, THE Town of Carrboro had a park area located in the Carr Court Community that was experiencing a lot of social problems related to illegal activities that required a lot of Town presence and provided a need for a community police office in the community; and

WHEREAS, it was mutually agreed that a partnership between the two parties would benefit the neighbors and the Head Start program; and

WHEREAS, because the Head Start program no longer needs the facility to house the Head Start program, the Community School for People Under Six is in need of a location, and the Town of Carrboro might want to maintain a positive presence in the community by having a place to meet when needed or provide programs for the community, it is felt that the Town would like to allow another children's program to use the Carr Court site; and

WHEREAS, the Chapel Hill-Carrboro City Schools has given ownership of the building to the Town of Carrboro and upon acceptance by the Town will provide an opportunity for the Town to assist the Community School for People Under Six to be housed in this community to continue to provide a much needed day care service to the community.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen approves the attached agreement accepting the donation of the Head Start classroom building from the Chapel Hill-Carrboro City Schools.

Section 2. The Town Manager is authorized to begin the 10-day public notification process describing the property to be leased to the Community School for People Under Six, stating the annual lease payments, and announcing the Board's intention to authorize the lease at its next regular meeting. This is in accordance with General Statute 160A-272.

Section 3. 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 19<sup>th</sup> day of May 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

\*\*\*\*\*

**REQUEST TO ADOPT A BUDGET AMENDMENT – REVOLVING LOANS**

The purpose of this item was to formally approve a budget ordinance to amend the Revolving Loan Fund to reflect the current status of loans and reserves in the fund and the two new loans presented to the Board tonight. Annually, the fund is updated to reflect estimated annual interest and principal payments on loans from the various businesses. The budget ordinance reflects estimated revenues and expenditures through June 30, 2009. In addition, the loans approved by the Board tonight are also appropriated.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING FY’2008-09 BUDGET ORDINANCE.”  
VOTE: AFFIRMATIVE FIVE, ABSENT TWO (GIST, HERRERA)

\*\*\*\*\*

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

This was a continuation of the public hearing opened on November 25<sup>th</sup>, 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.

[Alderman Gist arrived at the meeting.]

Jeff Kleaveland, one of the town’s planners, made the presentation.

[Alderman Herrera arrived at the meeting.]

Jim Melville with MBI Development, was sworn in. He stated that he had met with Kay Hengeveld and Cathy Calvert about relocating the easement with an entrance located near the Duke Energy right-of-way. This relocation would move the easement access away from Ms. Calvert’s property. He stated that following the meeting he had sent a letter offering a cash settlement to move the easement and use it as a private drive. He stated that he received no reply. He stated that he contacted Ms. Calvert and she expressed concern about the property values and the private drive. He stated that he asked Ms. Calvert about selling the house to him since it had been on the market for a long time. She stated that she would consider selling the house to him and asked that he put together a formal offer. He stated that his attorney drafted the offer and he hand-delivered it to Ms. Calvert. The offer was for the original asking price less six percent commission. The price offered was more than the appraised value. He stated that included a 72-hour expiration since they were under a tight time constraint and it was then April. He stated that he did not receive a reply from Ms. Calvert so he called her and she indicated that she was offended by the 72-hour expiration and would not sell the house to him. The house is now off the market and supposedly rented. He stated that he had contacted Ms. Hengeveld several times by phone and she indicated that she would not discuss the easement with him without Cathy Calvert present. He stated that he is still open to moving the easement and it would be beneficial to the Calvert property. There were a couple contingencies in the offer to Ms. Calvert—it was contingent on approval of the subdivision and time to discuss moving the easement with Ms. Hengeveld.

David Rooks referred to a letter from Chris Willett (attorney for the Kaplan’s property—the property Cathy Calvert represents) stating that he (Mr. Willett) did not feel the easement can be used for a private construction access easement, public emergency access easement or primary access road into the Colleton tract. Mr. Rooks stated that he and Mr. Willett agree that the easement exists, that it permits the installation of a water line, and that it permits access. He stated that he and Mr. Willett disagree about the level of access. The developer has the right to use the easement. He stated that he feels the easement also allows the developer to use the easement

for a construction access easement, and for a sidewalk. He stated that this easement crosses over a repair septic field and the developer is willing to work with the property owner to relocate the easement in a way that works better for both the developer and the property owner.

Mike Brough stated that the once considered potential use of that easement for full access for vehicles is not possible under NCDOT standards within the platted easement.

Tim Smith, with Phil Post and Associates, stated that they would like to use the easement for a temporary construction access for a five-foot wide sidewalk and temporary emergency access. He stated that the developer will install sprinklers in the homes but they would still like to leave the emergency access option open. He stated that Ms. Calvert and Ms. Hengeveld had indicated they would continue to discuss relocation of the easement to preserve the septic repair area and to preserve trees. He stated that the developer had agreed to provide a 25-foot vegetative buffer adjacent to the eastern property line behind lots 4 through 8. He stated that the developer had agreed to improve the existing 210 foot (+/-) portion of Reynard Road stub-out west of the Colleton property to town public street standards up to the intersection with Hound Court. A stop sign will be provided on the west side of the intersection of Hound Court and Reynard Road. A flood study of the creek crossing of Reynard was completed and they have met the requirement of not providing additional flooding impacts off the property after construction. He stated that the density of Colleton is less than the Highlands. He stated that they are open to the location of the tot lot. He stated that all the road construction and infrastructure would be done upfront in Phase I.

Phil Post, with Phil Post and Associates, was sworn in. He stated that the proposal meets the land use ordinance, there is no choice about where the road stub-outs are located to be in compliance with the town's connector roads policy, they have left 64% in open space, the development is not dense—it is compact. He addressed recommendations in an email from Carolyn Buckner. He stated that they comply with her recommendation that the developer use a bridge or a bottomless arch culvert. He stated that her recommendation that the developer keep all home sites and stormwater best management practices and their associated grading outside of regulated stream buffers is addressed in the proposed conditions. Her recommendation #3 regarding the stormwater detention pond is covered by Condition #12. Regarding her recommendation #4 asking that the developer remove or relocate Lot 39, the answer is no. They believe the plan and number of lots is appropriate. Regarding her recommendation #5 asking that the easement be used as the primary construction entrance, they would like use it as a temporary access. Regarding her recommendation #6, regarding bike and pedestrian access along Bolin Creek, the developer has offered to pave the greenway trail and a public sidewalk and they would like to install a sidewalk along the easement. Her recommendation #7 to require the developer to use Dark Sky lights, Condition #35 covers that. Her concern about saving the 40" hardwood tree on Lot 17 is addressed by Condition #27. Her concern about the impact of the development on existing low-lying septic fields to the north as well as well water recharge through Fox Meadow, Colleton will be extending public water and sewer to within easy reach to the Rogers Road area, Fox Meadow and up Reynard Road. He stated that there will be six affordable houses located in the project. The purpose of the phasing is to spread out the construction over two years. He stated that the shingles had been removed from the property.

Bob Melville, a resident of 1000 Dairyland Road, was sworn in. He stated that something will happen on this property and he believes Melville Builders is the right developer for this project. They have done everything in their power to meet the requests of the town and the citizens.

Brian Voyce, a resident of 8401 Sterling Bridge Road, was sworn in. He pointed out that the connector roads policy was adopted by the town 24 years ago. He expressed concern about the impact this development will have on the traffic through surrounding neighborhood. He stated that traffic should be dispersed. He stated that he does not believe unbuildable land should be considered open space. He presented information on the traffic flow today, the traffic flow after construction of Colleton Crossing, and the traffic flow using a revised project (Harmony Hollow).

Dana Xiao, a resident of 1522 Tallyho Trail, was sworn in. She presented pictures of Tallyho Trail and pointed out her driveway, the emergency access from Huntsman Court, and expressed concern about traffic on Tallyho Trail.

Rob Benjamin, a resident of Claymore Road, was sworn in. He presented information on traffic impacts of Colleton Crossing on the Highlands and Tallyho Trail. He stated that Claymore and Sterling Bridge should be classified as collector roads—34 feet wide with bike lanes and sidewalks on both sides. He recommended that the conditional use permit not be approved as proposed and that the connection of Colleton Crossing and Carolina Commons not be permitted.

Tony Volpe, a resident of Claymore Road, was sworn in. He stated that he did not feel the development is safe and asked where the facts are that establish it as safe. He stated that he does not feel the project complies with the land use ordinance because it will endanger the public safety.

Adittee Narayan, a resident of Claymore Road, was sworn in. She stated that she is a pediatrician and serves on a child fatality prevention team. She stated that extending Claymore Road through the UNC property will be very dangerous for pedestrians and bicyclists. She stated that she had reviewed literature from the UNC Highway Research Center, DOT Initiatives Pedestrian Safety, Walk to School Initiatives and Safe Kids Programs and they all say that roads with the same classification as Claymore Road and Sterling Bridge Road and likely Tallyho must be upgraded to ensure pedestrian safety with the projected increase in traffic. She stated that there is a study from the UNC Highway Research Center entitled, “Analysis of Factors Contributing to Walking Along Roadway Crashes – Research Study and Guidelines for Sidewalks and Walkways.” She stated that this study shows that pedestrian crashes do occur when there is increased traffic on roads without appropriate safety measures. She stated that Claymore Road is a designated walk zone for Chapel Hill High School so the kids have to walk to school. She recommended that dual sidewalks be installed.

Sharon Cook, a resident of Claymore Road, showed slides of the existing site and spoke in support of retaining the beauty of the land.

Katrina Ryan, a resident of Claymore Road, was sworn in. She expressed concern that all of the affordable housing is under the power lines and presented information on the health effects of EMF’s and high voltage power lines.

Alena Callimanis, a resident of Camden, stated that Bolin Creek drains into Jordan Lake and quoted articles where the Board had supported the preservation of the town’s drinking water supply. She asked that the town look at the topography lines. She stated that runoff has already affected Bolin Creek without Carolina Commons and Colleton and without buildout of Winmore and Claremont, the connector roads policy does not take into consideration environmental impacts, the density of Claremont and Colleton has to be limited, there should be no connector road in this environmentally sensitive area, and there should be only bicycle and walk connectivity.

Steve Peck, a resident of Fox Meadow, stated that their development has crooked roads with no sidewalks and the developer is not improving the road structure, and hopes for a second access to the project. He stated that Tallyho Trail is dangerous today. He stated that public safety has to trump. He stated that he hoped for continued discussion of a private access road for Colleton.

Kay Hengeveld, a resident of 1515 Tallyho Trail, asked that the town not put she and her neighbors in the position of having to seek legal action.

Cathy Calvert, a resident of 1215 Tallyho Trail, stated that her in-laws, the Kaplan’s, own a home of Huntsman Court that shares the private access easement. If the Board chooses to believe the developer’s attorney and approves the use of the easement for construction, it will put her in-laws in the position of having to initiate legal action to protect their property. She pointed out that the offer from the developer to purchase their

property could have tied up their property for a year or two or more. She expressed her concern that the developer could back out of the purchase of that property.

Charlie Buckner, a resident of 8100 N. Hound Court, was sworn in. He pointed out the Town Attorney's comments regarding the Hanna Street project that the Board has the authority to deny a CUP based on the traffic hazard it would present on the existing road network that serves the development. He asked that this project be denied.

Mari Weiss showed pictures of the Highlands neighborhood and pointed out how narrow the streets are. She also read a statement from her husband pointing out that Carrboro has been put on notice that it is creating a dangerous situation. It is not if someone will be struck by a vehicle, but when. It is unthinkable that no one is going to upgrade their streets to make them safer.

Sammy Slade, a resident of 105 Dillard Street, was sworn in. He stated that he had personal experience with the narrowness of Tallyho Trail and it would be crazy to put more cars on it.

George Daniel, a resident of 8210 Reynard Road, was sworn in. He pointed out the reasons for denying a development permit, expressed concern about construction vehicles accessing the site, stated that standing water in the ponds will be a breeding ground for mosquitoes, expressed concern about the effect of this development on surrounding wells, and stated that it has not achieved harmony with the surrounding neighborhoods.

Richard Goldberg, a resident of 1075 Brace Lane, does not see how this development could be safely built, and that Carolina Commons may not be built and all the traffic would go through Fox Meadow.

Adena Messinger, the town's Transportation Planner, stated that NCDOT has determined that 4-way stops are not warranted at this time on Tallyho Trail, but they would like to meet with Fox Meadow representatives about vegetation.

**MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL**

**MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL**

**MOTION WAS MADE BY RANDEE HAVEN O'DONNELL AND SECONDED BY DAN COLEMAN 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 JOHN HERRERA THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The continued affordability of the units (located on lots 1, 26, 32, 33, 34, & 35) must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with LUO Section 15-182.4.
2. Certificates of Occupancy for each of the six (6) bonus 'market-rate' units may not be issued until such time as a corresponding affordable unit (located on lots 1, 26, 32, 33, 34, & 35) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance. The six bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.
3. That, prior to construction plan approval, the applicant work with the Town Transportation planner to consider a traffic calming alternative to the speed table proposed for Middleton Drive, including but not limited to a mid-block curb extension (also known as a "choker).



4. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
5. That prior to Construction Plan approval, the sidewalk detail on the detail sheet is labeled and specifies that sidewalk thickness shall increase to a minimum of 6" thick where all driveways cross the sidewalk.
6. That, prior to construction plan approval, the proposed greenway alignment from the southern property line be realigned to follow the OWASA easement behind lots 36 -38 so as to tee in to Reynard Road.
7. That, in the construction plans the greenway trails be designed to meet or exceed the specifications identified in the AASHTO Guide for the Development of Bicycle Facilities, and that the proposed greenway be constructed to the Type IV AASHTO standard.
8. That the single family home lots, when developed have sufficient room to conveniently park two cars on a paved driveway, off of the street, without blocking the sidewalk. Garages may not be counted toward this requirement. This parking will be shown on individual plot plans during the building permit stage.
9. That, prior to construction plan approval the proposed street tree planting layout be revised to meet the spacing requirements of Section 15-315 of the LUO and that 1/3<sup>rd</sup> of the proposed street trees be evergreen.
10. 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 Colleton Crossing meet the street tree requirements of Section 15-315 of the Land Use Ordinance.
11. *(Condition replaced by New Condition #28, below)* ~~That a 10', undisturbed vegetative buffer of existing (or enhanced) native plantings be maintained along the eastern (rear) property line of lots 4 through 8. This buffer shall be disclosed on the final plat and referenced in the Homeowner Association documents. A landowner may remove existing vegetation in the buffer if it is: a) a noxious weed, b) sick or c) presents a significant hazard. If other vegetation is removed that does not fit these categories, replacement is required with new native plantings equivalent to a Type B screen.~~
12. *(Reworded Condition)* That, prior to Construction Plan approval, a HEC-RAS flood study shall be approved by the Town Engineer analyzing the 100 year flood and including a backwater analysis for both the existing and proposed conditions.
13. *(Reworded condition)* That, prior to Construction Plan approval, the proposed stream crossing design (i.e. bottomless arch culvert, box culvert, bridge, etc.) shall be sized to provide for a "no-rise" condition for the 100 year backwater (at the property line of the project), as compared to the preconstruction conditions shown in the results of the HEC-RAS flood study.
14. *(Reworded condition)* That, prior to Construction Plan approval, the proposed stream crossing design (i.e. bottomless arch culvert, box culvert, bridge, etc.) shall meet the requirements of the Carrboro Land Use Ordinance and the associated Storm Drainage Design Manual and be approved by the Town of Carrboro's Engineering Consultant, Sungate Design Group. 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 all state and federal 401 and 404 permits be obtained prior to construction plan approval if necessary.
16. 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.
17. 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.

