

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, September 27, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Sammy Slade
Interim Town Manager	C. Matthew Efird
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

EMERGENCY REVOLVING LOAN FUND RECOMMENDATION FOR EAST MAIN STREET PROPERTY OWNERS

The purpose of this agenda item was for the Board to consider a request for emergency funds to repair the private sewer lateral serving the properties on the south side of East Main Street from Armadillo Grill to Friendly Barber Shop.

The following resolution was introduced by Alderman Coleman and duly seconded by Alderman Haven-O'Donnell:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ISSUE EMERGENCY LOANS
FROM THE CARRBORO REVOLVING LOAN FUND FOR CERTAIN BUSINESSES ON EAST MAIN
STREET
Resolution No. 25/2011-12

WHEREAS, The Town of Carrboro established a Revolving Loan Fund in 1986 to provide incentives for individuals to start new businesses, expand existing businesses, or retain jobs and provide an incentive for people to do business in the Town of Carrboro; and

WHEREAS, the fund now has \$204,478 available to be loaned to applicants with viable projects; and

WHEREAS, the property owners between 108 East Main Street through 120 East Main Street share a joint sewer line and have identified an emergency public health issue related to the sewer connections for these buildings; and

WHEREAS, the sewer line has suffered a major failure and is causing a public health risk which could result in businesses being closed and having severe negative economic impacts on the Town;

WHEREAS, the applicants have requested assistance from the Town with a maximum total amount of \$60,000 based on preliminary cost estimates for the needed repairs;

WHEREAS, the Board of Alderman have heard the request and considered the recommendation of the staff to utilize Revolving Loan Funds;

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES THAT:
Based upon the emergency nature and public health risk and the potential negative economic impact to the

Town the Board will make available to the property owners of the 108 – 120 East Main Street funds from the Revolving Loan Fund on the following conditions;

- a. Loan funds should only be made available to property owners who are a party to a contract for repairing or replacing the blocked/failed sewer line.
- b. Loan proceeds should only be released once a signed contract is submitted to the Town.
- c. Loans should be secured by deed-of-trust in the affected properties.
- d. Loans should be made available to property owners in the same proportion property owners agree to assign costs. For example, if the owners agree that Owner A is assigned 10% of the cost of the project, the available loan would equal 10% of the cost of the project.
- e. Loans should be offered at terms of 2% interest for 5 years. For reference, the monthly loan payment at those terms would be \$17.53 per \$1,000 financed.
- f. All affected property owners must enter into a maintenance agreement contract that establishes a funding mechanism for on-going maintenance and repairs to the shared sewer lines.
- g. Affected property owners should work with Town staff to access funds available from Orange County.
- h. The Board directs staff to use discretion in determining loan amounts, considering, among other factors, availability of other loan funds from the County.

NOW BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Manager to execute the necessary documents to make loans available under the conditions outlined in this resolution.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 27th day of September 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

CONTINUED PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATED TO A REQUEST FOR CZ ZONING DESIGNATION AT 500 N. GREENSBORO STREET

The Board of Aldermen held a public hearing on Tuesday, June 14, 2011 to consider a draft ordinance prepared in response to a request to amend the Land Use Ordinance in relation to the B-1(g)-CZ zoning district. The public hearing was continued to allow for consideration of additional information requested by the Board of Aldermen.

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

Alderman Gist asked if the approval of the ordinance would provide an opportunity for developments to decrease commercial density and increase the residential density. Trish McGuire explained that the approval would have that effect and allow the Board of Aldermen to have future conversations related to both commercial development and increased residential density in the B-1(g)-CZ district.

Dave Clinton, a Planning Board member and an institutional architect, spoke about the Planning Board's review of the project and explained that he did not feel that there was adequate time allowed for the review of the project. He also explained that the Planning Board recommended the deletion of the 40% ASHRAE requirement because the ASHRAE regulations are continuously changing and the 20% requirement was seen as a means to simplify the Town's regulation.

Ken Reiter, the applicant's representative, addressed the Board and suggested the use of his version of the ordinance. He explained that the version was more specific towards affordable housing requirements and took a broader approach toward energy efficiency standards and requirements. He stated that the ordinance meets the spirit of the projects that would merit additional residential density in the downtown area. He stated that since the first public hearing, the developer has increased the commercial portion of the project and decreased the residential. The project will have limitations related to student housing based upon the financing that the developer is seeking, bedroom to bathroom ratios, and income verification requirements. He explained that the income verification requirement is a condition that they would agree upon.

Alderman Gist expressed concern with the ordinance's ability to decrease commercial density downtown.

Alderman Broun asked which properties would be eligible for the rezoning if the ordinance passes. Trish McGuire explained that the minimum lot size requirement for the B-1(g) zoning district is 3,000 square feet and most all properties would be eligible.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO REFER THE ORDINANCE TO STAFF FOR THE DELETION OF ITEM (F) (3) AND FOR ITEM (F)(11) TO BECOME A NEW SECTION 15-141.4 (g) AND AMENDED TO READ "MIX OF RESIDENTIAL AND NON-RESIDENTIAL USES SUCH THAT GROSS FLOOR AREA OF BUILDING SPACE USED FOR NON-RESIDENTIAL PURPOSES MAKES UP AT LEAST 25 PERCENT OF THE GROSS FLOOR AREA USED FOR ALL PURPOSES." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

**CONTINUATION OF A PUBLIC HEARING ON A LAND USE ORDINANCE MAP AMENDMENT
RELATED TO FOUR PROPERTIES AT AND NEAR 500 N. GREENSBORO STREET**

The Board of Aldermen considered a petition to change the zoning classification for four properties located at and near 500 N. Greensboro Street from CT and B-1(g)-CZ to B-1 (g)-CZ on June 14, 2011. The Board continued the public hearing and requested additional information related to this request.

Trish McGuire, the Town's Planning Director, made the presentation. She explained that staff has identified limitations to the project and that the staff recommendation is not in support of the requested change.

Nathan Milian, representing Carr Mill Mall, stated that he does not have an objection to the project as a whole but is concerned that there will not be sufficient parking. He explained that parking is an issue that Carr Mill Mall is struggling with and that the rezoning will create another burden for the neighbors of the project. He requested that the Board review methods to create additional parking. Alderman Gist asked if the text amendment was approved, if he would want to amend any of the current projects that he has been involved with. He explained that he would possibly consider a rezoning request for the Alberta development because currently, residential space is more financially promising than commercial space.

Damon Seils is the current Chair of the Planning Board but spoke as a citizen. He explained that he is concerned with the rushed method in which the Planning Board reviewed both the text and map amendment requests. He explained that the process differed from the conditional use permitting process because the applicant is not required to present a completed concept plan to the Planning Board for comment. He asked the Board to be cognizant of the fact that they are putting conditions on the zoning that will not be able to be revisited by the Planning Board during their conditional use permit review process.

David Clinton, Planning Board member, stated that the scale of the design is fitting for downtown and would add more customers to the area. He encouraged the Board to approve the map amendment with conditions that improve the environmental sustainability.

Ken Reiter, the applicant and representative of the developer, made a presentation to the Board. He presented figures that showed a decrease in residential units and an increase in parking and commercial space. He stated that the project will follow the LEED equivalency process similar to when the Town built fire station #2. He explained that thru lanes, turn lanes, bike lanes, grass strips and sidewalks may be made in the public right-of-way and that neighboring properties may be affected by grading work related to traffic and transportation easements. He explained that they will offer 10% of units to households that earn 60% or less of the median family income. He stated that he had received several letters of support from citizens.

It was the consensus of the Board to return the ordinance to staff for the deletion of the following conditions: #12 – “The minimum required parking shall be 10 percent less than the minimum number of parking spaces required by the Ordinance for the proposed uses,” #35 – “The parking lot shall meet the standard for a “green” parking lot, per the “EPA Green Parking Lot Resource Guide,” and #37 – “In the event that by January 1, 2012, the non-residential space on the 2nd floor of Building A has not been leased (as evidenced by a signed letter of intent or lease agreement) at the terms that are acceptable to secure construction and/or permanent financing, the non-residential space on the 2nd floor of Building A can be developed as additional residential space.”

The Board noted that the developer stated that he did not agree with condition # 8 – “Solar shading impacts along the northern property line shall be mitigated as if it were a street right-of-way, per Section 15-178(a)(3)” and condition #33 – “Provision of on-site renewable energy generation.”

It was also the consensus of the Board that staff should amend the ordinance to rework the conditions that incorporate the “site and/or concept plan” into one condition that also recognizes the transportation issues.

Alderman Broun requested that staff provide a list of the three conditional zoning requests that have occurred since 2008. She also requested that staff provide detailed information from the American Community Survey on the current cost range for rental housing and what is currently available. She also requested that LEED certification requirements be provided and that those utilized during the construction of fire station #2 be denoted.

Alderman Slade requested that staff compare the LEED standards with the Town’s Green House Gas resolution and provide the information to the Board.

Alderman Gist requested that the developer reconsider the use of solar hot water and photovoltaic measures and respond when the item is returned.

Alderman Coleman requested that a condition of income verification be added to the ordinance. He also requested that a ratio of 1:3/4 (rounded to the nearest 1/2) of bedrooms to bathrooms be incorporated as a condition.

Alderman Haven-O’Donnell requested a copy of the condition matrix that Ken Reiter referenced.

The Board requested that this item be returned to the Board on November 15, 2011.

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN BROUN AND SECONDED BY ALDERMAN COLEMAN TO ADJOURN THE MEETING AT 10:30 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk