

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, March 23, 2010 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Randee Haven-O'Donnell
	Lydia Lavelle
	Sammy Slade
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 JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO APPROVE THE MARCH 16, 2010 MINUTES. VOTE: AFFIRMATIVE ALL

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**REQUEST TO SET A PUBLIC HEARING ON THE REVISED DESIGN FOR THE SMITH LEVEL ROAD IMPROVEMENTS (ITEM A(2))**

The Board of Aldermen was requested to consider a resolution setting a public hearing date for a revised design for Smith Level Road improvements (TIP #U-2803).

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION SETTING A PUBLIC HEARING ON A REVISED DESIGN FOR  
SMITH LEVEL ROAD IMPROVEMENTS  
Resolution No. 124/2009-10

WHEREAS, planning activities related to improvements to Smith Level Road in Carrboro have occurred since the 1980s; and

WHEREAS, the Smith Level Road Task Force submitted a report to the Board of Aldermen in 2007 making various recommendations for road improvements; and

WHEREAS, the Town of Carrboro *Comprehensive Bicycle Transportation Plan* recommends as a top priority bicycle lanes along both sides of Smith Level Road; and

WHEREAS, under Transportation Improvement Program project #U-2803, the North Carolina Department of Transportation (NCDOT) has proposed a revised design for improvements to Smith Level Road from the Town limits south of Woodcrest Drive to the Morgan Creek bridge;

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

Section 1. The Board of Aldermen calls a public hearing for April 27, 2010, at 7:30pm, to consider the revised design for improvements to Smith Level Road.

Section 2. The public hearing shall be preceded by a one-hour public information session (6:30-7:30pm) in Carrboro Town Hall to allow for the public to review the revised design.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 23rd day of March 2010:

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

Noes: None

Absent or Excused: None

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### **LOGO FOR CARRBORO ARTS COMMISSION**

Alderman Gist presented the new logo for the Carrboro Arts Commission.

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### **A PUBLIC HEARING ON THE STREET CLOSING PERMIT APPLICATION FOR THE CARRBORO CLASSIC ENDURANCE SPORTS FESTIVAL (ITEM B(1))**

The purpose of this item was to receive public input on a Street Closing Permit Application submitted by BTR Management for the temporary closing and usage of streets to accommodate the Carrboro Classic Endurance Sports Festival on Saturday, April 3, 2010 from 8:00 am to 11:30 am.

Board members requested that town staff schedule a Board discussion of temporary street closings to include a list of the events, the dates and what group benefitted from the events, and the impact of road races on downtown businesses.

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 THE FOLLOWING STREETS TO ACCOMMODATE THE CARRBORO CLASSIC ENDURANCE SPORTS FESTIVAL**

Resolution No. 117/2009-10

Section 1. The following streets shall be temporarily used Saturday, April 3, 2010 from 8:00 am to 11:30 am to accommodate the *Carrboro Classic Endurance Sports Festival*. 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.

#### **Running Portion**

- Hillsborough Road from McDougle School rear service road to Lorraine Street
- Lorraine Street from Hillsborough Road to James Street
- James Street from Lorraine Street to Quail Roost Drive
- Quail Roost Drive from James Street to McDougle School property

#### **Biking Portion**

- Old Fayetteville Road from McDougle School entrance to Hillsborough Road
- Hillsborough Road from Old Fayetteville Road to city limits (and continuing into the county)

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. 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 5. 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 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. 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 23rd day of March 2010:

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

Noes: None

Absent or Excused: None

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**A PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE SPRINGFEST BIKE RIDE BENEFITING THE MS SOCIETY (ITEM B(2))**

The purpose of this item was to receive public input on a Street Closing Permit Application submitted by Sylvia Hiller, a community event coordinator, for the temporary closing and usage of streets from 9:00 AM to 3:00 PM on Saturday, May 29<sup>th</sup>, 2010 to accommodate the Springfest Ride benefiting the MS Society.

Ms. Hiller stated that since this is the first year for the event, the number of participants is unknown.

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

**A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF STREETS TO ACCOMMODATE THE SPRINGFEST RIDE  
Resolution No. 119/2009-10**

Section 1. The following streets shall be temporarily used Saturday, May 29, 2010 from 9:00 AM to 3:00 PM for the Springfest Ride. 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 McDougle School entrance to Hillsborough Road
2. Hillsborough Road from Old Fayetteville Road to city limits (and continuing into county)

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. 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 5. 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 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. 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 23rd day of March 2010:

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

Noes: None

Absent or Excused: None

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**CONTINUATION OF A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT  
REVISING OUTDOOR LIGHTING STANDARDS (ITEM B(3))**

A draft ordinance modifying outdoor lighting provisions was presented. The Board of Aldermen must receive public comment before taking action.

Trish McGuire, the town's Planning Administrator, made the presentation.

Jay Bryan, Chair of the Northern Transition Area Advisory Committee, discussed the NTAAC's recommendations.

Shannon Brummet, representing five apartment communities, asked for 25-foot poles. He said they simply cannot afford to provide for sufficient lighting using 15-foot poles.

Jim Edmunds, Duke Energy's light specialist, stated that Duke Energy does offer LED lighting but it is very expensive. He offered his assistance to the town in considering this text amendment.

**MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO CONTINUE THIS PUBLIC HEARING TO APRIL 20, 2010 WITH THE REQUEST FOR THE FOLLOWING INFORMATION:**

Staff comments on NTAAC recommendations;  
Information on separating multi-family and commercial or residential in land use ordinance;

Information on disposal issues of LED versus MH or HPS lights;  
Information on costs of Duke Energy lights and cost of ballfield lights;  
Information on player glare

VOTE: AFFIRMATIVE ALL

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**CONTINUATION OF A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS DEALING WITH STREAM BUFFERS IN ACCORDANCE WITH JORDAN LAKE RULE 15A NCAC 02B.0267 (ITEM B(4))**

A draft ordinance amending the Land Use Ordinance to revise stream buffer and associated provisions in relation to the Jordan Water Supply Nutrient Strategy has been prepared, consistent with the adopted rules for Jordan Lake. North Carolina Division of Water Quality review is still underway. Staff recommended continuing the public hearing to May 25th.

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

**A RESOLUTION CONTINUING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT DEALING WITH STREAM BUFFERS IN ACCORDANCE WITH JORDAN BUFFER RULE 15A NCAC 02B.0267  
Resolution No.120/2009-10**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen continues a public hearing to May 25, 2010 to allow additional time for review by North Carolina Division of Water Quality staff of “AN ORDINANCE REVISING ARTICLE XVI OF THE CARRBORO LAND USE ORDINANCE DEALING WITH FLOOD DAMAGE PREVENTION, STORM WATER MANAGEMENT, AND WATERSHED PROTECTION.”

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 23rd day of March 2010:

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

Noes: None

Absent or Excused: None

Jay Bryan stated that someone had clear cut some land on the west side of Old N.C. 86 along Bolin Creek recently. He stated that residents of the Northern Transition Area are concerned about the lack of clarification of regulations for this area.

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**PUBLIC HEARING ON LAND USE ORDINANCE TEXT PROVISIONS RELATED TO NATURAL CONSTRAINTS MAPPING FOR DETERMINING OPEN SPACE REQUIREMENTS (ITEM B(5))**

A draft ordinance relating to natural constraints mapping for determining open space requirements was presented. The Board of Aldermen must receive public comment before taking action on the amendment.

Trish McGuire, the town's Planning Administrator, made the presentation.

The following resolution was introduced by Alderman Randee Haven-O'Donnell 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. 123/2009-10**

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 REVISING ARTICLE XIII OF THE CARRBORO LAND USE ORDINANCE RELATED TO NATURAL CONSTRAINTS MAPPING FOR DETERMINING OPEN SPACE REQUIREMENTS.

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 policies specified in 1.42 related to utilizing technology.

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 maximize its use of technology so as to be a "Community on the Web."

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 23rd day of March 2010:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE REVISING ARTICLE XIII OF THE CARRBORO LAND USE ORDINANCE RELATED TO NATURAL CONSTRAINTS MAPPING FOR DETERMINING OPEN SPACE REQUIREMENTS." VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS RELATED TO MISCELLANEOUS PROCEDURAL REQUIREMENTS (ITEM B(6))**

A draft ordinance relating to clarifying procedural requirements and revising public notice provisions was presented. The Board of Aldermen must receive public comment before taking action on the amendment.

Trish McGuire, the town's Planning Administrator, made the presentation.

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

**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. 122/2009-10**

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 REVISING THE CARRBORO LAND USE ORDINANCE TO REVISE PROCEDURAL REQUIREMENTS ASSOCIATED WITH GRANTING PERMITS AND PROVIDING NOTICE OF PUBLIC HEARINGS.

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 policies specified in 1.42 related to utilizing technology.

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 provide fast, efficient, and cost-effective public service.

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 23rd day of March 2010:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY LYDIA LAVELLE AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE REVISING THE CARRBORO LAND USE ORDINANCE TO REVISE PROCEDURAL REQUIREMENTS ASSOCIATED WITH GRANTING PERMITS AND PROVIDING NOTICE OF PUBIC HEARINGS." VOTE: AFFIRMATIVE ALL

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MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY SAMMY SLADE TO ADJOURN THE MEETING AT 8:54 P.M. VOTE: AFFIRMATIVE ALL

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Town Clerk

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Mayor