18. That, prior to Construction Plan approval, the applicant provide on the plans details and notes for the Town's required casting for curb inlet hoods and manhole covers. This is the "fish" logo combined with the "Dump No Waste – Drains to Jordan Lake" slogan.
19. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
20. *(Reworded)* That fire flow calculations and sprinkler system design must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
21. *(Reworded)* That the existing driveway access easement (or some realignment of same) that ties the property to Tallyho Trail to the east, serve as a temporary emergency access route and is improved to the extent that it provides a 20' all-weather travel surface sufficient to support Town fire apparatus. Further, that a collapsible bollard (or equivalent) satisfactory to the Fire Department, be installed on the subject property at the beginning of the easement to prevent everyday use of this driveway. Use of this driveway easement for emergency access will end once the Middletown Drive subcollector is continued and subsequently interconnected to an existing street to the south (via the UNC property identified on the Town's GIS system as 1500 Claymore Road).
22. That, if the applicant chooses street lighting fixtures that deviate from the Town standard, they willingly assume all costs above and beyond those associated with this standard. Furthermore, any such deviation will not be allowed without the expressed approval from the Town's Public Works Department.
23. 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.
24. That the street names of the subdivision are revised as necessary to meet the addressing requirements of the Town GIS specialist.
25. That, in an effort to reduce environmental impact to the stream, a bottomless arch culvert, if feasible, is used to cross the creek, instead of the proposed box culvert.
26. That bioretention cell #7 (adjacent to Lot 39) is relocated entirely out of the stream buffer and onto Lot 39.
27. That, prior to construction plan approval, the grading on Lot 17 is sufficiently revised to save the existing 40" poplar tree in the immediate vicinity.
28. That a vegetative buffer of 25' is provided adjacent to the eastern property line to be located behind lots 4 through 8. The total effect of this buffer will be to provide the equivalent of a Type B, semi-opaque buffer. This requirement may be met with a combination of existing and proposed vegetation. Prior to construction drawing approval, the applicant will be required to prepare a planting guide for the buffer, to be reviewed by Town staff.
29. *(Use this condition if necessary)* That the Tot lot now shown as adjacent to the stormwater quality detention pond be relocated to its former position south of the playfield in the interest of safety.
30. *(To be appended to condition #21)* That the developer provide a paved 5 ft wide bicycle and pedestrian walkway along this easement to extend east to Tallyho Trail. The 5 ft. wide paved walkway shall be centered on the easement and installed within the 20 ft. wide gravel access route for emergency vehicles.
31. That the developer shall phase the project into two (2) phases as shown on the submitted Phasing Plan Exhibit and Building Permit schedule. Phase 1 shall include all infrastructure, and, building permits for 19 market rate lots and 3 affordable lots. Phase 2 shall include 14 market rate lots and 3 affordable lots. The construction of all of the housing units shall be phased over a 2-1/2 year time period, with the release of a limited number of building permits to be made in six (6) month increments as set forth in the Building Permit Schedule. Approval of the final plat for each of the proposed phases will require either the provision-of, or, bonding-for, LUO required recreation, open space and infrastructure components.
32. That the developer shall improve the existing  $\pm$  210 ft. Reynard Road stub-out west of the Colleton property to Town public street standards up to the intersection with Hound Court. The improvements shall consist of a 27 ft. B-B curb section with 5 ft. sidewalks on both sides of the street. A stop sign shall be provided on the west side of the intersection of Hound Court and Reynard Road. Improvements shall be made subject to Construction Plan approval.

33. *(New condition from applicant received on 5.19.09)* The applicant will build an OWASA 8 inch “dry” sanitary sewer line to the main junction manhole located about 480 feet north of centerline of proposed Reynard Road.
34. *(New condition from applicant received on 5.19.09)* Each dwelling will be equipped with a properly designed residential fire sprinkler system.
35. *(New condition from staff, 5.19.09)* That, in an effort to maintain the rural character of the Northern Transition Area by managing lighting and glare, the street lights be full cutoff —and that the HOA documents require all outdoor lighting fixtures on the new homes or associated with common facilities be International Dark Sky Association (IDA) certified.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN O’DONNELL THAT THE APPLICATION IS DENIED BECAUSE, IF COMPLETED AS PROPOSED, THE DEVELOPMENT MORE PROBABLY THAN NOT:

1. Will materially endanger the public health or safety for the following reasons:
  - a. Tallyho Trail is a long, winding, narrow road without sidewalks and is currently dangerous for pedestrians, as per testimony given at this public hearing, and it cannot withstand the additional traffic.
  - b. There is also concern about the potential connection to Claymore Road and the safety concerns that have been raised regarding that road.
  - c. The surrounding areas are not connected to public water and the increase in impervious surface creates less recharge for the ground and thus could endanger their ability to have water.

VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

**REQUEST FOR INFORMATION – PURCHASING SPECIFICATIONS CONCERNING ANTI-SWEATSHOP REQUIREMENTS IN PURCHASING OR RENTING APPAREL OR TEXTILES**

The Board of Aldermen, at its May 5, 2009 meeting, requested whether Carrboro could be added to the bill under consideration in the General Assembly for the City of Durham to restrict apparel or textile purchases or rentals to companies that can verify that manufacturing practices exclude sweatshop labor. The Board was requested to provide direction on future action regarding this request.

This item was delayed until June 16<sup>th</sup>.

\*\*\*\*\*

**MEETING WITH FARMERS**

Alderman Coleman asked that Mayor Chilton speak with the Planning Board chair relaying the Board of Aldermen’s desire to have farmers with concerns about the land use ordinance, address the Board of Aldermen with those concerns.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE THAT MAYOR CHILTON SPEAK WITH ROB HOGAN TO LET HIM KNOW THAT THE BOARD OF ALDERMEN

WOULD LIKE FOR FARMERS TO ADDRESS THE BOARD OF ALDERMEN ON JUNE 16<sup>TH</sup> ABOUT ANY CONCERNS THAT THEY MIGHT HAVE. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL ROUN TO ADJOURN THE MEETING AT 10:50 P.M. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

---

Mayor

---

Town Clerk