



# **Town of Carrboro**

301 W. Main St.

Town Hall

Carrboro, NC 27510

## **Meeting Minutes Board of Aldermen**

**Tuesday, September 25, 2018**

**7:30 PM**

**Board Chambers - Room 110**

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

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

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### **CHARGES ISSUED TO RECENTLY APPOINTED ADVISORY BOARD MEMBERS**

Andressa Thorne, the Deputy Town Clerk, issued a charge to Paul Clark, a recent appointee to the Recreation and Parks Commission.

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### **PROCLAMATION – WALK/BIKE TO SCHOOL MONTH AND DAY**

Mayor Lavelle proclaimed October as “Carrboro Walk/Bike to School Month” and October 10, 2018 as “Walk/Bike to School Day” in Carrboro.

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### **REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR**

Alderman Slade requested that the police report in January include ideas for how a community policing advisory board could be included.

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### **APPROVAL OF JUNE 26, 2018 AND SEPTEMBER 4, 2018 MEETING MINUTES**

**MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN FOUSHEE TO APPROVE THE MINUTES OF JUNE 26, 2018 AND SEPTEMBER 4, 2018, AS AMENDED. VOTE: AFFIRMATIVE ALL.**

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**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE TO AMEND THE TOWN CODE AND LAND USE ORDINANCE TO ESTABLISH MEMBERSHIP LIMITATIONS ON BOARDS, COMMITTEES, AND COMMISSIONS**

The purpose of this item was for the Board of Aldermen to set a public hearing on the draft ordinance for October 23, 2018 and to refer the item to the Planning Board and Orange County.

Prior to passing the resolution below, the Board adopted a previous version with the date of October 23, 2018 for the public hearing. That resolution was passed unanimously after a motion by Alderman Haven-O'Donnell and seconded by Alderman Gist. After hearing from staff regarding the Greenways Commission schedule and the need to change the public hearing date to November 27, 2018, the final resolution was adopted as shown below:

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

**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE TO AMEND THE CARRBORO TOWN CODE AND LAND USE ORDINANCE TO ESTABLISH MEMBERSHIP LIMITATIONS ON BOARDS, COMMITTEES, AND COMMISSIONS**

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on November 27, 2018, to consider adopting “**An ordinance to amend the Carrboro Town Code and Land Use Ordinance to establish membership limitations on boards, committees, and commissions.**”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the Greenways Commission. **This 25<sup>th</sup> day of September 2018.**

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

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

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**REQUEST TO MAKE AN APPOINTMENT(S) TO THE APPEARANCE  
COMMISSION/NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION**

The purpose of this item was for the Board of Aldermen to make appointments to the Appearance Commission/Neighborhood Preservation District Commission.

**Motion was made by Alderman Seils, seconded by Alderman Foushee, that this resolution be approved.**

**A RESOLUTION MAKING APPOINTMENTS TO THE  
APPEARANCE COMMISSION**

THE BOARD OF ALDERMEN HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE APPEARANCE COMMISSION:

<b>Seat Designation</b>	<b>Appointee</b>	<b>Term Expiration</b>
Member	Nicholas Johnson	2/2022
Member	Vickie Brown	2/2021
Member	Sharon Reilly	2/2021
Member	Hallee Haygood	2/2020

Section 2. This resolution shall become effective upon adoption.

**This 25<sup>th</sup> day of September 2018.**

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

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

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**APPROVAL OF AN AFFORDABLE HOUSING FUNDING REQUEST FOR CRITICAL HOME  
REPAIRS**

The purpose of this item was for the Board to approve a request for home repair funds from Rebuilding Together of the Triangle.

**Motion was made by Alderman Seils, seconded by Alderman Foushee, that this resolution be approved.**

**A RESOLUTION APPROVING A REQUEST FOR GRANT FUNDS FROM THE  
AFFORDABLE  
HOUSING SPECIAL REVENUE FUND TO MAKE CRITICAL HOME REPAIRS**

WHEREAS, the Board of Aldermen on, June 27, 2007, by the adoption of resolution no. 244/2006-07 created the Affordable Housing Special Revenue Fund; and

WHEREAS, the creation of the fund is another way in which the Board can advance its goal of increasing and maintaining the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Affordable Housing Special Revenue Fund was also designed to provide critical home repair for Carrboro residents without the means to do them on their own; and

WHEREAS, Rebuilding Together of the Triangle has requested funding from the Affordable Housing Special Revenue Fund for repairs at the home located at 1801 N Greensboro St.; and

WHEREAS, the request is for \$17,342; and

WHEREAS, Town Staff has reviewed the request and determined that it meets the criteria set forth in the Affordable Housing Special Revenue Fund and the Affordable Housing Goals and Strategies; and

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

Section 1. The Board of Aldermen approves the grant to Rebuilding Together of the Triangle for Critical Home Repairs in the amount of \$17,342.

Section 2. The Board of Aldermen authorizes the Town Manager to develop and execute an agreement as necessary to carry out the Board's action.

Section 3. This resolution shall become effective upon adoption.

