



## **Town of Carrboro**

301 W. Main St.

Town Hall

Carrboro, NC 27510

### **Meeting Minutes Board of Aldermen**

**Tuesday, March 27, 2018**

**7:30 PM**

**Board Chambers - Room 110**

**Present:** Mayor Lydia Lavelle, Alderman Barbara Foushee, Alderman Sammy Slade, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Jacquelyn Gist, Alderman Bethany Chaney

**Also Present:** David Andrews, Town Manager, Catherine Dorando, Town Clerk, Cora Houston, Deputy Clerk, Nick Herman, Town Attorney

#### **POETRY READING**

Gary Phillips read a poem entitled "Pitty the Nation" by Lawrence Ferlinghetti.

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#### **APPROVAL OF PREVIOUS MEETING MINUTES OF MARCH 6TH, 2018**

**MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MINUTES OF MARCH 6, 2018, AS AMENDED. VOTE: AFFIRMATIVE ALL**

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#### **REQUEST TO SET A PUBLIC HEARING FOR A ESTABLISHMENT OF A STORMWATER RATE STRUCTURE**

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

**A RESOLUTION CALLING A PUBLIC HEARING  
ON THE ESTABLISHMENT OF A STORMWATER UTILITY RATE STRUCTURE**

**WHEREAS**, the Town of Carrboro modified the Town Code in June, 2017 to create a Stormwater Utility and Stormwater Enterprise Fund and created a new Stormwater Advisory Commission which began meeting in February, 2018; and

**WHEREAS**, staff and the Stormwater Advisory Commission are studying the options and details for creation of a rate structure for the Stormwater Utility; and

**WHEREAS**, the Town is pursuing community outreach on the rate structure.

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Aldermen that the Aldermen call a public hearing on May 15, 2018 to consider the draft rate structure.

**BE IT FURTHER RESOLVED** that, in addition to the Stormwater Advisory Commission, the rate study be referred to the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date: Environmental Advisory Board and Economic Sustainability Commission.

**This 27th day of March 2018.**

**The motion carried by the following vote:**

**Aye:** Mayor Lydia Lavelle, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils

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**REQUEST-TO-SET PUBLIC HEARINGS FOR VOLUNTARY ANNEXATION AND  
CONDITIONAL REZONING AT 905 & 921 HOMESTEAD ROAD**

The Town received petitions to voluntarily annex and to rezone property at 905 and 921 Homestead Road, also known as the Hutchins property. The requested rezoning to R-10-Conditional (R-10-CZ) would allow subsequent submittal of an application to develop an Architecturally Integrated Subdivision (AIS). The Board must receive public comment before considering these petitions. Resolutions setting public hearings are provided for the Board's use.

Alderman Slade stated that he would like for staff to have a conversation with the developer on the way the road stubs out and requires the removal of a tree. He stated that he feels that it is premature for the item to go to advisory boards with this design. He asked for staff to consider this as a lesson for future development applications so that the removal of trees can be mitigated in the least costly manner and as early as possible.

**MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN HAVEN-O'DONNELL FOR STAFF TO DISCUSS THIS DESIGN WITH THE DEVELOPER AND BRING THE ITEM BACK FOR A FUTURE DISCUSSION AND FOR THE ITEM TO BE REFERRED TO THE GREENWAYS COMMISSION, IN ADDITION TO OTHER ADVISORY BOARDS, WHEN THE ITEM IS BROUGHT BACK TO SET THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL**

**PUBLIC HEARING ON THE CONDITIONAL USE REZONING AND CONDITIONAL USE PERMIT FOR 802 & 806 MERRITT MILL ROAD**

The Town received applications for an R-2-conditional use rezoning and a conditional use permit (CUP) to allow for the construction of a twenty-four (24) unit affordable apartment complex at 802 and 806 Merritt Mill Road. Prior to reaching a decision, the Board of Aldermen must hold a public hearing to receive input on the rezoning request and the CUP.

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

James Thomas, the Town's Planning/Zoning Administrator, was sworn in and provided the staff report.

Marty Roupe, the Town's Zoning Administrator, stated that the bike lane will connect with a future planned bike route in front of the Lincoln Center.

Jess Brandes, the Housing Developer with CASA, was sworn in and provided information on behalf of the applicant. She responded to questions related to laundry facilities and stated that it is CASA's model to have washer/dryer hookups in the unit and to have the user pay the fees. They see that causes less waste. She explained the design discussions regarding location of the playground.

Alderman Slade asked if the recommended condition for running the conduit for a future electric vehicle station is acceptable. Jess Brandis stated that it should be due to the light location in the parking lot. He also asked about the native landscaping recommendations as a condition. Jess Brandis stated that once they have a landscape architect, they will use that list. He suggested that they consider renting parking spaces that are not used.

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

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE MAP OF THE CARRBORO LAND USE ORDINANCE (N.C. Gen. Stat. 160A-383)**

**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 1.99 ACRES OF PROPERTY KNOWN AS 802 AND 806 SOUTH MERRITT MILL ROAD FROM R-7.5 (RESIDENTIAL, 7,500 SQUARE FEET PER DWELLING UNIT) TO R-2-CU (RESIDENTIAL, 2,000 SQUARE FEET PER DWELLING UNIT, CONDITIONAL USE)

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

**Section 1. The Board has reviewed the draft amendment to the map of the Land Use Ordinance and concludes that the proposed amendment is:**

\_\_\_\_\_ *Consistent* with current adopted plans, Carrboro Vision2020 (provisions 1.35, 2.11, 2.22, 6.11 and 6.17) and the Town's Affordable Housing Strategy (provisions 2.1 and 2.3), for the following

reason(s):

**1.35** The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed income.

**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 impacts of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

**2.22** Where development is acceptable, there should be well defined dense development with areas of well-preserved open space.

**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.

**6.17** The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Housing Corporation, Empowerment Inc., and Habitat for Humanity.

**2.1** Increase the number of rental units that are permanently affordable to individuals and families earning less than 60% of Area Median Income (AMI).

**2.3** Slow the pressure on rental prices by increasing rental housing stock, particularly in high-transit areas.

**Section 2. The Board of Aldermen's action is reasonable and in the public interest for the following reason(s):**

The above described 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.

**This 27th day of March 2018.**

**The motion carried by the following vote:**

**Aye:** Mayor Lydia Lavelle, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils

**A MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE ORDINANCE BELOW:**

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 1.99 ACRES OF PROPERTY KNOWN AS 8020 AND 806 SOUTH MERRITT MILL ROAD FROM R-7.5 (RESIDENTIAL, 7,500 SQUARE FEET PER DWELLING UNIT) TO R-2-CU (RESIDENTIAL 2,000 SQUARE FEET PER DWELLING UNIT, CONDITIONAL USE)  
Ordinance No. 15/2017-18

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

Chapel Hill Township, 802 and 806 South Merritt Mill Road (PIN 9778-93-1183 and 9778-93-0153), encompassing approximately 1.99 acres as shown on the accompanying map titled, “Proposed R-2CU Rezoning CASA” is hereby rezoned from R-7.5 (Residential, 7,500 Square Feet per Dwelling Unit) to R-2-CU (Residential, 2,000 Square Feet per Dwelling Unit, Conditional Use).

SECTION 3. This ordinance shall become effective upon adoption.



**Aye:** Mayor Lydia Lavelle, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE THAT THE APPLICATION COMPLIES WITH ALL APPLICATION REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY TO GRANT THE APPLICATION BE APPROVED SUBJECT TO THE PROPOSED 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 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.
- 4.That the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town Engineer and Environmental Planner for approval prior to construction plan approval.
- 5.That prior to construction plan approval, the applicant receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment/maintenance agreement for installation of necessary infrastructures.
- 6.That if any substantive changes to the site design are necessary to meet all applicable stormwater related provisions of the LUO, then the applicant will bring such changes back to the Board of Aldermen for review, including an additional public hearing if deemed necessary.
- 7.That deed restrictions must be placed on the property restricting use of the land to only affordable housing, in accordance with LUO Section 15-182.4, for a period of 99 years.
- 8.Running conduit that can serve any spot in the parking lot for future installation of Level 2 electric vehicle charging stations.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS TO GRANT THE APPLICATION. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO TREE**

## **PROTECTION, SHADE TREES, CANOPY COVERAGE AND REPLACEMENT STANDARDS**

The purpose of this item was for the Board of Aldermen to receive public comment on text amendments to the Land Use Ordinance relating to the provisions in Article XIX, Screening and Trees, and the associated appendices A and E.

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

Alderman Gist expressed concern with a payment-in-lieu option and how it could lead to a treeless downtown.

Alderman Slade stated that he would like to get to a place where this issue is addressed early on in a development application. He expressed concern with the language that allows encroachment. Alderman Haven-O'Donnell agreed with Alderman Slade and expressed concern with removal of trees.

Mayor Lavelle opened the public hearing.

Alderman Haven-O'Donnell suggested that she and Alderman Slade get together and work on language that they could send to staff and the Board. Alderman Gist asked that the payment-in-lieu concerns be considered in that.. Alderman Chaney said to just keep the 3-21.2 payment in lieu section out and the rest of the Board was in agreement. Alderman Haven-O'Donnell and Alderman Slade will report suggested language to staff.

Alderman Chaney stated that she is concerned that someone will complain to the state about the vagueness of the requirements and said that a Master Tree Plan would be nice in a Comprehensive Plan. She stated that they should act now, while they can, and protect what is there by providing clarity.

Mayor Lavelle closed the public hearing.

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## **ADJOURNMENT**

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