



Town of Carrboro

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

Meeting Agenda Board of Aldermen



Tuesday, February 17, 2015

7:30 PM

Board Chambers - Room 110

A. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

B. RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

C. CONSENT AGENDA

1. 15-0040

- 2. 15-0037** Request-to-set a public hearing on Land Use Ordinance Text Amendments Relating to Temporary Family Health Care Structures

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to allow temporary family health care structures as provided for in S.L. 2014-94.

Attachments: Attachment A - Resolution
Attachment B - Draft LUO amendment on temporary health care structures 1-27-15
Attachment C - SL2014-94
Attachment D
"Meet_the_Granny_Pod__New_Zoning_Protection_for_Temporary_Family_Health_Care_Structures"

- 3. 15-0038** Request-to-set a public hearing on Land Use Ordinance Text Amendments Relating to Underground Utility Line Installations

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to establish a new use classification and permitting process for underground utility line installations.

Attachments: Attachment A - Resolution
Attachment B - Draft LUO amendment on Underground lines 2-11-15
Attachment C-1_NTAAC Proposed Language for Town of Carrboro Land Use Ordinance for Utilities Amendment Request 12-15-2014
Attachment C-2_NTAAC Proposed Language for Town of Carrboro Charter re noise ordinance 12-15-2014
Attachment D - LUO Excerpts from ART-X & XV

D. OTHER MATTERS

- 1. 15-0039** Board Follow-Up Discussion on Proposed Carrboro Arts and Innovation Center

PURPOSE: The purpose of this item is to allow the Board to discuss the proposed Carrboro Arts and Innovation Center.

Attachments: Attachment A - CAIC Impact on Debt Service 2-2015.pdf
Attachment B - Public Comment from 1-10-15 to 2-13-15.pdf
Attachment C - *DRAFT * February 3, 2015 Meeting Minutes
Attachment D - Approved January 20, 2015 Meeting Minutes

E. MATTERS BY TOWN CLERK**F. MATTERS BY TOWN MANAGER****G. MATTERS BY TOWN ATTORNEY****H. MATTERS BY BOARD MEMBERS**



Town of Carrboro

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

Agenda Item Abstract

File Number: 15-0037

Agenda Date: 2/17/2015

File Type: Abstract

In Control: Board of Aldermen

Version: 1

TITLE:

Request-to-set a public hearing on Land Use Ordinance Text Amendments Relating to Temporary Family Health Care Structures

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to allow temporary family health care structures as provided for in S.L. 2014-94.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Nick Herman - 919-929-3905; Mike Borough - 919-929-3905

INFORMATION: During the 2014 session, the North Carolina General Assembly adopted S.L. 2014-94 which created G.S. 160A-383.5, a new section of the General Statutes under Chapter 160A: Cities and Towns entitled "Zoning of temporary family health care structures." This new legislation requires municipalities to allow temporary family health care structures "granny pods" to be permitted as an accessory use in residential zoning districts so long as certain criteria are met. The criteria speak to the caretaking relationship between the resident of the primary dwelling on the property and the resident of the health care structure, as well as requirements for the health care structure to be removable, of limited size and in compliance with standard zoning requirements such as setbacks. A copy of the Session Law 2014-94 is provided (Attachment C) along with background information from the UNC-School of Government Coates' Canons (Attachment D).

As a point of reference, the Town currently allows the owners of single family residences, on lots of at least 150 percent of the minimum square footage required per dwelling unit, to have an accessory apartment. The apartment or second dwelling unit may not be larger than twenty-five percent of the gross floor area of the primary residence, nor more than a total of 750 square feet. The temporary family health care structures described in S.L. 2014-94 may be no larger than 300 square feet.

The Town Attorney has prepared a draft ordinance (Attachment B), which, if adopted, would amend Article X of the Land Use Ordinance (LUO), Permissible Uses, in accordance with the state legislation. Temporary family health care structures would be described in a new subsection 15-150 (f), located after the Permissible Use Table.

Agenda Date: 2/17/2015

File Type:Abstract

In Control: Board of Aldermen

Version: 1

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen set a public hearing for March 24, 2015 and refer the proposed amendment to Orange County, the Planning Board and other advisory boards as appropriate.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE
CARRBORO LAND USE ORDINANCE RELATING TO TEMPORARY FAMILY HEALTH
CARE STRUCTURES

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

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on March 24, 2015, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Allow a Temporary Family Health Care Structure as an Accessory Use to a Single Family Detached Dwelling on Residentially Zoned Property.”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

☐ Appearance Commission

☐ Recreation and Parks Commission

☐ Transportation Advisory Board

☐ Northern Transition Area Advisory
Committee

☐ Environmental Advisory Board

☐ _____

☐ Economic Sustainability Commission

☐ _____

This is the 17th day of February in the year 2015.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW A
TEMPORARY FAMILY HEALTH CARE STRUCTURE AS AN ACCESSORY USE TO A
SINGLE FAMILY DETACHED DWELLING ON RESIDENTIALLY ZONED PROPERTY

DRAFT 1-27-2015-

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-150 (Accessory Uses) is amended by adding the following new subsection (f):

(f) On property that is residentially zoned (SEE Section 15-135), a temporary family health care structure shall be regarded as an accessory use to a single-family detached dwelling to the extent authorized and in accordance with the provisions of G.S. 160A-383.5 (S.L. 2014-94).

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

Section 3. This ordinance shall become effective upon adoption.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2014-94
HOUSE BILL 625**

AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES.

The General Assembly of North Carolina enacts:

SECTION 1. Part 3 of Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-341.3. Zoning of temporary health care structures.

A county exercising powers under this Article shall comply with G.S. 160A-383.5."

SECTION 2. Part 3 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-383.5. Zoning of temporary health care structures.

(a) The following definitions apply in this section:

- (1) Activities of daily living. – Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (2) Caregiver. – An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- (3) First or second degree relative. – A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- (4) Mentally or physically impaired person. – A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- (5) Temporary family health care structure. – A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(b) A city shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.

(c) A city shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.

(d) Only one temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structures under subsections (b) and (c) of this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures, except as otherwise provided in this section. Such temporary family health care structures shall comply

with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.

(e) Any person proposing to install a temporary family health care structure shall first obtain a permit from the city. The city may charge a fee of up to one hundred dollars (\$100.00) for the initial permit and an annual renewal fee of up to fifty dollars (\$50.00). The city may not withhold a permit if the applicant provides sufficient proof of compliance with this section. The city may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the city of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification.

(f) Notwithstanding subsection (i) of this section, any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, including Part 5 of this Article, as if the temporary family health care structure were permanent real property.

(g) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(h) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.

(i) The city may revoke the permit granted pursuant to subsection (e) of this section if the permit holder violates any provision of this section or G.S. 160A-202. The city may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.

(j) Temporary family health care structures shall be treated as tangible personal property for purposes of taxation."

SECTION 3. G.S. 130A-250 is amended by adding a new subdivision to read:

"(14) Temporary family health care structures under G.S. 153A-341.3 or G.S. 160A-383.5."

SECTION 4. G.S. 131D-2.1(10) reads as rewritten:

"(10) Multiunit assisted housing with services. – An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register annually with the Division of Health Service Regulation. Multiunit assisted housing with services programs are required to provide a disclosure statement to the Division of Health Service Regulation. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

- a. Emergency response system;
- b. Charges for services offered;
- c. Limitations of tenancy;
- d. Limitations of services;

- e. Resident responsibilities;
- f. Financial/legal relationship between housing management and home care or hospice agencies;
- g. A listing of all home care or hospice agencies and other community services in the area;
- h. An appeals process; and
- i. Procedures for required initial and annual resident screening and referrals for services.

Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, and temporary family health care structures, as defined in G.S. 160A-383.5, are exempt from the regulatory requirements for multiunit assisted housing with services programs."

SECTION 5. G.S. 160A-442(2) reads as rewritten:

- "(2) "Dwelling" means any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. Temporary family health care structures, as defined in G.S. 160A-383.5, shall be considered dwellings for purposes of this Part, provided that any ordinance provision requiring minimum square footage shall not apply to such structures."

SECTION 6. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 7. This act becomes effective October 1, 2014, and applies to temporary family health care structures existing on or after that date. No county or city may impose a fee as authorized by Section 1 and Section 2 of this act on any temporary family health care structure existing on that date.

In the General Assembly read three times and ratified this the 25th day of July, 2014.

s/ Tom Apodaca
Presiding Officer of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 11:55 a.m. this 1st day of August, 2014

Coates' Canons Blog: Meet the Granny Pod: New Zoning Protection for Temporary Family Health Care Structures

By David Owens

Article: <http://canons.sog.unc.edu/?p=7846>

This entry was posted on September 10, 2014 and is filed under Affordable Housing & Minimum Housing Codes, Land Use & Code Enforcement, Planning, Zoning

Extended families residing together were commonplace in the early 20th century. In the 1920s most zoning ordinances allowed rooms in single family homes to be rented to boarders. It was also not uncommon at that time for single family homes to have an accessory dwelling unit. These came in a variety of settings – a basement, attic, or garage apartment, a “mother-in-law” suite, or, in larger homes, separate quarters for domestic help.

Single-family zoning districts began to be made more restrictive after World War II. Charlotte’s 1951 zoning ordinance, for example, allowed accessory dwelling units in its “Residence 1” zoning district, but only for servants’ quarters in the rear yard. In language that conjures images from “[The Help](#),” the Charlotte ordinance of that time expressly prohibited garage apartments for rent unless they were “occupied only by servants in the employ of the occupants of the main residence.” Over the following decades even this limited permitted use of accessory dwelling units in single-family zoning districts was eliminated in many cities and counties.

In recent years there has been a renewed interest in permitting some accessory dwelling units in single-family neighborhoods. Advocates suggest more permissive regulations for accessory dwelling expand the range of housing choices, provide more affordable housing, facilitate aging-in-place, and allow modest increases in residential density while retaining the essential character of urban neighborhoods. Opponents worry about over-crowding, traffic, and impacts on neighborhood character and property values. Click [here](#) for a 2013 story on the Raleigh city council’s consideration of the issue and [here](#) for planning staff and planning board background information on that discussion.

A new North Carolina statute may spark renewed attention to the general issue of accessory dwellings by mandating zoning approval for a limited and very specific type of accessory residence – a “temporary family health care structure.” Allowing an accessory dwelling unit to accommodate on-site care-giving is not a new idea. Some North Carolina counties have allowed a second dwelling to be temporarily placed on a lot already occupied by a principal dwelling if necessary to accommodate an on-site care-giver. This often requires a special use permit and the accessory structure is usually limited to a manufactured home that must be removed when the need for care-giving ends. Other local governments have relaxed single-family zoning restrictions more generally to allow accessory apartments in some residential zoning districts.

While the decision to allow accessory dwellings is clearly within the discretion of local elected officials, there are limits to the conditions that can be imposed. For example, Wilmington amended its zoning to allow garage apartments as an accessory use in a single-family zoning district, provided that either the principal or the accessory dwelling was occupied by the owner of the property. The court of appeals in [City of Wilmington v. Hill](#), 189 N.C. App. 173, 657 S.E.2d 670 (2008), held that the zoning statutes grant authority to regulate land use, but not land ownership, so the court invalidated the owner occupancy requirement.

