



**Town of Carrboro**

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

**Meeting Minutes**

**Board of Aldermen**

**Tuesday, January 14, 2014**

**7:30 PM**

**Board Chambers - Room 110**

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

**Also Present:** David Andrews, Town Manager, Cathy Wilson, Town Clerk, Mike Brough, Town Attorney

**Absent:** Alderman Michelle Johnson

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**RESOLUTION FOR THE RENEWAL OF THE CHARTER FOR PACE ACADEMY**

A motion was made by Alderman Seils, seconded by Alderman Haven-O'Donnell to approve the resolution:

**A RESOLUTION ENCOURAGING THE STATE BOARD OF EDUCATION  
TO RENEW THE CHARTER FOR PACE ACADEMY**

WHEREAS, in 2004, the State of North Carolina granted to Partnership Achieving Community Education, Inc, a nonprofit 501(c)3 organization, a ten-year, renewable charter to establish PACE Academy in Chapel Hill; and

WHEREAS, PACE Academy moved from its location in Chapel Hill to a larger facility in Carrboro in 2010, allowing it to expand opportunities for vocational training and professional skills development; and

WHEREAS, approximately 150 students in grades 9 through 12 are enrolled in PACE Academy, of whom more than half are from the Chapel Hill-Carrboro school district; and

WHEREAS, more than half of the students enrolled in PACE Academy receive exceptional children's services to address learning disabilities, cognitive impairments, behavioral problems, and challenges

associated with autism, Down syndrome, fetal alcohol syndrome, and mental health diagnoses; and

WHEREAS, in a letter to the North Carolina State Board of Education dated January 6, 2014, the superintendent of the Chapel Hill-Carrboro City Schools endorsed PACE Academy and the renewal of its charter because it offers “a unique program for students who experience difficulties in the public schools”; and

WHEREAS, the superintendent further expressed his commitment to future collaborations between the Chapel Hill-Carrboro City Schools and PACE Academy out of a “desire to learn from each other and create increased learning for students in both settings”;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The Board of Aldermen encourages the North Carolina State Board of Education to renew the charter for PACE Academy.

SECTION 2. Although the Board of Aldermen supports the renewal of the PACE Academy charter, any future decision regarding the location of this or any other charter school within the Town’s jurisdiction will be made in accordance with the provisions of the Land Use Ordinance.

SECTION 3. The clerk is directed to send copies of this resolution to the chair of the North Carolina State Board of Education, the chair of the Chapel Hill-Carrboro City Schools Board of Education, and the principal of PACE Academy.

This the 14<sup>th</sup> day of January 2014.

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

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

**Absent:** Alderman Johnson

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**APPROVAL OF PREVIOUS MEETING MINUTES**

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SLADE THAT THE MINUTES OF NOVEMBER 12, NOVEMBER 19, DECEMBER 3, AND DECEMBER 10, 2013 BE APPROVED. VOTE: AFFIRMATIVE ALL, ABSENT ONE (JOHNSON)

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**CERTIFICATION OF CARRBORO FIRE-RESCUE DEPARTMENT ROSTER**

North Carolina General Statute 58-86-25 requires all certified fire departments to annually submit a complete roster of its qualified fire personnel to the North Carolina Firemen’s Pension Fund. The roster must be signed by a representative of the Department’s governing body.

In response to a question from Mayor Lavelle, Chief Crabtree explained that the form designates members of the Fire Department roster as either married or single for beneficiary information. Mayor Lavelle noted that being legally married may provide additional federal benefits to persons that are recognized as married in other states but not by the state of North Carolina.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN GIST TO ASK STAFF TO LOOK INTO TO LISTING PERSONNEL THAT ARE LEGALLY MARRIED IN OTHER STATES, OR HAVE A REGISTERED DOMESTIC PARTNER, SO THAT THEY MAY BE ENTITLED TO BENEFITS DUE TO LEGALLY MARRIED SPOUSES. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON)

**A motion was made by Alderman Damon Seils, seconded by Alderman Jacquelyn Gist that this resolution be approved:**

A RESOLUTION AUTHORIZING THE MAYOR  
TO SIGN THE ANNUAL CERTIFICATION OF FIREMEN

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Mayor is hereby authorized to sign the 2013 Annual Certification of Firemen's Report.

Section 2. This resolution shall become effective upon adoption.

This the 14<sup>th</sup> day of January 2014.

