



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

Town of Carrboro

Meeting Minutes

Board of Aldermen

Tuesday, October 22, 2019

7:00 PM

Board Chambers - Room 110

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

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

POETRY READING

Fred Joiner, Carrboro Poet Laureate, read a poem by Jacinta White called "Resurrecting the Bones."

2019 CARRBORO CITIZENS' ACADEMY GRADUATION

Mayor Lavelle and Cathy Dorando awarded the graduates of the 2019 Citizens' Academy with their certificates. The 2019 graduates were as follows: Lisa Braden, Maria Dewees, Lindsay Griffin, Barry Groner, Melissa Loggins, Samuel Maldonado, David Markiewicz, Fiona Matthews, Melinda Miller, Jeff Rupkalvis, Jamie Tripp, Robert Vaccarelli.

GFOA CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING 2018

Mayor Lavelle recognized the Town's Finance Department staff for this award.

REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

There were no speakers.

APPROVAL OF MINUTES FROM SEPTEMBER 17, 24, AND OCTOBER 1, 2019

Alderman Haven-O'Donnell asked that the minutes from September 17, 2019 be tabled for approval.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE, TO APPROVE THE MINUTES FROM SEPTEMBER 24, 2019 AND OCTOBER 1, 2019. VOTE: AFFIRMATIVE ALL

REQUEST TO RESCHEDULE THE PUBLIC HEARING ON AN AMENDMENT TO THE MASTER PLAN ADOPTED AS PART OF THE WINMORE VILLAGE MIXED USE DISTRICT FOR A FUTURE DATE

The purpose of this agenda item was for the Board of Aldermen to reschedule the public hearing to consider an amendment to the master plan and modification to the CUP for the Winmore Village Mixed Use District (VMU) for a future date.

A motion was made by Alderman Chaney, seconded by Alderman Foushee, that the following resolution be approved:

A RESOLUTION RESCHEDULING THE PUBLIC HEARING ON AN AMENDMENT RELATED TO THE WINMORE VILLAGE MIXED USE DISTRICT FOR A FUTURE DATE

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

NOW, THEREFORE BE IT RESOLVED that staff will a request to set a public hearing to consider adopting "An Amendment to Related to the Winmore Village Mixed Use District" at a future date.

This the 22nd day of October, 2019.

The motion carried by the following vote:

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

AFFORDABLE HOUSING ADVISORY COMMISSION FUNDING RECOMMENDATION

The purpose of this item was for the Board of Aldermen to consider recommended funding for one nonprofit affordable housing application to the Affordable Housing Special Revenue Fund.

A motion was made by Alderman Chaney, seconded by Alderman Foushee, that the following resolution be approved:

**A RESOLUTION APPROVING GRANT FUNDING FROM THE
AFFORDABLE HOUSING SPECIAL REVENUE FUND**

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 Advisory Commission (AHAC) reviewed a funding application for the Affordable Housing Special Revenue Fund on October 16, 2019; and

WHEREAS, the AHAC determined that the request met the criteria set forth in the Affordable Housing Special Revenue Fund; and

WHEREAS, the AHAC made the following funding recommendation:

Rebuilding Together of the Triangle **\$28,625**

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

Section 1. Approves the recommended grant funding activity from the Affordable Housing Special Revenue Fund in FY2019-2020.

Section 2. 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 the 22nd day of October, 2019.

The motion carried by the following vote:

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

**CONTINUATION OF PUBLIC HEARING: CONDITIONAL USE PERMIT FOR PHASE 1
SHOPS AT LLOYD FARM**

The purpose of this item was for the Board of Aldermen to continue the public hearing regarding a request for a Conditional Use Permit for Phase 1 Shops at Lloyd Farm at 700 & 706 Old Fayetteville Road.

Nick Herman briefed the Board on their roles as judges in this quasi-judicial hearing. He explained that facts were to be considered, rather than laymen opinions.

The speakers listed below were sworn in by the Town Clerk.

Marty Roupe the Town's Zoning Administrator, provided the staff report.

