



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Meeting Minutes Board of Aldermen

Tuesday, June 28, 2016

7:30 PM

Board Chambers - Room 110

Present: Mayor Lydia Lavelle, Alderman Damon Seils, Alderman Sammy Slade, Alderman Bethany Chaney, and Alderman Michelle Johnson, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell

Also Present: David Andrews, Town Manager, Catherine Dorando, Town Clerk, Nick Herman, Town Attorney

PROCLAMATION: 2016 RECREATION AND PARKS MONTH

Mayor Lavelle proclaimed July 2016 as "Parks and Recreation Month" in the Town of Carrboro and presented the proclamation to Anita Jones-McNair and Wendell Rodgers with the Town's Recreation and Parks Department.

PROCLAMATION: BREASTFEEDING FAMILY FRIENDLY COMMUNITY

Mayor Lavelle proclaimed Carrboro as a "Breastfeeding Family Friendly Community" and presented the proclamation to Kathleen Anderson with the Breastfeeding Family Friendly Community Association.

PROCLAMATION: AMERICANS WITH DISABILITIES ACT

Mayor Lavelle proclaimed July 26, 2016 as "Americans with Disabilities Act Awareness Day" in Carrboro.

SPEAKERS FROM THE FLOOR

Rob McClure presented a petition to the Board of Aldermen on behalf of the Friends of Bolin Creek regarding the public process and conceptual master plan of the Bolin Creek Greenway.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO REFER THE PETITION TO STAFF. ALDERMAN GIST ASKED FOR STAFF TO TAKE THE PETITION SERIOUSLY AND THAT IT BE INCORPORATED INTO

THE BOARD'S EFFORTS AS THEY MOVE FORWARD. VOTE: AFFIRMATIVE ALL

ANNOUNCEMENT OF UPCOMING MEETINGS

David Andrews, the Town Manager, announced upcoming public meetings.

APPROVAL OF PREVIOUS MEETING MINUTES OF JUNE 14 AND JUNE 21, 2016

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN GIST TO APPROVE THE MINUTES OF JUNE 14, 2016 AND JUNE 21, 2016, WITH AMENDMENTS. SPECIFICALLY, ALDERMAN HAVEN-O'DONNELL ASKED TO AMEND LANGUAGE IN THE MINUTES OF JUNE 21, 2016 TO ENTER HER CONCERN ABOUT THE PROCESS OF THE REINTRODUCTION OF TRANSPORTATION RECOMMENDATION #2 WHEN A DRAFT REVIEW WAS HAD BY SOME BOARD MEMBERS BUT NOT ALL, PRIOR TO THE MEETING. VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENT ESTABLISHING A YOUTH ADVISORY BOARD (YAB)

The purpose of this item was for the Board to consider amending the Town Code to establish a Youth Advisory Board.

A motion was made by Alderman Seils, seconded by Alderman Chaney, that this resolution be approved.

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CARRBORO TOWN CODE TO
ESTABLISH A CARRBORO YOUTH ADVISORY BOARD
Ordinance No. 17/2015-16**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article V of Chapter 3 of the Carrboro Town Code is amended by adding a new section as follows:

Section 3-24.13 Carrboro Youth Advisory Board Established

(a) There shall be a Carrboro Youth Advisory Board composed of no fewer than seven (7) and no more than eleven (11) voting members. These members shall be selected by the Mayor's Office in consultation with the staff liaison and shall be composed as follows:

- (1) All members shall be between the ages of 15 and 18 years old, and shall reside, work in or attend public, private or homeschool classes in Carrboro;
- (2) No member may be enrolled as a full-time college student;
- (3) To the extent possible, there shall be an equal number of

representatives from Carrboro High School and from Chapel Hill High School, and no more than three (3) members shall attend each of those schools;

- (4) To the extent possible, the membership of the Board should reflect the demographic diversity of the population of students eligible for membership residing or attending school in Carrboro.

(b) The purpose of the Carrboro Youth Advisory Board is to provide young people with an opportunity to participate in an advisory capacity in the decision-making process of local government, and to provide input to the Board of Aldermen about issues affecting young people and regarding how local government policies and actions affect young people. The Mayor's Office in consultation with the staff liaison will select members in the fall of each school year for a one year term which coincides with the current school year. Members may be reappointed for up to three (3) terms.

(c)The Carrboro Youth Advisory Board shall report to the Mayor. The Assistant to the Town Manager shall serve as staff to the Carrboro Youth Advisory Board and shall serve as Staff Liaison to the Board.

(d)At the first meeting of the Carrboro Youth Advisory Board each school year, the members of the Board shall elect a Chair and a Vice Chair to preside over the Board's meetings. Members shall only be eligible to serve as Chair or Voice Chair for one term.

(e)The Carrboro Youth Advisory Board shall meet one time each month. All meetings of the Carrboro Youth Advisory Board shall be open to the public, and shall be subject to North Carolina's open meeting statutes. The Mayor or the Staff Liaison may request information from members of the Board between Board meetings from time to time, and Board members are expected to be available and responsive to such requests.

- (f) A simple majority of the members of the Board shall constitute a quorum.