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

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

**Absent:** Alderman Johnson

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**APPROVAL OF DONATION OF SURPLUS PROPERTY TO NONPROFIT ORGANIZATIONS  
PURSUANT TO NCGS 160A-280**

The purpose of this item was for the Board of Aldermen to consider donation of surplus property to nonprofit organizations, pursuant to NCGS §160A-280.

**A motion was made by Alderman Jacquelyn Gist, seconded by Alderman Slade that this item be approved:**

A RESOLUTION APPROVING CONVEYANCE OF PROPERTY TO NONPROFIT  
ORGANIZATIONS PURSUANT TO G.S. 106A-280

WHEREAS, The Town of Carrboro may have obsolete surplus computer equipment due to replacement and upgrades; and,

WHEREAS, North Carolina General Statute §160A-280 authorizes a city or county to donate to a nonprofit organization any personal property and equipment that the governing board deems to be surplus, obsolete or unused; and

WHEREAS, the Town Manager has authority to declare property surplus or obsolete up to a value of \$30,000; and,

WHEREAS, some Carrboro nonprofit organizations have expressed a desire to have the Town donate surplus computer equipment to them;

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen hereby authorizes the Town Manager to donate surplus computer equipment to a Carrboro nonprofit organizations provided that:

- a)The equipment has been declared obsolete or surplus;
- b)The value of such donated equipment is less than \$ 300; and,
- c)The transfer of the equipment to the nonprofit complies with North Carolina General Statutes.

The Town Manager shall provide a report annually to the Board of Aldermen that lists the nonprofit organizations and the donated equipment.

This the 14<sup>th</sup> day of January 2014.

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

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

**Absent:** Alderman Johnson

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**AN ORDINANCE AMENDING THE TOWN CODE PERTAINING TO MEMBERSHIP ON THE GREENWAYS COMMISSION**

The purpose of this item was to delete reference to liaison members being appointed to the Greenways Commission from the Planning Board, Recreation and Parks Commission, Environmental Advisory Board, and Transportation Advisory Board and to decrease the number of members required for a meeting of the Greenways Commission.

**A motion was made by Alderman Randee Haven-O'Donnell, seconded by Alderman Damon Seils that this ordinance be approved.**

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO DELETE THE REFERENCE TO LIAISON MEMBERS BEING APPOINTED TO THE GREENWAYS COMMISSION FROM THE PLANNING BOARD, RECREATION AND PARKS COMMISSION, ENVIRONMENTAL ADVISORY BOARD, AND TRANSPORTATION ADVISORY BOARD, AND TO DECREASE THE NUMBER OF MEMBERS REQUIRED FOR A MEETING OF THE GREENWAYS COMMISSION

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 3-24.7(e), which reads as follows, is repealed:

~~Notwithstanding any of the other provisions of this section, the Board of Aldermen shall appoint to the commission, in addition to the members appointed in accordance with subsection (1), one liaison member representing the planning board, one member representing the recreation and parks commission, one member representing the environmental advisory board, and one member representing the transportation advisory board. The terms of each of the members appointed pursuant to this subsection shall commence upon their appointment and shall expire January 1, 2013.~~

Section 2. Subsection 3-24.8 (b) is amended as follows:

(b) A quorum shall consist of a majority of the non-vacant seats on the commission, except that in no case shall a quorum consist of fewer than four members.

This the 14<sup>th</sup> day of January 2014.

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

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

**Absent:** Alderman Johnson

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**PROPOSED FORMAT AND DETAILS FOR THE UPCOMING PARKING SUMMIT JAN. 31, 2014**

The purpose was to update the Board on staff's direction in developing a parking summit.

Alderman Gist asked how the information will be pulled together and shared with participants. Trish McGuire, the Town's Planning Director explained that staff plans to use maps and spreadsheets to collect the data and then share the information with participants after the sessions. Information will also be shared with the Board.

**A motion was made by Alderman Damon Seils , seconded by Alderman Jacquelyn Gist, that this item be approved.**

This the 14<sup>th</sup> day of January 2014.

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

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

**Absent:** Alderman Johnson

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### **DURHAM-ORANGE LIGHT RAIL TRANSIT PROJECT UPDATE**

The purpose of this item was for the Board of Aldermen to receive a status report on the progress of the Durham-Orange Light Rail Transit project.

David King, Patrick McDonough, and Jenny Greene representatives from Triangle Transit, updated the Board on the Durham-Orange Light Rail project and answered questions from the Board.

Alderman Slade asked for the Board to coordinate a conversation with Chapel Hill regarding the extension of the light rail line.

