



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, May 3, 2016

7:30 PM

Board Chambers - Room 110

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

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

PROCLAMATION - PUBLIC WORKS WEEK

Mayor Lavelle proclaimed May 15-21, 2016 as "Public Works Week" in the Town of Carrboro. She presented the proclamation to James "JD" Freeman, the Town's Public Works Director.

PROCLAMATION: MENTAL HEALTH AWARENESS MONTH

Mayor Lavelle proclaimed May 2016 as "Mental Health Month" in Carrboro and presented Karen Dunn, Executive Director of Club Nova, with a copy of the proclamation.

Alderman Gist asked Karen Dunn to send an email with her specific legislative requests to the Town.

REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

MOMS DEMAND ACTION FOR GUN SENSE IN AMERICA

Emily Brewer, representing Moms Demand Action for Gun Sense in America, spoke to the Board about National Gun Violence Awareness Day and asked Carrboro to participate in the Movement on June 2, 2016.

HOMESTEAD-CHAPEL HILL HIGH SCHOOL MULTI-USE PATH CONCERNS (BOLIN CREEK GREENWAY PHASE 1B)

Trish McGuire, the Town's Planning Director, gave a summary of the project so far and the steps that have been taken since 2001 to get the project approved.

Alderman Gist asked if the path's surface and possible layout can be changed.

Mayor Lavelle stated that a number of the Board members are concerned with the three crossings of the course and were unaware of the design.

Trish McGuire stated that the current easements specify where the project can take place. In response to a request from Alderman Gist, she stated that a change order would be required in the contract to change the surface materials.

Alderman Johnson stated that this is a project that was approved by the Board and that a larger conversation should be had regarding public input and the process.

Alderman Slade asked for information regarding a depiction of the clearing that is required.

Alderman Haven-O'Donnell stated that the Greenways Commission reviewed plans and that those plans did not include review of three crossings of the cross country course.

Alderman Gist stated that the Greenways Commission did not review the 18ft paved path and stated that it is a road; not a path.

James Barrett, a member of the Chapel Hill-Carrboro School Board and representing the Chapel Hill-Carrboro School System, stated that the request from the school system is related to the crossings of the cross country course. He asked if the number of crossings could be minimized and the trail narrowed.

David Mabe, the assistant Chapel Hill High School (CHHS) Cross Country coach, stated that he is surprised that there has been no reflection in the plans of the input from the group that met onsite last Friday. He stated that the way to minimize tree canopy damage is to connect the path on the other side of the tennis courts. He stated that the current path destroys the course. He stated that there is very little paving on the current course and that they have provided a serious compromise with a design with will provide for just one crossing.

Lizzie Mabe, a member of the CHHS Cross Country team, stated that the shoes they wear have metal spikes and that the pavement will cause them to slip and increase their running times. She asked the Board to reconsider Phase 1B of the Greenway and to save their course.

Joan Nesbit Mabe, the CHHS Cross Country Coach, stated that she loves her team and loves the course. She stated that no one from the Town has shared information with her, Chapel Hill High School, or anyone on the team. She stated that mistakes were made but that they can be repaired with input from the team. She asked the Board to accept the proposal from Todd LoFrese, assistant superintendent, so that all can have a win-win.

Roxane Bolin, a member of the CHHS Cross Country team, asked the Board not to bulldoze the cross country course. She asked the Board to accept the win-win solution. She asked the Board to reroute the path.

Meredith Bolon, head coach of the track team at McDougale Middle School and parent of students that compete on the course, asked the Board to reconsider the alignment of the path and the surface of the crossings. She stated that each crossing adds danger to the users of the course and the path. She stated that she is hopeful that the Board can use this opportunity to allow the public process to work and develop a mutually accepted solution.

Rob McClure stated that the route crosses the cross country course in three places and that adds danger to users of the path. He stated that the surface of the proposed path is also dangerous and pavement causes injuries in runners.

Clara Zelasky, a parent of a runner on the cross country team, stated that she is concerned because the trail will eventually lead to Estes Drive and that there is already an oversized bridge that has been built. She stated that she wants the Board to go back to square-one and listen to input that is a win-win situation for everyone. She stated that contracts can be broken and that no trees have been cut yet.

Douglas Heine, a member of the CHHS Cross Country team, stated that the proposed construction area is one of the few wooded areas on the course and the trees provide relief to runners. He asked the Board not to destroy the canopy around the trail. He stated that he was here recently when a plan was taken off the table to pave further down Bolin Creek and he fears that paving of this portion will be a slippery slope to the beginning of that process. He asked the Board to keep the path as a footpath.

Lena Cohen, a member of the CHHS Cross Country team, stated that this is a community issue and a lot of members of the community are against the paving of the trail. She stated that several years ago, maybe the Board didn't realize how important this course is and that mistakes can be corrected. She asked the Board for help saving the path and finding a compromise.

Madeleine Mount-Cors, a member of the CHHS Cross Country team, stated that never in a million years would a plan be considered to pave through a football field or a soccer field. She stated that she is not in favor of the plan to cross the cross country course with pavement and does not want paving in the future.

Fred Lamoine, a resident of Lake Hogan Farms, stated that there would be no paving through other athletic fields and that there are more than 80 runners that use this sports facility. He stated that the Board should reconsider the plan and look for a win-win.

Heather Benjamin pointed out that Carrboro is a Tree City USA member. She stated that she recognizes the hard work that Trish and staff have put in for this project. She is just sorry that it got this far without input from the appropriate members of the community; the users of the cross country course. She asked the Board to continue to encourage participation from all runners in the community.

Sondra Komada stated that Chapel Hill High School is the Cinderella of the district. She stated that this facility is the pride and joy of the school. She also stated that Tracy Skinner, a member of the UNC Club Team, has asked her to let the Board know that this is their home course and would have been in attendance but they are in exams.

Marne Meredith, a Carrboro resident and CHHS Parent, asked the Board to consider the alternative plan offered by Coach Mabe and to push hold until that is done.

Meredith Morovati stated that she just learned about this issue this morning. She stated that someone will get hurt at the crossings. She stated that Carrboro is a leader in green ideas and asked why that is not the leader of this project. She also stated that sunk costs are also important but that the most important part of the conversation is to talk about the paved trail. She urged the Board to get more information from the community. She stated that surveys of only 30 people are not representative of the community at large.

Diane Robertson stated that she just found out about the project. She stated that she wanted to put it in historical context. She stated that these conversations have been going on since 2009 and there are concerns regarding hardscape and the removal of trees in Bolin Creek Forest. She stated that it was concerning to her to hear the Board react surprised about the destruction of the integrity of Bolin Forest. She stated that for Carrboro to continue to do the crazy stuff that is happening everywhere else and pretend they are different is alarming.

Linda Haac stated that she serves on the TAB and they have been discussing the project for a number of years. She stated that she was unaware of the path and the route that it is following. She was aware of a 1B plan and the location but they were never told what the route it would be or that it would put the cross country course in jeopardy. She stated that this is the second controversial item in a week and that certain community groups are being privileged while others are being excluded. She stated that the original plan was agreed upon when it was one crossing. She asked the Board to end Phase 1B and Phases 3 and 4 of the Bolin Creek Greenway. She stated that it goes against all values of the Town. She stated that Phase 1A is not even used.

Mary Heine, a mother of a cross country runner at Chapel Hill High School and resident of Lake Hogan Farms, stated that they bike into downtown all the time. She stated that there is not a need for the path.

Mary Parker Sonis stated that this discussion has been going on since 2009 and many residents are against paving in natural areas. She stated that this path will be the beginning of a paved path to continue through the forest. She stated that 1200 members of the community signed a petition stating that they did not want paving of Phases 3 and 4 and that the Board has tabled the issue and said they were not going to discuss it. She stated that the Board then brought this back and hoped no one would notice. She stated that she is tired of being polite and that it is wrong what the Board has done to the Town.

Alderman Slade thanked everyone for showing up tonight. He stated that it is problematic and that it should not have gotten to this point. He stated that the Town needs to take a step back and assess what it is going to cost. He stated if it is going to cost the destruction of an athletic facility that they are doing themselves a disservice. He asked for a public hearing on the Greenways Plan to invite the whole community in. He stated that he has been consistent in a request for a full community hearing. He stated that the fact that somehow the Board did not see the latest iteration of the phase that includes the cross country track and that is why he wants to take a step back and review the process.

Alderman Seils stated that he is interested in learning more about the chronology of participation over the past few years. He stated that in 2009 the Board decided that they would not discuss phases 3 and 4 of the Bolin Creek Greenway plan until a public participation effort is addressed. He stated that the Board also discussed addressing phase 1B at that time and that he would like to find a way to get to a point that is closer to the compromise that has been offered by the coaches. He asked for more information on the public participation process. He stated that this phase was moved forward in 2009

unanimously by the Board and that this final rendering is what has caught people off-guard.

Nick Herman, the Town's Attorney, stated that he needs to assess what the Town's options are before commenting.

Alderman Haven-O'Donnell stated that the comments were the best birthday present she has ever had. She stated that she has been very strongly supporting the preservation, conservation, and protection of the Bolin Forest for almost 20 years. She stated that it takes a coalition of folks to say they are the community. She stated that this is the stakeholder family that has been missing from the conversation for the past 12 years. She stated that they have been left out because they live outside of the one or two mile downtown area. She stated that she has been a true watchdog for this project and she wants to know where the three crossings came from when she only knew about one. She stated this is the last urban forest in this entire area. She stated that the community needs to make sure the Board is accountable to their interest. She stated that they need to hold representatives accountable. She asked them to look at the tapes from December 6, 2009 and January of 2010 because this conversation has been going on for a long time. She stated that many members on the Greenways Commission have been bullied by folks with a different agenda. She stated that there are people in the room now that know how hard she has worked and how many times she has been silenced on the issue but that it will be no more.

Alderman Chaney stated that over fifteen years a lot of process has and has not happened. She stated that it is difficult to assign blame because so many things have changed. She stated that four members of the Board voted for this and that they are not recognizing the same plan. She stated that she would like to know more about communication between the school system, their stakeholders, and the board and that they rely on the school system to provide them with adequate information about their stakeholders.

David Andrews, the Town Manager, stated that staff will provide a timeline. He stated that the Town's attorney will provide information related to the contractual issues. He also stated that he has information in writing from the school system and that they are positive communications and that Town staff will explore them fully. He stated that Board can move forward as they so wish. He also stated that the School System signed off on the project.

This item will be followed up on by staff for a report back in the future.

PUBLIC INPUT AND PUBLIC HEARINGS GOOGLE HUT

Liz Dyer, a Carrboro resident and former Social Studies teacher, talked about the Google Hut. She stated that it is in a very residential neighborhood and asked why it was not put on the OWASA land. She stated that the Google Hut will generate a fair amount of noise. She asked if the Board is satisfied with the environmental impacts of the Hut. She asked the Board to consider changes to the Carrboro Land Use Ordinance so that residents are alerted as to when there is construction on Town Property.

Lisa Bennett, read a letter on behalf of Judith Firster from a committee of the Sierra Club. The letter requests that the Town consider placement of the Google Hut on OWASA property or another site. A copy of the letter was submitted to the Town Clerk for the record.

Alderman Gist asked if the letter is from the Sierra Club executive committee. Bob Procter, in response,

stated that Judith provided this letter after he asked for a response from anything on Sierra Club Letterhead and the executive committee has approved the letter.

Bob Procter apologized for his behavior in town hall and stated that staff should not have to put up with that. He stated that Google wants to get the jump on AT&T and that the OWASA site is much more reliable than the proposed location at the Cemetery. He stated that putting Google on the cemetery land will spoil future transition to that area as a park. He also stated that the best possible case to illustrate Google pressure on Town's nationwide to rush. He stated that Google will continue to pilfer on parks. He stated that this process was opaque. He stated that he will make the request to make the National google public relations office to pause the construction until a transparent discussion has taken place. He will also ask the National Sierra Club to make the same request. He asked the Board to ask Google PR why they are in such a hurry now that OWASA has expressed interest.

Alderman Slade asked if the Town can send that request to Google.

Trish McGuire stated that the Town asked Google about delaying the work and they indicated that they are already behind schedule at this point and did not indicate that they wanted to delay. She stated that the Town can ask the question again.

Alderman Slade stated that he wants Google to be asked the question that is in Mr. Proctor's letter.

Mr. Proctor asked the staff to contact the national Google public relations office.

FUTURE PUBLIC MEETINGS –PROCESS DISCUSSION

Mayor Lavelle asked if the Board wants to review the way they take public comment in the future.

Alderman Gist stated that she physically wants to shorten it but that they have been hearing from people that have been shut out and that it is important for the Board to hear from them. She stated that it is worth changing their agenda schedule to accommodate large public participation at meetings.

Alderman Haven-O'Donnell stated that the crux of the matters tonight have to do with process and she stated that at the last retreat, the Board started to talk about it. She asked for a future work session to have a proactive process for input when she knows there are issues that need a broader band of stakeholders. She stated that she does not know how the Greenways Commission or the Board did not know about the three crossings and that she feels guilty. Now that the Board is focused on having a social justice goal for each decision, she hopes it will help inform when the Board hears from stakeholders. She stated that she wants the Board to move from reactive to proactive.

Alderman Slade stated that a work session is a one way to go. He stated that it is not productive for members of the Board to talk about other members of the Board or to talk about being bullied because that fouls the water. He stated that in the instance of Google Hut the Board thought they had heard from the public, and the same with the Phase 1B map, but maybe they didn't hear from everyone.

Alderman Gist stated that it is important for the Board to hear from voices that need to be heard. She stated that what the Board is seeing is the buildup of all of the exclusion and that she does not want to limit public participation.

ANNOUNCEMENT OF UPCOMING MEETINGS

The Town Manager announced upcoming public meetings in the Town.

APPROVAL OF PREVIOUS MEETING MINUTES OF APRIL 19, 2016

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS TO APPROVE THE MINUTES OF APRIL 19, 2016, AS AMENDED. VOTE: AFFIRMATIVE ALL

APPROVAL OF THE ACTIVITIES FOR 2016-17 HOME INVESTMENT PARTNERSHIP PROGRAM

The purpose of this item was for the Board to consider approving the HOME Investment Partnership Program’s proposed activities for FY 2016-17.

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

RESOLUTION AUTHORIZING THE FY 2016 - 2017 HOME PROGRAM REVIEW COMMITTEE FUNDING RECOMMENDATION

BE IT RESOLVED, by the Carrboro Board of Aldermen as a member of the Orange County HOME Consortium approves the following activities for the 2016 - 2017 HOME Program.

Name of Applicant	Activity/Other	Recommendations
Habitat for Humanity	Second Mortgage Assistance	285,000
Rebuilding Together of the Triangle	Homeowner Repairs	50,000
Orange County	Housing Rehabilitation	114,655
	TOTAL	\$449,655

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as the authorized representative of the County to act in connection with the submission of this plan and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This the 3rd day of May, 2016

The motion carried by the following vote:

Aye: Alderman Gist, Alderman Haven-O'Donnell, Alderman Slade, Alderman Chaney, Alderman Seils,

GENERAL FUND BUDGET ORDINANCE AMENDMENT

The Board was requested to approve a budget amendment to recognize revenues for Freight Train Blues Series and adjust other revenues and expenses.

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

AMENDMENT TO ANNUAL BUDGET ORDINANCE FY 2015-16

WHEREAS, the Town Board of the Town of Carrboro on June 16, 2015 adopted annual budget ordinance number 16/2014-15 for the fiscal year beginning July 1, 2015 and ending June 30, 2016; and

WHEREAS, it is appropriate to amend certain budget accounts in the general fund to provide for increased revenues and expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

ACCOUNT CODE			ACCOUNT NAME	CURRENT	INCREASE	REVISED
ORG	OBJECT	PROJECT		BUDGET	(DECREASE)	BUDGET
6604	436202	54220	Donation - Freight Train Blues	\$ -	\$ 8,000.00	\$ 8,000.00
623	504703	54220	Community Events - Freight Train Blues	\$ -	\$ 8,000.00	\$ 8,000.00
1447	433721		Supplemental PEG Channel Support	\$ 101.00	\$ 55,700.00	\$ 55,801.00
418	504531		The Peoples Channel	\$ 32,000.00	\$ 17,249.00	\$ 49,249.00
421	504630		300 E Main Parking	\$ 46,630.00	\$ 43,370.00	\$ 90,000.00
1510	450000		Fund Balance Appropriation	\$ 624,916.00	\$ 4,919.00	\$ 629,835.00

REASON: To recognize \$8,000 of revenue from the Carrboro Tourism Development Authority and appropriate for expenditure for support of Recreation and Parks Community Events; increase amount of occupancy tax receipts to be disbursed to CTDA; adjust revenue and expenses for PEG Channel Support; and adjust 300 E Main Street Parking expense.

This the 3rd day of May, 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

PRESENTATION OF TOWN MANAGER’S RECOMMENDED BUDGET FOR FISCAL YEAR 2016-17

The purpose of this agenda item was to receive the Town Manager’s Recommended FY 2016-17 Budget, set the time for a public hearing and budget work sessions.

David Andrews, the Town Manager, presented the proposed budget to the Board.

Alderman Gist asked for next year to try to consolidate some of the funds that are getting Human Services Funding and are also directly funded from the Town’s General Fund.

Alderman Chaney stated that she would like to understand if the funds are used for the same purposes. She stated that she believes some are for salaries and general fund support while some are restricted for program use.

Alderman Haven-O'Donnell stated that she would like to know from the organizations how much of the money goes to direct services to people because she knows it is true with some that the Town is paying salaries and that some salaries are more than the teachers in the Chapel Hill-Carrboro City School district.

Alderman Slade stated that the Human Services Commission should see the funding that is provided directly to the organization from the Town. He suggested looking into the homes that will be purchased with FEMA funds for reuse as affordable housing options.

Mayor Lavelle read a letter from Orange County Living Wage thanking the Board for their leadership on the living wage issue. She stated that the Town will be certified for inclusion on the list as of July 1st.

Alderman Gist suggested a public hearing on the location of the downtown bathrooms or possible inclusion of downtown bathrooms regarding placement, hours, if they are wanted.

David Andrews stated that the bathrooms will be included at the Town Commons design.

Alderman Slade asked for the Town Manager to include a memo that provides detailed information regarding the public input so far on the town commons design. The Board asked for staff to prepare another public hearing of the Town Commons design that includes the bathrooms.

James Freeman, the Town's Public Works director, stated that the Town recently finalized the last easement outside of the condemnation process for the Rogers Road Sidewalk project. Alderman Seils asked about a timeline for the process. James Freeman stated that the condemnation process may take a few years but once a lawsuit is filed, the Town owns the easement and construction may begin.

Alderman Slade asked how much longer the budget can continue without a tax increase. David Andrews stated that the Town cannot continue under the same conditions indefinitely.

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

A RESOLUTION TO SET PUBLIC HEARING ON THE MANAGER’S RECOMMENDED BUDGET FOR FY 2016-17

WHEREAS, the Town Manager presented the FY 2016-17 Recommended Budget to the Board of Alderman on May 3, 2016; and,

WHEREAS, the Town is required by North Carolina General Statute 159-12(b) to hold a public hearing before adopting the budget ordinance;

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO HEREBY RESOLVES THAT,

The Board of Aldermen will hold a public hearing on Tuesday, May 17, 2016 at 7:30 p. m. in Town Hall Board Room to receive citizen comments on the Town of Carrboro Recommended Budget for 2016-17. Citizens are invited to make written or oral comments. Comments may be emailed to cwilson@townofcarrboro.org. The entire budget document may be viewed in the Town Clerk's Office Hall from 8:30 a.m. to 5:00 p.m. weekdays or on the Town website at www.townofcarrboro.org.

This the 3rd day of May, 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

BUYER IDENTIFIED HOMEOWNERSHIP PROGRAM

The purpose of this item was for the Board to consider adding the Buyer Identified Homeownership Program to the Town's affordable housing programs.

Nate Broman-Fulks, assistant to the Town Manager, made the staff presentation to the Board.

Alderman Gist asked if the home would be a Home Trust home and if the program includes long-term maintenance. Nate Broman-Fulks stated that there would be an analysis completed up front on the home's long-term affordability and that he can obtain further information from Robert Dowling. Alderman Gist asked that the Town work to include this as a requirement for all non-profits that this fund serves.

Alderman Slade asked if there is a way that home's meet similar standards that the Home Trust group requires for long-term financial viability.

Alderman Haven-O'Donnell stated that the Town should also have guidelines or prioritizing the needs of the community.

Alderman Gist expressed concern that some of the units end up going to students and she does not want to subsidize people that end up being fine after graduation.

Alderman Chaney stated that this could be a family that is a graduate student and a stay at home mom with a child that could not afford to live in Chapel Hill without assistance from the affordable housing stock. She stated that those people will be fine eventually but that they need affordable housing options

when they need it.

Alderman Gist stated that she is talking about the group that is not the rising young professionals and stated that financial need is not always accurately reported. She stated that some potential buyers have families with the ability to assist financially with the cost of buying a home but that the HUD income report does not include how much money the families can provide, or how much the parents make, and these programs could be taken advantage of.

Mayor Lavelle stated that this will address needs of families with kids and allows more flexibility.

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

A RESOLUTION APPROVING THE IMPLEMENTATION OF A BUYER IDENTIFIED
HOMEOWNERSHIP PROGRAM

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

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

WHEREAS, the Board of Aldermen adopted the Affordable Housing Goals and Strategies document on June 17, 2014; and

WHEREAS, the Board of Aldermen approved updates to the Affordable Housing Special Revenue Fund on March 3, 2015 to expand the ways in which the fund can be used and to better facilitate the implementation of the Town's Affordable Housing Goals and Strategies; and

WHEREAS, the addition of the Buyer Identified Homeownership Program is in line with and will help achieve the Town's affordable housing goals.

NOW THEREFORE, BE IT RESOLVED that the Board of Aldermen hereby ordains:

Section 1. The Board of Aldermen approves the implementation of the Buyer Identified Homeownership Program.

Section 2. This resolution shall become effective upon adoption.

This the 3rd day of May, 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 LEGISLATIVE CHANGES RELATING TO PLANNING AND DEVELOPMENT

This agenda item was postponed.

CLOSED SESSION - NCGS 143-318.11(3) AND (4)

This agenda item was postponed.

ADJOURNMENT

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