



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, June 2, 2015

7:30 PM

Board Chambers - Room 110

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

Also Present: David Andrews, Town Manager, Catherine Wilson, Town Clerk, Bob Hornik, Town Attorney

Absent: Alderman Sammy Slade

IMMIGRANT HERITAGE MONTH PROCLAMATION

Mayor Lavelle proclaimed June as "Immigrant Heritage Month" and announced that the Gilbertson-Clark Visionary Award was presented to Alderman Randee Haven-O'Donnell at the recently held El Centro Gala. Pilar Rocha-Goldberg, representing El Centro Hispano, was in attendance to accept the proclamation.

CARRBORO HIGH SCHOOL WOMEN'S SOCCER TEAM DAY PROCLAMATION

Mayor Lavelle proclaimed Wednesday, June 3rd as "Carrboro High School Women's Soccer Team Day" in Carrboro for their state championship victory. Coaches and members of the team were in attendance to accept the proclamation.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SEILS TO APPROVE THE MINUTES OF MAY 26, 2015, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (SLADE)

REQUEST TO APPROVE EQUIPMENT AND VEHICLE FINANCING

The Board of Aldermen was requested to approve a contract for installment financing of vehicles and equipment budgeted for FY 2014-15.

A motion was made by Alderman Chaney, seconded by Alderman Johnson, that this resolution be approved. The motion carried by the following vote:

RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Carrboro (“Town”) has previously determined to undertake a project for various vehicles and equipment (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company (BB&T) in accordance with the proposal dated May 15, 2015. The amount financed shall not exceed \$717,102.00, the annual interest rate (in the absence of default in tax status) shall not exceed 1.33%, and the financing term shall not exceed four (4) years from date of closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the terms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the

BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for the project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

This 2nd day of June, 2015.

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Chaney, Alderman Gist, Alderman Haven-O'Donnell, Alderman Johnson, Alderman Seils

Absent: Alderman Slade

MUNICIPAL GREENHOUSE GAS EMISSIONS INVENTORY UPDATE

The purpose of this item was to provide an updated municipal greenhouse gas emissions inventory.

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

A RESOLUTION ACCEPTING THE ANNUAL GREENHOUSE GAS INVENTORY REPORT

WHEREAS, the Town has signed on to the Mayors Climate Protection Agreement, adopted a Climate Protection Resolution in 2009, participated in the Orange County greenhouse gas inventory, completed two Carrboro community inventories, and annual municipal inventories since 2011; and

WHEREAS, the Town developed an Energy and Climate Protection Plan in 2014; and

WHEREAS, the annual 2014 update of greenhouse gas emissions has been prepared and provided to the Board of Aldermen.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept the greenhouse gas inventory report for calendar year 2014.

This 2nd day of June, 2015.

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Chaney, Alderman Gist, Alderman Haven-O'Donnell, Alderman Johnson, Alderman Seils

Absent: Alderman Slade

CONSIDERATION OF A TOWN CODE AMENDMENT RESTRICTING PARKING ALONG

PLEASANT DRIVE

The purpose of this item was for the Board of Aldermen to consider an amendment to the Town Code restricting on-street parking along Pleasant Drive to one side of the street.

A motion was made by Alderman Chaney, seconded by Alderman Johnson, that this ordinance be approved.

AN ORDINANCE AMENDING THE TOWN CODE TO SPECIFY PARKING RESTRICTIONS
ALONG PLEASANT DRIVE

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Article IV of Chapter 6, Section 6-19 of the Carrboro Town Code (Parking Prohibited in Certain Locations at Certain Times)(b)(1)(t) is amended to read as follows:

(t) The south side of Pleasant Drive from its intersection with North Greensboro Street to its intersection with Crest Street, and the north side of Pleasant Drive from its intersection with Crest Street north, including the end of the pavement and remaining right-of-way.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

This 2nd day of June, 2015.

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Chaney, Alderman Gist, Alderman Haven-O'Donnell, Alderman Johnson, Alderman Seils

Absent: Alderman Slade

GENERAL FUND BUDGET AMENDMENT

The purpose of this item was to consider a budget amendment to recognize increased revenues and expenses related to hotel/motel occupancy tax and ABC Board Grant

A motion was made by Alderman Chaney, seconded by Alderman Johnson, that this ordinance be approved.

AMENDMENT TO FY 2014-15 ANNUAL BUDGET ORDINANCE
ORDINANCE NO. 14/2014-15

WHEREAS, the Board of Aldermen for the Town of Carrboro on June 17, 2014 adopted annual budget ordinance number 32/2013-14 for the fiscal year beginning July 1, 2014 and ending June 30, 2015; and

WHEREAS, it is appropriate to amend the budget accounts in the funds listed 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
1420	432600		HOTEL/MOTEL OCCUPANCY TAX	\$ 115,764.00	\$ 36,553.00	\$ 152,317.00
418	504620		CARRBORO TOURISM DEV AUTHORITY	\$ 111,180.00	\$ 36,553.00	\$ 147,733.00
5110	436609	51008	ABC BOARD GRANT REVENUES	\$ 13,300.00	\$ 2,700.00	\$ 16,000.00
511	503300	51008	ABC BOARD GRANT EXPENDITURES	\$ 13,300.00	\$ 2,700.00	\$ 16,000.00

REASON: To recognize and appropriate for use revenues not included in the adopted 2014-15 adopted budget.

This 2nd day of June, 2015.

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Chaney, Alderman Gist, Alderman Haven-O'Donnell, Alderman Johnson, Alderman Seils

Absent: Alderman Slade

ANNUAL UPDATE FROM OWASA REPRESENTATIVES

The Town’s OWASA Representatives Quinton Harper and Steve Dear presented the annual update to the Board. The report also included an update regarding the Rogers Road Sewer Project.

Ed Kerwin, the Executive Director of OWASA, stated that OWASA has submitted the application for the retention of Jordan Lake emergency allocation and that they await a decision from NC Department of Water Quality. Alderman Haven-O'Donnell asked for OWASA Representatives to report back in November or December regarding OWASA's emergency allocation of Jordan Lake waters.

Steve Dear stated that he hopes that the Board considered development approval based on water consumption and the use of Jordan Lake.

Ed Kerwin also explained the process of biosolids and OWASA’s evaluation to improve the efficiency of reducing their liquid biosolids. He stated that there is a study scheduled for this summer to discuss the biosolid options.

Steve Dear thanked the Board for appointing him to the OWASA Board and stated that he is looking forward to his move to Eugene, Oregon but will greatly miss his work with the OWASA Board.

MOTION WAS MADE BY ALDERMAN HAVEN-O’DONNELL, SECONDED BY ALDERMAN

CHANEY TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (SLADE)

**THIRD CONTINUATION OF A PUBLIC HEARING ON THE CONDITIONAL USE
DISTRICT REZONING AND CONDITIONAL USE PERMIT FOR 501 SOUTH
GREENSBORO STREET**

This was the third continuation meeting of the public hearing originally opened on April 28, 2015 regarding applications for an M-3-conditional use rezoning (M-3-CU) and a conditional use permit (CUP) to allow for the construction of a three- to four- building commercial development on property located at 501 South Greensboro Street, also known as the former Rogers-Triem site. The other meetings were held on May 5 and May 26.

All speakers listed below were sworn in.

Jeff Kleaveland, the Town's Planner and Zoning Development Specialist, provided the staff report and updated the Board on issues that were asked to be reported upon after the last meeting.

Chief Horton, the Town's Police Chief, provided a report of the previous fiscal year noise complaints and citations. He stated that there have been seven commercial complaints in the past year including certain events that were held on Town Commons. He explained the process of issuing a noise citation in the Town.

Tommy Koonce, a resident of Purple Leaf Place, thanked the Board for listening to their concerns and stated that they still have questions. He asked if the conditions approved in the proposed ordinance would trump changes to the noise ordinance. He expressed concerns with conditions regarding solid waste pickup, delivery times, and noise.

Lisa Hazirjian, a resident of Purple Leaf Place, stated that she hopes that 18-wheelers will not be allowed to idle during delivery. She stated that the concerns of the neighbors have not been agreed to and that skateboarders are a better option than the development as planned without the agreed upon conditions.

Rob Joyner, representing Roberson Place Home Owners Association, provided the Board with a list of five conditions that the neighbors want to be included.

Matt Jordy, a resident of Purple Leaf Place, asked the Board to vote to keep the emergency access bollards in place without further connection.

Sharon Collins, a neighboring property owner affected by the proposed roundabout, stated that she was surprised to find that her property was shown in a deed with a 60 foot right-of-way. She stated that she is not in favor of the project as planned and that the roundabout will impact her

driveway and property. She asked how the Rocky Brook Mobile Home Park will be impacted by this development and stated that she hopes that they are aware to what will be happening to their property.

Runyon Woods, representing the applicant, addressed the Board. He discussed with the neighbors and Board changes to the proposed conditions and agreed upon several changes related to noise, deliveries, and refuse times/locations.

Alderman Gist stated that she is concerned that more attention needs to go into the impact on Sharon Collin's property. She stated that there is no way that their property will not decrease once this project goes forward. She stated that she wants to hear from a neutral property about what the impact it will have on their property and the impact on the quality of their life before she is ready to vote on the project. Nick Herman, the Town's Attorney stated that the use of property values is statutorily restricted and must be submitted by a qualified appraiser while under oath. He urged the Board to use caution in regards to private party contracts.

Alderman Seils asked for information on what will occur on Sharon Collin's property during and after the project. He asked how impacts will be mitigated.

In response to Alderman Seils' and Gist's questions, Scott Clark, a designer working for Davenport, discussed the impacts related to the roundabout on Sharon Collins' property. They also discussed screening efforts that will mitigate lights shining into their property.

Mayor Lavelle asked if there was concern that elevating the roundabout would cause additional drainage. Scott Clark stated that the increased elevation would actually help the drainage. He also stated that the addition of a guardrail will affect the health of the four trees that have been preserved and may require additional right of way. Sharon Collins stated that they have had multiple vehicles crash into their yard and requested that the guardrails be placed further up the hill. Scott Clark stated that they could extend the curb and gutter along the north side of the street.

The Board asked for staff to work with Pat Garavaglia and Sharon Collins along with the developers to go over an appropriate mechanism to mitigate vehicles that crash into their property.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO CONTINUE THE PUBLIC HEARING TO JUNE 9, 2015. VOTE: AFFIRMATIVE SIX, ABSENT ONE (SLADE)

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN JOHNSON, SECONDED BY CHANEY TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (SLADE)