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### **CARRBORO TOURISM DEVELOPMENT AUTHORITY PROPOSED BUDGET FY 2013-14**

The purpose of this agenda item was to update and take comments from the Board of Aldermen on the proposed FY 2013-14 CTDA Budget.

Barbara Leedy and Phaedra Kelly presented the proposed budget to the Board.

Mayor Lavelle suggested that as part of the \$21,000 reserved for local events that a portion be reserved for contingency for "pop-up" events.

Alderman Gist asked that the Board check with the Recreation and Parks Department for events and planning.

The Board accepted the report.

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### **DISCUSSION OF FUTURE DEVELOPMENT OF THE MARTIN LUTHER KING JR. PARK PROPERTY**

The purpose of this agenda item was for the Board of Aldermen to revisit the potential development of Martin Luther King Jr. Park scheduled for 2016.

Anita Jones-McNair, the Recreation and Parks Director, made the staff presentation to the Board. She explained that the update of the Park's plan will include a full public input session.

Alderman Gist stated that to her recollection, the road was removed from the Park during a previous Board Meeting. Staff will research the status of the road and report back to the Board.

**A motion was made by Alderman Randee Haven-O'Donnell , seconded by Alderman Damon Seils, that this resolution be approved:**

**A RESOLUTION ACCEPTING THE STAFF REPORT ON THE MARTIN LUTHER KING JR. PARK AND PROVIDING FURTHER DIRECTION**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies, regulations, actions and plans are appropriate and beneficial, and

WHEREAS, the staff has prepared a report on the approved design of the Martin Luther King, Jr. Parks and other information concerning the property.

WHEREAS, the Board of Aldermen has received the staff report and discussed the future development of the park.

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN that they accept the report and provides the following direction to Town staff:

This the 14<sup>th</sup> day of January 2014.

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

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

**Absent:** Alderman Johnson

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**DISCUSSION ON REQUEST TO ALLOW ADDITIONAL USES IN THE M-1 ZONING DISTRICTS**

The purpose of this item was to provide the Board with an opportunity to more fully discuss alternatives for amending the Land Use Ordinance to allow additional uses in the M-1 Zoning District classification.

Tina Moon, the Town's Planning Administrator, made the staff presentation to the Board.

Alderman Slade stated that he would like have a future conversation about incentivizing manufacturing in the district.

Aldermen Gist, Haven-O'Donnell, and Seils stated that there is a need to bring more light-manufacturing to Carrboro.

Mayor Lavelle asked for the future discussion to address the issue of bars on North Greensboro.

Alderman Seils stated that future amendments include no by-right bars. He also suggested the following changes to section two of the proposed ordinance: Paragrah two should read: "The combined area of uses ~~3.230~~, 3.250,8.000,8.200,8.500,8.600 shall not exceed 25 percent of the developable portion of the property. The development shall provide sites and building elements that will create a more vibrant and

successful community and provide essential public infrastructure.”

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN SLADE TO AMEND THE PROPOSED ORDINANCE PER ALDERMAN SEILS' COMMENTS RELATED TO THE DRAFT SECTION TWO AND FOR STAFF TO BRING BACK THE AMENDED ORDINANCE WITH A REQUEST TO SET A PUBLIC HEARING FOR THE ITEM. VOTE: AFFIRMATIVE ALL, ABSENT ONE (JOHNSON)

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**WORK SESSION ON GENERAL USE ZONING STRATEGY/NSA IMPLEMENTATION**

The purpose of this item was to provide the Board of Aldermen with an opportunity to discuss a possible new zoning classification as part of the strategy to implement recommendations from the Northern Study Areas Plan Implementation Review Committee (NSAPIRC).

Tina Moon, the Town's Planning Administrator, made the staff presentation to the Board.

Alderman Slade stated that he opposes any buffer that would lead to the creation of a strip-mall development.

Alderman Haven-O'Donnell expressed concern with potential uses and stated that she would like the Board to carefully consider those in the future.

Alderman Gist stated that she is opposed to taller buildings in the NSA. She also asked that everyone keep in mind that density was increased downtown so it would not have to be in the rural areas.

Mayor Lavelle requested that staff consider the feedback provided by the Board.

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**CLOSED SESSION**

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO CLOSED SESSION FOR THE PURPOSES OF DISCUSSING AN ECONOMIC DEVELOPMENT MATTER. VOTE: AFFIRMATIVE ALL, ABSENT ONE (JOHNSON)

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**OPEN SESSION**

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL, ABSENT ONE (JOHNSON)



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**ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 10:37 pm. VOTE: AFFIRMATIVE ALL, ABSENT ONE (JOHNSON)