(g) Board members shall be expected to attend and actively participate in all Board meetings. It is also expected that Board members will be asked, or required, to attend occasional leadership development programs and Board of Aldermen meetings (or other Town Advisory Board meetings). Board members are expected to actively participate in the preparation of written reports to the Board of Aldermen on matters which are referred to the Board for comment, and may be asked to make presentations to the Board of Aldermen.

(h) Members of the Carrboro Youth Advisory Board may be removed by the Board of Aldermen if they are absent from two (2) consecutive Board meetings without having notified the Board Chair and the Staff Liaison that they will be unable to attend. Members may also be removed from the Board by the Board of Aldermen for conduct detrimental to the performance and function of the Board.

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

Section 3. 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 28th day of June, 2016.

The motion carried by the following vote:

Aye:Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

RESOLUTION TO CONSIDER THE LATIN AMERICAN FESTIVAL ON AUGUST 28, 2016

The purpose of this agenda item was to approve August 28, 2016 for the Latin American Festival.

A motion was made by Alderman Seils, seconded by Alderman Chaney, that this resolution be approved.

A Resolution Authorizing the Temporary Closing of Weaver Street, Between North Greensboro and Lindsay Streets to Accommodate the Latin American Festival, Summer Street Program 2016

WHEREAS, Weaver Street, from North Greensboro to Lindsay Streets shall be temporarily closed to vehicular traffic for the Latin American Festival, culminating the Summer Streets Program; and

WHEREAS, the festival is on August 28, 2016 from 12:00p.m. until 7:00p.m.; and

WHEREAS, the temporary closing of the streets will be approximately from 9:00a.m. until 7:00p.m.

WHEREAS, the Latin American Festival is a family event with folklore performances, live music, food, arts and crafts and information tables; and

NOW THEREFORE IT IS RESOLVED, the Board of Aldermen approves the temporary closing of East Weaver Street for the Latin American Festival 2016 as described herein.

Adopted this 28th day of June 2016.

The motion carried by the following vote:

Aye:Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

REQUEST TO AUTHORIZE THE TOWN MANAGER TO EXECUTE AN ENCROACHMENT AGREEMENT WITH NCDOT TO MODIFY PEDESTRIAN AND BICYCLE ACCESS VIA STROWD LANE TO ANDERSON PARK

The purpose of this agenda item was for the Board of Aldermen to authorize the Town's entering into an agreement regarding improved pedestrian and bicycle access to Anderson Park via Strowd Lane.

Alderman Slade asked that signs be added to direct people to the new access point and remove the sign that asks people not to use it.

Mayor Lavelle suggested a cruiser ride through the path.

A motion was made by Alderman Slade, seconded by Alderman Johnson, that this resolution be approved.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AN
ENCROACHMENT AGREEMENT WITH NCDOT TO PROVIDE PEDESTRIAN AND
BICYCLE ACCESS TO ANDERSON PARK VIA STROWD LANE

WHEREAS, the Town of Carrboro is a Silver-level, League of American Bicyclists Bicycle Friendly Community; and,

WHEREAS, informal access for pedestrians and cyclists is provided to Anderson Park via Strowd Lane, an NCDOT roadway; and,

WHEREAS, an improved entrance point to the park will facilitate use of Strowd Lane as a more direct route to the park from areas north and east of Anderson Park; and,

WHEREAS, staff of the North Carolina Department of Transportation have indicated that an encroachment agreement is needed to authorize the entrance improvements.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board authorizes the Town Manager to execute an encroachment agreement on the Town's behalf.

Adopted this 28th day of June 2016.

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

**UPDATE ON P4.0 PRIORITIZATION AND PROJECT SCORING FOR DRAFT FY 2018-2027
STATE TRANSPORTATION IMPROVEMENT PROGRAM INCLUDING ESTES DRIVE
EXTENSION BIKE-PED IMPROVEMENTS AND JONES FERRY ROAD SIDEWALK**

The purpose of this agenda item was to provide the Board of Aldermen with an update on the P4.0 Prioritization process and the potential allocation of points toward bicycle-pedestrian improvements along Estes Drive Extension.

Alderman Slade stated that he wanted to make sure the Town's match was proportional to the Town's portion of the project. Trish McGuire, the Town's Planning Director, clarified that the match amount identified is only the Town's portion and that Chapel Hill will fund the portion in their jurisdiction.

A motion was made by Alderman Slade, seconded by Alderman Seils, that this resolution be approved.

A RESOLUTION TO SUPPORT THE ALLOCATION OF DCHC-MPO POINTS TOWARD
CARRBORO BIKE-PED PROJECTS

WHEREAS, the Town has had a longstanding interest in bicycle and pedestrian improvements to Estes Drive Extension (SR 1772) and included these improvements as a local transportation priority for many years; and

WHEREAS, as part of the P4.0 SPOT prioritization process for Division level funding for Bike-Ped projects there is the potential for the Estes Drive project (SPOT ID B150621) to be included in the draft FY 2018-2027 if the MPO allocates local points to it; and

WHEREAS, sidewalk improvements to Jones Ferry Road between Davie Road and Main Street (SPOT ID B150153) also scored well and will likely be included in the draft FY 2018-2027; and

WHEREAS, both projects will require a 20-percent local match, estimated at approximately \$212,761 for Estes Drive and \$112,217 for Jones Ferry Road.

NOW, THEREFORE BE IT RESOLVED, that the Carrboro Board of Aldermen supports the allocation of DCHC-MPO points toward these two projects and directs its representatives to convey this support to the MPO Board.

Adopted this 28th day of June 2016.

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

A PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE NOT SO NORMAL RUN

The purpose of this item was to receive public input on the Street Closing Permit Application submitted by Not So Normal Fund, Inc for the temporary closing and usage of streets from 7:00AM to 12:00PM on Sunday, April 2, 2017 to accommodate the Not So Normal Run.

JD Freeman, the Town's Public Works Director, made the staff presentation.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN JOHNSON TO OPEN THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

Jay Radford, the event coordinator, stated that this is the 4th year that the event has been held. He expressed thanks for the Town's efforts in making it successful.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

A motion was made by Alderman Seils, seconded by Alderman Chaney, that this resolution be approved.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF THE FOLLOWING STREETS TO ACCOMMODATE THE NOT SO NORMAL 5K

Section 1. The following streets shall be temporarily used Sunday, April 2nd, 2017 from 7:00 AM to 12:00 PM for the Not So Normal Run. 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.

- ☐ Start on Laurel Ave
- ☐ West Main St from Laurel Ave to James St
- ☐ James St to Quail Roost
- ☐ Quail Roost to Lisa
- ☐ Lisa to Carol
- ☐ Carol to Hillsborough
- ☐ Hillsborough to Blueridge
- ☐ Blueridge to Spring Valley
- ☐ Spring Valley to Pathway
- ☐ Pathway to Robert Hunt
- ☐ Robert Hunt to N. Greensboro
- ☐ N. Greensboro to Hillsborough
- ☐ Hillsborough to Cheek
- ☐ Cheek to N. Greensboro
- ☐ N. Greensboro to Pine
- ☐ Pine to Hillsborough
- ☐ Hillsborough to West Main
- ☐ West Main to finish on Laurel

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.

Adopted this 28th day of June 2016.

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

A PUBLIC HEARING FOR THE TOWN COMMONS DESIGN UPDATE

The purpose of this item was to update the Board of Alderman on the current status of the Town Commons Design and to provide a schedule of proposed events and deliverables.

JD Freeman, the Town's Public Works Director, provided the staff presentation.

Alderman Slade asked for staff to look into how the roof drains during rain because some vendors get rained on.

Alderman Chaney asked that staff coordinate the space needs study and the Town Commons redesign.

Mayor Lavelle opened the public hearing.

Erin Jobe, the Farmer's Market manager, stated that they have been very happy with their involvement and they are happy with how the project is moving along. She stated that she will be transitioning out of the Market but that she will stay on through the project.

There were no comments from the public.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SLADE, THAT THE REPORT BE ACCEPTED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING TO AUTHORIZE THE TOWN MANAGER TO AWARD A CONSTRUCTION DESIGN CONTRACT FOR MARTIN LUTHER KING JR. PARK DEVELOPMENT

The purpose of this agenda item was to summarize the Martin Luther King Jr Park conceptual park layout and request the Board of Aldermen to authorize the Town Manager to award a construction design contract.

Anita Jones-McNair, the Town's Recreation and Parks Director, made the staff report.

Alderman Haven-O'Donnell stated that there were three things brought up last time that were not included on the concept drawing as shown. She stated that the senior fitness, not senior play equipment, was to be moved away from the children's equipment; that the shelter on Tripp Farm Road was to be eliminated because it is too close to the residences, and; that the water feature was to be designed with the consideration of mitigating mosquitos.

Anita Jones-McNair stated that the rendering is not the final version and that this is just a conceptual plan for the designers to work on and approve. She stated that the rendering was originally brought to the Board on February 2, 2016 and there are comments in the minutes that reflect the Board's direction.

Alderman Haven-O'Donnell stated that she is uncomfortable moving forward with the rendering as depicted and questioned if it is appropriate to move forward with providing those to the consultant. She stated that the recommendations that were made in February are not reflected on the rendering. She stated that the community really wants to see a conceptual plan that reflects the most updated version

including any recommendations that were made.

Alderman Slade stated that in the agenda item there is no mention of the suggestions that were made by the Board. He stated that he would like an opportunity to approve those recommendations after the summer break. He stated that he would like to note the size of the garden storage as seeming small.

Mayor Lavelle stated that the amphitheater was discussed being moved into the middle of the field and that she wants to make sure that the consultant sees those recommendations.

Alderman Seils suggested that February 2, 2016 meeting minutes be provided to the consultant.

Alderman Chaney suggested changing the resolution to include a whereas clause regarding the fact that the rendering is a conceptual plan and that additional recommendations have been approved and forwarded to staff per the February 2, 2016 minutes.

Mayor Lavelle opened the public hearing.

Greg Rosenthal asked if the size of the wetlands had been determined. Anita Jones-McNair stated that the size had not been determined at this time and will be brought back to the Board for approval.

Mayor Lavelle closed the public hearing.

A motion was made by Alderman Seils, seconded by Alderman Haven-O'Donnell, that this resolution be approved.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AWARD A
CONSTRUCTION DESIGN CONTRACT WITHIN THE
AMOUNT APPROPRIATED FOR THE PROJECT KNOWN AS MARTIN LUTHER KING JR.
PARK

WHEREAS, the Board of Aldermen has appropriated funds and adopted Capital Improvement Project Ordinance #18/2014-15 for the construction design of Martin Luther King Jr Park; and,

WHEREAS, the master plan design has been completed; and,

WHEREAS, the Martin Luther King Jr. Park Development is now ready for design construction; and,

WHEREAS, on February 2, 2016 a conceptual plan, with additional recommendations, was forwarded to staff.

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF CARRBORO BOARD OF ALDERMEN THAT:

Section 1. The Town Manager is hereby authorized to select a contractor and award a construction design contract for Martin Luther King Jr. Park provided such contract does not exceed the amount appropriated for the project; and such contract complies with the Town of Carrboro, state and/or federal procurement rules, regulations and laws.

Section 2. This resolution shall become effective upon adoption.

Section 3. Within five (5) days after this resolution is adopted, the Town Clerk shall file a copy of this resolution with the Finance Director, Town Manager and Recreation and Parks Department.

This the 28th day of June, 2016

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

**A PUBLIC HEARING FOR THE SPACE NEEDS AND FACILITY CONDITION
ASSESSMENT UPDATE**

The purpose of this item was to update the Board of Alderman on the current status of the Space Needs and Facility Condition Assessment and to provide a schedule of proposed events and deliverables.

JD Freeman, the Town's Public Works Director, provided the staff report and introduced Brent Green with Creech and Associates, the firm conducting the space needs survey.

Brent Green provided a brief update on the work of the firm.

Alderman Slade asked that the process include energy efficiency in the appropriate part of the study. Brent Green stated that the engineers include the sustainability and efficiencies.

Alderman Chaney asked if the Public Works facility is included. Brent Green stated that it is included.

Alderman Haven-O'Donnell asked what a ballpark number would be for a town Carrboro's size for space needs. The consultant stated that the survey would provide those answers but that he is not currently at a point to answer that accurately.

Mayor Lavelle stated that the Town Hall building is a jewel in the Town and that she looks forward to seeing the renaissance of the building.

**MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN SLADE, THAT
THE REPORT BE ACCEPTED. VOTE: AFFIRMATIVE ALL**

**PUBLIC HEARING ON A LUO TEXT AMENDMENT TO REDUCE THE MINIMUM LOT
SIZE FOR THE R-2, CONDITIONAL ZONING DISTRICT, SUBJECT TO CERTAIN
CRITERIA**

The purpose of this agenda item was for the Board of Aldermen to consider a text amendment to the Land Use Ordinance that would reduce the minimum lot size for the R-2-CZ district subject to certain criteria.

Tina Moon, the Town's Planning Administrator, provided the staff report. She stated that this is

conditional and both decisions are legislative in nature.

Alderman Seils asked the difference in changing the minimum lot size versus changing the density of a project. Tina Moon explained that this allows the lot sizes to be a little smaller for density purposes but it does not change the total number of units that can be authorized.

Alderman Gist asked if the property under consideration is the only lot where this would be allowed.

Tina Moon stated that a person would have to seek a rezoning to be authorized.

Alderman Gist asked if the Board said yes to this if it would be harder to say no to others.

Tina Moon stated that the check point would be the consistency regarding the density that the Board feels is appropriate.

Alderman Seils stated that this change would not allow a greater density in R-2 but allow smaller lot sizes.

Mayor Lavelle opened the public hearing.

There were no comments received from the public.

Mayor Lavelle closed the public hearing.

A motion was made by Alderman Seils, seconded by Alderman Gist, that this resolution be approved.

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

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 Reduce the Minimum Lot Size Requirement for R-2-CZ in Architecturally Integrated Subdivisions.

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* particularly the following statements relating to Development, Economic Development and Housing:

2.1 Avoidance of Adverse Effects on Public Health and Safety

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

2.5 Balanced and Controlled Growth

2.52 The town should continue to require the construction of a diverse housing stock.

3.2 Downtown Vitality

3.28 Carrboro encourages a variety of appropriate residential developments – single- family, multi-family, SROs, et cetera – in the downtown especially as part of mixed-use developments.

6.1 Housing for a Diverse Population

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it reduces the minimum lot size creating opportunities for more diverse housing options as part of conditional zoning, a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

Section 3. This resolution becomes effective upon adoption.

This the 28th day of June, 2016

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

A motion was made by Alderman Seils, seconded by Alderman Gist, that this ordinance be approved.

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
REDUCE THE MINIMUM LOT SIZE REQUIREMENT FOR R-2-CZ IN
ARCHITECTURALLY INTEGRATED SUBDIVISIONS
Ordinance No. 18/2015-16**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-181 (Minimum Lot Size Requirements) of the Carrboro Land Use Ordinance is amended by adding a new subsection (d), to read as follows:

(d) The minimum lot size requirement within the R-2-Conditional district (R-2-CZ) may be reduced to 1,500 square feet in an architecturally integrated subdivision (AIS) on a tract containing at least 20,000 square feet.

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

Section 3. This ordinance shall become effective upon adoption.

This the 28th day of June, 2016

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

PUBLIC HEARING ON CONDITIONAL REZONING FOR INARA COURT AT 102 AND 104 FIDELITY STREET

The Town received an application to rezone 102 and 104 Fidelity Street to R-2-Conditional (R-2-CZ) for the construction of six single-family residential units.

Tina Moon, the Town's Planning Administrator, made the staff report.

Alderman Chaney asked the maximum number of units that would be allowed currently. Tina Moon stated that currently, 13 units would be allowed if changed to R2 and that current zoning would allow 3 units. Alderman Chaney asked if a condition would limit the density. Tina Moon stated that it would.

Alderman Seils asked that Tina Moon explain the link between the conceptual drawing and the permit. Tina Moon stated that the project would have to be very close to what is shown or approved to be granted a permit.

Alderman Gist stated that the applicant stated that they are not seeking to make the homes student housing. She asked if 8 units are approved, if that increases the chances of it to be student housing.

The applicant stated that the projects goal is to be owner occupied housing. He stated that it is currently zoned to allow larger homes with more parking but that he has spent the past two years to create owner occupied housing. He stated that the smaller lot size allows him to provide a different price for housing.

Alderman Seils asked why it is named Inara Court. The applicant stated that he loves the show "Firefly" and that is where it came from.

Mayor Lavelle opened the public hearing.

There were no comments from the public.

Mayor Lavelle closed the public hearing.

Alderman Chaney thanked the applicant for working to create smaller housing opportunities. She stated that allowing this type of zoning potentially allows a diversity in housing stock.

Alderman Haven-O'Donnell thanked Trish McGuire and Tina Moon for their efforts in assisting the applicant.

Alderman Gist stated that her expectation for the next item is that they Board will not vote on the next item tonight and asked if the Board is in agreement. The remainder of the Board agreed.

A motion was made by Alderman Seils, seconded by Alderman Gist, that this resolution be approved.

**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**

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 ZONING MAP TO REZONE APPROXIMATELY 0.6232 ACRES (27,146 square feet) OF PROPERTY KNOWN AS 102 AND 104 FIDELITY STREET FROM R-7.5 (RESIDENTIAL, 7,500 SQUARE FEET PER DWELLING UNIT) TO R-2-CZ (RESIDENTIAL, 2,000 SQUARE FEET PER DWELLING UNIT, CONDITIONAL).

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*, particularly the following provisions:

2.0 DEVELOPMENT

Carrboro’s development should take place in a manner consistent with a set of adopted values. Growth should occur in a balanced fashion, and at a rate that does not jeopardized the values set forth by Vision 2020. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

2.11 Avoidance of Adverse Effects on Public Health and Safety

Infill development should take place in a manner that fulfills the town’s goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

2.5 Balanced and Controlled Growth

2.52 The town should continue to require the construction of a diverse housing stock.

3.2 Downtown Vitality

3.28 Carrboro encourages a variety of appropriate residential developments – single-family, multi-family, SROs, et cetera – in the downtown especially as part of mixed-use developments.

3.6 Economic Diversity

3.63 The town should encourage the development of underutilized property in the downtown area.

6.1 Housing for a Diverse Population

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

6.15 The town should pursue the development of density bonus provisions for projects incorporating environmentally sensitive development and building practices.

Section 2. The Board further concludes that the above described map amendment is reasonable and in the public interest because it uses a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

Section 3. This resolution becomes effective upon adoption.

This the 28th day of June, 2016

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

A motion was made by Alderman Seils, seconded by Alderman Gist, that this ordinance be approved.

**AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY 0.6232 ACRES (27,146 SQUARE FEET) OF PROPERTY KNOWN AS 102
& 104 FIDELITY STREET FROM R-7.5 TO R-2-CZ
Ordinance No. 19/2015-16**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:
That property being described on Orange County Tax Maps by parcel identification numbers 9778-86-3076 and 9778-66-3947 is hereby rezoned from R-7.5 (Residential, 7,500 square feet per dwelling) to R-2-CZ (Residential, 2,000 square feet per dwelling unit, conditional) subject to the following conditions:

1. The Concept Plan labeled “Rezoning Conceptual Map Inara Court – Fidelity Street Conditional Rezoning,” dated June 23, 2016 is approved and incorporated herein to indicate all potential land uses, the general location and size of buildings and parking areas, vehicular and bicycle-pedestrian access points, general circulation patterns, setbacks, and other landscaped areas. Other features and issues remain to be decided at the time a special use permit is requested for the development. Those features and issues include, but are not limited to, the location of stormwater management features, the cross section of the proposed internal street, Inara Court, and the use of the pedestrian-bicycle access easement for recreation area.
2. The maximum density for the project shall be limited to eight (8) dwelling units.
3. The maximum building height shall not exceed thirty-eight (38) feet.
4. A minimum of five (5) lots within the development will include passive solar technology.
5. A public pedestrian-bicycle access easement is provided by the owner who also owns the adjacent parcel to the north (PIN 9778-67-3116) to provide a connection from Popular Street to Fidelity Street.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

SECTION 3. This ordinance shall become effective upon adoption.

This the 28th day of June, 2016

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

PUBLIC HEARING ON THE LUO TEXT AMENDMENTS PROVIDING FLEXIBILITY TO STREET DESIGN STANDARDS AND ALLOWING MULTIFAMILY RESIDENTIAL USES, WITH AN INCREASED BUILDING HEIGHT LIMIT IN THE B-4-CU AND B-4-CZ DISTRICTS SUBJECT TO CERTAIN CRITERIA

The Town received an application for text amendments to the Land Use Ordinance relating to the B-4-CU and B-4-CZ districts.

Tina Moon, the Town's Planning Administrator, provided the staff presentation. She stated that the text amendment and the rezoning are both conditional and legislative matters.

Alderman Slade asked why this was chosen as the route versus rezoning as a residential B-4. Tina Moon responded that the applicant has expressed an interest in B-4 and that it was a cleaner process to have the entire project under one zoning category. Alderman Slade stated that other uses can dilute the intent of the rezoning. He stated that he is comfortable because it has a safety mechanism.

[MEETING NOTE: THIS ITEM IS A COMPANION ITEM RELATED TO THE FOLLOWING ITEM AND IS INCLUDED IN THE CONTINUATION OF PUBLIC HEARINGS MOTION AT THE END.]

PUBLIC HEARING ON A REQUEST TO REZONE THE LLOYD FARM PROPERTY AT 700 OLD FAYETTEVILLE ROAD TO B-4-CZ

The Town received an application to rezone property at NC Hwy 54 and 700 Old Fayetteville Road to B-4-conditional rezoning (B-4-CZ) for the construction of a mixed-use development to include a grocery store, commercial outparcels and a multi-story apartment building. The Board of Aldermen must receive public input before reaching a decision on this request.

Tina Moon, the Town's Planning Administrator, made the staff report.

Ted Barnes, with Argus Development Group, discussed the design and layout of the land. He noted the wetland areas, streams and the rocky areas and provided an illustrative site plan.

Mayor Lavelle opened the public hearing.

James Emery a resident of 106 Mary Street, stated that he is torn about the project. He stated that he is disturbed about the traffic impact and that the traffic returning to Carrboro will most likely do so on Carol Street. He stated that traffic will also cut-through the Post Office and enter onto James Street and Lorraine Street. He also expressed concern with the stormwater impact in an area that already experiences flooding due to stormwater backups. He asked that the Board review the Environmental Advisory Board's recommendations on this.

Jeff Rubish, a resident of 214 Hillsborough Road, expressed support for the project and stated that it will be a tremendous project for the community. He stated that the Lloyd's have made great efforts to create

a good project and to work with the neighbors. He asked what the buffer distance is between the Carol Street homes. The developer said it was 160 feet. He stated that this would bring about \$600,000 in property tax revenue to the Town.

Dusty Butler, a resident of Carrboro and realtor, stated that if you look at mixed-use neighborhoods like Meadowmont and Southpoint Mall, he has been asked if that would hurt home values. He has responded no that it will not. He stated that traffic will increase but convenience does not harm value. He stated that this is one of the prettiest developments he has ever seen.

Ellie Kinnaird, a property owner in Carrboro, stated that the work that has been done to find a solution has taken five years and involved many people in the community. She spoke in favor of the rezoning and the development. She stated that property taxes are high and that there is very little commercial development to offset the residential tax burden. She stated that this plan is nice and asked the Board to rezone the property.

Barb Stenross, a resident of Carrboro, spoke against the project. She stated that the commercial portion of the project is too much. She asked for a smaller, more compact footprint, a delay in development approval before the Town can put traffic and stormwater improvements in place; for the project to incorporate the farm ponds as a stormwater facility; that the wetlands and bioretention areas be enlarged and kept as natural as possible; for the cutting of fewer trees; for the installation of native shrubs and plantings; and that the Board be guided to make the best decision including the land and all its beings.

Lorraine Aragon, 102 Mary Street, asked that the Board reject the rezoning and land use ordinance amendments. She stated that the developers were asked to use current zoning but disregarded that request. She stated that she appreciates the mediated improvements but stated that traffic and stormwater improvements need to be made. She asked how Town costs will balance with anticipated revenues.

Tim West, a resident of 107 Carol Street, spoke against the project and rezoning and stated that it is inconsistent with Vision 2020. He stated that he is truly sad that this beautiful piece of land is being developed. He stated that the shopping center across the street is underutilized and quoted Vision 2020 as guidance. He stated that he feels that the development will have negative impacts on his neighborhood due to the traffic impact. He stated that a full exit/entrance onto HWY 54 from the project would be helpful. He asked if there is any way to put more pressure on NCDOT for that.

Barney Kohout, a resident of 112 Carol Street, with his daughters, stated that his children can't take a bus to McDougale Elementary because they live within one mile. He asked how pedestrians will navigate the roundabout. He stated that he is an arborist and that parking lot trees only have a life of about 8 years. He stated that all of the Sycamore trees died in Carrboro Plaza and that Crepe Myrtles were planted but they do not provide adequate shade due to trimming practices. He stated that the trees that they are proposing do not have a great chance of making it and stated that the tree drawing does not accurately depict. He stated that the trees that will be cut down can currently take-in 200 gallons a day. He suggested that the developer purchase the land from the Lloyds if they believe in it. He stated that 12-15 feet tall trees should be planted in this area.

Julian Sereno, a resident of 213 Simpson Street, spoke against the rezoning and project. He stated that he is an avid pedestrian. He expressed concern with traffic, an increase in traffic and an increase in flooding. He stated that if the Town can't fix the existing flooding, then what will happen with this.

Greg Rosenthal stated that his biggest concern is increased traffic on Carol Street. He requested that the Board hold off on approval until further traffic solutions can be addressed. He also expressed concern with flooding.

Chris Hogan, a part owner discussed that they have been stewards of the land and served the community their entire lives. He stated that as a land owner, it is not realistic for them to create a project that does not bother any land owner. He stated that it has taken five years and that it is the Board's role to, at some point in the near future, to make a decision. He stated that it is the Board's duty to come to a decision.

Geoff Gisler, resident of 310 Carol Street, stated that there is already development can happen per the current zoning. He stated that if the Lloyd family had chosen what is allowed under current zoning, then there would have already been development. He stated that the only reason they are going through this process is to increase what is allowed. He stated that he was a part of the mediation group for the neighborhood and that it was a great experience. He expressed concern with the traffic impact. He asked that the Board deny the rezoning and to place in steps to mediate the traffic impact if they do move forward.

Tim Carless, a resident of 116 Carol Street, stated that the traffic impact is a problem and that he does not feel that Carol Street is safe today. He stated that he has been severely impacted by stormwater and flooding problems and that it can be attributed to McDougle. He asked that the Board not approve the rezoning.

Katie Bryant, a resident of 100 James Street, stated that she is concerned with the stormwater runoff and the flooding impact that it will have on her home. She stated that the culvert by her house is the largest in that area but that it backs up during storms. She also expressed concern with the traffic.

Bill Heemstra, 831 Old Fayetteville Street, expressed concern with the traffic circle and how that will impact the bike lanes. He also expressed concern with increased traffic. He asked to place more pressure on NCDOT for an entrance/exit onto HWY 54. He stated that the stormwater runoff will increase and expressed concern with flooding. He asked the Board to ask the developer to work on mitigating these concerns before approval.

Erica Eisdorfer, 100 Mary Street, stated that Plantation Acres is a middleclass neighborhood, and aren't high-paid professionals and she wants to make sure that they get the same kind of care that the Town would give to wealthy people. She stated that she wanted to ask for that for the neighborhood.

Sakura Marcelle Christmas, 208 James Street, stated that her daughter asked for speed humps on James Street when she was in 4th grade. She stated that the project is nice but that it is not helpful for the increased traffic in the neighborhoods. She stated that all the traffic should be on HWY 54 because the impact has already been made by the neighborhood due to the Post Office.

Mayor Lavelle stated that this is the first time that she has been able to discuss the project because it is just now at the point where the full Board gets to see the project.

Alderman Gist expressed gratitude to all of those involved in the project and the time that has been put in. She stated that she wants staff to work on the traffic and flooding concerns during the summer. She stated that she also believes in an owner's right to develop their property.

Alderman Slade stated that he recognizes the need to diversify the tax base but asked if they can

sacrifice people's homes (due to flooding) to do it. He stated that he would like to see the Board approve the EAB recommendation that the developer put money up as a bond in the case that the flooding worsens. He also asked for more pressure to be put on NCDOT for a HWY 54 traffic solution. He expressed support for a more human-scale design.

Alderman Johnson stated that values have been presented that clash. She stated that she thinks the developer has taken a lot of the concerns and made improvements and incorporated a lot of those requests and concerns. She stated that the two major concerns are traffic and stormwater but that those are already concerns that the Town has been dealing with. She agreed that staff should work over the summer to deal with those concerns. She asked the developer to explain how the development will relate to Carrboro Plaza.

The developer stated that Carrboro Plaza is a 1980 style development and that it is a classic, old suburban strip center. He stated that he does not understand how that has anything to do with the current project. He stated that they are doing a completely different design and have made many changes. He stated that Carrboro Plaza is a great opportunity to redo the design but it is difficult when there are individual leases.

Alderman Johnson asked about the payment-in-lieu is and how they will have affordable housing for seniors.

The developer for the multi-family portion of the project responded that he thought the Town might think that it is better to do a payment-in-lieu over individual. He stated that what they are doing will be a different model than any models that are currently around. He stated that it will be a much more affordable option that provides full-service housing. He stated that is why they choose payment-in-lieu for the rental portions.

Alderman Chaney stated that she has questions for the developers and that she is thankful that this was changed to conditional rezoning so that the Board can have conversations with interested parties over the summer. She expressed the following concerns: 1) Traffic 2) stormwater 3) how can this contribute to solutions 4) senior housing doesn't include more robust consideration for affordability. She asked if there is a way to deploy the affordable housing fund to assist in affordability.

Alderman Haven-O'Donnell expressed thanks to all that were involved in the mediation process. She asked what the summer conversation will look like. Trish McGuire, the Town's Planning Director, stated that staff expects to have additional information back from NCDOT in a few weeks. She stated that the comments would be taken back and discussed directly with the developer to see what can be done. Mayor Lavelle stated that the Board can send questions to staff, copying one another, so that all are included. Alderman Haven-O'Donnell asked if staff could put information on the Town's website that depicts questions that have been raised. She stated that the Lloyds own the property and that the Board wants to forge the kind of development where they feel they have had a hand in making the best possible decision for Carrboro.

Mayor Lavelle stated that traffic and flooding are the two biggest issues. She stated that she is fine continuing to email on to staff knowing that those two issues will be discussed.

Alderman Seils stated that he has a history with the project and has been involved since 2011. He stated that the conditional zoning approach has been the single most important change because it allows them to have conversations. He stated that he wants to have conversations with people that live all over town.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY CONTINUE PUBLIC HEARINGS TO A DATE TO BE DETERMINED AND NOTICED AT A LATER DATE IN THE FALL. VOTE: AFFIRMATIVE ALL

A RESOLUTION MAKING AN APPOINTMENT TO THE ORANGE WATER AND SEWER AUTHORITY (OWASA) BOARD OF DIRECTORS

The Mayor and Board of Aldermen were provided with a list of applicants interested in being appointed to the OWASA Board of Directors.

The Board of Aldermen voted on paper ballots.

Yinka Ayonkoya was selected as the Town of Carrboro representative receiving votes from: Alderman Chaney, Mayor Lavelle, Alderman Slade Alderman Johnson, Alderman Gist, and Alderman Seils.

Will Stanley received one vote from Alderman Haven-O'Donnell

RESOLUTION OF THE CARRBORO BOARD OF ALDERMEN ACCEPTING THE DEDICATION OF STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS IN THE HIGHLANDS PHASE 5A and 5B

Alderman Slade asked if the existing roads are public. JD Freeman, the Town's Public Works Director responded that they are. Alderman Slade stated that he wanted to make sure that there wasn't an increased cost in maintenance. JD Freeman stated that is true but they are only talking about maintaining the landscaping easement.

Trish stated that the drainage easements are private and that the common area is part of the common property and not intended to be a part of the dedication. She stated that the area that is on the table for acceptance are streets and landscape easement.

Nick Herman, the Town's Attorney, stated that the dedication uses the language as boilerplate text.

Alderman Chaney asked why the Town didn't accept the dedication in the past. Nick Herman stated that statute requires a resolution and that it was inadvertent.

A motion was made by Alderman Seils, seconded by Alderman Slade, that this ordinance be approved.

**RESOLUTION OF THE CARRBORO BOARD OF ALDERMEN
ACCEPTING THE DEDICATION OF STREETS, ALLEYS, WALKS,**

**PARKS, OPEN SPACE AND EASEMENTS IN THE HIGHLANDS
PHASE 5A and 5B**

WHEREAS, the Town of Carrboro Board of Aldermen approved a conditional use permit modification for The Highlands, Phase V on June 5, 1990; and

WHEREAS, on July 16, 1990, a subdivision plat for The Highlands, Phase 5A was recorded in the Orange County Registry at Plat Book 55, Page 87, and on July 16, 1990 a subdivision plat for The Highlands, Phase 5B was recorded in the Orange County Registry at Plat Book 55, Page 88; and

WHEREAS, the recorded subdivision plats for The Highlands, Phase 5A and Phase 5B included offers of dedication of “all areas shown on [the plats] as streets, alleys, walks, parks, open spaces and easements, except those specifically indicated as private”; and

WHEREAS, the Certificate of Ownership and Dedication on the plats also stated that “all properties shown on [the plats] as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Board of Aldermen in the public interest”; and

WHEREAS, the Town of Carrboro Board of Aldermen now desires and intends to formally accept the dedication of the streets, alleys, walks, parks, open space and easements in The Highlands, Phase 5A and 5B;

NOW, THEREFORE, be it resolved by the Town of Carrboro Board of Aldermen that:

1. The Town of Carrboro Board of Aldermen hereby accepts the dedication of all the streets, alleys, walks, parks, open spaces and easements (except those drainage easements specifically indicated as private easements on the recorded subdivision plats) shown on the plats for The Highlands, Phase 5A and The Highlands Phase 5B recorded in the Orange County Registry at Plat Book 55, Page 87 and Plat Book 55, Page 88, respectively, on July 16, 1990, PROVIDED that excepted from this acceptance of dedication is any street, alley, park, open space and/or easement previously dedicated to and accepted by any other public authority or agency; and
2. The Town of Carrboro Board of Aldermen determines that it is in the public interest to use the landscape easements shown on the aforesaid plats lying adjacent to the Rogers Road right-of-way for public sidewalks and associated drainage facilities related to the public sidewalks; and
3. The Town of Carrboro Board of Aldermen further determines that except for the use of the landscape easement area for public sidewalk and related drainage purposes, the landscape easement area as shown on the recorded plats referenced above shall continue to be used and maintained for landscape and buffer purposes.

This the 28th day of June, 2016

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils, Mayor Lavelle and Alderman Johnson

MATTERS BY BOARD

Alderman Gist stated that it is an embarrassment to have the neighborhood named Plantation Acres. She asked staff to explore changing the name of the neighborhood to be more reflective of current times. Nick Herman stated that they would look into it.

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS TO
ADJOURN THE MEETING. VOTE AFFIRMATIVE ALL