A public hearing of the Carrboro Board of Aldermen was held on Tuesday, May 22, 2012 in the Town Hall Board Room.

Present and presiding:

Mayor Mark Chilton
Aldermen Dan Coleman
Jacquelyn Gist
Lydia Lavelle
Sammy Slade
Town Manager David Andrews

Town Clerk Catherine C. Wilson Town Attorney Michael B. Brough

Absent:

Aldermen Randee Haven-O'Donnell

Michelle Johnson

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### PUBLIC HEARING ON THE SAFE ROUTES TO SCHOOL ACTION PLAN

The purpose of this agenda item was to hold a public hearing on the draft Safe Routes to School Action Plan, which offers recommendations on improving the safety and convenience of walking and cycling to school in Carrboro.

Jeff Brubaker, the Town's Transportation Planner, made the staff report to the Board.

Jamezette Bedford, a member of the school board, stated that she appreciates the Town's work on the plan.

Alderman Coleman suggested that staff prepare a resolution establishing the Safe Routes to School Implementation Committee in the future.

Alderman Gist stated that it is important to consider the whole family in future discussions. Specifically, she asked if public bus schedules are in sync with the school schedule in a way that will allow parents to take the bus after they have walked their children to school.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Gist:

### A RESOLUTION ADOPTING THE SAFE ROUTES TO SCHOOL ACTION PLAN Resolution No. 161/2011-12

WHEREAS, *Carrboro Vision 2020* states that the "safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential", and *Vision 2020* Policy 3.25 encourages pedestrian safety; and

WHEREAS, the Carrboro Comprehensive Bicycle Transportation Plan of 2009 recommends implementing Safe Routes to School planning activities and events; and

WHEREAS, the federal Safe Routes to School program was created in 2005 in the Federal Highway Administration to provide support for Safe Routes to School planning, projects, and promotions nationwide; and

WHEREAS, the Town of Carrboro, Carrboro and McDougle Elementary Schools, stakeholders, and consultants have developed a Safe Routes to School Action Plan to guide future decisions on increasing the viability and safety of walking and bicycling to school; and

WHEREAS, public and stakeholder input on the Action Plan was sought and received through a variety of means, including a public open house, newsletter, presentations at school events, through phone and email, and via communications with PTAs; and

WHEREAS, goals and objectives for the Action Plan were articulated by an Action Plan Team – a steering committee made up of school administration, faculty, and staff; advisory board members, Chapel Hill-Carrboro City Schools (CHCCS) staff, and Town staff; and

WHEREAS, the Board of Aldermen received a presentation on the Action Plan on February 15, 2011; the CHCCS Board of Education received a presentation on the Action Plan on April 19, 2012; and the Action Plan was presented at the May 3, 2012, joint advisory board review meeting; and

WHEREAS, walking and bicycling to school helps kids be physically active, live healthy lifestyles, and spend time outdoors; and

WHEREAS, walking and bicycling to school has the potential to reduce congestion and improve air quality at school drop-off areas, and reduce greenhouse gas emissions, by decreasing dependence on automobile travel;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen adopts the Safe Routes to School Action Plan.

#### BE IT FURTHER RESOLVED that:

1. Staff shall bring back a resolution appointing the current steering committee as the Safe Routes to School Implementation Committee, at some time in the future.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this  $22^{nd}$  day of May 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist,

Noes: None

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### PUBLIC HEARING ON THE PTA THRIFT SHOP CUP

Coulter, Jewell and Thames, P.A, consultant for PTA Thrift, Inc. requested a Conditional Use Permit for the property located at 101 & 103 Jones Ferry Rd. and 113 & 115 West Main St. (further identified by Orange County PINs 9778-75-7818, 9778-75-6819, 9778-75-8933 & 9778-75-7982). The existing building has a floor area of 8,877 sf and the Conditional Use Permit, if granted, will authorize replacement of the existing structure with two new buildings (with additional permissible uses) for a new total building square footage of 26,611 sf.

Jeff Kleaveland, the Town's Planner and Zoning Development Specialist, made the staff report to the Board.

Barbara Jessee-Black, the Executive Director of the PTA Thrift Store, spoke to the Board about the proposed project.

Dan Jewell, with Coulter, Jewell, and Thames, P.A., spoke to the Board about the proposed project.

Ken Friedlein, with Wienstein Friedlein Architects, spoke to the Board about the proposed project.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HAVEN-O'DONNELL, JOHNSON)

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HAVEN-O'DONNELL, JOHNSON)

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDNANCE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HAVEN-O'DONNELL, JOHNSON)

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST 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 the southern property line setbacks adjacent to the R-7.5 zoning districts are shown as 10 feet instead of 20 feet.
- 4. That the Board of Aldermen hereby finds that 71 parking spaces are sufficient to serve the proposed development based on the applicant's justification statement regarding joint use of the proposed parking spaces and, the site's proximity to public parking, residential and commercial areas, bus lines, bicycle lanes and existing sidewalks.
- 5. That, for the street right-of-way frontage, the 10 foot sidewalk width requirement of section 15-221(f) be waived based on the reasons stated in the applicant's sidewalk justification letter provided at the public hearing.
- 6. That the Board of Aldermen hereby finds acceptable the deviation from the glazing requirement of Section 15-178 (a-2) of the LUO by providing 52% glazing of the ground floor building elevation along the street frontage instead of the specified, 60%.
- 7. 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.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HAVEN-O'DONNELL, JOHNSON)

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# PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY THE MITIGATION OPTIONS FOR IMPACTS TO STREAM BUFFERS ON EPHEMERAL STREAMS AND CONSIDERATION OF A RESOLUTION ESTABLISHING A WATER QUALITY BUFFER MITIGATION FEE

The purpose of this item was for the Board of Aldermen to receive public comments before taking action on a draft ordinance relating to the payment of mitigation fees for impacts to Water Quality Buffers, as provided for within the Land Use Ordinance.

Trish McGuire, the Town's Planning Director, made the staff report to the Board.

The following resolution was introduced by Alderman Gist and seconded by Alderman Lavelle:

## 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. 159/2011-12

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 MODIFY THE MITIGATION OPTIONS FOR IMPACTS TO STREAM BUFFERS ON EPHEMERAL STREAMS

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* regarding efforts to: protect water resources, particularly the following sections:
  - 5.22 Carrboro should adopt a strategy and set of policies to protect all of our creeks, streams, ponds, and lakes.
  - 5.23 Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing impacts on waterways.
- 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 remain consistent with its adopted plans or policies.
  - Section 3. 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 22<sup>nd</sup> day of May 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist,

Noes: None

Absent or Excused: Michelle Johnson, Randee Haven-O'Donnell

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Gist:

## AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY THE MITIGATION OPTIONS FOR IMPACTS TO STREAM BUFFERS ON EPHEMERAL STREAMS

Ordinance No. 31/2011-12

#### THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-269.7 (d) of the Carrboro Land Use Ordinance is rewritten to read as follows:

- (d) OPTIONS FOR MEETING THE MITIGATION DETERMINATION.
- (1) For impacts to buffers on intermittent and perennial streams, payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund (pursuant to 15A NCAC 02B .0269, Jordan Water Supply Nutrient Strategy: Riparian Mitigation Fees to the NC Ecosystem Enhancement Program), contingent upon acceptance of payments by the NC Ecosystem Enhancement Program, or to a private mitigation bank so long as the mitigation programs alternative to the Riparian Buffer Restoration Fund comply with the most current banking requirements of the US Army Corps of Engineers and the most current applicable trading criteria associated with water quality mitigation. For impacts to ephemeral streams, payment may be made only to the Town's Water Quality Enhancement Fund.
- (2) Donation of real property or of an interest in real property pursuant to subsection (f) of this Section;
- (3) Riparian buffer enhancement, or riparian buffer restoration. This shall be accomplished by the applicant after submittal and approval of a restoration plan pursuant to subsection (g) of this Section.

Section 2. Subsection 15-269.7(f) is amended by adding a new subsection (f)(5) to read as follows:

(5) The deed conveying the real property interest must be delivered to the Town prior to final plat approval (for mitigation that is required in connection with a

subdivision) or to the issuance of a certificate of occupancy (for mitigation that is required in connection with an unsubdivided development).

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 22<sup>nd</sup> day of May 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist,

Noes: None

Absent or Excused: Michelle Johnson, Randee Haven-O'Donnell

The following resolution was introduced by Alderman Coleman and seconded by Alderman Gist:

# A RESOLUTION AMENDING THE MISCELLANEOUS FEES AND CHARGES SCHEDULE TO ADD FEES FOR WATER QUALITY BUFFER MITIGATION AND TO DIRECT FEES TO THE WATER QUALITY ENHANCEMENT FUND Resolution No. 160/2011-12

WHEREAS, the Carrboro Board of Aldermen seeks to ensure the costs for products and services are fair and adequate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO that the Aldermen amend the Miscellaneous Fees and Charges Schedule by renaming the item "Stream Determination," "Stream Determination and Water Quality Buffer Mitigation" and adding the following under this item:

Mitigation Fees for Impacts to Ephemeral Stream Water Quality Buffers	
Removal of vegetation	\$0.99 per sq ft*1.5
Grading or other changes that modify natural conditions of diffuse flow	\$12.50 per linear foot of stream disturbance for one or both sides of stream channel, depending on area of impact
Disturbance of stream channel	\$349 per linear foot of stream disturbance

BE IT HEREBY FURTHER RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO that the Aldermen direct these fees to the Water Quality Enhancement Fund as specified in Carrboro Land Use Ordinance Section 15-269.7.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22 <sup>nd</sup> day of May 2012:
Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist,
Noes: None
Absent or Excused: Michelle Johnson, Randee Haven-O'Donnell
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MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN LAVELLE TO ADJOURN THE MEETING AT 9:01 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HAVEN-O'DONNELL, JOHNSON)
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Mayor
Town Clerk