Alderman Foushee asked if the street that runs through the shopping center will be publicly owned and maintained. Marty Roupe stated that they have been designed in a manner that meets the standards and the developer is offering them for dedication to the Town. He stated that the developer is asking that they are being requested to be adopted but that the Town has discretion involving the street. He explained that the offer of dedication, by law, remains for 15 years and during that time, the owner maintains them. She asked if that needs to be a condition and Marty Roupe stated that it could be.

Alderman Chaney asked whether those roads need to be publically maintained if they are used by Chapel Hill Transit. Zach Hallock stated that he will look into that question and report back.

Alderman Chaney asked about the raised crosswalks and a willingness to offer them if the Board of Aldermen so directed. She asked if that would need to be a condition. Marty Roupe stated that it should be.

Alderman Gist stated that she is having a hard time understanding the benefit to the Town to own the street due to the financial burden and a responsibility that is a private one to maintain. She stated that she does not want the Town to be responsible for clearing the street and is against taking it on.

LeAnn Brown, the attorney of applicant, stated they are comfortable with staff's lighting proposal and lowering poles in certain locations. She stated that applicant is fine with donating the street or not, they are fine either way.

Allen Spalt, a resident of 300 James Street, spoke to the Board about his master's degree and his experience on the Board of Aldermen and Adjustment. He asked that the comments be considered as expert. He discussed his concerns with traffic, lighting, green elements. He asked the Board to deny based on health and safety.

Terry Brigham, a resident of 306 Rainbow Drive, stated that several members of the Board attended the Friends of Bolin Creek candidate forum. She read many comments from Aldermen Seils and Slade and thanked them for their support of the Plantation Acres residents.

Tim West and Meredith Bratcher, 107 Carol Street, stated that they were going to read a letter that was drafted by many of their neighbors.

LeAnn Brown raised an objection from the floor and stated that it is not proper for an individual to speak on behalf of others because it is hearsay and cannot be considered by the Board and if they cannot present credentials, it is improper for the Board to consider the testimony.

Mayor Lavelle asked if the Town's attorney could weigh in.

Nick Herman stated that the Board could hear the testimony but could only consider facts. He cautioned that hearsay is inadmissible.

Tim West and Meredith Bratcher then continued to read the letter to the Board of Aldermen in opposition to the application.

Marcia Cordova, 201 Rainbow Drive, Master of Public Health, read a letter that had been cosigned by several residents and read the education and experience of those that co-signed. The letter asked that lighting be restricted to 15-foot poles, that cisterns be added under Harris Teeter, that traffic mitigation be seriously undertaken for the surrounding neighborhoods, that the streets not be accepted as public roads.

Aja Kelleher continued from the same letter and read more of the names of the cosigners.

Adrian Henanaz, a resident of Phipps Street, asked the Board to retain quality of life in Carrboro. She stated that the Shops at Lloyd Farm do not fit the model of progressive design and asked the Board to deny the application. She stated that expectations need to change and so do the Town's ordinances.

Alderman Slade thanked all of those that came out to speak. He stated that he was sorry for the CUP process and the way it made neighbors feel like they could not be heard. He brought up several questions to the advisory boards suggested conditions.

Alderman Gist stated that flooding remains her major concern and that is a safety issue and she feels stuck there because the LUO requires meeting 150 year storm events. She stated that the NOAA data is 50 years old and that it would be wise of the developer to go beyond the LUO requirement and meet larger storms to protect their property.

Alderman Chaney stated that she would be interested in the applicant's response to building to certain storms. She asked Nick if the applicant is bound to stay true to the storm standards and also how the Town will know that the project will remain in compliance after it is built.

Nick Herman stated that staff would need to answer that.

Marty Roupe stated that the applicant/builders are held to the design regulations at the time the project is approved. He stated that if standards change in the future, the project would not be bound to comply with those new regulations. This project will require annual reporting and they enter into an agreement with the Town and this reporting requirement remains in perpetuity.

In response to Alderman Gist's concerns about NOAA data, Alan Maness, VHB with Stormwater design, stated that the NOAA Atlas 14 is the most current data and he is bound as a professional engineer to use that data. He stated that they are going above and beyond the ordinance to meet the 100 year requirements.

Alderman Chaney asked him to explain what he means when he says the NOAA Atlas 14 data is updated. He stated that rainfall distributions vary a lot and it measures both depth and quantify of rainfall. She asked if the data stops 50 years ago. He explained that the data averages fifty years of data.

Alderman Gist stated that the Water Environment Federation says that using NOAA 14 is setting up for bad results when designing urban and suburban detention systems even though it is the industry standard. She stated that the fifty year data does not include climate change data. She stated that the

report from the Water Environment Federation scared her because of the data that it does not include. She stated that she thinks the standards need to change but that at this time they are what they are; but she encouraged the applicant to build at a higher standard to protect their investment from larger stormwater events. She stated that she is concerned about flooding here and always has been.

Mayor Lavelle asked about adding back cisterns at Harris Teeter. Alan Maness explained that cisterns were shown on a previous application along the side of Harris Teeter and the way the state calculates stormwater is now the SNAP tool that is based upon research and includes how the stormwater control measures infiltration of water into the ground. He explained that the new design now has less impervious surface than the last proposal so the combination of the SNAP tool and reduction of impervious surface have resulted in stormwater changes. He stated that during construction, there will be efforts taken regarding stormwater.

Alderman Seils recommended that the applicant respond to conditions that they are comfortable accepting.

Mayor Lavelle questioned the height of the light poles and Alderman Gist said she would like 15-foot throughout and the Board seemed to be in agreement.

The Board of Aldermen went into recess to allow the applicant, and their representatives, and the town staff to negotiate revised conditions.

After the recess, Marty Roupe presented the newly drafted conditions to the Board.

Alderman Foushee stated there is another question regarding traffic flow in and out of the area and asked if a citizen could come forward to ask the question.

Eliza Halev stated that her concern is traffic flow in and out of the shopping center and wondered how traffic will move in and out of 54 and Old Fayetteville.

Ted Barnes, representing the applicant, discussed the traffic egress and ingress and stated that the construction management plan will also dictate traffic flow.

Travis Bloke, representing the applicant with Kimley-Horne and Associates, further detailed the traffic plans.

Damon Seils asked if there would be any changes at Hwy 54 and Old Fayetteville Road. Travis Bloke stated that there will be two left turn lanes and running a south bound right turn lane onto west bound.

Alderman Chaney asked when the road improvements start in order of events. Travis Bloke stated that it is before the first certificate of occupancy is issued before the buildings can be occupied. Ted Barnes stated that it goes concurrent with site work.

Mayor Lavelle closed the public hearing.

Alderman Chaney thanked all of those for coming to the meeting. She stated that the processes are very prescriptive and can suck the air out of the room by those that are going to be impacted. She stated that this phase of the project she wishes was different. She stated that she appreciates the letter presented to the Board from residents, that while it is not evidence, she stated that the ask was to restrict the pole height to 15 feet and the Board has done that. She stated they asked that some of the retention features

were removed between drawings and that the neighbors now asked them to be added. She stated that while they were not added back, that this project is designed to the highest level of stormwater management of any ever designed in town. She stated that staff remains committed to work with the neighborhood to figure out how to reduce traffic impacts in the neighborhood. She stated that the roads are public roads and that the Town can slow down, discourage cut-throughs, but that they can't restrict access. She stated that the traffic impacts need to be addressed now. She stated that she is very excited with the senior housing that will be coming in the next phase of this project and allow some affordability.

Alderman Haven-O'Donnell thanked staff for the number of hours that have been spent on this project. She also thanked the neighbors. She expressed concern with stormwater and safety surrounding it. She stated that she feels the Land Use Ordinance is antiquated because of storms that have been experienced recently. She stated that they all understand that they are constrained in how to make a decision but that the climate reality is something they cannot predict with any certainty.

