

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, September 22, 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
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING (ITEM A(1))

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO APPROVE THE SEPTEMBER 1, 2009 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO ADOPT A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A UTILITY AGREEMENT WITH NCDOT FOR IMPROVEMENTS ALONG OLD FAYETTEVILLE ROAD (ITEM A(2))

The Board was requested to authorize the Town Manager to execute a Utility Agreement with the North Carolina Department of Transportation (NCDOT) for the adjustment/modification of a Town-owned sanitary sewer force main as part of improvements to SR 1107 (Old Fayetteville Rd) from NC54 to the edge of the McDougle School property.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE
A UTILITY AGREEMENT WITH THE N.C. DEPARTMENT OF TRANSPORTATION
FOR THE ADJUSTMENT/MODIFICATION OF A TOWN-OWNED
SANITARY SEWER FORCE MAIN
Resolution No. 15/2009-10

Section 1. The Board of Aldermen hereby authorizes the Town Manager to execute a utility agreement for the adjustment/modification of a Town-owned sanitary sewer force main as part of North Carolina Department of Transportation project U-3100B - Improvements to SR 1107 (Old Fayetteville Rd.) from NC54 to McDougle School.

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 22nd day of September 2009:

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

Noes: None

Absent or Excused: None

PROCLAMATIONS ISSUED

Mayor Chilton read a proclamation proclaiming October 4-10 as Fire Prevention Week and presented that proclamation to the Carrboro Fire Inspector Rob Maddry.

Mayor Chilton read a proclamation proclaiming the month of September 2009 as Ovarian Cancer Awareness Month and presented that proclamation to Monica Kolzet.

A PUBLIC HEARING ON A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR THE WINMORE SUBDIVISION TO ALLOW FOR THE GODDARD SCHOOL AT 515 EAST WINMORE AVENUE (ITEM B(1))

This was a public hearing to consider a minor modification to the original Winmore Conditional Use Permit to allow a “daycare facility” called The Goddard School at 515 East Winmore Avenue.

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

Katherine McPherson with Tony Tate Architecture, Matt Collins with Development Consulting Services, and James Guy with Goddard Systems were sworn in.

Ms. McPherson presented the site plan for the project.

Mr. Guy stated that the traffic study that they presented is a national average. The majority of Goddard Schools are near other schools because they are used as feeders. He stated that tuition rates are based on what the tuition rates are at the time. It would be based on rates at comparable schools. He stated that they have agreed to install the skylights as recommended by the Planning Board.

Marty Roupe, the town’s Zoning Administrator, was sworn in and stated that the traffic study for Winmore did not differentiate between retail versus office versus daycare.

Sammy Slade was sworn in. He expressed concern about the traffic impact, and spoke in favor of affordable daycare.

Alena Callimanis was sworn in. She stated that the Morrisville Goddard School is \$1,300 per month for an infant. She presented slides of traffic on Homestead Road and flooding on Bolin Creek last year. She expressed concern about maintaining the bio-retention ponds. She stated that a no-left turn onto Homestead from Winmore would not be practical.

Monica Kolzet was sworn in. She asked whether there would be accommodations for handicapped children.

Mr. Guy stated that the school will be ADA compliant, including the playground.

Eric Chupp was sworn in. He stated that on behalf of the Winmore community, they feel very lucky to have the Goddard School proposing to locate in Winmore. It is the type of community-oriented service envisioned when Winmore was designed. He stated that Goddard has complied with the architectural guidelines of Winmore. He stated that the traffic situation on Homestead Road will take a coordinated effort to reduce the traffic. He

suggested that the School System take part in discussions to reduce that traffic. He explained that a sewer easement document has been prepared that would allow for Mr. Rabinowitz access to the sewer line.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONTINUE THIS PUBLIC HEARING TO OCTOBER 6, 2009 WITH THE REQUEST THAT THE TOWN STAFF REPORT BACK ON OPTIONS FOR DEALING WITH PEAK HOUR TRAFFIC ON HOMESTEAD ROAD. VOTE: AFFIRMATIVE ALL

A PUBLIC HEARING ON A CONDITIONAL USE PERMIT REQUEST FOR THE LLOYD SQUARE ARCHITECTURALLY INTEGRATED SUBDIVISION (ITEM B(2))

Layton Wheeler, as represented by Phil Post and Associates, has submitted an application for the construction of a 16-dwelling unit subdivision located at 100 Deer Street. If approved, this conditional use permit would allow the creation of 16 lots, two of which will be occupied by duplexes. The project will rely upon existing infrastructure and does not require the creation of new roadways.

Jeff Kleaveland, one of the town's Zoning Development Specialists, was sworn in and made the staff presentation.

Phil Post was sworn in and presented the site plan. He stated that they agree with staff recommendations, that there will only be a small portion of sewer line needed as far as infrastructure, and one tree will be need to be removed to build the infrastructure. He stated that they will pay a 55% payment in lieu of affordable housing for the third unit, and will install a 6-foot tall chain link fence along their property on the Quail Roost Drive side to separate the building lots from the Quail Roost sidewalk. In addition, the construction parking and supply storage will be on one of the lots within the development. The ditch along Lisa Drive should separate the construction from that street. He suggested the installation of a temporary rubber speed bump during construction. He stated that gravel and clay can be mixed together to reduce dust, with the addition of water. He stated that the developer will initiate a street paving petition to pave Deer Street.

Layton Wheeler was sworn in. He stated that the homes will be from 2800 to 3200 square feet. He presented drawings of the proposed homes. He stated that he does not plan to install fire sprinklers in the homes. He stated that he plans to build most the homes himself.

Ken Mills was sworn in. He asked how the developer would put speed bumps on a dirt road and expressed concern about construction traffic on Deer Street that has no sidewalks.

Bob Kirschner was sworn in and asked that the developer volunteer to add sprinkler systems to the homes, specifically to the duplex.

Mark Alexander was sworn in. He expressed concern about construction traffic tearing up the newly paved Lisa Drive and asked who would be responsible for making repairs.

Chuck James, a resident of 110 Lisa Drive, was sworn in. He expressed concern about Deer Street being used as a race track, and also expressed concern about his yard being flooded.

Mr. Post stated that they cannot have water backup even on public a right-of-way.

Marsha Mills was sworn in. She expressed concern about children in the area of construction and flooding on their property from this development.

Phil Post stated that there is a retention facility within the development

George Seiz, the town's Public Works Director, was sworn in. He stated that the town has used temporary speed bumps in the past, and expressed concern about damaging any existing pavement.

MOTION WAS MADE BY LYDIA LAVELLE AND SECONDED BY DAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY DAN COLEMAN THAT THE APPLICATION IS GRANTED, 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 developer demonstrates how the objectives of Section 15-182.4 of the LUO are to be satisfied. Section 15-182.4 requires the continued affordability of the units located on lots 5 & 6 and requires that these units are offered only to qualified buyers.
4. That, prior to construction plan approval, the developer demonstrates how the objectives of Section 15-182.4 of the LUO are to be satisfied. Section 15-182.4 requires the continued affordability of the units located on lots 5 & 6 and requires that these units are offered only to qualified buyers.
5. That, if the developer chooses Community Home Trust (CHT) to manage the affordable units per Section 15-182.4 and CHT is unable to secure subsidy money and/or unable to market the affordable units at the price authorized by the LUO, then the Town Attorney must approve an alternative arrangement for ensuring long term affordability of these units.
6. 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.
7. That prior to construction plan approval, a Type C screen be shown between the new lots and the public right of way. This requirement may be satisfied by a combination of existing and proposed trees per the guidelines as established in Appendix E and Article XIX of the Land Use Ordinance.
8. That, prior to Construction Plan approval, a HEC-RAS flood study shall be approved by the Town Engineer to study the 100 year flood (with backwater analysis) for both the existing and proposed conditions; any substantial design changes made as a result of this study (to comply with the LUO) will require the approval of either staff or the Board of Aldermen (with possible public hearing) per the provisions of 15-64 of

the LUO. Substantial design changes would be defined as those that have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

9. That flexibility is allowed in the execution of the drainage plan as outlined in the applicant's letter. These changes will be processed as insignificant deviations so long as they are found not to have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

10. 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.

11. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity, schedule and creation of reserve fund for future maintenance needs. The plan shall include scheduled maintenance activities for each unit in the development, (including, bio-retention areas, swales, and dry detention basin), 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.

12. 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.

13. That fire flow calculations (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.

14. 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.

15. That the applicant be required to submit a road dust control plan that incorporates the guidance provided by EPA in <http://www.epa.gov/owow/nps/gravelroads/sec4.pdf> as part of construction plan approval, with a schedule approved by the Town Manager. This plan would be in effect while construction traffic for this development is using Deer Street.

16. That the developer would consult with the Chapel Hill-Carrboro City Schools and town staff to prepare a construction schedule that restricts delivery and crew arrivals during school let-in/let-out times.

17. That the construction traffic management plan be submitted to the Town Manager for approval.

18. That natural mulch be used for the tot lot.

VOTE: AFFIRMATIVE ALL

Alderman Broun requested that the town staff monitor speeding on Deer Street.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ASK THE ENVIRONMENTAL ADVISORY BOARD AND ENVIRONMENTAL PLANNER TO REVIEW THE LIST OF PLANTINGS FOR RAIN GARDENS AND BIO-RETENTION AREAS TO ENSURE THAT

THE QUESTIONS ABOUT DEER RESISTANT AND NON-EVASIVE PLANTS ARE ADDRESSED.
VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY JACQUELYN GIST
TO ADJOURN THE MEETING AT 10:41 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk