

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, April 26, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton [<i>arrived at 10:00 p.m.</i>]
Aldermen	Randee Haven-O'Donnell
	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Catherine Wilson
Town Attorney	Michael B. Brough

Absent or Excused: None

HOLOCAUST REMEMBRANCE WEEK PROCLAMATION

Mayor Pro Tem Haven-O'Donnell proclaimed the week of April 24-May 1, 2011 as "Holocaust Remembrance Week."

PUBLIC HEARING ON A R-3 CONDITIONAL USE REZONING AND A CONDITIONAL USE PERMIT FOR VERIDIA ARCHITECTURALLY INTEGRATED SUBDIVISION

Sustainable Properties, LLC submitted a petition requesting that the zoning classification for 4.66 acres of land be changed from R-20 to R-2 Conditional Use District and is also seeking approval of a conditional use permit to allow a 39-lot Architecturally Integrated Subdivision. The Board of Aldermen must hold a public hearing before taking action on these requested actions.

Trish McGuire, the Town's Planning Administrator, was sworn in and made the presentation to the Board.

Martin Roupe, the Town's Zoning Administrator, was sworn in before giving a presentation and answering questions from the Board. He noted that carports will be located on common property and not attached to the individual units. The number of parking spaces will not equal two spaces per unit. The four, non-size limited units have not been identified at this point but will be prior to final plat approval. Staff will work with the applicant on the appropriate placement and removal of trees in the playfield.

Tripp Overholt, a developer with Sustainable Properties, LLC, thanked the Mayor and Board, staff members, and various community members for their contributions toward the development.

David Bell, a developer with Sustainable Properties, LLC, stated that energy efficiencies throughout the property will allow each homeowner to save money on home ownership. The solar equipment is projected to produce income that will be used to offset homeowner association dues. Each unit will have a patio and the 1,100 square foot units will be placed throughout the development and not grouped together. Current residents of the mobile home park will receive notice of relocation and receive relocation assistance that offers residents the option of keeping their trailer or receiving a first month's rent. The underground cistern was removed due to space constraints but they plan on installing above-ground cisterns to catch rainwater. Each owner will have the right to one parking space.

Alderman Gist expressed concern with the limited parking and stated that the bus service is not operational all seven days of the week.

Chuck James, 110 Lisa Drive, stated that he would allow the homeowner association to maintain a path that connects to Lisa Drive along the edge of his property as long as they would have liability insurance on the path.

Robert Kirschner, spoke in favor of the project and made suggestions regarding parking, the use of collected rainwater, and the sharing of solar energy information.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S
REASONS FOR ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CARRBORO LAND
USE ORDINANCE
Resolution No. 110/2010-11

WHEREAS, an amendment to the map of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: An ordinance amending the zoning classification for the property known as 810 Old Fayetteville Road (Orange County PIN 9779017345 and 9779017407) from R-20 to R-2-CU

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 the noted sections of Carrboro Vision2020: 2.22 related to the preservation of the natural environment, 2.52 related to diversity of housing.

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 support development carried out in a manner that is related to preservation of the natural environment and contributes to the diversity of housing.

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 26th day of April 2011;

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Mark Chilton

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST TO ADOPT AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 4.66 ACRES OF LAND KNOWN AS THE SUSTAINABLE PROPERTIES LLC PROPERTY FROM R-20 TO R-2-CU." VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN 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 35 of the 39 homes shall be offered for a pre-construction base price of less than \$300,000. To secure a home at this rate, interested buyers must pay a deposit and meet the "qualified buyer" lending requirements of the financial institution funding the project's development. Upon being offered a home at this price, a potential buyer may choose to negotiate with the seller the purchase of a home at a higher price established relative to the market value of desired modifications and additions to the base price home's offerings. This restriction shall remain for any sales realized prior to construction beginning or within a one-year period following construction plan approval, whichever comes first. After the restriction expires, the maximum base price may increase three-percent (3%) annually to allow for inflation and building cost increases.
4. That the construction plans and final plat for the project must exhibit compliance with LUO Section 15-188, as written at the time of each respective approval.
5. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
6. That the Board of Aldermen finds the provision of 68 parking spaces, within carport bays and parallel and perpendicular to the driveway, sufficient to serve Veridia development's 39 single-family homes. The Board makes this finding based on information provided by the applicant noting proximity to schools, shopping, parks, and a bus stop.
7. That the HOA documents for the development must include provisions requiring that the carport bay areas must remain available for parking of a vehicle.
8. 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 feature 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.
9. That prior to construction plan and final plat approvals, the developer shall submit detailed stormwater system maintenance information: maintenance and operations plan and manual, maintenance agreement,

etc, in accordance with the requirements of LUO Section 15-263.1. The information must be reviewed and approved by the Town Engineer, Town Attorney, and Environmental Planner. Upon approval, the plans shall be included in the homeowners' association documentation.

10. That the construction entrance for the project must be clearly identified on the construction plans.
11. That the construction plans must call for a specific and acceptable type of inlet protection along Old Fayetteville Road.
12. That the developer provide a final, 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 and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
14. That the applicant work with staff during construction to establish a 'natural' playfield. The field may contain a small number of trees but must remain clear enough to reasonably allow for play and sports activities.
15. That all proposed recreation facilities and areas shall be marked 'private' on the construction plans and final plat.
16. That the subdivision must comply with the requirements of LUO Section 15-177(d)(3)(a), which specifies a minimum number of nine (9) different significantly different house plans, i.e. elevation sets. The elevations must be incorporated into the plans before the construction plans may be approved.
17. That the applicant must obtain a CAPS certificate for the project from the Chapel Hill – Carrboro City Schools System prior to construction plan approval.
18. That the final version of the homeowner's association documents must be reviewed and approved by the Town Attorney. The documents shall not preclude the use of clotheslines on private lots within the subdivision.
19. That the applicant must obtain all necessary temporary and permanent easements prior to construction plans approval.
20. For non-LUO required infrastructure, including but not limited to the project's solar array, the applicant must either install the features or submit a performance security in accordance with the town's process for bonding, prior to the issuance of the project's 26th building permit.
21. That prior to the final plat approval, the applicant must display a site plan and erect disclosure signs on-site, adhering to the requirements of LUO Sections 15-83.1 and -83.2.
22. The playground equipment should be CPSC compliant with an ADA component.
23. The 25 remaining units will be size limited to 1,350 square feet.
24. Construct 1,100 square feet units so that no more than two units are located adjacent to each other.
25. Buyers should be free to select the financial institution of their choice.

26. Storage sheds should have room for at least two bicycles.
27. The central walking path should be six feet in width.
28. The developer will provide a stub-out or path to connect through the James' property.
29. The developer will disclose parking limitations to buyers.
30. The developer will provide a minimum of three-months notice to existing residents before they must vacate.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN GIST THAT THE BOARD SHOULD RECEIVE A REPORT FROM STAFF AND DISCUSS NATURAL VERSUS GRASSED PLAYFIELDS IN THE TOWN'S DEVELOPMENT REQUIREMENTS. AFFIRMATIVE FIVE, NEGATIVE ONE (BROUN), ABSENT ONE (CHILTON)

**PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT REGARDING
SUBDIVISION COVENANTS AND ENERGY AND WATER CONSERVATION**

[Mayor Chilton joined the meeting.]

The Town has been granted authority to prevent subdivision restrictive covenants from prohibiting the installation of devices related to energy generation and conservation or water conservation. A draft ordinance making these changes was prepared. The Board of Aldermen has set a public hearing for April 26, 2011 and referred the draft ordinance to advisory boards and Orange County for review and recommendations. The Board must receive public comments before taking action on the draft ordinance.

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

Robert Kirschner suggested several changes to the proposed ordinance regarding definitions and language.

The following resolution was introduced by Alderman Coleman and duly seconded by Alderman 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. 107/2010-11**

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 THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT
SUBDIVISION RESTRICTIVE COVENANTS MAY NOT PROHIBIT THE ORDERLY
INSTALLATION OF DEVICES THAT GENERATE OR CONSERVE ENERGY THROUGH THE
USE OF RENEWABLE RESOURCES OR THAT CAPTURE, STORE, OR REUSE WATER.**

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 authority granted by the charter amendment ratified in North Carolina Session Law 2009-427 and adopted Carrboro Vision2020 policy 5.51.

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 promote every available means of energy conservation.

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 26th day of April 2011;

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 ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADOPT AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT SUBDIVISION RESTRICTIVE COVENANTS MAY NOT PROHIBIT THE ORDERLY INSTALLATION OF DEVICES THAT GENERATE OR CONSERVE ENERGY THROUGH THE USE OF RENEWABLE RESOURCES OR THAT CAPTURE, STORE, OR REUSE WATER" WITH SECTION (C) (2) TO READ: "IS DESIGNED TO ENSURE THAT ANY DEVICE DESCRIBED IN SUBSECTION (B) IS INSTALLED AND MAINTAINED IN SUCH A MANNER THAT IT DOES NOT POSE A RISK TO THE SAFETY OF ANY PERSON OR DOMESTICATED ANIMAL." VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL.

TOWN MANAGER SEARCH

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN TO BEGIN DISCUSSING THE TOWN MANAGER RECRUITMENT PROCESS DURING THE MAY 3, 2011 MEETING. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-
O'DONNELL TO ADJOURN THE MEETING AT 10:50 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk