A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 29, 2013 in the Town Hall Board Room.

Present and presiding:

Mayor Alderman

Town Manager Deputy Town Clerk Town Attorney Mark Chilton Jacquelyn Gist Lydia Lavelle Randee Haven-O'Donnell Sammy Slade Michelle Johnson David Andrews C. Matthew Efird Mike Brough

SETTING OF A SPECIAL MEETING OF THE BOARD OF ALDERMEN

MOTION WAS MADE BY ALDERMEN LAVELLE AND SECONDED BY ALDERMEN HAVEN-O'DONNELL TO SCHEDULE A SPECIAL MEETING OF THE BOARD OF ALDERMEN FOR MARCH 21, 2013. VOTE: AFFIRMATIVE ALL

CANCELLATION OF FEBRUARY 5TH, 2013 MEETING

MOTION WAS MADE BY ALDERMEN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN JOHNSON TO CANCEL THE FEBRUARY 5TH, 2013 BOARD OF ALDERMEN MEETING. VOTE: AFFIRMATIVE ALL

PROCLAMATION- FOR THE LOVE OF CARRBORO

MAYOR CHILTON PROCLAIMED FEBRUARY 2013 TO BE "FOR THE LOVE OF CARRBORO" MONTH.

REQUEST TO SET A PUBLIC HEARING ON 201 N. GREENSBORO STREET CONDITIONAL USE REZONING/CONDITIONAL USE PERMIT

Revco Discount Drug Centers, Inc. and others, submitted an application for a B-1(C) conditional use rezoning and a conditional use permit (CUP), to allow for the construction of a two-story mixed use building on the properties known collectively as 201 North

Greensboro Street. Prior to reaching a decision on these requests, the Board of Aldermen must receive public input

Mayor Chilton if the protest petition previously submitted in regards to this project was still in effect. The Town Attorney stated that the protest petition was still valid, subject to a review of the subject properties for any ownership changes.

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE REQUESTED 201 NORTH GREENSBORO STREET CONDITIONAL USE DISTRICT REZONING/CONDITIONAL USE PERMIT APPLICATION Resolution No. 87/2012-13

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on both the proposed rezoning applications and proposed conditional use permit projects; and

WHEREAS, an application has been received for a Conditional Use District Rezoning/ Conditional Use Permit for the properties known collectively as 201 N. Greensboro Street.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a hearing on February 26th, 2013 to receive public comment and to consider the requested rezoning and conditional use permit for the properties known in this application as 201 N. Greensboro Street.

BE IT FURTHER RESOLVED by the Board of Aldermen that the rezoning petition is hereby referred for review to the Planning Board.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 29th day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, Michelle Johnson

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN JOHNSON TO ALSO REFER THE ITEM TO THE APPEARANCE COMMISSION AND TRANSPORTATION ADVISORY BOARD. VOTE: AFFIRMATIVE ALL

A PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE CARRBORO OPEN STREETS EVENT

The purpose of this agenda item was hold a public hearing for a Street Closing Permit Application submitted by The Carrboro Bicycle Coalition for the temporary closing and usage of streets from 9:00 AM to 3:00 PM on Saturday, April 13th, 2013 to accommodate the Carrboro Open Streets event.

Members of the Carrboro Bicycle Coalition made a presentation to the Board of Aldermen.

Alderman Slade asked for staff to look at ways to reduce costs for future events.

Alderman Gist spoke in support of police officers working an event of this type due to crowd control, helping lost children, etc.

Alderman Slade reiterated his request to further review and justification of the need for police department involvement in this event.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF THE FOLLOWING STREETS TO ACCOMMODATE THE CARRBORO OPEN STREETS. Resolution 90/2012-13

Section 1. The following street shall be temporarily closed and used Saturday, April 13 2013 from 9:00 am to 3:00 pm to accommodate the Carrboro Open Streets event:

W. Weaver St. from Elm St. to N. Greensboro St.

Section 2. 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.

Section 3. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 4. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 3 of this resolution.

Section 5. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 6. Applicant shall distribute flyers of notification, to persons occupying property abutting the streets where the event is to take place and of the contents of any resolution passed.

Section 7. Applicant will be responsible for costs up to \$3,000 incurred by the Police and Public Works to facilitate this event. Any costs for providing services in excess of \$3,000

will not be charged to the applicant. Applicant will be sent an itemized bill for the costs incurred by Police and Public Works up to \$3,000.

Section 8. The Town will add this event to the Town's liability insurance policy and will pay for the costs of the liability insurance.

Section 9. 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 29th day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, Michelle Johnson

Noes: None

Absent or Excused: None

<u>A PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT</u> <u>APPLICATION FOR THE HUSTLE TO HEALTH 2K RACE</u>

The purpose of this item was to receive public input on a Street Closing Permit Application submitted by the Carolina Associates of Pharmacy Students – Eschelman School of Pharmacy for the temporary closing and usage of streets from 8:00 AM to 9:30 AM on Sunday, March 24th, 2013 to accommodate the Hustle to Health 2K Race.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF THE FOLLOWING STREETS TO ACCOMMODATE THE HUSTLE TO HEALTH 2K RACE Resolution No.85/2012-13

Section 1. The following streets shall be temporarily used Sunday, March 24th, 2013 from 8:00 AM to 9:30 AM for the Hustle to Health 2K Race. 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. Bim St. from Town Hall Entrance to Jones Ferry Rd.
- 2. Jones Ferry Rd. from Bim St. to Davie Rd.
- 3. Davie Rd. from Jones Ferry Rd. to Fidelity St.
- 4. Fidelity St. from Davie Rd to Bim St.
- 5. Bim St from Davie Rd to Town Hall Entrance

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 is contingent on the applicant providing proper liability insurance to the Town at least 30 days prior the event.

Section 8. 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 29th day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, Michelle Johnson

Noes: None

Absent or Excused: None

A PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE SAINT PAUL AME CHURCH 5K

The purpose of this item was to receive public input on a Street Closing Permit Application submitted by Saint Paul AME Church for the temporary closing and usage of streets from 8:00 AM to 9:00 AM on Saturday, March 2nd, 2013 to accommodate the Saint Paul AME Church 5K.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF THE FOLLOWING STREETS TO ACCOMMODATE THE SAINT PAUL AME CHURCH 5K

Resolution No.86/2012-13

- Section 1. The following streets shall be temporarily used Saturday, March 2nd, 2013 from 8:00 AM to 9:00 AM for the Saint Paul AME Church 5K. 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 Rd
 - 2. Hillsborough Road to from Old Fayetteville Rd to Lorraine St
 - 3. Lorraine St from Hillsborough Rd to Carol St.
 - 4. Carol St from Lorraine St to Old Fayetteville Rd
 - 5. Old Fayetteville Rd from Carol St. to McDougle School entrance.
- Section 1. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.
- Section 2. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.
- Section 3. 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 4. 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 5. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.
- Section 6. This resolution is contingent on the applicant providing proper liability insurance to the Town at least 30 days prior the event.
- 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 29th day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, Michelle Johnson

Noes: None

Absent or Excused: None

A PUBLIC HEARING FOR LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO STORMWATER MANAGEMENT REQUIREMENTS

The purpose of this item was for the Board to consider amending the Land Use Ordinance (LUO) relating to stormwater management. The Board must receive public comments before taking action on the draft ordinance.

Planning Administrator, Tina Moon, made a presentation to the Board of Aldermen.

The following resolution was introduced by Alderman Haven-O'Donnell 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. 92/2012-13

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 PROVISIONS OF THE LAND USE ORDINANCE THAT PROVIDE THAT IF INSTALLED STORMWATER MANAGEMENT FACILITIES DO NOT COMPLY WITH ORDINANCE STANDARDS, NEW, ALTERED, OR ADDITIONAL FACILITIES MAY BE REQUIRED.

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 section:

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 become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 29th day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, Michelle Johnson

Noes: None

Absent or Excused: None

The following ordinance was introduced by Alderman Haven-O'Donnell and seconded by Alderman Slade:

AN ORDINANCE AMENDING THE PROVISIONS OF THE LAND USE ORDINANCE THAT PROVIDE THAT IF INSTALLED STORMWATER MANAGEMENT FACILITIES DO NOT COMPLY WITH ORDINANCE STANDARDS, NEW, ALTERED, OR ADDITIONAL FACILITIES MAY BE REQUIRED Ordinance No. 7/2012-13

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-263(i) of the Carrboro Land Use Ordinance is amended to read as follows. The first rendition of subsection (i) shows the amendments and the second shows the text as amended.

(i) Approval by the town of an applicant's stormwater management plans, and construction by the applicant of the stormwater management system s as shown in such plans, shall not relieve the applicant of the responsibility of complying with the standards set forth in this section. If at any time prior to two years <u>after the date that the town concludes that a stormwater management system (or any component thereof) has been constructed in accordance with approved plans, following the issuance of a certificate of occupancy, for an unsubdivided development, or the approval of a final plat, for a subdivision, the town determines that the stormwater management system s- (or any component thereof) planned to be installed or actually installed to meet the requirements of this section do<u>es</u> not achieve that objective, the town may require the submission of revised plans and the installation of new, altered, or additional facilities to bring the development into compliance. Prior to issuance of a certificate of occupancy or approval of a final plat, the town may require the applicant to post a performance bond or other sufficient surety to guarantee compliance with this section.</u>

(i) Approval by the town of an applicant's stormwater management plans, and construction by the applicant of the stormwater management system as shown in such plans, shall not relieve the applicant of the responsibility of complying with the standards set forth in this section. If at any time prior to two years after the date that the town concludes that a stormwater management system (or any component thereof) has been constructed in accordance with approved plans, the town determines that the stormwater management system (or any component thereof) installed to meet the requirements of this section does not achieve that objective, the town may require the submission of revised plans and the installation of new, altered, or additional facilities to bring the development into compliance. Prior to issuance of a certificate of occupancy or approval of a final plat, the town may require the applicant to post a performance bond or other sufficient surety to guarantee compliance with this section.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption, but the requirements of Subsection 15-263(i), as hereby amended, shall not apply to stormwater management facilities installed prior to the adoption of this ordinance.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 29th day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, Michelle Johnson

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMEN SLADE FOR STAFF TO INSPECT BMPS WITH SUFFICIENT TIME FOR REPAIRS TO BE MADE PRIOR TO THE EXPIRATION OF THE WARRANTY PERIOD. VOTE: AFFIRMATIVE ALL

FOLLOW-UP REVIEW WITH PROPERTY OWNER REGARDING THE RECENT NSA DESIGN WORKSHOP ANALYSES AS PRESENTED TO THE BOARD ON SEPTEMBER 18, 2012

The purpose of this agenda item was to allow the owner of the subject property of the Northern Study Area Design Workshop to address the Board regarding the staff presentation (and subsequent rezoning analysis) held on September 18, 2012. The owner was not able to attend the September 18, 2012 meeting.

Property owner Omar Zinn made a presentation about his plans for the subject property. He stated that he is interested in rezoning the property to a VMU or some type of mixed-use zoning.

Mayor Chilton discussed the merits and challenges to the Town's development process in regards to how to ensure how to provide options for commercial development on this property without throwing the gates open to endless possibilities.

The Town Attorney stated that the Board could create a new zoning district spelling out what would be allowed and disallowed in that district.

Mayor Chilton suggested that Town Staff work with Mr. Zinn to bring a proposal back to the Board of Aldermen for consideration.

A PUBLIC HEARING FOR LAND USE ORDINANCE AMENDMENTS RELATING TO SIGNAGE

The purpose of this item was for the Board to consider amending the Land Use Ordinance (LUO) regarding signage. The Board must receive public comments before taking action on the draft ordinance.

Planning Administrator Tina Moon made a presentation to the Board of Aldermen.

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. 88/2012-13

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 ALLOW OFF PREMISES SIGNS THAT DIRECT MOTORISTS TO HOTEL PARKING.

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*, and efforts to continue the development of downtown, particularly the following provision and subsections:

3.21 The town should develop a plan to govern the continuing development of downtown. Toward this end, the town should adopt the following goals:

- To improve the downtown infrastructure (e.g. parking facilities, sidewalks, lighting, shading) to meet the needs of the community.
- To develop transit and traffic initiatives which enhance the viability of downtown.

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 become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 29th day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, Michelle Johnson

Noes: None

Absent or Excused: None

The following ordinance was introduced by Alderman Gist and seconded by Alderman Haven-O'Donnell:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW OFF PREMISES SIGNS THAT DIRECT MOTORISTS TO HOTEL PARKING Ordinance No. 9/2012-13

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-271(d) of the Carrboro Land Use Ordinance is amended by adding a new subdivision (3) to read as follows:

(3) In approving a master signage plan as authorized by this subsection, the Board may also authorize the construction of one or more off-premises signs that direct motorists to the location of parking for a Carrboro hotel or motel, so long as such signs are located in a commercial zoning district on private property with the consent of the property owner.

Section 2. Subsection 15-282(a) is amended to read:

"As provided in the Table of Permissible Uses, no off-premises signs may only be located in any district except the M-2 district, except that, within a commercial zoning district, off-premises signs directing motorists to the location of Carrboro hotel parking may be approved in accordance with the provisions of Subsection 15-271(d)(3)."

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 29th day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, Michelle Johnson

Noes: None

Absent or Excused: None

UPDATE ON CHAPEL HILL TRANSIT BUDGET AND ACTIVITIES FOR FY13-14

The purpose of this item was to report on the Chapel Hill Transit's (CHT) ongoing projects and financial information relevant to the preparation of the FY2013-14 budget, including:

- FY2012-13 Budget Update
- South Columbia Widening Project
- •Long Term Financial Sustainability Plan

Pay for Park and RideTransit Sales TaxFY14 Budget Projections

Of particular interest to the Town of Carrboro is the proposal to begin charging fees at some public park-and-ride lots, concurrent with UNC's planned fees for its Commuter Alternatives Program (CAP) park-and-ride lots starting in August 2013.

Chapel Hill Transit Interim Director Brian Litchfield made a presentation to the Board of Aldermen.

Alderman Gist stated that she observes several people parking in municipal lots and riding the bus to the University every day, turning downtown Carrboro into a de-facto park-and-ride. The Town does not have meters, values its free parking, and does not have the police resources for parking enforcement.

Mayor Chilton asked how much the Town paid towards Chapel Hill Transit. Mr. Litchfield stated that Carrboro contributed \$1.2 million towards the system, compared to \$3.2 million for Chapel Hill and \$7 million for UNC.

Alderman Slade stated that since the Town is forced into this situation that it may be time to look at our free parking system again.

Alderman Johnson asked how many spots there were at Carrboro Plaza. Mr. Litchfield stated that there were 145 spaces allotted in the lease.

Alderman Lavelle stated she was not interested in considering residential parking districts or paid parking, but that she would like to hear options on how we can monitor our downtown lots.

Mayor Chilton stated that we need additional park-and-ride lots.

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

A RESOLUTION RECEIVING THE UPDATE ON CHAPEL HILL TRANSIT BUDGET AND ACTIVITIES FOR FY13-14 No. 84/2012-13

WHEREAS, the Town of Carrboro, Town of Chapel Hill, and University of North Carolina collaborate on policymaking for Chapel Hill Transit via the Transit Partners' Committee; and,

WHEREAS, Chapel Hill Transit staff have provided the Board of Aldermen with an update on the status CHT's Long Term Financial Sustainability Plan, a proposal to charge for the use of Park and Ride lots, Transit Sales Tax and FY13-14 Budget Projections and Schedule; NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the update.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 29th day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, Michelle Johnson

Noes: None

Absent or Excused: None

PARTICIPATION IN NCLM EFFORTS TO INTERFERE IN DUKE ENERGY RATE CASE

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN LAVELLE TO FINANCIALLY PARTICIPATE IN NCLM EFFORTS REGARDING THE DUKE ENERGY RATE CASE. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 10:08P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk