

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, June 22, 2010 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor Pro Tem	Randee Haven-O'Donnell
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Robert Hornik for Michael B. Brough
Mayor	Mark Chilton
Alderman	Sammy Slade

RECOGNITION OF RETIRING TOWN CLERK

Mayor ProTem Haven-O'Donnell recognized Sarah Williamson on her retirement from the town.

PROCLAMATION ISSUED

Mayor ProTem Haven-O'Donnell read a proclamation proclaiming Sunday, June 27, 2010 as Carrboro United Methodist Church Day in honor of the church's Centennial.

INTRODUCTION OF NEW FINANCE DIRECTOR

Steve Stewart introduced Arche McAdoo, the town's new Finance Director. Mr. Stewart stated that Mr. McAdoo will begin work with the town on July 26, 2010.

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

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO APPROVE THE JUNE 8 AND 15, 2010 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

AWARD OF CONSTRUCTION CONTRACT FOR THE 2009-10 STREET RESURFACING PROJECT (ITEM A(2))

The purpose of this agenda item is to award a construction contract for the 2009-2010 Street Resurfacing Project.

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

A RESOLUTION AWARDED A CONTRACT FOR THE
2009-2010 STREET RESURFACING PROJECT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The contract for the 2009-2010 Street Resurfacing project is awarded to Barrett, Irvin and Jordan Contractors, Inc. in the amount of \$ \$534,066.45.

Section 2. The resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton and Sammy Slade

UPDATE ON ENERGY PLANNING EFFORTS (ITEM A(3))

The purpose of this agenda item was to update the BOA on recent staff activities related to an ARRA submittal to the US Department of Energy Retrofit Ramp Up Program.

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

A RESOLUTION RECEIVING AN UPDATE
ON THE TOWN'S ENERGY PLANNING ACTIVITIES
Resolution No. 186/2009-10

WHEREAS, an ARRA grant application has been submitted to and accepted by the US Department of Energy (USDOE) Retrofit Ramp Up program in collaboration with the Town of Chapel Hill and the Southeastern Energy Efficiency Alliance (SEEA) to pursue community scale energy efficiency retrofits.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept the report prepared by staff and authorize staff to: accept the grant award of \$75,000 and negotiate a contract with USDOE through the Southeast Energy Efficiency Alliance; develop a Memorandum of Understanding with Chapel Hill to share administrative and monitoring and verification costs; and make all necessary arrangements to implement a first year budget.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton and Sammy Slade

REQUEST FOR APPROVAL OF A MUNICIPAL AGREEMENT WITH NCDOT FOR DESIGN AND CONSTRUCTION OF THE MORGAN CREEK GREENWAY (ITEM A(4))

The Board of Aldermen was asked to consider approving a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) to administer federal funding to design and build early phases of the Morgan Creek Greenway.

Mr. Stewart asked that action on this item be delayed until after the Board's summer break.

RESOLUTION SUPPORTING INCLUSION OF CARRBORO IN THE TRIANGLE REGIONAL TRANSIT PROGRAM ALTERNATIVES ANALYSIS PROCESS (ITEM A(5))

The group Connect Carrboro has requested the Board's consideration of a resolution supporting inclusion of Carrboro in the Triangle Regional Transit Program Alternatives Analysis process, which is now underway.

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

A RESOLUTION RECOMMENDING THAT THE TRIANGLE REGIONAL TRANSIT PROGRAM ALTERNATIVES ANALYSIS INCLUDE A FULL AND DETAILED STUDY OF SERVICE PROVISION TO THE TOWN OF CARRBORO
Resolution No. 191/2009-10

WHEREAS, the Town of Carrboro has the highest transit ridership per capita in North Carolina according to the 2000 Census (9%); and

WHEREAS, the Town of Carrboro supports higher-density, transit-supportive-development, a critical element of a successful and efficient transit service; and

WHEREAS, the Towns of Carrboro and Chapel Hill and the University of North Carolina have worked together to provide public transit service to the local community for over thirty years; and

WHEREAS, the Town of Carrboro continues to lead in making investments in bicycling and pedestrian infrastructure, which expand the usefulness of existing and future transit in the community; and

WHEREAS, the objectives in the Carrboro Vision 2020 plan state that the Town of Carrboro should cooperate in the regional planning processes to provide regional transit service conducted by the Triangle Transit Authority and that the Town of Carrboro should support a passenger rail connection between the Horace Williams' property, through Carrboro's downtown, and the main campus of the University of North Carolina at Chapel Hill; and

WHEREAS, the extension of light rail from UNC Hospital to Carrboro would benefit stakeholders outside of Carrboro, such as businesses along West Franklin Street in Chapel Hill and the Northside neighborhood in Chapel Hill, and provide a seamless rail connection to Carrboro from Durham, Duke University, Meadowmont, the East 54/Glen Lennox area; and

WHEREAS, on January 29, 2010, the Board of Aldermen approved the recommended revisions to the Chapel Hill and Carrboro 2035 Long Range Transit Plan (resolution no. 93/2009-10) stating that the "provision of light rail or another higher-order transit service to Carrboro should continue to be analyzed in future transportation

planning processes” and that “further analysis should determine if extending regional light rail service into Carrboro is feasible and cost-effective given the potential ridership of a Carrboro station”;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board encourages the full inclusion of the Town of Carrboro in the Triangle Regional Transit Program Alternatives Analysis study to determine the feasibility of providing higher order transit service to the Town of Carrboro.

BE IT FURTHER RESOLVED that the Board encourages at least one public meeting on the Alternatives Analysis to be held in Carrboro.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton and Sammy Slade

REQUEST TO ADOPT THE 2010-11 MISCELLANEOUS FEES AND CHARGES SCHEDULE (ITEM B(1))

On June 15, 2010, the Board of Aldermen received a request from Cam Hill for information related to the building permit fees for building renovation, requested a staff report, and continued discussion of adoption of the fees and charges schedule for FY 2010-2011 to June 22nd. A report from staff was presented. Adoption of the Miscellaneous Fees and Charges Schedule was recommended.

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

**A RESOLUTION ADOPTING THE MISCELLANEOUS FEES AND CHARGES SCHEDULE
FOR FISCAL YEAR 2010-11
Resolution No.193/2009-10**

WHEREAS, the Board of Aldermen adopts a comprehensive schedule of miscellaneous fees and charges every year; and

WHEREAS, in conjunction with preparing the budget for FY 2010-2011, Town staff has prepared the schedule of miscellaneous fees and charges and included it as Attachment A to this agenda item.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Building Permit fee for commercial construction/replacement renovation not covered by minimum square footage shown on page A-10 shall be as follows:

Replacement/Renovation not covered by minimum square footage (commercial), and renovations to existing commercial building located in the University Lake watershed.	\$275.00
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Section 2. The Miscellaneous Fees and Charges Schedule, dated July 1, 2010 – June 30, 2011, is hereby adopted as the official schedule for the 2010-2011 fiscal year.

Section 3. 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 22nd day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton and Sammy Slade

CONTINUED DISCUSSION OF THE MINOR MODIFICATION OF THE BALLENTINE ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT (ITEM B(2))

M/I Homes, developer of the 96-unit dwelling unit subdivision located at 8110 Old NC 86, has submitted an application for a *Minor Modification* to the Conditional Use Permit issued for the AIS on August 28, 2007. Town staff requested that the Board review, deliberate and make a decision on the application.

Jeff Kleaveland, one of the town's Planners/Zoning Development Specialists, updated the Board on this project.

Alderman Gist asked that the town continue to push NCDOT to reduce the speed in the area of this development.

Jeremy Medlin with MI Homes, stated that the entrance is open ended

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE PHASING PLAN OF THE BALLENTINE ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT, ALLOWING FOR THE REVISION OF THE PHASING PLAN FROM TWO PHASES INTO FOUR PHASES AND MODIFYING THE CONDITIONS IN THE APPROVED CUP ACCORDINGLY
Resolution No. 169/2009-10

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Ballentine Architecturally Integrated Subdivision on August 28, 2007 and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Conditional Use Permit that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approve the minor modification to the Ballentine Architecturally Integrated Subdivision CUP allow the project to be converted from a two phase project into a four phase project according to the phasing exhibit presented at the minor modification meeting and that the existing CUP be modified by replacing conditions 5, 6, 7, 8, 11, 16, 17, 18 & 24 be replaced with the following conditions:

5. That, prior to final plat approval for Phase 3, the applicant provides to the Town, in accordance with applicable LUO provisions, a financial security sufficient to construct their portion of the remaining, uncompleted road and stream crossing, from the eastern terminus of Street A, as shown on plans, to the property line directly to the east. The value of said security shall be determined by the Consulting Engineer with approval by the Town Engineer and shall be retained until the road segment and stream crossing is constructed or until an alternate stream crossing is constructed. Furthermore, the estimate shall be renewed annually and adjusted for inflation via the Consumer Price Index. The security shall be returned to the applicant if (1), the Town determines that the road and crossing will not be constructed, or (2), a period of ten years has passed from the date of initial posting of the financial security with the Town.
6. That prior to construction plan approval for Phase 3 the applicant provide to the Town evidence of a shared-access easement (or equivalent) agreed upon by Orange County so as to allow for the construction of Street A, as shown on the approved CUP plans.
7. That prior to construction plan approval for Phase 1 the applicant provide to the Town evidence that the portion of property owned by the Lake Hogan Farms Homeowner's Association necessary to allow Street B2 to connect to the Hogan Hills Road R/W has been substantially secured.
8. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment/maintenance agreements for lighting and sidewalks.
11. That prior to final plat approval for Phase 1, an offer of dedication of the open space areas on the east side and adjacent to the Lake Hogan Farm road extension be made to the Town.
- ~~16. That an "alternate" stormwater management facility be constructed as part of Phase 1 (West Side of Buckhorn Branch) of the development if, 10 months after Phase 1 final plat approval, either a) the Buckhorn Branch CLOMR is not received or, b) an approval for a bond extension to cover the construction of the stormwater management facility to treat Street 'A', is not obtained.~~
17. That the Buckhorn Branch CLOMR be received prior to Phase 3 final plat approval.
18. That a LOMR be received prior to granting building permits for the final 50% of Phase 3 lots unless a bond is posted covering a LOMR approval and any potential infrastructure modifications deemed necessary as a result of the LOMR approval process for Buckhorn Branch.
24. That prior to construction plan approval for Phase 3, the applicant provide evidence to the Town that the project meets the recreation facility requirements in accordance with Section 15-196 of the Town of Carrboro Land Use Ordinance. Payment in lieu of recreation points for Phase 3 may require approval by the Board of Aldermen.
28. That prior to Phase 3 approval that Town staff and the Consulting Engineer meets with NCDOT District Engineer to further pursue the reduction in speed along Old NC 86 in the vicinity of the project. If NCDOT reduces the speed limit, the intersection could be moved to the original access easement

location (subject to NCDOT approval). If not, the intersection would remain as shown on the CUP plans.

Furthermore, that the additional conditions are added to the Conditional Use Permit:

- That prior to authorizing commencement of framing for buildings in Phases One or Two that the emergency access infrastructure (including secondary emergency access) is constructed for these phases in conformity with the state fire code subject to the approval by the Town Fire Department.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton and Sammy Slade

CONTINUATION OF THE PUBLIC HEARING ON THE LITCHFIELD AIS CONDITIONAL USE PERMIT (ITEM C(1))

This was a continuation of the public hearing for the Litchfield AIS CUP opened at the Board of Aldermen's May 25th, 2010 meeting. Please note that the applicant has included minor plan revisions to address comments made by Board members at this first meeting and will present these changes to the Aldermen at the meeting.

Jeff Kleaveland, one of the town's Planner/Development Specialists, updated the Board on this project.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN 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, a recombination plat is approved by the Town and recorded by Orange County Register of Deeds, showing the reconfigured lot in conformance with the approved CUP plans.
4. The continued affordability of the units (identified as 1, 2, 18, 19, 27, 28) must be ensured through working directly with Community Home Trust, in accordance with LUO Section 15-182.4.
5. Certificates of Occupancy for six (6) of the last 'market-rate' units to be constructed may not be issued until such time as a corresponding affordable unit (located on lots 1, 2, 18, 19, 27, 28) 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.
6. That, prior to construction plan approval, the applicant explores alternative traffic calming techniques for Lucas Lane, including but not limited to a mid-block curb extension (also known as a "choker).
7. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
8. 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.
9. That the single family home lots, when developed have sufficient room to conveniently park two cars, 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.
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 Litchfield meet the street tree requirements of Section 15-315 of the Land Use Ordinance.
11. That, prior to construction plan approval, the equivalent of a Type A screen be shown on the development side of the Homestead Road Buffer. Maintenance of this buffer is a continued condition of this permit.
12. That flexibility is allowed during Construction Plan approval and in the execution of the Drainage Plans. 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.
13. That, prior to Construction Plan approval, the 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.
14. That all state and federal 401 and 404 permits be obtained prior to construction plan approval if necessary.
15. 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.
16. 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.

17. 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.
18. 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.
19. That all new street lighting be provided by full cutoff fixtures.
20. That construction plans and subsequent building permits demonstrate compliance with the current lighting provisions of Article XV of the Land Use Ordinance, in place at the time of this hearing.
21. ~~(Removed because the modified plan includes a compliant playfield) That a deviation in the 20,000-sf minimum playfield size standard of 15-198(d) be granted, allowing two smaller adjacent 'natural' playfield areas to be provided (recreation areas D & E on the CUP plans). Natural playfield areas allow some trees to be included in the field perimeter so long as they are sufficiently pruned to accommodate movement beneath. The Board hereby allows this deviation based upon the applicant's written justification provided at the public hearing (Attachment I).~~
22. 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.
23. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.
24. *(New condition)* That the applicant provide, in each of the 10,000 sq ft play areas, a hedge or other border along the Lucas Lane frontage between the sidewalk and the play area and that the applicant provide shaded seating in the 10,000 sq ft play areas.
25. *(New condition)* That the HOA and design standards documents include green-building guidelines for new construction and do not prohibit clotheslines, solar panels and other renewable energy measures.

VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE THAT THE APPLICATION IS GRANTED, SUBJECT TO THE CONDITIONS AGREED TO ABOVE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

PUBLIC HEARING ON PEDESTRIAN AND BICYCLE ACCESS ALTERNATIVES IN THE ESTES DRIVE AREA (ITEM C(2))

The purpose of this public hearing was to receive comments on pedestrian and bicycle access alternatives proposed by Town staff to improve access in the Estes Drive vicinity. The town staff recommended adoption of a resolution continuing the public hearing to September 28th in order to allow a second community meeting to take place with residents in the Estes Dr. vicinity.

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

A RESOLUTION CONTINUING A PUBLIC HEARING ON PEDESTRIAN AND
BICYCLE ACCESS ALTERNATIVES IN THE ESTES DRIVE AREA
Resolution No. 190/2009-10

WHEREAS, Estes Drive has been identified as an important corridor for pedestrian and bicycle improvements in Carrboro; and

WHEREAS, the Board of Aldermen has directed staff to prepare a report and hold community meetings regarding several potential pedestrian and bicycle access improvement alternatives; and

WHEREAS, the Board received the report on January 12, 2010, and a community meeting was held on May 3, 2010; and

WHEREAS, a need has been identified to gather additional public input at a second community meeting;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen:

1. Receives public comments on pedestrian and bicycle access alternatives in the Estes Drive area;
2. Continues the public hearing to Tuesday, September 28, 2010; and
3. Directs staff to hold a second community meeting in summer 2010.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton and Sammy Slade

PUBLIC HEARING TO CONSIDER MISCELLANEOUS LAND USE ORDINANCE TEXT AMENDMENTS RELATED TO INVASIVE PLANTS, ELECTRONIC GAMING OPERATIONS, MINOR SUBDIVISIONS, PERFORMANCE GUARANTEES, STORMWATER MANAGEMENT, AND MINIMUM LOT WIDTHS (ITEM C(3))

Staff and advisory board members have identified several amendments to the Land Use Ordinance. A draft ordinance making these changes was presented, in addition to a Town Code amendment that incorporates this use for the purpose of establishing a privilege license tax for electronic gaming operations.

Trish McGuire, the town's Planning Administrator, explained the proposed amendments.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO CLOSE THE PUBLIC HEARING ON ALL BUT SECTION 9, AND CONTINUE THE PUBLIC HEARING ON THAT SECTION TO THE SEPTEMBER 28TH PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

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. 184/2009-10

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 AMENDING MISCELLANEOUS REQUIREMENTS OF THE CARRBORO LAND USE ORDINANCE BY REVISING THE LIST OF INVASIVE PLANT SPECIES, ESTABLISHING REGULATIONS FOR ELECTRONIC GAMING OPERATIONS, AND MODIFYING PROVISIONS ASSOCIATED WITH MINOR SUBDIVISIONS, PERFORMANCE GUARANTEES, AND STORM WATER MANAGEMENT.

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 5.0, 3.1, 1.44, 5.23, and 1.42.

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 serve as a leader in protecting the environment, to minimize the negative environmental impacts of development, and to maximize the efficiency of government operations.

Section 3. This resolution becomes effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton and Sammy Slade

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING MISCELLANEOUS REQUIREMENTS OF THE CARRBORO LAND USE ORDINANCE BY REVISING THE LIST OF INVASIVE PLANT SPECIES, ESTABLISHING REGULATIONS FOR ELECTRONIC GAMING OPERATIONS, AND MODIFYING PROVISIONS ASSOCIATED WITH MINOR SUBDIVISIONS, PERFORMANCE GUARANTEES, STORM WATER MANAGEMENT," AS AMENDED TO REMOVE THE LANGUAGE: "OR ANY NONPROFIT OPERATION THAT IS OTHERWISE LAWFUL UNDER STATE LAW (FOR EXAMPLE, CHURCH OR CIVIC ORGANIZATION " IN SECTION 2, AND REMOVING SECTION 9 DEALING WITH MINIMUM LOT WIDTHS. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO ESTABLISH A PRIVILEGE LICENSE TAX FOR ELECTRONIC GAMING OPERATIONS," AS AMENDED BY REMOVING THE LANGUAGE: "OR ANY OPERATIONS CONDUCTED BY NONPROFIT ORGANIZATIONS OR ENTITIES" IN SECTION 1. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

Alderman Gist asked that the town staff advertise the draft ordinance dealing with minimum lot widths before it comes back to the Board on September 28th.

Alderman Broun asked for information on the number of lots that might be affected by the draft ordinance dealing with lot minimum lot widths, and safeguards for people who live around those lots. In addition, she asked for information on minor subdivisions and visuals on the development on Hillsborough Road (small rental houses next to the apartment building) and the development on West Main Street, informing the Board how this ordinance would be applied.

CONTINUATION OF A PUBLIC HEARING ON AN ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS DEALING WITH STREAM BUFFERS IN ACCORDANCE WITH JORDAN LAKE RULE 15A NCAC 02B.0267 (ITEM C(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 to comply with the adopted rules for Jordan Lake. Staff recommended adoption of a resolution continuing the public hearing to November 23, 2010.

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

**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. 192/2009-10**

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 November 23, 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 following resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of June 2010:

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

Noes: None

Absent or Excused: Mark Chilton and Sammy Slade

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL BROUN TO ADJOURN TO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER AT 8:43 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

MOTION WAS MADE BY JOAL BROUN AND SECONDED BY DAN COLEMAN TO ADJOURN THE MEETING AT 8:52 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, SLADE)

Mayor Pro Tem

Town Clerk