Alderman Gist stated that her concerns are flooding and traffic and that she does feel better about both of those but does not feel 100% about either of them. She appreciates the applicant going above what they are required to do. She stated that it is the Board's responsibility to change the ordinance if it is not what they want but that the applicant has met the LUO requirements. She thanked the residents for their input. She stated that the Town will work on traffic to protect the neighborhood. She stated that her inclination is to vote against the project because she wants to protect the neighbors and she does not want to see that change but that the law says she really does not have that option. She thinks that the CUP process is a good law, even though she does not like the position it has placed them in, but that she will vote for the project because it meets the LUO requirements.

Alderman Seils thanked the neighbors for their input and for the process that has taken many years. He stated that this project is not right for Carrboro now, nor will it ever be. He stated that this does not fit a sustainable model for Carrboro but that the CUP process does require a hearing of fact. He said that the Board stated that this project will advance the health, safety, and welfare of the people of Carrboro when the Board approved the conditional rezoning last year. He stated that this is not the legally appropriate place to change the LUO at this time.

Alderman Slade stated that he appreciates the expression of conundrum that they are in. He stated that he also did not vote on this a year ago, for many of the reasons that the neighbors have expressed, when the Board of Alderman did have an opportunity legislatively to respond to concerns about stormwater, traffic, and the type of construction that this represents – a missed opportunity for higher density mixed-use that could have been. He stated that the law, unfortunately, is too often not set up for peoples' wellbeing. He stated that we are in a system that is literally killing us and that his experience while being on the Board is that many times they have to abide by laws that are imposed on them and that they do not have as much autonomy like in other parts of the country to really reflect and be more like what our immediate community wants. He explained that in this process they are supposed to listen to experts and what they tell the board is understood relative to what the land use ordinance says they need to do. He said that if one of the experts had said the storms are going to be awful, a whole row of houses are going to be washed away because a similar project somewhere else got built and that is what happened there, everyone would be thinking it strange that the developer's expert is testifying in a manner that undermines their project. He said some in the audience would be laughing because it would be so surreal. He pointed out that last week the developers expert testifying about the value of adjacent property did cause many to laugh in disbelief: the expert testified that where a similar project in the triangle was built neighboring houses were bought and razed, and very expensive buildings were built there. Alderman Slade expressed that that is completely contrary to local values for protecting

affordability. He stated that it is the Boards responsibility to go by what the expert witnesses are saying to them and that the way he heard that expert witness speak was as if an expert witness had said that storms were going to wash away a row of houses because of what is known from similar situation in another place. He said that similarly, the value of these properties are going to increase to a level, that from the communities perspective, the value is not there. He said that the proposed development will change the fabric of the neighborhood and the opportunity of some people to exist in our town because they will not be able to afford living here, there will be less naturally affordable housing. He pointed out that the ordinance says that they need to judge on whether a project will significantly impair the value of adjacent or abutting property. He stated that 'value' is not defined. He pointed out that court precedent tends to speak of fair market value. He said that he is not aware of whether what is understood as 'value' in this context has been challenged and thought of in a different way. He said that many times their role as elected officials is to inject alternative ways of thinking, especially when talking about laws that are amoral and not reflective of needs that we have as a community. He said that in that spirit he would be voting against this project tonight because he is obligated in this process to vote according to expert testimony.

Mayor Lavelle stated that when she hears the requirements under the law, the applicant has met the conditions of the LUO, she does not feel that it will injure the value of the neighboring properties, that it is in harmony of the area, she will be voting for the CUP. She stated that she really appreciates the neighbors' input but she wants to thank the Lloyd Family and their perseverance over the years working with this process. She stated that they have worked with the Town, the neighbors, the mediation, they have added amenities, donated land, increased Stormwater retention, and added unique senior housing. She thanked the Lloyds, especially.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE, THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE SIX, NOES ONE (SLADE)

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE, THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, NOES ONE (SLADE)

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS, THAT THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: AFFIRMATIVE ALL

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 rezoning conditions for the Lloyd Farm project created for the subject properties have been hereby satisfied subject to the remaining conditions of this Conditional Use Permit. Modifications to the rezoning conditions approved for the project will require approval by the Board of Aldermen subject to an additional public hearing.

4. That the Board of Aldermen finds that 358 parking spaces are sufficient to serve Phase 1 of the Lloyd Farm project. This finding is based on information provided by the applicant regarding the proposed mix of uses, which should result in this portion of the development having sufficient parking.
5. That prior to construction plan approval staff will continue to coordinate with Chapel Hill Transit and NCDOT locations for transit service with possible stops in the vicinity of the grocery store and senior living complex.
6. 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.
7. That the developer shall provide a detailed stormwater system maintenance plan, specifying the entity responsible for maintenance and a maintenance schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), performance evaluation protocols, 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 the Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.
8. That in accordance with rezoning condition number 18 and in advance of draining the property's constructed ponds near Old Fayetteville Road, the applicant will engage a wildlife relocation organization such as NC State Turtle Rescue Team to assess options for developing and implementing a strategy to relocate turtles currently residing in the ponds. The applicant shall evaluate its stormwater management plan to determine if the construction of stormwater devices can provide a receiving area for some or all of the existing turtles. This condition must be satisfied prior to the approval of construction plans for the project.
9. That the applicant must install a maximum fifteen foot high light poles throughout the project and use a maximum 3000 kelvin rating for all LED lights throughout the project.
10. That consistent with rezoning condition number 11, review and approval of the tenant agreement restricting hours for deliveries to between the hours of 6 am and 10 pm on weekdays and 7 am to 10 pm on weekends must take place prior to approval of the construction plans.
11. That consistent with rezoning condition number 12, review and approval of the tenant agreement restricting hours for collection of trash and recycling must take place prior to approval of the construction plans.
12. That consistent with rezoning condition number 13, review and approval of restrictions to landscaping maintenance hours must take place prior to approval of the construction plans.

13. That NCDOT must issue a driveway permit for the project prior to approval of the construction plans. The side path along NC Highway 54 must be discussed in detail during review of the driveway permit.
14. That the 60 foot easement shown on the 1994 plat shall be abandoned during and by way of recording a final plat for the project in accordance with the new shapes and configurations of lots as shown on the CUP plans.
15. That the applicant must utilize native plants as identified in the LUO in supplemental landscaping to the extent possible. Supplemental aesthetic plantings, such as pots and beds, may utilize drought tolerant and non-invasive plants.
16. That the applicant must install raised and painted crosswalks along Merchant's Way consistent with approvals by Fire, EMS, and Chapel Hill Transit.
17. That the applicant must relocate 14 non-covered bike parking spaces from the north side of the grocery store to the south side of the grocery store, as indicated on Exhibit B submitted by the applicant at the public hearing.
18. That the applicant must coordinate with staff alternative locations for the accessible parking locations, away from the grocery store pickup lane.
19. That the applicant must incorporate additional screening along the rear elevation of the grocery store between the store and Old Fayetteville Road.
20. That the applicant must incorporate either increased landscaping or mesh fencing along NC Highway 54 in the area of the amphitheater for the purpose of safety.
21. That the applicant must incorporate and design wiring infrastructure for solar panels within the grocery store design
22. That the applicant agrees to incorporate in the retail shops white reflective energy efficient roofs, thermally broken storefronts with low e insulated glass, and require tenant specific upfits incorporating low flow sinks and toilets and LED lighting. The Harris Teeter design will meet or exceed all applicable building code requirements and will incorporate a white reflective energy efficient roof, LED lighting throughout the store (including all refrigerated cases), low flow urinals and faucets, non-ozone depleting low GWP refrigerant, motion detection lighting, energy management systems, recycling for oil, grease, and cardboard, use of skylights and windows to utilize natural light, food waste composting and paper bag recycling. Harris Teeter has committed to eliminating plastic bag use at grocery checkout at this location.
23. That, subject to NCDOT approval, the applicant agrees to install a median along the street adjacent to the post office to keep traffic from turning left.
24. That prior to issuance of the first building permit, that the applicant must dedicate the lots identified in the conditional rezoning to the town.
25. This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there

has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS, THAT THE APPLICATION IS GRANTED SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE FIVE, NOES TWO (HAVEN-O'DONNELL, SLADE)

PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT TO ESTABLISH TEMPORARY CONSTRUCTION PARKING

The purpose of this agenda item was for the Board of Aldermen to consider a text amendment to the Land Use Ordinance establishing a new use classification and associated standards for temporary construction parking.