**This 25<sup>th</sup> day of September 2018.**

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

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

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**APPROVAL OF REVISED LAND USE AND BUILDING PERMIT FEE WAIVER POLICY  
RELATED TO AFFORDABLE HOUSING**

The purpose of the item was for the Board to approve a revised Building Permit and Land Use Fee Waiver Policy for affordable housing.

**Motion was made by Alderman Haven-O'Donnell, seconded by Alderman Chaney, that this resolution be approved.**

**A RESOLUTION APPROVING THE REVISED BUILDING PERMIT AND  
LAND USE FEE WAIVER POLICY**

WHEREAS, the Board of Aldermen created an affordable housing special revenue fund on June 27, 2007 by the adoption of resolution no. 244/2006-07; and

WHEREAS, the Board of Aldermen adopted a revised policy to allow for the waiver of development and building permit fees in September of 2000.

WHEREAS, the Board of Aldermen established the Affordable Housing Advisory Commission on June 13, 2017; and

WHEREAS, the Affordable Housing Advisory Commission reviewed the policy throughout the spring and summer of 2018 and voted on September 19, 2018 to recommend a revised version to the Board of Aldermen.

NOW THEREFORE, BE IT RESOLVED that the Board of Aldermen hereby: Adopt the revised Building Permit and Land Use Fee Waiver Policy.

This resolution shall become effective upon adoption.

**This 25<sup>th</sup> day of September 2018.**

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

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

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**CONTINUATION OF THE PUBLIC HEARING: REVIEW OF THE SANDERWAY AIS  
CONDITIONAL USE PERMIT**

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE  
TO CONTINUE THIS PUBLIC HEARING TO OCTOBER 16, 2018. VOTE: AFFIRMATIVE  
ALL**

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**PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO  
THE LLOYD FARM DEVELOPMENT**

The Town received an updated application for text amendments to the Land Use Ordinance as part of the request for a conditional rezoning for the Lloyd Farm development. A draft ordinance was prepared.

In early April 2018, Ted Barnes of Argus Development Group, LLC, submitted a revised application to rezone the Lloyd Farm property located at NC Hwy 54 and 700 Old Fayetteville Road from R-10 and B-4 to B-4, Conditional (B-4-CZ) for a mixed-use development. The application included a request for text amendments to modify the ordinance in the following ways: to allow residential uses (multi-family and duplexes) in the B-4-CZ or B-4-CU districts, subject to a conditional use permit, to allow flexibility in the street standards, to allow offices/medical uses/clinics uses that are greater than 10,000 square feet but no larger than 30,000 square feet, to allow for high volume retail uses to have pick-up lanes/drive-through windows, and to allow for some flexibility in the number of bicycle parking spaces as a parallel to existing provisions for requests for flexibility in vehicle parking spaces.

The public hearings for both Lloyd Farm items were held in unison and comments are incorporated below.

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

The Town received a revised application to rezone property at the northeast corner of NC Hwy 54 and Old Fayetteville Road 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.

The subject property includes the two parcels located at the northeast corner of NC Hwy 54 and Old Fayetteville Road shown with diagonal hatching in the rezoning exhibit map provided in the staff memo (*Attachment G*). The parcels can be further identified by Orange County PIN numbers Lot 1 (PIN 9779-09-7922) and Lot 2 (PIN 9778-19-6618). Lot 2 currently falls within two different zoning classifications: R-10 and B-4. If approved, all of lots 1 and 2 would be rezoned to B-4-CZ and included in the subsequent application for a conditional use permit.

Two additional parcels fronting James Street were included in an earlier iteration of the project. Identified as Lot 3 (PIN 9779-10-7351) and Lot 4 (PIN 9779-20-0449) of the 2016 Lloyd Farm assemblage, the applicant agreed to a condition to dedicate both lots to the Town. The petition for rezoning and associated illustrative site plan have been revised accordingly, and the total acreage for the 2018 application (35.40 acres) is less than that of the previous application.

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

Ted Barnes, the developer, provided a report to the Board.

Charles Romeo, a resident of 311 Carol Street, spoke against the rezoning due to the increase in traffic.

Cherie Rosemond, representing the Orange County Department on Aging, spoke in favor of the rezoning because of the senior housing component and how it aligns with the Department on Aging plans.

Julia Shaw, a resident of 313 Carol Street, spoke against the rezoning because of bad traffic.

Rae Mosher, a resident of 2608 Damascus Church Road and owner of Carrburitos, spoke in favor of the rezoning on behalf of the Carrboro Business Alliance. She stated that this project is a great investment in the Town.

Chris Hogan, a resident of 117 Redbud Ln, Chapel Hill, spoke in favor of the project. He stated that there has been many years of community engagement on this project and that it will create another heart in Carrboro.

Becky Ribsky, a resident of 304 Lindsey Street, spoke in favor of the rezoning because it is change in Carrboro in a really good direction.

Saddle Womble, a resident of 701 Hillsborough Road, spoke in favor of the rezoning because of the added economic value.

Jeff Rubish, a resident of 214 Hillsborough Road, spoke in favor of the rezoning for the added senior housing.

David Bell, a resident of 810 Old Fayetteville Road, spoke in favor of the rezoning because of the affordable housing component.

Ned Riggsbee, a resident of 1228 Hillsborough Road, spoke in favor of the rezoning but did have concerns regarding traffic. He stated that there is a need to reduce the tax burden on the tax payers and that this can help.

Richard Ellington, a resident of 109 Bruton Drive, stated that he approves of the rezoning but complained about bad traffic.

Darlusz Oroc, a resident of 114 West Poplar Street, spoke in favor of the rezoning but complained about bad traffic.

Bret Johnson, a resident of 211 Carol Street, spoke in favor of rezoning but complained about bad traffic.

Meredith Bratcher, a resident of 104 Carol Street, expressed concern with traffic and suggested that Carol Street become a dead end street at the Old Fayetteville side to prevent cut-through traffic. She asked that a traffic study be conducted with this design for the Board to consider.

Geoff Gisler, a resident of 310 Carol Street, spoke against the rezoning and presented the Board with a petition signed by 100 neighbors.

Barb Stenross, a resident of 120 Carol Street, spoke against the rezoning and expressed concern with an increase in traffic and stormwater runoff.

Sarah Breome, a resident 831 Old Fayetteville Road, spoke against the rezoning because of bad traffic.

Terri Buckner, a resident of 306 Yorktowne Drive, spoke against the rezoning because of bad traffic and suggested more space for affordable senior housing.

Adrienne Jiminez, a resident of 109 Phipps Street, spoke against the rezoning because of bad traffic.

Heidi Perry, a resident of 407 Robert Hunt Drive, stated that the development does not prioritize the climate and encourages more cars. She suggested that the parking should be unbundled from the housing and stated that the senior housing would need bicycle parking.

Gordon Chadwick, a resident of James Street, spoke against rezoning because of flooding and traffic.

Bill Himstraugh, a resident of 831 Old Fayetteville Road, spoke against the rezoning because of bad traffic. He asked if the housing is proposed to be on a bus line.

Tim West, a resident of 107 Carol Street, spoke against the rezoning because of bad traffic.

John VanFleet, a resident of 403 Lorraine Street, spoke against the rezoning because of flooding and traffic.

Tihiro Christmas, a resident of Old Fayetteville Road, spoke against the rezoning. She stated that it will cause more flooding and increase the traffic. She stated that many of her neighbors did not know about the development.

Mari Sanchez, a resident of 202 Lorraine Street, spoke against the rezoning because of flooding and traffic. She asked the Board to fix current infrastructure before approving.

Negest Kinte, a resident of 102 James Street, spoke against rezoning because of flooding and asked the Board to fix the current water problems.

Marsha Roth, a resident of 201 Rainbow Drive, spoke against the rezoning because of the concerns related to flooding and traffic.

Michael Russell, a resident of 120 Carol Street, spoke against the rezoning because of flooding and traffic.

Mayor Lavelle closed the public hearing.

Alderman Foushee asked what the Town can do to get ahead of traffic and stormwater issues.

Alderman Gist asked what would happen if the Town dead-ended Carol Street and how the neighbors feel about that. She asked if the drive-thru and square footage requirements could be limited to this parcel rather than all other like-zones. She asked for where the Town is in regards to stormwater. She stated that the senior housing is not affordable to the middle class. She asked if the Transportation Advisory Board had any conversation regarding Carol Street in addition to bike parking.

Alderman Chaney stated that the traffic and flooding are town-wide issues. She stated that she would like for staff to assess what the Town can do, with a timeline for development, to address traffic and stormwater. She stated that she would also like to see how far out this project may go while the Town can address these issues.

Alderman Seils stated that the stormwater and traffic are systemic issues. He asked what the timeline would be if the rezoning were approved. He asked for information about the potential division of the parcels and how that would create individual development lots. He stated that he would like to be careful with allowing new uses in other like-zoned areas.

Alderman Haven-O'Donnell stated that she would like to see a stormwater solution. She stated that the Town has a responsibility to fix those issues and that there has been a stormwater manager hired and a utility created. She stated that traffic needs to be considered and that a widespread plan should be included to mitigate the traffic. She stated that she wants to carefully review the timelines associated with development and for the Town to address the flooding and traffic issues.

Alderman Slade stated that there is a need to increase the commercial tax base and to not sacrifice a neighborhood with traffic and flooding. He asked for information on the traffic data. He asked that the developer respond to the advisory board suggestions. He asked how this proposal compares to stormwater runoff with what is allowed by-right.

Mayor Lavelle asked if there is a way to explore Carol Street as a one-way street in addition to considering creating a dead-end. She clarified that this item will come back to the Board on October 23 and, at that time, she asked that the aldermen be able to make a decision on the application.

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**CLOSED SESSION - POSSIBLE LAND ACQUISITION AND TO CONSULT WITH THE ATTORNEY - NCGS 143-318.11(A)(3) & (5)**

**MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN FOUSHEE TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11(A)(3)&(5). VOTE:**



**AFFIRMATIVE ALL**

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**OPEN SESSION**

**MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN FOUSHEE TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL**

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**ADJOURNMENT**

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