A statute enacted in 2014 adds a new element to land use regulation of accessory dwellings in North Carolina. The new law, [S.L. 2014-94](#), creates G.S. 160A-383.5 to require zoning approval of “temporary family health care structures.” The law becomes effective October 1, 2014 and applies to both cities and counties.

This law is modeled on a Virginia statute enacted in 2010. A Salem, Virginia minister developed an idea for a modular dwelling that could be placed on the lot of a family care-giver to provide temporary housing for an impaired person. He envisioned these as an alternative to nursing home placement for the impaired person. He worked with economic development staff at Virginia Tech to develop a prototype, but learned many zoning ordinances prohibited placement of an

accessory dwelling on the lot, even on a temporary basis. The 2010 Virginia statute was adopted to eliminate these zoning barriers by requiring local governments to permit these structures, which have come to be known as “granny pods.” Click [here](#) for a 2010 story on his idea, [here](#) for a 2012 video story, and [here](#) for more on his company.



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statute similarly requires city and county zoning to permit “temporary family health care provided there is a qualifying need, the structure qualifies and a set of regulatory

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G.S. 168-23 temporary structures that will house a single “mentally or physically impaired person.” The statute defines these to be North Carolina residents who require assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation, transferring, toileting, and eating). The impairment must be certified in writing by a physician licensed in North Carolina.

Also, the caregiver must be at least 18 years old and must be a first or second degree relative of the impaired person (a spouse, parent, grandparent, child, grandchild, aunt, uncle, nephew, or niece). A legal guardian of the impaired person also qualifies.

Qualifying Structure

The structures covered by this law are limited to transportable residential units. The unit must be assembled off-site and built to the standards of the State Building Code (thus a manufactured home built to HUD standards would not qualify). It must be no more than 300 gross square feet. It must not be placed on a permanent foundation.

Regulatory Provisions

Cities and counties must permit qualified structures as an accessory use in any single-family residential district if it is placed on a lot owned or occupied by a qualified care-giver and the accessory structure is occupied only by the impaired person. The city or county is prohibited from requiring a special use permit.

The accessory structure must comply with all setbacks and any maximum floor area ratio limits that apply to the primary residential structure. The structure may be required to connect to any water, sewer, and electric utilities serving the property. Only one accessory temporary family care structure is allowed per lot. Other zoning requirements that are applicable to all other accessory structures in that zoning district may also be applied. No signage regarding the presence of the structure is allowed. The structure must be removed within 60 days after care-giving on the site ceases.

The city or county may require a permit to be obtained prior to installation. A fee of up to \$100 may be charged. An annual renewal fee of up to \$50 is also allowed. Evidence of compliance may be required as part of the permitting and annual permit renewal, including an annual renewal of the doctor's certification of impairment. The city or county may make periodic inspections at times convenient to the caregiver to assure on-going compliance. Enforcement action, including permit revocation, is authorized if any of these requirements are violated.

Unlike the statutory protection for family care homes in [G.S. 168-23](#), this statute does not exempt temporary family health care structures from private deed restrictions or covenants. Thus any applicable non-governmental restrictions may still be enforced by the neighbors.

The structure is exempted from health and sanitation regulations regarding establishments providing food and lodging. It is also not required to comply with the social service licensing and regulatory provisions related to adult care homes.

The structure is to be treated as real property for zoning and building code purposes, but it is treated as personal property for tax purposes.

Conclusions

The extent to which accessory dwelling units should be allowed in single-family residential zoning districts is an important topic for local discussion. Reconciling concerns about affordable housing, density, neighborhood compatibility, design standards, property value impacts, and changing social needs warrant careful consideration as zoning ordinances are modernized. While updating ordinances to reflect this new law, local government may well want to revisit and discuss their overall policies on accessory dwellings in predominately single-family neighborhoods.

Local zoning cannot be more restrictive than the standards discussed above for temporary family health care structures and should be promptly amended to incorporate this mandate. Whether a broader review is done or not, in the particular circumstances noted above the General Assembly has mandated that local governments accommodate those wishing to provide on-site care for an impaired family member.

Links

- www.imdb.com/title/tt1454029/?ref_=ttmd_ph_tt1
- raleighpublicrecord.org/news/2013/02/14/backyard-cottages-get-a-thumbs-down-from-city-council/
- raleighudo.com/blog/latest-information-about-proposed-udo-regulations-accessory-dwelling-units
- appellate.nccourts.org/opinions/?c=2&pdf=2329
- www.ncleg.net/Sessions/2013/Bills/House/PDF/H625v4.pdf
- www.washingtonpost.com/wp-dyn/content/article/2010/05/05/AR2010050503074.html?wpisrc=nl_most
- www.cbsnews.com/news/granny-pods-inside-housing-alternative-for-aging-loved-ones/
- www.medcottage.com/
- www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=168-23



Town of Carrboro

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

Agenda Item Abstract

File Number: 15-0038

Agenda Date: 2/17/2015

File Type: Abstract

In Control: Board of Aldermen

Version: 1

TITLE:

Request-to-set a public hearing on Land Use Ordinance Text Amendments Relating to Underground Utility Line Installations

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to establish a new use classification and permitting process for underground utility line installations.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Nick Herman - 919-929-3905; Mike Borough - 919-929-3905

INFORMATION: The Town has received a request for a text amendment from the Northern Transition Area Advisory Commission (NTAAC) relating to underground utility installation (Attachment C-1). Section 15-321, Initiation of Amendments, provides for advisory boards to request amendments to the LUO and for staff to present such amendments to the Board so that a public hearing can be set.

Section 15-146 of the Land Use Ordinance, Table of Permissible Uses, outlines a number of utility-type uses such as above-ground utility structures or facilities, and underground lines. Such uses are further classified based on the physical size of the facility's components as well as the extent, or coverage, of the area for which the utility is designed to serve. A draft ordinance has been prepared that, if adopted, would separate the existing use classification 17.400, Underground Utility Lines, into two subclassifications: 17.410 Electric Power Lines and Gas Lines, and 17.420 Other Underground Lines. Language associated with the Table of Permissible Uses would describe permitting requirements (Attachment B).

The NTAAC has also requested an amendment to the Town Code relating to construction noise (Attachment C-2). A draft amendment will be brought forward at the same meeting as the public hearing for the underground utility text amendment, tentatively scheduled for March 24th.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed. In addition the Board may wish to refer the draft ordinance to other advisory boards such as the NTAAC; the resolution template provides the Board with those options.

Agenda Date: 2/17/2015

File Type:Abstract

In Control: Board of Aldermen

Version: 1

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for March 24, 2015 and referring the proposed text amendments to the LUO to Orange County, the Planning Board and other advisory boards as appropriate.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE
CARRBORO LAND USE ORDINANCE RELATING TO UNDERGROUND UTILITY
INSTALLATIONS

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

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on March 24, 2015, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Require a Special Use Permit for Underground Electric and Gas Utility Lines.”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

☐ Appearance Commission

☐ Recreation and Parks Commission

☐ Transportation Advisory Board

☒ Northern Transition Area Advisory
Committee

☐ Environmental Advisory Board

☐ _____

☐ Economic Sustainability Commission

☐ _____

This is the 17th day of February in the year 2015.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE A
SPECIAL USE PERMIT FOR UNDERGROUND ELECTRIC AND GAS UTILITY LINES

Draft 2-11-2015

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-146 (Table of Permissible Uses) of the Carrboro Land Use Ordinance is amended by dividing use classification 17.400 (“Underground Utility Lines”) into two subclassifications: “17.410 Electric Power Lines and Gas Lines” and “17.420 Other Underground Lines” The Table of Permissible Uses is further amended to indicate that (i) underground lines that fall within new use classification 17.420 shall continue to require the type of permit currently required for all 17.400 uses, and (ii) underground lines that fall within new use classification 17.410 shall require a conditional use permit in the C, WR, and B-5 districts and a special use permit in all other zoning districts.

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

Section 3. This ordinance shall become effective thirty days after adoption.

Language for Town of Carrboro Land Use Ordinance for Utilities Amendment Request

1) What the LUO presently allows:

Page 185 of LUO. Allows Underground Utility Lines as well as above ground utility facilities to be permitted with a Zoning Permit with use classification #17.400.

2) What the proposed amendment would allow:

Require Underground Utility Lines associated with gas and electric utilities as well as above ground utility facilities for such utilities to be permitted with either a Conditional Use or Special Unit Permit with use classification #17.400.

3) Reasons for proposed amendment:

a) **The right to a public hearing:** Property owners should be afforded the right to present their concerns, legal and equitable, about the construction of such facilities and underground utilities to the Board of Aldermen or Board of Adjustment in a quasi-legal hearing. Staff should not have the discretion to keep such property owner concerns from public, legal consideration. Any legal concern can be presented by staff, including the town attorney, at such a hearing. Carrboro should follow the lead of Orange County in requiring the permitting process.

b) **The right to have a point of contact:** When multi-million dollar companies that can involve other such companies as contractors and subcontractors bring their resources to such developments, the individual citizen is at a severe disadvantage in responding to their actions and failure to follow local, state and federal regulations. The layers of different types of employees with different companies, coupled with the many permits, Federal and State, create a rubric's cube of complexity that is beyond the abilities and expertise of the average property owner. The property owner should be able, at a minimum, to ask the BOA or BOA for the right to have the town staff and the board manage the project and serve as a point of entry responsible for concerns about the development.

b) **Significant risk from the utility:** These types of utilities, especially natural gas, pose a significant risk to not only the adjoining property owners but also to neighboring residential property owners and drivers of vehicles passing on roads next to the facilities. Under a zoning permit, there is no way for the town to guarantee and protect the safety of property owners and their property and families due to its stance that it cannot insist a safety and evacuation plan should a pipeline leak or rupture. On behalf of citizens, the town should be able to, for instance, inspect the pipes.

c) **Significant impact without regulation on the environment:** Such projects have the potential to have significant impact on tree preservation, wetlands and stormwater management

that affects the property of adjoining property owners. For most other development, the town has crafted over many years of hard work a very carefully written set of stormwater regulations. The property owner should be allowed, at the very least, to petition the BOAldermen or BOAadjustment to require those regulations be applied to mitigate the impacts of predicted storm events to slow the rate of runoff, prevent erosion, and prevent sediment from entering streams and waterways. Screening from large clearing of easement could be addressed as well.

d) **Control of construction impact:** The property owner should have right to petition either Board for the identification of a staff department which will respond to concerns about these projects in terms of the temporary or permanent impact of noise, dust, odors and other nuisances disrupting quality of life, particularly in a residential zone, and that are described in part in Article XI of the LUO, that may or may not be addressed with standards in the LUO. These issues would also potentially involve questions about establishing clear hours of operation in accordance with the LUO and following them as well as providing the expected general construction schedule and giving advance notice of equipment/material mobilization.

e) **Enforcing Orange County's Special Use Permit provisions:** Where Orange County has established special use permit provisions, the property owner should be able to ask that the town require the applicant to abide by them, where the owner, though not a Carrboro citizen, is subject to the LUO because of their location within Carrboro's planning jurisdiction. These provisions would include an emergency action plan, preservation of historical/cultural resources in the area of the pipeline or other utility, communication of all conditions to contractors and subcontractors, ensure any crews act toward property owners in a neighborly, courteous manner, applying for and receiving all required State and Federal permits, and abiding by the conditions/operational parameters as denoted on any approved site plan.

Language for Town of Carrboro Charter Amendment Request

1) What the Charter presently allows:

Page of Section 5-21 on page 5-11 states a violation of Section 5-11 and 5-12 shall constitute a misdemeanor and is punishable under NCGS 14-4.

2) What the proposed amendment would allow:

Add a (f) that states that **the town manager or designated staff member shall be the person to be informed by a complainant of any alleged violations of Sec. 5-12 (4), which regulates noise from various construction tools, machinery or equipment during certain hours of the work day for property within 300 feet of a residentially occupied dwelling. The town shall be responsible for notifying the appropriate law enforcement officials for enforcement of Sec. 5-12(4).**

3) Reasons for proposed amendment:

Se. 5-21 has been interpreted by Town staff to require a citizen and/or individual property owner to notify the police of any violation of 5-11 and 5-12. This interpretation imposes on said person, particularly if their property is located adjacent to the person responsible for such noise infraction, an uncomfortable responsibility. This burden is increased where the responsibility for the noise violation is committed by a for-profit corporation and/or its contractors and subcontractors whose employees are present on land near or on the property of the property owner. The larger the corporation, the heavier the burden as well as the possibility of the threat of stoppage fees or other legal action can be.

TABLE OF PERMISSIBLE USES

Last Amended: 6/24/14

DESCRIPTION	R-2	R-3	R-7.5	R-SIR-10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
14.300 Mining or quarrying operations, including on-site sales of products															S							
14.400 Reclamation landfill		Z	Z	Z	Z	Z	Z						Z	Z	Z							
15.000 Miscellaneous Public and Semi-Public Facilities																						
15.100 Post Office								C	C		C	C	C	C	C	C						
15.200 Airport							C		S				S	S								C
15.300 Sanitary landfill							C							C								
15.400 Military reserve, National Guard centers														Z								
15.500 Recycling materials collection operations																						
15.510 Using collection facilities other than motor vehicles									Z				Z	Z	Z							
15.520 Aluminum recycling using motor vehicles									S				S	S	S							
15.600 Public utility service complex																			C			
15.700 Cable Television Signal Distribution Center								S	S	S	S		S	S	S	S					S	S
15.800 Town-owned and/or Operated Facilities and Services																						
15.810 Town-owned and/or Operated Public Parking Lot								Z	Z	Z	Z	Z	Z	Z	Z	Z				Z		Z
15.820 All other town-owned and/or operated facilities and services	Z	Z	Z	Z	Z	Z	Z		Z		Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z
16.000 Dry Cleaner, Laundromat																						
16.100 With drive-in windows											C	C	C									C
16.200 Without drive-in windows									Z		S	S	Z			Z			C			S
17.000 Utility Facilities																						
17.100 Neighborhood	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	C	C	C			S
17.200 Community or regional														S	S		C		C			S
17.300 Cable Television Satellite Station							S				S	S	S	S	S	S					S	S
17.400 Underground Utility Lines	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	Z	C	Z	Z
18.000 Towers and Related Structures																						
18.100 Towers and antennas fifty feet tall or less	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	C	Z			Z
18.200 Towers and antennas attached thereto that exceed 50 feet in height, and that are not regarded as accessory to residential users under 15-150(c)(5)						C	C				C	C	C	C	C	C			C	C	C	C
18.300 Antennas exceeding 50 feet in height attached to structures other than towers, [other than accessory uses under 15-150(c)(5)]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
18.400 Publicly-owned towers and antennas of all sizes that are used in the provision of public safety services									ZC													
19.000 Open Air Markets and Horticultural Sales																						
19.100 Open air markets (farm and craft markets, flea markets, produce markets)								ZC	ZC	ZC	S	S		S		S					S	S
19.200 Horticultural sales with outdoor display									ZC	ZC	S	S		S		S					S	S
19.300 Seasonal Christmas or pumpkin sales								Z	Z	Z	Z	Z	Z	Z	Z						Z	Z
20.000 Funeral Homes													Z	Z								
21.000 Cemetery and Crematorium																						
21.100 Town-owned cemetery	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
21.200 All other cemeteries							S							Z	Z		C	C	C			
21.300 Crematorium														Z	Z							
22.000 Day Care																						
22.100 Child Day Care Home	ZZ	Z	Z	Z	Z	Z	Z	S	S	Z	S	S				Z		Z			S	S
22.200 Child Day Care Facility	S	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z	Z		Z		C	C		Z	Z
22.300 Senior Citizens Day Care, Class A	S	S	S	S	S	S	S		Z	Z	Z	Z	Z	Z		Z		C	C		Z	Z
22.400 Senior Citizens Day Care, Class B	S	S	S	S	S	S	S	Z	Z	S	Z	Z	S	Z		S					Z	Z

ARTICLE XV

WATER AND WASTEWATER, OUTDOOR LIGHTING, AND MISCELLANEOUS UTILITIES (REWRITTEN 4/20/10)

PART III: MISCELLANEOUS UTILITIES (AMENDED 4/20/10)

Section 15-244 Electric Power.

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (1) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.
- (2) If the use is a subdivision or is not located on a lot served by an existing power line, or a substantial internal distribution system will be necessary, then the electric utility company must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section 15-245 Telephone Service.

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

- (1) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.
- (2) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the electric utility company must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section 15-246 Underground Utilities.

Art. XV Utilities (cont.)

(a) All electric power lines, (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions developed after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility companies and located in accordance with Appendix C, Standard Drawing No. 6 or No. 7.

(b) Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this chapter, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies. **(AMENDED 1/22/85)**

Section 15-247 Utilities To Be Consistent With Internal and External Development.

(a) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby development, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

(b) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Section 15-248 As-Built Drawings Required.

(a) Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, furnish the town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be certified as accurate by the utility company. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

(b) If any utility in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the town upon request.

Section 15-249 Fire Hydrants.

(a) Every development, subdivided or unsubdivided, that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development. **(AMENDED 4/27/82)**

Art. XV Utilities (cont.)

(b) The presumption established by this ordinance is that to satisfy the standard set forth in subsection (a), fire hydrants must be located so that every building within the development is not more than 500 feet from a hydrant. However, the fire chief may authorize or require a deviation from this standard if, in his professional opinion, another arrangement more satisfactorily complies with the standard set forth in subsection (a).

(c) The fire chief shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter.

(d) All hydrants shall have two 2½ inch hose connections and one 4½ inch hose connection. The 2½ inch hose connection shall be located at least 21½ inches from the ground level. All hydrant threads shall be national standard threads.

(e) Water lines that serve hydrants shall be at least six inch lines, and unless no other practicable alternative is available, no such lines shall be dead-end lines.

(f) When hydrants are required under this section to be located within a public street right-of-way, the installation of such hydrants by the developer shall constitute an offer of dedication of such hydrant to OWASA, and the town and OWASA shall thereafter deal with such hydrant in the same manner as other hydrants located within public rights-of-way within the town. The developer or his successor shall be responsible for ensuring that such hydrant is properly maintained and kept in good working order, and that any costs associated with providing water to such hydrant are paid so that the hydrant can at all times serve its intended function. The developer or his successor may arrange with OWASA or any other entity to have such hydrants properly maintained, but ultimate responsibility for compliance with this section remains on the developer or his successor. **(AMENDED 5/10/83)**

(g) Fire hydrants required under this section shall be installed and in working condition, subject to OWASA approval, prior to framing of any buildings in each phase. **(AMENDED 11/26/85)**

Section 15-250 Screening of Dumpsters (AMENDED 5/26/81)

(a) Every development that, under Chapter 11 of the Town Code, is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

- (1) Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and
- (2) Constructed according to specifications established by the public works director to allow for collection without damage to the development site or the collection vehicle.

Art. XV Utilities (cont.)

(b) All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

- (1) Persons located within any dwelling unit on residential property other than that where the dumpster is located.
- (2) Occupants, customers, or other invitees located within any building on non-residential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in an M-1 or M-2 zoning district.
- (3) Persons traveling on any public street, sidewalk, or bikeway within the Town of Carrboro.

(c) When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening.



Town of Carrboro

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

Agenda Item Abstract

File Number: 15-0039

Agenda Date: 2/17/2015

File Type: Abstract

In Control: Board of Aldermen

Version: 1

TITLE:

Board Follow-Up Discussion on Proposed Carrboro Arts and Innovation Center

PURPOSE: The purpose of this item is to allow the Board to discuss the proposed Carrboro Arts and Innovation Center.

DEPARTMENT: Various

CONTACT INFORMATION: N/A

INFORMATION: The Board of Aldermen held public hearings on January 20, 2015 and February 3, 2015. Public comment provided during the meetings and comments provided to the Town Clerk have been included as attachments to this item.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: Staff requests that the Board discuss the proposal and if necessary, provide follow-up direction to staff on how to proceed.

DEBT SERVICE

	<u>FY14-15</u>	<u>FY15-16</u>	<u>FY16-17</u>	<u>FY17-18</u>	<u>FY18-19</u>	<u>FY19-20</u>	<u>FY20-21</u>
EXISTING DEBT	\$1,001,231	\$ 889,171	\$ 813,628	\$ 715,386	\$ 599,281	\$ 585,463	\$ 571,645
FUTURE VEHICLE DEBT	258,857	435,857	576,629	715,312	688,349	717,335	540,336
FUTURE FACILITIES DEBT	-	-	360,081	449,435	449,436	449,435	449,436
TOTAL W/O CAIC	\$1,260,088	\$ 1,325,027	\$ 1,750,338	\$1,880,133	\$1,737,066	\$1,752,233	\$1,561,417
 NEW ARTS CENTER FACILITY @ \$7.5 M	 -	 -	 515,972	 515,972	 515,972	 515,972	 515,972
TOTAL W/ CAIC	\$1,260,088	\$ 1,325,027	\$ 2,266,310	\$2,396,104	\$2,253,037	\$2,268,204	\$2,077,388

FUTURE HOTEL @ 100% OCCUPANCY TAX

Property Taxes - Hotel *				69,351	69,351	69,351	69,351
Property Taxes - Retail Shops *				9,427	9,427	9,427	9,427
Personal Property Taxes *				10,984	10,984	10,984	10,984
Occupancy Taxes @ 100%			102,616	153,924	153,924	153,924	153,924
Total Taxes			\$ 102,616.0	\$243,686.0	\$243,686.0	\$243,686.0	\$243,686.0

FUTURE HOTEL @ 1/3 OCCUPANCY TAX

Property Taxes - Hotel *				69,351	69,351	69,351	69,351
Property Taxes - Retail Shops *				9,427	9,427	9,427	9,427
Personal Property Taxes *				10,984	10,984	10,984	10,984
Occupancy Taxes @ 1/3			34,205	51,308	51,308	51,308	51,308
Total Taxes			34,205	141,070	141,070	141,070	141,070

* Property and personal taxes per 2014 bill

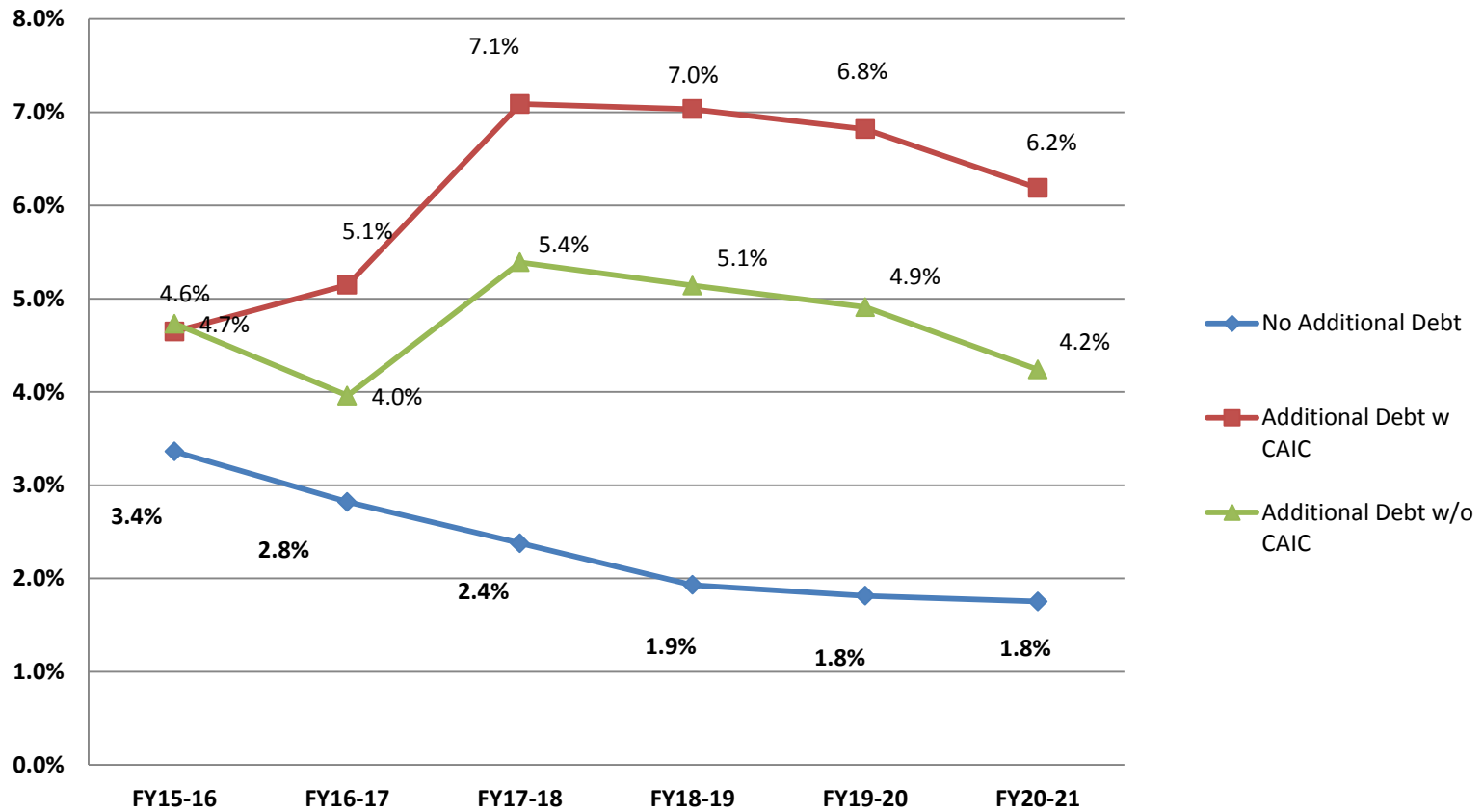
New Hotel Open October 2016

Current Occupancy Taxes through December 2014 =

Assumes average occupancy taxes of \$12,827 per month

76,962

Debt Service % to Operating Budget FY 2015-16 through 2020-21



I do not know who the decision makers on the 300 E Main project are but I was given your email.

As a local businessman, musician and frequent guest of the Cat's Cradle, I urge you to consider and implement whatever needs to be done to allow Frank and the Cradle to continue to succeed in Carrboro. If Frank says he needs a bigger space, please give it to him. If that means we, the taxpayer, need to pay for something, we will do it. Whatever it takes.

If it seems impossible, please ask the citizens of this community and we will do what it takes.

Why? Because I believe losing this treasured venue would be catastrophic for Carrboro, while supporting it has always proven positive. Look at how far Carrboro has come in the last two decades and think about how much of it can be attributed to Frank's tireless dedication and execution. Now think about a Carrboro without our sure thing and in its place a bet on paper.

In short, I strongly believe that losing the Cat's Cradle carries too great a risk; but I know that the Cat's Cradle presence is a giant and positive force in our community. I know it when I meet people from Charleston and Richmond at a Cradle show. I know it when I go somewhere far away and it's the first thing people ask about. I know it when I see the bars and restaurants in Carrboro teaming with people before a big show. I urge you to help bring this discussion to resolution with the Cats Cradle intact and equipped for its next big leap.

Thank you for your consideration.

Sincerely,
Andrew Blass
Managing Director
PRI Investments, Inc.

Andrew Blass, Managing Director
PRI Investments
308 W. Rosemary St. Suite 301
Chapel Hill, NC 27516

From: Laurie Paolicelli [lpaolicelli@visitchapelhill.org]
Sent: Wednesday, February 04, 2015 10:12 PM
To: Bethany Chaney
Subject: RE: CAIC in Carrboro

Thanks Bethany.

The concerns are rooted in the occupancy tax usage. If Carrboro plans to use its 3% occupancy tax to offset the costs of the new center, they can only use one third of the 3% for infrastructure, based on how the statute is written. At an estimated \$180,000 a year in occupancy tax revenues for the new hotel, 30% of that is only \$60,000 annually. That's a drop in the bucket.

If Carrboro wants to use more, the bill would have to be re-written. I'm not sure how that would be received at the state level. Also, if this project doesn't get built for 5 years, there's no telling what can happen to the hotel industry in that time. It's very cyclical.

Finally, based on the legislation, it's the TDA that has to make the recommendation to the town board as to how to use those taxes. The hotelier is represented on the TDA and many see that as a conflict.

I'd love to have coffee. Thanks for your super communication on these details.

Dear Members of the Carrboro Board of Aldermen:

In my heart, I would like for things to stay the way they are, but I'm realistic enough to know that outcome is neither possible nor desirable. I believe in Wendell Berry's concept of appropriate scale, of fitting human constructs to their setting.

The projects built, planned, and dreamed of between Columbia Street in Chapel Hill and Greensboro Street in Carrboro, must be considered together. To ignore them would be akin to building a camp fire in the path of a raging wildfire.

Avoid large projects. Those that now mar our towns have more in common with Robert Moses than Jane Jacobs, no matter how finely dressed in neo-urban language. More buildings equal more cars, which equal more roads.

It is easy to imagine developers and politicians twenty years from now, if they are still around, bemoaning the fact that relatively poorer people are resisting roads and thoroughfares rammed through their quiet neighborhoods. We thought everyone would ride their bikes or take the bus, they'll argue.

But society will by then likely be off pursuing the latest development trend. Our towns will be stuck with profoundly mediocre architecture and businesses that do not even faintly resemble what came before. They are a developer's idea of how Chapel Hill and Carrboro should be, vulgarly thrust into the real thing.

This is not buying local, but destroying it. Towns whored in the name of business, tourism, and taxes.

Slow down. Ask the questions you may not have thought of yet. Listen carefully to people who speak in plain English. Avoid those who speak the language of politics and marketing. Particularly avoid those who manipulate the wisdom of neo-urbanism in service to their greed and thirst for power. How many people in the new high rises still drive to work, for example? How many are students? Ask Greg Hatem why he now considers downtown Raleigh "unlivable."

If folks by this point don't see the choke point issue of Main Street then they are working pretty hard to ignore it. Or they believe their dream of a city where no one owns a car. Or they don't live here and don't give a damn.

A development is a gamble. And if it doesn't pay off, we're left with the bill of traffic congestion, hideous buildings, and all the rest.

Demand the worst possible impact figures about these projects as well as the best, and take them seriously. Where will the new roads go? Tell us now the areas where people will most likely be forced from their homes to make way for "progress."

I'm unclear about where the Cradle fits into all this, and have wondered about it since the possibility was first mentioned years ago. I was surprised then to hear that a new Cradle was proposed, even more surprised to hear that Frank Heath was on-board. The Cradle is more than bricks and mortar for sure, but it is difficult to imagine this historic establishment, every bit as much the heart of this community as Tar Heel basketball, existing amidst such self-conscious innovation.

The Cradle might leave town either way the decision goes because further development means there will be no place left that's affordable -- and Frank already books a lot for other places anyway. Innovation, particularly the artistic variety, arises in lower-rent areas from people more inclined to innovate than merely spout the word. Like humor, innovation is not advanced by its study and dissection.

Keep it small. Wendell Berry observes that if a thing is big, it lies. More to the point, if a small development fails, the error in judgement is more easily ameliorated. A large development is built big and, if the gamble doesn't pay off, fails big. No one can promise that these enormous entities will not eventually become tomorrow's large run-down apartment complexes of the seventies, now income streams bought and sold by out-of-state management companies.

Chapel Hill has always been about small innovative entities -- houses, businesses, and restaurants built by local people with local capital who saw a need and met it. The lawn at Weaver Street arose naturally, unlike places today that try unsuccessfully to imitate it.

Go slow. Listen to Frank Heath, even if he disagrees with what I say. His ear is closer to the ground, and there is great love of place, and wisdom, in his spirit. His insight and integrity are worth that of a thousand myopic developers.

If Frank is being poorly treated, you should be alarmed. Trust me, more people know about Carrboro because of the Cradle than they do because of developers and politicians.

Avoid the utopian siren's call of businesses, taxes, and increased services. Real economic growth is more than restaurants, bars, and internet start-ups.

Sincerely,

J. Al Baldwin

104 Milrock Road
Carrboro, NC 27510

Ms Wilson,

As I'm sure you're aware there's been some issues over the proposed "art?" center and hotel at 300 main and while this all is fine and dandy for the few people that are going to make a bunch of dollars off of these buildings I have to ask is it really worth selling the heart and soul of Carrboro so it can become a mini Chapel Hill? 100% (over 1000 easy) of the people I know who live in or around Carrboro HATE this idea, and yet 98% of them have already given up saying there is NOTHING that can be done because the town will fold like a napkin for promises and this is yet another situation of big money developers coming in changing our way of life so it benefits them then leaving with us holding the bills. Even I believe the board has lost it's heart and soul even considering such an issue and here's why.

Some of the unique things we will lose

our artist and musicians numbers one - why because this art center isn't for us, nor is the so called studios, or lab downstairs, or offices that will rent for what \$1500 a month (think attorney offices and architects). What it really is, is another place for the affluent to meet in a Saturday night to get together and drink catered white wine and jerk each other off on how successful they are as they wait to see the \$47.50 "concert" they paid for as a fund raiser for the GOP anti civil liberties association featuring some NEA grant winning knucklehead who chants Baptist hymns while playing Tibetan singing bowls. Even if they really do have studios for artists (LOL, which I doubt since they have lied over and over already) these won't be for any real artists but instead rented to doctor and lawyers wives who dabble with paints on the weekends and brag to friends about how they "worked in the studio today", and you KNOW this is true because of these reasons right here - ask yourself when you look at the drawings if you can picture any of Carrboro's artists dragging a 8 foot by 10 foot canvas through those halls, or maybe Southern Culture on the Skids practicing in one of those studios, or how about a potter hauling in a dripping muddy 100 block of clay, or where is the studio for our welders, getting any of the picture yet?

So we have to now look at who put Carrboro on the map, and yet I see no consideration for the Cat's Cradle. What they were promised has changed because the developer doesn't like it? The CRADLE makes Carrboro and you want to rip the heart of the town out that all the REAL ART is centered around let them get rid of the Cradle? WTF? are you people serious??? For what 2 HUGE cubes that 90% of the people who live here won't even be allowed in. We have a HUGE hotel and there is another right down the street near McDonalds, why do we need another HUGE empty building??? or two - Greed and money that's why.

Yet to continue, the same types of people that will use these facilities aren't going to be fond of looking out the window and seeing our local dancing man do his thing, so he has to go. The quaint antique shops, the one thrift store by Wendy's and the "Home" next to it have to go because these people aren't going to want to see that we have folks with special needs that we let wander around, that the Thrift shop looks tacky, the antique stores aren't Sauvé enough. Then there will be "issues" with the farmers market from these people because old farm trucks and farmers don't present the best image for these types. Same goes for the Open Eye (too liberal), the restaurants will all have to step their game from quaint shoe string business to super expensive sheik because once again these types of people that use places like this will demand it and they have the MONEY to MAKE THAT HAPPEN. And last goodbye food trucks because they will "compete" with the Hotel restaurant so they'll have to go besides they look run down and tacky to if you asked these folks even though the rest of the town LOVES them!!!

What I'm basically pleading with you over and over is to PLEASE, PLEASE, PLEASE, reconsider this for ALL of the people of Carrboro and those that use it and NOT just a tiny small fraction that really don't care because all they really want is the money. If you really want to help the town, make more events that everyone loves, keep our heart and soul and make a stand against these developers and say NO.

If not we lose the Cradle, then the Station, then Open Eye, the sandwich place next door, Weaver Street will have to curb their openness and lawn functions to cater to these people, the farmers market (the best anyway around) will be affected. It will certainly help drive lower income people out of Carrboro (hint all the real artists and musicians) and in 10 years we'll be just another faceless heartless soulless town like all the others these types of people have changed across the country just so they could become wealthier. I fear though MONEY will win and we are going to lose our town, I watched this happen to my own small town up North where I grew up and it hurt badly because it's true my town died because of it and today all those wonderful changes that were suppose to make everything better just ended up as a bunch of boarded up buildings just like 4 abandoned blocks in any big city. I moved to just outside Carrboro about 16 years ago because of that, because I LOVED IT here when I came to visit a friend and now the board is going to do the same thing my town did sell their souls for a wheelbarrow of promises and a handful of silver coins.

As a last thought, why does the property at the bottom of N Greensboro street (across from the trailer park) with the long warehouses and the one with a burnt out roof stay empty? Here's a hint if you want income, let artists and musicians have them to build into a real art center. Let the artists and musicians rebuild those buildings, put new roofs on, make walls for studios, revitalize the property so it's usable again and works for everyone. But I'm sure on the back burner some developers has an eye on that to build more mcmansion we don't need either Yeah why listen to the people that live here when the big money is flashing in front of your face. Maybe we should consider a name change to - something like "Judas", North Carolina.

sincerely and respectfully,

Raymond De Neve

Working Owner

CRA Building & Landscaping

3 Maples Organic Heirloom Gardens

919-593-5711

Dear Carrboro Aldermen,

I am writing to urge you to support the Cat's Cradle, and to help facilitate it remaining a vital part of downtown Carrboro. Main Street Partners promised to build a custom venue for the Cradle back in 2008, in a plan that was approved by the city. Please hold them accountable, and don't allow the promise of a shiny new Arts Center to lead you to abandon the "arts center" that put Carrboro on the musical map in the first place.

Thank you,

Gabriel Pelli

-musician

8617 Union Grove Church Road

Chapel Hill, NC. 27516

Ms. Wilson,

I write to you not as a citizen of Carrboro, but as a North Carolina native who was shaped by our state's culture, arts, and music. Carrboro has become one of my very favorite stops in the state solely because of the iconic and historic Cat's Cradle, which connected me to a great deal of your local businesses and local artists, and I fully intend for it to be the reason for many future visits. I write today to add my voice to what I hope is a great deal of noise telling you of this venue's significance, and I sincerely dread the thought of anyone who is higher up taking the impact and importance of this building for granted. I respect the complications of financials, but see a town so full of culture and spirit, especially one that helped shape our state's music's history, being overrun with hotels and big businesses is disheartening and uninteresting. Finding a solution and finding a home for Cat's Cradle should be a priority for everyone, and Carrboro should know that there is a strong and passionate community willing to adapt to that solution, given a reasonable opportunity. Cat's Cradle and the triangle's music scene have demonstrated the power of community to me more so than anything else I've ever encountered, which is absolutely something to fight for.

I don't do this often, and I appreciate you allowing me to take up your time. I couldn't forgive myself if I didn't write to urge you to keep this special place as a priority in your plans for Carrboro. I do not exaggerate when I say I count it as one of this state's best assets, and I know many locals and tourists alike that do, and have for as long as it's been around. I hope we can for many years to come.

Thank you and be well,

Sibyl Kemp

252-296-6440

6195 S. Turnage Street

Farmville, NC 27828

I am a resident and home owner in Carrboro, as well as a business owner. I was raised in Chapel Hill/ Carrboro and have spent the majority of my life in this town. I understand the cost and design are the significant points of contention. In our Vision for 2020 we stated the importance of," encouraging the development and placement of architecturally significant commercial and civic buildings." That being said, I am aware that the structure, as proposed, is different in some ways than current commercial downtown developments. I see that as a huge positive. The building should represent the importance of it's name sake.

>

> The most fundamental question we are debating as a community is whether we want the future to reflect a culture that is conservative and constrained to it's past or whether we want one that leans courageously forward inviting the possibility of things to come. My personal vision of the future includes buildings and spaces that inspire and enrich the community. I see no reason not to lean into that future. A town committed to its stated values of arts, innovation, jobs, progress, and beauty is a place I'd want to live and spend my dollars, ideally giving way to a virtuous cycle.

>

> As a citizen and business owner I am confident that the success of this town is dependent on our willingness to move toward embracing the new and different. Our values will shape our buildings and our buildings shall return the favor. An "architecturally significant" building for arts and innovation is a great place to start.

>

> Sincere Regards,
> 602 Davie Rd. Carrboro NC 27510
> Nathan Mills
> 919.730.9890

Loyd Little
1403 Dairyland Rd.
Chapel Hill NC 27516

Because we live on the west side of town, Carrboro is where we do 90 percent of our shopping, visiting, seeing/hearing entertainment, etc.

Thank you,

Loyd Little

>To: Catherine Wilson

>Subject: Arts center proposal not a good idea

>

>If the arts draw enough people/demand on their own, the arts can create their own center.... Which they have done over the years. However, for the town to take taxpayer money and build a four-story (or any story) building is simply foolish. Let business support itself and let arts support itself. Carrboro does not need to force-feed this project.

>

>Thank you,

>Loyd Little

>

I think a new arts center would be a fantastic addition to Carrboro.

I am an Orange county resident for 30 years

Heather Main

5612 Buckhorn Rd.

Efland, NC 27243

TO: BOA

From: Jim Sadler, 102 Watters Road

Anne and I attended the meeting last night and, as always when we attend these meetings, I left with a sense of gratitude for you who work diligently and give so much time and effort. I thank those who responded to my earlier e-mail and all of you who read it.

In general, to put ourselves on record, we would support anything the Town of Carrboro needs to do to help the ArtsCenter and Cat's Cradle survive and prosper. This may require (literally) thinking outside the "box", and CAIC may not be the only solution. I look forward to hearing your discussion in a couple of weeks. Thanks again.

Please, before this situation gets out of hand, make sure that Frank Heath understands how valuable the Cradle is to our town and work constructively with him to insure that the Cradle always has a home here. No CAIC discussions can proceed before we insure that the treasure we already have is secure. The folks in Durham are salivating at the prospect of the Cradle moving there!

Thanks-

Lance Stokes

Tonight's Public Hearing On the ArtsCenter and Kidzu Children's Museum.

I am a 20+ year resident of Carrboro and have owned a home on West Poplar Avenue since 1998. I support all of the initiatives that support the music and art scene in the area. I attend most events and support financially and with my presence. I support a better ArtsCenter facility and am excited about the Kidzu plans. However, I cannot support any proposal that does not provide the Cat's Cradle with a new, larger and modern facility. Please include this in any plan that is presented and do not move forward with any plan that does not include plans for a new Cat's Cradle.

Thank you,

Michael Roberts
106 W. Poplar Ave
Carrboro, NC 27510
(919) 414-6266

Dear Carrboro Board of Alderman:

I love the arts. I grew up going to classes and camps at the ArtsCenter, I own a graphic design business, and I live and work in Carrboro.

I am very concerned about the proposed Arts and Innovation Center. I'm worried that it would pivot Carrboro away from its small town feel with a too-large building that seems out of place. With the new Hampton Inn right there, we do not need another hotel. I'm also unclear about whether there is even interest from a hotel-builder.

It sounds like Cat's Cradle might not stay in town; the venue is a unique Carrboro landmark and it would be a shame to lose it. I worry that in trying to think big we could lose existing gems like the Cradle from our community.

To me it makes more sense for the ArtsCenter to do a capital campaign for renovations in their existing space. Since Kidzu is looking for a permanent home, they could either be part of that campaign and join in the renovations or find another local spot.

I believe in supporting the arts but don't think the proposed Arts and Innovation Center is the way to do so. Instead, why not offer grants or other systems of support for the local arts community. (And as a very happy, very lucky Community Home Trust homeowner, I also strongly advocate for more money to local, affordable housing.)

To me this feels like a project that the developers want but many townspeople are leery of. I'm worried that if it does gets built and the larger (and expensive!) space is not self-supporting, local taxpayers will end up footing the bill. It sounds like the opposite of "feeling free."

Sincerely,

Linda Graham

Linda Graham Design
Carrboro, NC

Dear Mayor and Board:

I wrote previously. I apologize for adding to you inboxes, but when I read that a board member describes this as possibly ".... too good an opportunity to pass up," I am compelled to write.

It has been hard from a citizen's viewpoint to absorb all of the comments: what has been said in front of us, what has been said away from us. Perhaps I've missed some things. The numbers put forward by the proposees are vague and not much substantiated. Do the numbers purporting to show how much money would be added to the local economy carry the assumption that most of the moms picking up three summer campers will head to Milltown for burgers and beers, or that the happy campers and dad will go to the Venable for cocktails and entrees? Or is it more likely that at 5pm. we'll see a line of cars choking Roberson St. as moms and dads try to pick kids from camp and can't see their way to driving to the parking deck, as opposed to clogging the thoroughfares on a street where we haven't bothered to ascertain the current level of service?

I don't think the town should make promises, even if the town puts conditions on them: it would be hard to exercise a bail-out condition once momentum grows and expectations flower. I could write pages on all the questions that, so far as I can tell, have not been asked or been addressed by the proposees. It's odd to me that 300 E. Main and the hotel people were not present at the presentations - they're integral to this deal, but for some reason stand back. Am I the only person who finds this unusual, their absence conspicuous? was this proposal found "complete?" Whose job is it to make a proposal complete?

If you do feel inclined to support the proposal, even with all of the unanswered questions, please consider letting the proposees - the 300 E. Main group, the hotel group and the ArtsCenter - get a CUP first. The 300 E. Main group, integral to this proposal, has never been a fast mover - their missed schedules would make an edifice taller than the parking deck. The CUP process will result in an examination of the appropriateness of the structure where they are proposing locating it; the affect of the hotel; the plans for the Cradle; the status of parking, and whether there'll be too many competing uses for an expanded deck (hotel, library, ArtsCenter). Many questions posed by the public would be answered in the CUP approval process. The time of the CUP process will give the Artscenter the chance to demonstrate their fund raising ability, to secure large corporate donations, to get some real skin in the game and not just an open palm, with 300 E. Main standing right behind them, deposit slip in hand. Who can say if the town will be empowered to levy an occupancy tax? To keep the possibility of town support conditioned on successfully acquiring a CUP seems considered, fair, and a solid way to get a lot questions answered to the satisfaction of those who will assume the burden of 50% of the building's cost. How could the proposees find this unreasonable? No schedules are immutable. Am I missing something?

This consideration goes on in the shadow of the Acme condo deal. Something not wholly dissimilar is happening here - at almost 10 times the cost. We're told not to worry, if the parties crash, the town will have a building that can be sold. What will it cost to re-purpose this structure? Would that require a bond on top of a bond?

If the hotel wants a second hotel on the Artscenter property, let's let the three parties work together - hotel, the 300 E. Main, and the ArtsCenter. They can do this during the CUP process. It may turn out that the ArtsCenter profits from the desire for a new hotel without the Town's intervention. It may be that the ArtsCenter scales back their rather extravagant proposal.

I've written a lot. You get a lot of mail. I could have written more. Thank you for your time and service, and your

patience.

Jack Haggerty, Citizen

PS. I admit to some dismay with the 300 E. Main group. Look at how, to save money, the 300 E. Main group litter our streetscape. I have no doubt they saved money by the way they handled the utilities and bike rack, at our expense.



Dear Mayor and Board of Aldermen,

Expanding the Arts in Carrboro is an exciting proposal. However, the public hearing for the CAIC a few weeks ago brought more questions than answers. As many speakers stated, it is hard to look at the CAIC as one standalone project.

Some of the questions below are answered in the project overview, but none of them were addressed fully at the last hearing in front of the public. To know how I (or others) really feel about the project, the public needs to be educated.

Questions for Main Street Partners:

300 E. Main has changed its plans for that space more than once since the CUP was approved. It would ideal if all of the groups affected by the new plans could sit down in a room together and discuss the overall plan for the property.

Why a hotel? How many rooms? How many floors? How will it complement the current hotel? Is this allowed under the current permit, or is it a major modification that would require another public hearing?

What else is currently being planned for the site that is different from the plan that was approved? Is there a library? Apartments? If there is a library, is Main St. Partners donating the land? If the CAIC building also housed the library on one of its floors (approx 10,000 sq ft,) would Main Street Partners give some additional compensation for the building (since they would only be providing one footprint instead of two on their property). Could the CAIC/library building could be sited at another location on the site?

How many new parking spaces will the parking deck expansion have?

What happened to the idea that there would be a pedestrian walkway across the property (or am I misremembering that?)

Are all of these new plans going to leave the Cat's Cradle AND the new brewery/coffee shops as they currently are, or will part of that structure be torn down?

Question for the CAIC:

If the ArtsCenter needs to relocate while the new CAIC is being constructed, how will that be financed?

Questions for the Town:

I really like the preliminary design of the ArtsCenter, mainly showing the use of the space. And to have one of Phil Shostak's award winning designs in Carrboro could become as iconic as the ATT bridge across I-40. However, if the CAIC proposal is approved, and the town is putting up money, would the design and construction of the building need an RFP or would there be other overseeing of the project to insure we were getting the best value for our dollars? If there needs to be an RFP, what is the usual time frame for that?

Explain the taxes that would pay for the CAIC, and how this might affect an average person's annual property taxes, so the public has an idea of what the tax burden would be.

Has the town's accountant looked at the revenue from Kidzu or the ArtsCenter for the past few years to get an idea of what they have brought in?

What are the best and the worse case scenarios?

If the Town decides not to pursue this, or that it needs more time than Main Street partners can give, will Main Street Partners keep trying to get the space that the ArtsCenter has, or will they just work around it?

Having answers to these questions would help all make a more informed assessment of the project.

Thanks for listening,

Heidi Perov Perry

407 Robert Hunt Drive

Carrboro 2750

Hello Cathy,

Thanks so much for taking the time and energy to hear the community's thoughts on the arts innovation center. As a resident and business woman in Carrboro, I can't think of a better way to invest in our community. I think the center and the hotel will make a meaningful economic impact on multiple levels. Not only will it bring more people to our community to visit (and while here check out our restaurants, shops, etc) but it will continue to make Carrboro unique. Another hotel will also be a great addition. It is wonderful to have visitors who can stay right here in Carrboro instead of out 54 or in downtown chapel hill. When visiting a place, you tend to frequent the places conveniently located near where you are staying. Tourism is great for towns! It is the cleanest dollar as well - people come, enjoy, spend money and leave. I think the arts innovation center will bring more people from near (Durham and Raleigh) and far to visit our awesome town.

Business aside, I find myself going to Durham all the time for events and think the innovation center would allow me to spend my weekend evenings in carrboro, walking distance from my house of oak ave. I always prefer to be able to walk to the things I want to do, hence why I chose to live in Carrboro.

I hope we can make this happen as I believe it will make Carrboro even more creative, fun, unique and successful.

With gratitude,

--

Betsy Bertram

General Manager

Townsend Bertram & Company

200 North Greensboro St. Carrboro NC 27510

919 933 9712

OK, thanks, we'll be at the meeting, because I all know is what I read in the papers. Again, we're neither for nor against this -- how can anyone be with so few specifics or public statements from these "partners". Your exoneration of the Town of Carrboro regarding keeping the public informed is fine with me, although I stand by the rest of our (Anne edited substantially) comments. The "partners" have shared only the vaguest "architect's concept", we have no idea how this will affect other projects and town needs, and I find it odd that inviting public comments at a hearing for millions of dollars is the way you're going to get the details. There, now I don't have to speak at the meeting. Thanks. Jim Sadler

I believe that a project of such sizable cost can be supported only if hard data are presented showing that the organizations that would occupy the building are fiscally solvent and have demonstrated a track record of several years of commercially successful enterprises on which they could expand their activities.

I have not seen any evidence that fits that description.

Has any thought been given to less costly alternatives? For example, the venue in which the Arts Center is presently located and the auditorium located in the Town's Century building (I'm not sure what you call it), are two places that could be updated at a fraction of the cost of the CAIC proposal. These two venues are similar in two important respects: they are ugly to look at and their acoustics are inferior. I am sure that a first class renovation of these venues would go a long way toward providing the kind of first class auditorium that will serve our needs and that we can be proud of.

The picture of the architect's concept of the new center that appeared in the local newspaper a few days ago is very impressive. This is a big, ambitious idea. But is it right for Carrboro? It looks to me like the kind of "bragging rights" that is out of character for our town.

Thanks for the opportunity to comment.

Frank Stallone
405 Berryhill Drive
Carrboro



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, February 3, 2015

7:30 PM

Board Chambers - Room 110

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

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

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY TO APPROVE THE MINUTES OF JANUARY 20, 2015 AND JANUARY 27, 2015, AS AMENDED.
VOTE: AFFIRMATIVE ALL

PRESENTATION OF CAPITAL IMPROVEMENTS PROGRAM UPDATE

The purpose of this item was to present to the Board of Aldermen the annual update of the Capital Improvements Program (CIP) for FY 2015-16 through FY 2020-21.

Arche McAdoo, the Town's Finance Director, made the staff presentation. He explained that there is a Town Hall space and utilities needs analysis scheduled for this FY that will address the needs of building space and systems for FY 16/17.

Alderman Gist stated that there is a need for collaboration with the Public Works space and stated that it is prime land and suggested that some of the land be placed on the market to return to the tax base.

Alderman Seils asked if there was a standard for the replacement and maintenance of sidewalks and greenways. George Seiz, the Town's Public Works Director, stated that he would look into this system. He also asked about the Jordan Lake Rules and if the current laws would provide the Town with more flexibility on how to expend funds for stormwater within the Town. The Town Manager explained that current projects in the CIP have been prioritized based on Federal laws but that there may be flexibility in when the funds are spent. He also asked that the Town begin the conversation related to the Police Policy for Body Worn Cameras and asked if the School District wants Body Worn Cameras on the School Resource Officers and if so, if they can help purchase those cameras. The Town Manager stated

that he will look into this with the School District.

Alderman Chaney asked about the retrofits that are required for the schools. Trish McGuire, the Town's Planning Director, stated that the retrofits aren't being done for the schools but by the Town to find locations to partner with property owners in areas with the highest potential.

Alderman Chaney stated that a lot of residents of Plantation Acres feel that the source of their flooding is coming from the McDougle Middle School area and asked if those projects could be prioritized. Alderman Chaney asked for staff to provide an analysis on what the impact of financing for the proposed Arts Center would have on the Town's CIP document, debt ratios, bond ratings, and the impact on the Town's operating budget in terms of debt service. She asked if the information could be presented showing comparisons of current CIP with the addition of the proposed Arts and Innovation Center. If we were to build another hotel, could any of those tax revenues be used to fulfill any of the Town's other capital improvements project needs.

Alderman Johnson stated that the Town usually makes decisions in a much longer process than they are currently being asked to make decisions regarding the proposed Arts Center.

Alderman Haven-O'Donnell asked if the Town could partner and create a stormwater utility and how that would affect the CIP budget. David Andrews, Town Manager, responded that staff will be looking at that as an option. Alderman Haven-O'Donnell stated that residents of Plantation Acres have serious concerns regarding flooding issues and asked that monies be put toward fixing those issues sooner rather than later.

Alderman Slade encouraged the Board to have the foresight to mitigate before the events. He asked if the Rogers Road Community project could include historical and collaborative language. He asked that staff continue to monitor offering broadband. He asked the staff to maximize solar for the MLK Park. He asked that a process be used for the policy for Body Worn Cameras for the Police Department and asked that the Board hold a public hearing regarding the policy.

Mayor Lavelle asked if a parking lot would be included in future CIP's. David Andrews, Town Manager, responded that it would but not at this time.

A motion was made by Alderman Seils, seconded by Alderman Haven-O'Donnell, that the report be accepted. The motion carried by the following vote:

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

A PUBLIC HEARING ON THE ISSUE OF A PROPOSED NEW ARTS AND INNOVATION CENTER

The purpose of this agenda item was for the Board of Aldermen to hear public comments on a proposal for a new Arts and Innovation Center that would replace the current ArtsCenter and bring Kidzu to Carrboro.

Manish Atma, owner of the Hampton Inn, spoke to the Board about the proposed addition of a new hotel. He stated that the addition of meeting and group space in the hotel will increase the occupancy of the hotel. He stated that it is anticipated that the new hotel will generate the same, or more, revenue

of the current Hampton Inn. He stated that the hotel finished 2014 averaging about 67% occupancy. He discussed the time constraints related to the Hilton licensing agreement and stated that the hotel would need to open in 2016. Alderman Gist asked if they would be seeking an expedited review. Keven Benedict, representing 300 East Main, stated that they understand that a modification would be needed to the existing CUP. In response to Alderman Gist, he stated that they would plan on the current CUP process being around eight months but would like the Town to review as quickly as possible.

Alderman Johnson asked if the new hotels in Durham and the Chapel Hill are would affect occupancy rates for the new hotel. Mr. Atma stated that due to growth, those new hotels won't affect the proposed hotel.

Laura Van Sant, representing 300 East Main, read a statement of support for the second hotel building. They also showed a concept plan for the design of the hotel that also showed a possible location of the Orange County Southern Branch Library and apartments. She stated that the CAIC proposal does not affect the Cat's Cradle. She stated that they have worked with the Cat's Cradle for years but that the Cradle has turned down multiple offers to have increased and new space at a rent of direct costs. She stated that they remain available to continue discussing the Cat's Cradle's long-term future. She asked the Board to take down a long-term visionary approach for the proposed Arts Center.

Alderman Gist stated that when the project was first approved there was green space and an outdoor concert space and that the project has changed since approval. Mr. Benedict stated that these plans haven't changed since the CUP approval.

Diana Staughan, representing Cat's Cradle, stated that Frank Heath had planned to speak but was not prepared to hear the comments from 300 East Main regarding their rental discussions so he needed to leave because he was dismayed. She stated that he feels that this is not the correct place to hash out the discussions between the Cat's Cradle and 300 East Main.

Alderman Slade stated that the Cat's Cradle simply speaks for itself. He stated that it is the responsibility of the Town and Board of Aldermen to make sure that the Cat's Cradle stays in Carrboro and feels that as this project progresses, there isn't space remaining for the Cradle.

Alderman Chaney stated that the Town is reviewing a project related to two non-profits but that the Town could not offer the same support to the Cat's Cradle because it is a for profit business. She asked to see the economic impact of the Cat's Cradle to the Town.

Alderman Slade stated that the Town should be looking at Orange County as a partner especially considering the 1/4 cent sales tax and asked for the County Commissioners to assist in the creation of space that the Cat's Cradle needs.

Alderman Seils asked for the economic impact from the Cradle. David Andrews stated that staff will work on getting this information to the Board.

Phil Szostak, representing the CAIC partners and ArtsCenter Board Member, reviewed what the partners heard during the meeting on January 20, 2015. He stated that he has had two meetings in the past two weeks with Mark Dorosin and Frank regarding the Cat's Cradle. He stated that he looks forward to working toward the solutions.

Noel James, the interim director of the ArtsCenter, spoke to the Board about the ArtsCenter and their

role in the region. She stated that the hotel proposal provides an opportunity for the ArtsCenter and Kidzu to move forward. She stated that the ArtsCenter is financially fit and fiscally responsible.

Alderman Chaney asked if the ArtsCenter works around a three -year business plan. Ms. James stated that she has not seen the business plan since she started in September but that she has seen the strategic plan. Jay Miller, ArtsCenter Board Chair, stated that the Board is in communication regarding the current budget and is projecting an \$80,000 surplus for this year but that they do not have a three-year business plan. Ms. James stated that 70-75% of the budget is earned income because of programs that are in demand. Mr. Miller stated that they took a hit in 2010 and that ratios are affected by that year. He stated that the ratios aren't great starting five years back but moving more recently, they are stronger. Alderman Chaney asked how many years the ArtsCenter has been financially in the positive over the past five years. Mr. Miller stated that they have been positive over the last four years and their audited financials are available to the public.

Alderman Gist asked if the hotel were placed where the ArtsCenter is, who would buy the building. Ms. James stated that the building would be sold to 300 East Main at a price yet to be determined but that it would pay off the mortgage debt and leave \$600,000 to set aside as endowment.

Alderman Haven-O'Donnell asked about the transition plan if the ArtsCenter building is sold. She stated that she would love to see a transition plan that includes a timeline. Ms. James stated that Main Street Partners has committed to assisting with that transition but that it has not been scheduled at this time.

Mary Grady Norkus, the co-founder of Carrboro Modern Dance Company, spoke in favor of the proposed Arts Center.

Michael Reklis, a Carrboro resident, stated that part of what has kept him in Carrboro has been the Cat's Cradle. He stated that his main concern is that this project is moving too quickly and needs more time for review.

Brad Porter, the managing director of the ArtsCenter, spoke in favor of the proposed project and that the arts is why he moved to Carrboro. He encouraged continued collaboration during this project.

Charles Sune, a resident of Carrboro, stated that he doesn't see a solution for the arts in Carrboro without a solution for the Cat's Cradle.

Diana Garcia, a Carrboro resident, expressed concern with the proposal related to parking, traffic, and bottlenecks and stated that the Town needs to consider all of these issues. She asked that an environmental analysis should be completed to ensure that neighbors aren't affected. She stated that there are a lot of empty storefronts now and that a hotel isn't the plan to fix those. She asked the Board to review the proposal from a human level and to keep the skyline in mind. She asked that Carrboro be revitalized before expanded.

Jim Porto, a Carrboro resident, spoke in favor of the project and asked the Board not to think small scale but long-term investments for the future.

Michael Mezzatesta, a resident of South Lake Shore Drive in Chapel Hill, stated that art is not a luxury but rather a necessity. He spoke in favor of the project and stated that the proposal is an investment.

Richard Ellington, a resident of Carrboro, stated that there is a difference in the Town's Revolving Loan

Fund and is asking the Town to cover the cost of the proposed ArtsCenter. He stated that the ArtsCenter's financial situation has been tenuous during the life of the non-profit and that should be considered. He stated that there are a lot of people that won't use the building and that they should be asked to fund the proposal.

Catherine Adamson, a resident of the Town of Carrboro, stated that she is in love with the idea of the project and that she is unconcerned with parking and that the market can support a new hotel. However, she stated that as much as she wants to see it work, that she is unable to recommend that the Town move forward with the project as it has been presented. She expressed concern for the risks taken by the Town and the ArtsCenter.

Virginia Queen, a resident of Chapel Hill, spoke in favor of the proposed project and stated that it would bring increased space for classes, arts, and professional artists. The ArtsCenter could also grow new programming.

Frank Heath, the owner of Cat's Cradle, stated that the comments from 300 East Main didn't necessarily reflect his experience on the process over the last six years. He stated that they can't always spend the same in rent as other organizations because they are spending the money on bringing artists in and they don't see a lot of it come back in. He said that there is a great dilemma at the moment because both the Cat's Cradle and the ArtsCenter need to expand to realize their full potential.

Dan Krebill, a resident of Chapel Hill and member of the ArtsCenter Board of Directors, stated that it is heartening to see the public involvement in this proposal and vision. He delivered, via email, a petition of nearly 100 names in support of the project and asked the Board to take a look at the petition. He stated that the ArtsCenter needs the increase of space and spoke of the great results of the summer camp program.

Patrick McDonough, a resident of Carrboro, stated that this project is a great idea in progress. He stated that the Town's residents would like to see more information from the ArtsCenter regarding the specifics of the proposal and finances. He stated that the hotel seems to be pushing to make a fast deal and that it feels uncomfortable. He asked them to be flexible with their timeline. He asked the Aldermen to keep asking questions and proceed with the project similarly to how the Board handled the library process. He encouraged the Board to consider a comprehensive plan to put the Town's values and goals together.

Eric Scout Guthrie, a resident of Carrboro, stated that the Cat's Cradle is an iconic institution and that both the ArtsCenter and the Cat's Cradle are incredible institutions. He expressed concern with the idea of building another hotel when the first isn't at 100% occupancy. He stated that the proposal is beautiful but that it needs more exploring and that it can work without being rushed.

Virginia Sloop, stated that this project feels rushed. She also stated that the other Hilton Garden Inn is located near the Randy Parton Theatre in Roanoke Rapids, NC and that it doesn't fit in Carrboro.

Tricia McSigian, stated that everyone wants the best of the ArtsCenter and the Cat's Cradle and that the Hilton Garden Inn does not feel like Carrboro.

Mayor Lavelle suggested, and the Board agreed, that the Board discuss the proposed Arts Center at their February 17th meeting. She asked that requests for additional staff information to be provided to David as soon as possible.

ADJOURNMENT

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



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, January 20, 2015

7:30 PM

Board Chambers - Room 110

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

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

PUBLIC HEARING ON PROPOSED CARRBORO ARTS AND INNOVATION CENTER

The purpose of the agenda item was for the Board of Aldermen to hear public comments on a proposal for a new Arts and Innovation Center that would replace the current ArtsCenter and bring Kidzu to Carrboro.

Annette Stone, the Town's Community and Economic Development Director, introduced the item.

Jay Miller, representing the ArtsCenter presented the project on behalf of the ArtsCenter.

Jonathan Mills, representing Kidzu, presented information on Kidzu.

Phil Szostak, a Board Member with the ArtsCenter and architect with the project, presented the project renderings and design options. He asked for the Town to provide \$7.5 million in funding, financed over the next 25 years and for the partners to provide \$7.5 upfront from donations, for a total project cost of \$15 million.

Betsy Bennett, Kidzu Board of Directors, presented the economic impact of the project.

Betsy Bertram, a Carrboro resident and second generation owner of Townsend Bertram and Company, stated that she is excited for the opportunity and spoke in favor of the proposed project.

Christine Council, a resident of Maple Avenue, stated that she does not support the allocation of public funds for the project. She stated that there are drainage, flooding, and overflow issues that the Town should deal with.

Brad Bonneville, a resident and business owner in Carrboro, stated that the Board should proceed with caution. He stated that it is a risky project for Carrboro and Carrboro's existing infrastructure and hardscape issues could use an upgrade before spending the money on this project.

Dick Bircher, a resident of Maple Avenue and business owner in Carrboro, stated that there are costs to being cool such as parking and noise. He stated that he feels that the Town is being rushed into making a decision. He asked that the Board consider the residents in the neighborhood first and spoke against the project as presented.

Pam Zornick, a resident of Carrboro, member of the Kidzu Board, and friend of the ArtsCenter, spoke in favor of the proposed project. She is also an early childhood educator in the County and spoke about a field trip from New Hope Elementary to the ArtsCenter and how much the children loved the experience.

Robert Schantz, spoke against using the Town funding for the project at this time. He stated that it was a financial risk to the Town and not an appropriate use of Town funds. He stated that the organizations should seek funding for themselves prior to seeking the use of public funds.

Liz Dyer, a resident of Carrboro, expressed concern with the Town turning into a city. She stated that she supports the ArtsCenter but the project needs to be scaled down. She stated that the rendering looks like Durham and not the Town of Carrboro.

Nathan Milian, representing Carr Mill Mall, stated that he is pleased to have the ArtsCenter as a neighbor. He stated that the plan does not make a provision for parking and it is unacceptable. He asked for the project to be placed on hold until after the Town's parking study. He asked the Board not to rush to judgment based on the partners' proposed timeline.

Wendy Smith, a Carrboro resident and part-owner of Cameron's, spoke in support of the project and stated that the collaboration between the partners makes the project better.

Deborah Usinger, a resident of Maple Avenue, expressed concern with the proposed project. She stated that it seems to be a rushed project. She is concerned with parking and the increased traffic that will be brought to the area. She stated that parking and pedestrian infrastructure needs to be addressed. She also stated that Maple Avenue is parked along during the Carrboro Music Festival to where residents can't even get out. She also stated that there are problems walking by the new Fleet Feet building and that those safety issues need to be looked into.

Braxton Foushee, a resident of Williams Street, stated that he loves the arts but does not agree that the Town should pay for the project. He stated that the Town has a need for workforce housing and asked the Board to spend the money for that need.

Charles Sune, a resident of Carrboro, stated that he supports the project but asked the Board to look into some transparency issues. He asked for the Town to look into the use plan and for additional information on the proposed hotel. He asked for a contingency plan for shortfalls and if the taxpayers are on the hold for it. He asked for the Cat's Cradle needs to be considered as a high priority.

Phaedra Kelly, a resident of Carrboro, employee of the ArtsCenter, and chair of the Tourism Development Authority, spoke in favor of the project. She stated that it supports local artists and businesses. She urged the Board to support the project. She stated that the ArtsCenter has a mortgage with huge overhead costs. She stated that the building is old and too small and with a new building, they could offer support to more low income artists.

Greg Andeck, a resident of South Greensboro Street, stated that there are great nuggets of opportunity in the proposal but also a lot of concerns. He asked who would own and operate the building. He expressed concern with the ArtsCenter's past financial position and asked if they could be a viable tenant in a Town owned building. He also expressed concern with a deal with land and cash for the move of the ArtsCenter and asked where the cash would go. He suggested that the cash be used to fund the buildings costs. He asked if the Town would have the opportunity to renegotiate the lease in the future to consider alternative organizations. He asked the Board to look into those concerns and stated that this project needs to be on the Town's schedule and not the developer's schedule.

Monica Nees, a resident of Carrboro, stated that there is more that needs to be known about the proposed new hotel. She asked if the Town can support the new hotel and asked what the occupancy rate is for the existing Hampton Inn. She also expressed support for the Orange County Library that would be located in Carrboro. She stated that there has been no discussion of the library but that it is proposed to be on the same site as the proposed project.

Ellen O'Brien, a resident of Maple Avenue, stated that she loves the idea of the ArtsCenter and Kidzu getting better, but that the location and site is ill-advised. She also stated that the rendering looks to be the size of DPAC and the proposed site is very small. She stated that the Board needs to get into the weeds before making any decisions about this project. She asked everyone to keep the project in perspective and to make sure what it being promised it what we will get.

Tim Quinn, a graduate student in City and Regional Planning at UNC and Carrboro resident, stated that he is curious about the financial plan that has been presented. He asked if a TIF could be used to finance more affordable housing in addition to the project. He stated that the building doesn't reflect the current architecture of the Town and that he would like more information on the hotel.

Dana Mochel, a Carrboro resident, expressed concern with increased traffic and parking. She also asked where the money is really going to come from because it sounds overly optimistic. She stated that the projects that she has been involved with have taken much longer than the proposed timeline presented. She stated that the ArtsCenter has a long history of coming to the Town and requesting financial help and stated that she does not want the Town to get stuck with a building.

Ellie Kinnaid, a property owner in Carrboro, spoke in support of the proposal and expressed excitement. She stated that the Hampton Inn is at 95% occupancy and expressed support for the second hotel. She stated that the parking garage has ample parking available and that the second hotel would provide ample additional property taxes. She stated that this is the essence of Carrboro and that the library is going to be a part of it.

Allen Spalt, a resident of 300 James Street, stated that he has been very excited for the 300 Main Street proposal since the beginning. He stated that he has also worried about the essence of that area, being the ArtsCenter and Cats Cradle would be squeezed out by the project. He stated that the moving of those businesses worry him and especially the idea that the ArtsCenter would close before the new building is built. He stated that Cats Cradle can survive anywhere but that he wants it to be in Carrboro. He stated that the Town needs more parking if there will be additional venues.

Peter Lee, a resident of Carrboro, stated that he can't support the current proposal because of the financial cost on other community priorities and the economic risks to the Town. He stated that the partners could set aside assets to guarantee their portion of the project and continuing operating and maintenance costs.

Nancy Smith, a resident of Carrboro, stated that she loves the ArtsCenter and would pay higher taxes to encourage the process and encouraged the Town to help the ArtsCenter obtain a new space.

Jack Haggerty, a Carrboro resident and business owner, stated that he does not support the project as presented. He stated that the building is not the correct design for the site. He also stated that the partners can't financially build the Center on their own and that the Town shouldn't take on the risk of supporting them. He stated that he does not understand how the hotel and the Arts Center can't do their deal without asking the Town to foot a portion of the bill.

Benjamin Filene, a resident of Carrboro, expressed concern with the project. He asked whether a hotel is the main priority of the Town if that should be the driving force of the project. He expressed concern with the parking and traffic impact. He also stated that the higher priority of the Town should be the library and asked that energy be focused on that instead.

Suzanne Valdivia, asked that whatever is decided that the Town continue to support the ArtsCenter. She asked that Kidzu and the ArtsCenter receive support whatever is decided.

Joal Broun, a resident of Carrboro, asked the Town how it would pay for the project as presented. She stated that is the main question and what would happen to the Town's ongoing Capital Improvement Plan. She stated that the Town has to have enough money to maintain the current facilities. She also asked what would happen to the new public works facility.

Mark Dorison, a resident of Carrboro and County Commissioner, stated that the Cat's Cradle can't be forgotten and that the area is already an Arts and Innovation Center. He stated that the developers of 300 East Main used the Cat's Cradle to get approval of the project and now they are now being pushed to the bottom of the list and that the Board has a responsibility to address that.

Robert Joyner, a resident of Carrboro, stated that his neighborhood will be directly affected by this project. He stated that he would like to see a detailed outline plan of how it intends to be paid for, agreements that are needed to put this project into place, how loss of revenues are dealt with, and what would happen if the hotel isn't built. He stated that this project does not address the infrastructure needs for this project. He asked the Board to look into what was promised with the 300 East Main

Development and see what didn't happen. He asked the Board to look into how the proposed programming will occur and affect the traffic patterns at Roberson Place.

Roy Campbell, a resident of Carrboro, stated that the proposal is very forthright and open. He spoke in favor of the project. He stated that it is a vision that will move the community forward and succeed. He asked for folks to look at Betsy Bennett and Phil Szostak's former work and how much they have accomplished. He stated that he thinks it is unbelievable how much parking has been brought up.

Emily Kreutzer, a Carrboro resident and business owner, expressed concern with the proposed project and the cost that it will take by the Town and who will end up bearing the costs of the project. She stated that certain businesses will benefit from it but businesses like hers, plumbing, won't directly benefit from the cost that they may be asked to bear.

Robert Olinger, a Durham resident, stated that he works at the business school at Duke and in performing arts. He stated that this plan is being thoroughly considered by the community. He stated that there are very few projects that help the local arts. He stated that all of the issues should be considered but that this is an incredible opportunity and asked the Board to consider to work on the project.

Pam Wall, the executive director of Kidzu Museum, spoke in support of the project and the economic impact that it will have on the Town. She asked the Board to consider asking questions but to not be shortsighted by the issues.

Melanie Levinson, an Orange County resident and Arts Curator, spoke in favor of the project and how it will support the next generations. She stated that there is a synergy of innovation around interactive arts based learning between the two partners. She stated that the community dialogue is needed and asked that the community allow the process to continue.

Gorden Jameson, an Orange County resident, professional artist, and founding member of Frank Gallery in Chapel Hill, spoke in favor of the project and asked the Board to dream bravely.

John Bowman, a business owner in Carrboro, stated that he feels that someone is holding strings over the Town and what can or can't be done. He stated that the architect will get paid and that he wants the project to work because of that. He also stated that the Cat's Cradle needs to be worked into this project and that it can work exactly where it is. He stated that another hotel does not fit in Carrboro and that it also doesn't make sense to complain about parking. He spoke in favor of the arts but asked the Board not allow someone that designed Durham to tell people what Carrboro is supposed to be.

Barbara Barnes, a local live sketch artist stated that she hopes the new Arts Center would have a place to have live art. She stated that businesses are making money off of artists and artists aren't making the money. She asked how much of this money will really go back to the artists. She also stated that the town needs low-income and more Section 8 housing.

Shannon O'Connor, a teacher at the Waldorf Emerson School, stated that the design looks like big city come to town and that this project shouldn't be based on just money. She stated that the visionaries

should be talked to. She asked for the project to include the Cat's Cradle and Frank Heath should be asked what he wants. She also said that kids should be brought into the environment and not just the museum.

Mark Chilton, a Carrboro resident, stated that this is a significant opportunity for downtown Carrboro but that the questions presented by the proponents should be addressed. He added that while they are difficult to finance, that it can be done. He stated that taxpayers are being asked to take a look at a particular method of financing and that it doesn't come from property taxes. He asked when the next opportunity like this will come along.

Mayor Lavelle stated that this hearing will be continued to February 3rd.

Alderman Haven-O'Donnell asked for the Board to set aside a work session to discuss and for Frank Heath to be asked to speak if he would like.

Alderman Slade asked that the hotel be asked to present on February 3rd.

Alderman Gist asked for folks to not spin the idea to just be about parking.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN JOHNSON TO CONTINUE THE PUBLIC HEARING UNTIL FEBRUARY 3, 2015. VOTE: AFFIRMATIVE ALL