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

Alderman Gist asked what brought this on.

Annette Stone stated that the IFC construction site does not have a construction parking area and they would like to park at 200 North Greensboro Street but the LUO does not currently allow that.

Marty Roupe stated that the parcel is currently zoned for independent use and that while there is an existing parking lot, it is attached to the expired zoning permit and thus the text amendment is necessary to allow the temporary parking. This would create the ability to acknowledge that this is a temporary, independent parking lot that is not the long-term intended use of the lot.

Mayor Lavelle opened the public hearing. There were no comments

Mayor Lavelle closed the public hearing.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Foushee, that the following 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 (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: A LAND USE ORDINANCE TEXT

AMENDMENT RELATING TO TEMPORARY CONSTRUCTION PARKING.

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

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

Consistent with the intent of Carrboro Vision 2020 to establish and enhance a vibrant downtown while maintaining a safe and adequate flow of bus, auto, bicycle and pedestrian traffic.

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

The proposed text amendment which finds the proposed text amendment, is reasonable and in the public because it provides for public safety and more efficient construction in the downtown area.

Section 3. Therefore, the Carrboro Board of Aldermen has: *approved* the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

This the 22nd day of October, 2019.

The motion carried by the following vote:

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

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Foushee, that the following resolution be approved:

This the 22nd day of October, 2019.

The motion carried by the following vote:

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

REQUEST-TO-SET A PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT TO ESTABLISH TEMPORARY CONSTRUCTION PARKING

The purpose of this agenda item was to set a public hearing on a Land Use Ordinance amendment to establish temporary construction-related parking for construction projects in the downtown area.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Foushee, that the following ordinance be approved:

**AN ORDINANCE TO AMEND THE CARRBORO LAND USE ORDINANCE RELATING TO
TEMPORARY CONSTRUCTION PARKING
Ordinance No. 6/2019-20**

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Section 15-146 (The Table of Permissible Uses) is amended by adding a new use classification 23.300 entitled "Temporary Construction Parking" and by adding the letter "Z (l)" opposite this use classification under the B-1(g), B-1(c) and B-2 zoning district columns to indicate that this use is permissible in these districts with a zoning permit, subject to Subsection 15-147(u).

Section 2. Section 15-147 (Use of the Designations Z, S, C, in the Table of Permissible Uses) is amended by adding a new subsection (u) that reads as follows:

(u) Existing lots containing parking spaces may be used for temporary parking for construction workers employed on construction projects in downtown commercial districts so long as such parking spaces: (i) are not required by existing permits, (ii) are not part of any satellite parking agreement for an existing permit, or (iii) have not been created by the removal of an existing building.

Temporary construction parking shall be limited to vehicular parking and shall not include staging areas, or material or equipment storage.

Upon completion of the construction project, the zoning permit shall become null and void.

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

Section 4. This ordinance shall become effective upon adoption

This, the 22nd day of October, 2019.

The motion carried by the following vote:

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

CLOSED SESSION

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL, TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11(a)(3) - ATTORNEY CLIENT PRIVILEGE AND NCGS 143-318.11(A)(5) - TO ESTABLISH, OR TO INSTRUCT THE PUBLIC BODY'S STAFF OR NEGOTIATING AGENTS CONCERNING THE POSITION TO BE TAKEN BY OR ON BEHALF OF THE PUBLIC BODY IN NEGOTIATING (I) THE PRICE AND OTHER MATERIAL TERMS OF A CONTRACT OR PROPOSED CONTRACT FOR THE ACQUISITION OF REAL PROPERTY BY PURCHASE, OPTION, EXCHANGE, OR LEASE; OR (II) THE AMOUNT OF COMPENSATION AND OTHER MATERIAL TERMS OF AN EMPLOYMENT CONTRACT OR PROPOSED EMPLOYMENT CONTRACT. VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SLADE, TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN FOUSHEE, TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL