

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



Meeting Agenda Board of Aldermen

Tuesday, November 27, 2018

7:30 PM

Board Chambers - Room 110

7:30-7:35

- A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS
- 1. <u>17-711</u> Recognition of Carrboro High School Women's Cross Country Team State Champs
- B. ANNOUNCEMENT OF UPCOMING MEETINGS
- C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

<u>7:45-8:00</u>

1. <u>17-710</u> Approval of October 16, 2018 October 30, 2018 Meeting Minutes

Town Code Amendment related to 4-29 Employment of Relatives **PURPOSE:** The purpose of this item is to allow greater flexibility related to the employment of relatives.

<u>Attachments:</u> Attachment A- PROPOSED Amendment Town Code Section 4-29

employment of relatives with mark up

Attachment B- PROPOSED Amendment Town Code 4-29 employment

of relatives- no mark up

3. <u>17-715</u> Request-to-Set a Public Hearing on a Land Use Ordinance Amendment Relating to Signage

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on a text amendment to the Land Use Ordinance regarding signs for places of worship.

Attachments: Attachment A - Resolution

Attachment B - Draft

LUOTextAmend PlacesofWorshipSignage 11-19-2018

4. <u>17-716</u> Request-to-Set a Public Hearing on a Land Use Ordinance

Amendment Relating to Community or Regional Utility Facilities

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on a text amendment to the Land Use Ordinance relating to Community or Regional Utility Facilities.

Attachments: Attachment A - Resolution

Attachment B - Draft LUO Text Amend CRUF 11-21-2018

Attachment C - Application

5. <u>17-719</u> Amendment to Audit Contract

PURPOSE: The purpose of this item is to request Board approval for a 30 day

no-cost extension of audit contract.

<u>Attachments:</u> <u>AmendedAuditContractForm - Carrboro</u>

E. PUBLIC HEARING

8:00-8:20

1. Public Hearing on a Land Use Ordinance Amendment, and associated Town Code Amendment Establishing Advisory Board Term Limits

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to hold a public hearing to consider a text amendment to the Land Use Ordinance that would establish membership limitations for boards, committees and commissions. A draft ordinance has been prepared. An amendment to the Town Code has also been prepared for the Board's consideration.

Attachments: Attachment A - Consistency Resolution-advisory board term limits

Attachment B - Draft LUOTextAmend-term limits

Attachment C - Town Code Amendment

Attachment D - Comments Combined

Attachment E - Adopted Rules and Proceedure

8:20-8:40

2. <u>17-709</u> Public Hearing on Land Use Ordinance Amendments Relating to Performing Arts Space

PURPOSE: The purpose of this item is for the Board of Aldermen to consider text amendments to the Land Use Ordinance that would create a new use classification and associated permit and development requirements. The Board of Aldermen must receive public input before reaching a decision on the draft ordinance.

Attachments: Attachment A - Consistency Resolution-Performing Arts Spaces

Attachment B - Draft LUO AME 11-21-2018

Attachment C - Comments Combined

F. OTHER MATTERS

8:40-9:15

1. <u>17-714</u> Affordable Housing Review Meeting for Hutchins Property at 905 and 921 Homestead Road

PURPOSE: The Board of Aldermen approved a conditional rezoning for the subject properties on May 22, 2018. The developer is now moving forward with preparing a Conditional Use Permit application and is requesting an Affordable Housing Review Meeting to discuss the affordable housing component of the project. The Board is asked to discuss the affordable housing component of the project with the applicant.

Attachments: Attachment A - Recommendation AHAC 9.19.18

Attachment B - Recommendation Planning Board 5.3.18

Attachment C - Statement from Applicant

9:15-10:00

2. <u>17-713</u> Consideration of Transportation Projects for NCDOT's High Impact and Low Cost Projects Program

PURPOSE: The purpose of this agenda item is to provide the Board information about a funding source from NCDOT for small, shovel ready transportation projects, to evaluate Town projects which appear to be candidates for the program, and to consider whether to submit any or all of these projects for possible funding.

Attachments: Attachment A - Resolution NCDOT High Impact and Low Cost Projects

Attachment B - Hi Impact Low Cost Project Maps and Descriptions

Attachment C - High Impact Low Cost Project Scores

Attachment D - High Impact Low Cost Division 7 Criteria

G. MATTERS BY BOARD MEMBERS

- H. MATTERS BY TOWN MANAGER
- I. MATTERS BY TOWN ATTORNEY
- J. MATTERS BY TOWN CLERK



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

Agenda Item Abstract

File Number: 17-711

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

Recognition of Carrboro High School Women's Cross Country Team - State Champs



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

Agenda Item Abstract

File Number: 17-710

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

Approval of October 16, 2018 October 30, 2018 Meeting Minutes



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

Agenda Item Abstract

File Number: 17-712

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Town Code Amendment related to 4-29 Employment of Relatives

PURPOSE: The purpose of this item is to allow greater flexibility related to the employment of relatives.

DEPARTMENT: Human Resources

CONTACT INFORMATION: Julie Eckenrode, <u>jeckenrode@townofcarrboro.org</u> <mailto:jeckenrode@townofcarrboro.org>, 918-7308

INFORMATION: By allowing more flexibility in this policy, the Town will be able to increase the size of candidate pools for jobs and, in some instances, hard to fill positions.

The proposed change will allow the Town Manager the ability to make exceptions to the policy as written while still upholding the four conditions currently stated in the policy-Employment of relatives:

- 1. Will not result in a relative supervising another relative
- 2. Will not result in a relative auditing the work of another relative
- 3. Will not create a conflict of interest with either relative and the Town; or
- 4. Will not create the potential or perception of favoritism.

FISCAL & STAFF IMPACT: None

RECOMMENDATION: It is recommended that the Board of Alderman adopt this change to the Town Code.

AN ORDINANCE AMENDING CARRBORO TOWN CODE SECTION 4-29 REGARDING THE EMPLOYMENT OF RELATIVES

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Town Code Section 4-29 Employment of Realatives, is amended to read as follows:

The Town prohibits the hiring and employment of immediate family in permanent or temporary positions within the same department except as permitted by the Town Manager. "Immediate Family" is defined in Article I, Section 4-8. The Town also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Tem, Board of Aldermen Member, Town Manager, Town Clerk, Town Attorney, or any Town department head except as permitted by the Town Manager.

Otherwise, the Town will consider employing The Town Manager may employ family members or related persons in the service of the Town, including within the same department, provided that such employment does not:

- 1) result in a relative supervising relatives;
- 2) result in a relative auditing the work of a relative;
- 3) create a conflict of interest with either relative and the Town; or
- 4) create the potential or perception of favoritism.

The foregoing ord	inance, having been s	ubmitted to a vote, received the following vote and was duly
adopted this	day of	, 2015 <u>2018</u> .
Ayes:		
Noes:		
Absent or Excus	ed:	

AN ORDINANCE AMENDING CARRBORO TOWN CODE SECTION 4-29 REGARDING THE EMPLOYMENT OF RELATIVES

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The Town prohibits the hiring and employment of immediate family in permanent or temporary positions within the same department except as permitted by the Town Manager. "Immediate Family" is defined in Article I, Section 4-8. The Town also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Tem, Board of Aldermen Member, Town Manager, Town Clerk, Town Attorney, or any Town department head except as permitted by the Town Manager. The Town Manager may employ family members or related persons in the service of the Town, including within the same department, provided that such employment does not:

- 1) result in a relative supervising relatives;
- 2) result in a relative auditing the work of a relative;
- 3) create a conflict of interest with either relative and the Town; or
- 4) create the potential or perception of favoritism.

The foregoing ordinar adopted this	nce, having been su day of	ubmitted to a vote, rec, 2018.	eived the following	g vote and was duly
Ayes:				
Noes:				
Absent or Excused:				



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

Agenda Item Abstract

File Number: 17-715

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request-to-Set a Public Hearing on a Land Use Ordinance Amendment Relating to Signage **PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on a text amendment to the Land Use Ordinance regarding signs for places of worship.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Bob Hornik - 919-929-3905; Patricia McGuire - 919-918-7327

INFORMATION: Article XVII of the Land Use Ordinance contains the provisions relating to signage. Section 15-272 describes those situations where signage is exempt from regulations such as residential property identification (address and owner names), governmental signs for information, traffic, directions, and church identification. In the case of rural churches, the existing maximum size for these signs may not always provide sufficient space to include identification, directional and bulletin board information.

Section 15-321 of the Land Use Ordinance provides an opportunity for staff to suggest an amendment to the text of the LUO for public benefit. A draft ordinance has been prepared which, if adopted, would increase the maximum sign size for church identification from sixteen square feet to twenty-four square feet. The description of the applicable use classification has been changed from "church" to "house of worship" to be more inclusive, and the description of the land use classification 5.200 in the Table of Permissible Uses has been expanded to include the term, "house of worship" in addition to church, synagogue and temple.

The Board of Aldermen must receive public comments before adopting amendments to the Land Use Ordinance. 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 consider the attached resolution, setting a public hearing for January 22, 2019 and referring the proposed amendment to Orange County, the Planning Board and the Appearance Commission.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO SIGNS

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 January 22, 2019, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance Relating to Signs."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following Town of Carrboro advisory boards and commissions.

Appearance Commission	Recreation and Parks Commission
Transportation Advisory Board	Northern Transition Area Advisory Committee
Environmental Advisory Board	
Economic Sustainability Commission	

This is the 27th day of November in the year 2018.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE RELATING TO SIGNAGE

DRAFT 11-15-18

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

- Section 1. Subsection 15-272(7), Signs Excluded From Regulation, is amended to read as follows:
- (7) Bulletin boards, identification signs and directional signs for places of worship, that do not exceed one per abutting street and twenty-four square feet in area and that are not internally illuminated.
- Section 2. Section 15-146, The Table of Permissible Uses, is amended by adding the term "house of worship" to the description of use category 5.200, as follows:
- 5.200 Churches, synagogues and temples, and other houses of worship (including associated residential structures for religious personnel and associated buildings but not including elementary school buildings) school or secondary.
 - Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.
 - Section 4. This ordinance shall become effective upon adoption.



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

Agenda Item Abstract

File Number: 17-716

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request-to-Set a Public Hearing on a Land Use Ordinance Amendment Relating to Community or Regional Utility Facilities

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on a text amendment to the Land Use Ordinance relating to Community or Regional Utility Facilities.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Marty Roupe - 919-918-7333; Bob Hornik - 919-929-3905

INFORMATION: The Town has received a request from OWASA to consider a text amendment to the Land Use Ordinance to allow the construction of a new sodium permanganate facility to be placed near University Lake for improved water quality production. OWASA facilities are classified under use category 17.200 Community or Regional Utility Facilities. A draft ordinance has been prepare, that if adopted, would allow such facilities in the R-10 zoning district subject to specific performance standards.

The Board of Aldermen must receive public comments before adopting amendments to the Land Use Ordinance. Orange County and Planning Board are also needed, and staff has identified the Environmental Advisory Board as another advisory board for referral based on is purview.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review. The applicant has submitted the appropriate review fees for a text amendment review.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for January 22, 2019 and referring the proposed amendment to Orange County and Town of Carrboro advisory boards.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO COMMUNITY OR REGIONAL UTILITY FACILITIES

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 January 22, 2019, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance Relating to Community or Regional Utility Facilities."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following Town of Carrboro advisory boards and commissions.

	Appearance Commission	Recreation and Parks Commission
	Transportation Advisory Board	Northern Transition Area Advisory Committee
\boxtimes	Environmental Advisory Board	
	Economic Sustainability Commission	

This is the 27th day of November in the year 2018.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE RELATING TO COMMUNITY OR REGIONAL UTLIITY FACILITIES

DRAFT 11-20-18

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-146 (The Table of Permissible Uses) is amended by adding the letters "Z, S" opposite use classification 17.200 "Community or Regional Utility Facilities" under the R-10 Zoning District to indicate that this use is permissible in this district with a zoning permit or special use permit, subject to the supplementary use regulations in Subsection 15-172.1.

Section 2. Article XI (Supplementary Use Regulations) is amended by adding a new section 15-172.1 as follows:

- (a) Community or regional utility facilities that: i) support the production of a finished water supply, ii) are within 200 feet of a raw water source, and iii) are no larger than 2000 square feet in building area and no taller than 25 feet in height are allowed in the R-10 zoning district with a zoning permit, provided that such facility otherwise satisfies the requirements of the Carrboro Land Use Ordinance, including the outdoor lighting requirements in Section 15-242.5.
- (b) A community or regional utility facility that supports the production of a finished water supply that is larger or taller than the maximums stated above, or that cannot meet one or more of the provisions below, may be allowed in the R-10 Zoning District with a special use permit issued by the Board of Adjustment upon satisfaction of the considerations required by section 15-54.
- (c) At least one on-site parking space, shall be provided, with additional spaces as needed to accommodate the number of vehicles likely to be present at the facility on a regular basis.
- (d) The facility shall be surrounded by a Type A buffer on all sides unless: i) the facility is located more than 500 feet from any property boundary line, or ii) existing trees satisfy the definition of a Type A buffer, in which case such trees shall be identified on the site plan and shall be maintained in order to comply with this requirement.
- (f) A community or regional utility shall not generate any noise, smoke, odor, vibration, electrical interference, or other disturbance that is perceptible beyond the boundaries of the lot where the facility is located or that adversely affects the use of adjoining or neighboring properties.
- (g) No outdoor storage shall be permissible.
- (h) Any community or regional utility facility shall have signage identifying the operator of the facility and providing a telephone number or other contact information for the operator.
- Section 3. Section 15-147 Use of the Designation Z, S, C, in Table of Permissible Uses is amended by adding a new subsection (s) that reads as follows:

- (s) Notwithstanding the foregoing, the permit requirement for use classification 17.200 "Community or Regional Utility Facilities" in the R-10 Zoning District shall be determined by the supplementary use regulations in Section 15-172.1.
 - Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.



TOWN OF CARRBORO

LAND USE ORDINANCE AMENDMENT REQUEST



To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

1)	The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):
R-10	amous for residential use to amon persons who
rosic	10. there a comfortable hearthy, safe and pleasant environment
in wa activi 2)	nich to live and Hered from incompatible and disruptive hes that properly belong in non-residential districts. (Sec. 135 (a) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change): Would augment while y uses it new building / use
4-00	less than 2000 square feet in size and within
700	feet of a raw water source and was used to
200	port the production of finished water supply
fac alla alla Pla	State the reasons for the proposed amendment: change would allow for a new sodium permanganativity to be placed near university take and not for improved finished water production d quality at the Jones ferry water treatment at that provides drinking water to Carrboro ad Chapei Hill.
	ATURE: January 100 Tayror Applicant applicant applicant (print) RESS: 400 Jones Ferry Road Carrboro NC 27510
Addf	(ESS. FIVE JULICS FOLLY FOLLS CONTROL STORES

919-537-4229

TELEPHONE NUMBER:



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

Agenda Item Abstract

File Number: 17-719

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Amendment to Audit Contract

PURPOSE: The purpose of this item is to request Board approval for a 30 day no-cost extension of audit

contract.

DEPARTMENT: Finance

CONTACT INFORMATION: Arche McAdoo, 919-918-7439

INFORMATION: As part of the annual audit, GASB Statement No. 75 requires the Town to have an actuarial study of Other Post Employment Benefits (OPEB). The Town retained Cavanaugh Macdonald to perform this study with an expected delivery date in August 2018 to meet our October 31, 2018 deadline for submission of audit to Local Government Commission (LGC). However, Cavanaugh Macdonald did not deliver completed OPEB study until Friday, November 16, 2018. After discussion with auditors, the final audited financial statements may not be completed in time to meet the LGC's grace period deadline of December 1, 2018. We are, therefore, requesting that the audit contract with Dixon Hughes Goodman, LLP, be extended to December 31, 2018. There will be no increase in audit fees for this extension.

FISCAL & STAFF IMPACT: No fiscal impact associated with this contract extension.

RECOMMENDATION: That the Board of Aldermen approve the attached audit contract amendment.

	Primary Government Unit			
and Discretely Presented Component Unit (DPCU) (if applicable)	Discretely Presented Component Unit (DPCU) (if applicable)			
and Auditor	Auditor			
entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)				
for Fiscal Year Ending and originally due on Audit Report Due Date				
hereby agree that it is now necessary that the contract be modified as follows.				
Modification to due date: Original due date Modified due date				
Modification to fee: Original fee Modified fee				
Please provide an explanation for the modification of terms. If the amendment is submitted to extend the due dolease indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years.	ate,			

By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm	
Authorized Firm Representative (typed or printed)	Signature
Date	Email Address

GOVERNMENTAL UNIT

Governmental Unit			
Data Disease Consessatilla 16 Consession Described	annual Audit Contract		
Date Primary Government Unit Governing Board Approved Audit Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a))			
Mayor/Chairperson (typed or printed)	Signature		
Date	Email Address		
Chair of Audit Committee (typed or printed, or "NA")	Signature		

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

Email Address

(Pre-audit certificate not required for charter schools or hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Date

Primary Governmental Unit Finance Officer	Signature
Date of Pre-Audit Certificate	Email Address

SIGNATURE PAGE – DPCU (complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU	
Date DPCU Governing Board Approved Audit	Contract (Ref: G.S. 159-34(a) or G.S. 115C-447(a))
DPCU Chairperson (typed or printed)	Signature
Date	Email Address
Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU - PRE-AUDIT CERTIFICATE *ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT*

(Pre-audit certificate not required for charter schools or hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address



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

Agenda Item Abstract

File Number: 17-708

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Public Hearing on a Land Use Ordinance Amendment, and associated Town Code Amendment Establishing Advisory Board Term Limits

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to hold a public hearing to consider a text amendment to the Land Use Ordinance that would establish membership limitations for boards, committees and commissions. A draft ordinance has been prepared. An amendment to the Town Code has also been prepared for the Board's consideration.

DEPARTMENT: Town Clerk & Planning

CONTACT INFORMATION: Cathy Dorando - 919-918-7309; Christina Moon - 919-918-7325; Nick Herman - 919-929-3905

INFORMATION: The mission statements, assigned duties and membership requirements for the Town advisory boards are found in Article III, Administration Mechanism, in the Land Use Ordinance and in Article V, Planning and Regulation of Development, in the Town Code. In November 2017, the Board of Aldermen adopted two documents designed to clarify procedures relating to advisory boards: the "Rules and Procedures for Boards and Commissions" and "The Recruitment and Appointment Policy." Both documents can be found on the Town's website under advisory boards and commissions:

http://www.townofcarrboro.org/228/Advisory-Boards-Commissions>.

At the September 25, 2018 regular meeting the Board set a public hearing on amendments to the Land Use Ordinance and Town Code that would establish consistent term limitations for all advisory boards, committees, and commissions. (Agenda materials may be found here:

https://carrboro.legistar.com/LegislationDetail.aspx?ID=3674970&GUID=EEBB1CAC-3DE5-44F3-B1B2-D440149346D7&Options=ID%7cText%7c&Search=limitations.) If adopted, advisory board members who have served two successive terms would be eligible for re-appointment only after an absence from their respective board for a period of at least one year. (For the purposes of this determination, a partial term would count as a full term). Existing provisions allowing an existing member to serve until their replacement is appointed would still apply.

The draft ordinance for the Land Use Ordinance amendment was referred to Orange County and presented to the Planning Board on November 1st and Greenways Commission on November 19th. Comments are provided (*Attachment D*).

Public input is not required for an amendment to the Town Code.

Agenda Date: 11/27/2018 File Type: Agendas

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 adopting the following three items: the resolution finding consistency for the proposed Land Use Ordinance amendment and the proposed amendment to the Land Use Ordinance ($Attachments \ A \ \& B$), and the proposed amendment to the Town Code ($Attachment \ C$).

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE TO AMEND THE TOWN OF CARRBORO LAND USE ORDINANCE TO ESTABLISH MEMBERSHIP LIMITATIONS ON BOARDS, COMMITTEES, AND COMMISSIONS.

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

Section 1. The Board has reviewed the draft amendment to the text of the Land U Ordinance and concludes that the proposed amendment is:
Consistent with current adopted plans, such as Carrboro Vision 2020 which speaks to timportance of continuing to encourage citizens active participation in community planning (Provisi 1.45).
Inconsistent with the current adopted plans; however, because of the following chang circumstance(s), the Board of Aldermen's approval shall also be deemed an amendment to the existing adopted plan,, as described below. Changed circumstance(s):
Amendment to current adopted plan:

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

The proposed text amendment is reasonable in the public interest because it clarifies the policies around membership.

Section 3. Therefore, the Carrboro Board of Aldermen has: $\underline{approved \mid denied}$ the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

Adopted by the Carrboro Board of Aldermen this 27th day of November 2018.

AN ORDINANCE TO AMEND THE CARRBORO LAND USE ORDINANCE TO ESTABLISH MEMBERSHIP LIMITATIONS ON BOARDS, COMMITTEES, AND COMMISSIONS

Draft 9-25-2018

BE IT ORDAINED BY THE CARRBORO BOARD OF ALDERMEN THE FOLLOWING:

<u>Section 1</u>. Article III of the Land Use Ordinance is amended to add a new PART VII as follows:

<u>PART VII. MEMBERSHIP LIMITATIONS ON BOARDS, COMMITTEES, ADVISORY GROUPS, AND COMMISSIONS</u>

A member may be appointed to the same board, committee, advisory group, or commission for a maximum of two successive terms (or any part thereof). A member who has served for two successive terms (or any part thereof) on the same board, committee, advisory group, or commission may be eligible for re-appointment after an absence from that board, committee, advisory group, or commission of at least one year.

Section 2. Article III of the Land Use Ordinance is amended to delete subsections 15-29(c), 15-42(c), and 15-45(c).

<u>Section 3.</u> All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.

AN ORDINANCE TO AMEND THE CARRBORO TOWN CODE TO ESTABLISH MEMBERSHIP LIMITATIONS ON BOARDS, COMMITTEES, AND COMMISSIONS

BE IT ORDAINED BY THE CARRBORO BOARD OF ALDERMEN THE FOLLOWING:

<u>Section 1</u>. Chapter 3 of Article VIII of the Town Code is amended to add a new section 3-45 as follows:

Section 3-45. Membership Limitations on Boards, Committees, and Commissions

A member may be appointed to the same board, committee, or commission for a maximum of two successive terms (or any part thereof). A member who has served for two successive terms (or any part thereof) on the same board, committee, or commission may be eligible for re-appointment after an absence from that board, committee, or commission of at least one year.

<u>Section 2</u>. Chapter 3 of Article VIII of the Town Code is amended to delete subsections 3-7(d), 3-9.1(d), and 3-24(d).

<u>Section 3.</u> All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.

U	oing ordinance, having ted this the day	C	,	 ng vote
Ayes: Noes:				
Absent:				

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT Craig N. Benedict, AICP, Director

Administration (919) 245-2575 (919) 644-3002 (FAX) www.orangecountync.gov



P O Box 8181 Hillsborough, North Carolina, 27278



TRANSMITTAL DELIVERED VIA EMAIL

October 2, 2018

Christina Moon, AICP Planning Administrator Town of Carrboro 301 W. Main St. Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us September 21, 2018 and proposed for town public hearing on October 23, 2018:

- An Ordinance Amending the Carrboro Land Use Ordinance Relating to Standards for Outdoor Lighting.
- An Ordinance to Amend the Carrboro Town Code and Land Use Ordinance to Establish Membership Limitations on Boards, Committees, and Commissions.

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

Perdita Holtz, AICP

ferdita Holtz

Planning Systems Coordinator

TOWN OF CARRBORO



Planning Board

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

THURSDAY, NOVEMBER 1, 2018

Land Use Ordinance Text Amendment to Establish Membership Limitations on Boards, Committees, and Commissions

Motion was made by Rosser and seconded by Foushee that the Planning Board of the Town of Carrboro recommends that the Board of Aldermen approve the draft ordinance with the following recommendation:

That the membership limitations for all Boards, Committees, and Commissions include exceptions for promoting diversity and meeting special requirements.

VOTE:

AYES: (9) Whittemore, Meyer, Clinton, Adamson, Poulton, Gaylord-Miles, Rosser, Foushee, Tiemann ABSENT/EXCUSED: (2) Petrin, Vance

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Adamson and seconded by Rosser that the Planning Board of the Town of Carrboro finds the proposed text amendment, is consistent with adopted plans, particularly Carrboro Vision2020, provision 1.45 which speaks to continuing to encourage the active participation of citizens in community planning.

Furthermore, the Planning Board of the Town of Carrboro finds the proposed text amendment, which clarifies the policies around membership are reasonable and in the public interest.

VOTE:

AYES: (9) Whittemore, Meyer, Clinton, Adamson, Poulton, Gaylord-Miles, Rosser, Foushee, Tiemann

ABSENT/EXCUSED: (2) Petrin, Vance

Rus Plencery (Chair)

NOES: (0)

ABSTENTIONS: (0)

MW 1, 2018

TOWN OF CARRBORO



Greatury Comission

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

THURSDAY, NOVEMBER 1, 2018

Land Use Ordinance Text Amendment to Establish Membership Limitations on Boards, Committees, and Commissions

Motion was made by Charlic H. and seconded by John R. that the GWC of Carrboro recommends that the Board of Aldermen the draft ordinance.	of the Town
With the inclusion of: AYES: () 6 ABSENT/EXCUSED: () NOES: () ABSTENTIONS: () With the inclusion of: The board may waite the term lin where it would result in the advisory unable to be representative of rele	
Associated Findings	
By a unanimous show of hands, the membership indicated that no membership	ers have any
Motion was made by <u>Charle</u> and seconded by <u>John</u> that the <u>GWC</u> of Carrboro finds the proposed text amendment, <u>is</u> consistent with adopted plans, particul Vision2020, provision 1.45 which speaks to continuing to encourage the active participation community planning.	of the Town arly Carrboro of citizens in
Furthermore, the of the Town of Carrboro finds the proposed text amend clarifies the policies around membership are reasonable and in the public interest.	dment, which
VOTE: AYES: () 6 ABSENT/EXCUSED: () NOES: () ABSTENTIONS: ()	18
(Chair) (Date	e)

ADMINISTRATIVE POLICY

RULES OF PROCEDURE FOR TOWN OF CARRBORO BOARDS AND COMMISSIONS

<u>Purpose</u>: This policy for advisory boards/commissions (hereinafter "boards") will provide efficient and equitable rules of procedures for all board members and staff liaisons to follow and provide general information and recommendations about how the boards conduct Town business.

This policy is not designed to create any additional rights or obligations, nor does it establish any procedural rights to any person that are not already provided for by law. The failure of any board member to adhere to the recommended procedures described herein shall not affect the validity of any meeting or action taken. To the extent there is conflict or any discrepancy between these procedures and the North Carolina General Statutes, case law, or Town ordinances (collectively "law"), the law shall prevail.

1. Role of Board of Aldermen Liaison

The Board of Aldermen will appoint a Board liaison(s) to each board at the organizational meeting held each election year. These appointees will serve as the elected official point of contact for the board. Board liaisons are non-voting persons who serve chiefly to listen to conversation, to clarify as necessary matters of policy or process related to a particular issue, and to fairly recount Advisory Board conversation and intent as may be needed in subsequent Board of Aldermen discussions. Board liaisons are expected to limit their participation in Advisory Board debate and discussion so as to ensure the freest environmental for citizen input, participation, and leadership. Liaisons shall encourage productive discussion but leave meeting facilitation to Advisory Board chairs and staff. Board liaisons shall not call or cancel meetings, nor amend the agenda of an Advisory Board meeting.

2. Role of Staff Liaison

Each department director will have the responsibility of designating a staff person from their department to serve as the staff liaison for each advisory board(s) managed by their department. Additional staff from that department may also provide support roles as deemed necessary by the department director. The staff liaison will be the primary contact for the advisory board members. The staff liaison is responsible for providing board-specific orientation to board members. While the staff liaison serves as staff support to the board it should be clearly noted that staff work is directed only by the department director or their supervisor. Staff liaisons should refer to their supervisor with any questions related to advisory board work. It is the responsibility of the staff liaison to develop agendas and guide the work of the advisory board, as directed by the Board of Aldermen.

3. Meeting Schedules

Boards should adopt a yearly meeting schedule each year which takes into account Townobserved holidays and other frequently observed holidays and events. Once adopted, the meeting schedule is then posted in a public notice. Boards that meet on an as-needed basis only will provide appropriate public notice at least 96 hours (4 days) in advance of each meeting. Such notice will provide the date, time, location and purpose of the meeting. In addition, appropriate public notice, as required by law, will be given for any special meeting or work session that is not included on the regular meeting schedule.

4. Meeting Agenda

The purpose of the agenda is to organize materials to be considered and to give members an opportunity to study the issues before the meeting.

Board agendas are prepared by the staff liaison based upon information received from the Board of Aldermen, department directors, staff, or items continued or approved to be on the agenda by consensus of a majority of board members during the previous meeting. Advisory board chairpersons may provide input during agenda preparation but are not required nor expected to approve agendas as provided by the staff liaison.

The staff liaison will ensure that the agenda, and all supplementary material, is available on the Town's website at least 96 hours (4 days) prior to the board meeting. No changes will be made to the agenda once it has been posted. However, the following changes may be made at the beginning of the meeting if agreed to by a majority of the members present: order, discussion of planning of events, announcements by members of the committee. Items that will require a vote and recommendation back to the Board of Aldermen may not be added to the agenda at the meeting. If the agenda is not posted prior to 96 hours of the meeting, the meeting will be cancelled and items will be continued to the next properly posted meeting.

Items shall be placed on the agenda according to the order of business. The order of business for a regular meeting agenda follows. Agenda items may be considered in an order different from that shown on the agenda. In emergency situations, other items may be considered on the agenda.

- Call to Order: The presider (usually the chair) will always begin the meeting at the appointed time with a quorum present;
- Swearing in of witnesses, if required: A Town staff member who is a Notary Public may perform this duty in addition to other persons granted this authority by state law or other governing documents;
- Approval of previous meeting minutes: The board will adopt the minutes, as is, or with modifications by motion, second and vote of majority;
- Action and discussion items, reports, information items (including any public hearings);
- Old/New Business:
- Adjournment: The board shall adjourn meetings by motion in open session.

Some boards utilize committees to help carry out their business. The meetings of those committees are recognized to be more informal than regular meetings, and the public notice may also serve as the agenda. Items may not be added to the agenda of a committee meeting.

7. Open Meetings Requirement

Board members shall not deliberate, vote, or otherwise take action on any matter with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. Board members should strive to be clear about the matters they are considering and should refrain from referencing an item by letter, number, or other designation which might be conceived as a secret device or method. The board may deliberate, vote or otherwise take action by reference to an agenda, if copies of the agenda–sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on–are available for public inspection at the meeting.

8. Quorum

Unless otherwise set forth in bylaws or other governing documents, a majority of the board, including the chair but excluding vacant seats, shall constitute a quorum. A majority is more than half of the board. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining a quorum.

9. <u>Chair</u>

The chair shall have the following authority:

- To act as the parliamentarian during meetings of the board;
- To preside over public meetings of the board;
- To vote upon all measures before the board;
- To be counted for quorum purposes;
- To preserve order and decorum;
- To call a brief recess at any time;
- To adjourn in an emergency.

The chair may also

- Rule motions in or out of order;
- Determine when a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- Answer questions of procedure.

The board may, at its discretion, elect from its membership a vice chair to serve in the chair's absence or in case of sickness of the chair or other causes which would prevent the chair from attending to his or her duties. The vice chair shall be entitled to vote on all matters and shall be considered a board member for all purposes, including the determination of whether a quorum is present.

If both the chair and vice chair are absent from a meeting, the board may elect from among its members a temporary chairperson to preside at the meeting.

The chair as the meeting presider shall follow the principles below, which were taken from "Robert's Rules in Plain English":

- "Be on time and start on time."
- "Be organized. The presiding officer should have a detailed, well prepared agenda and stick to it."

- "Be prepared. The presiding officer should be familiar with the procedural rules..."
- "Be a teacher. The presiding officer should keep the group working together by explaining procedure clearly and communicating the next order of business. If a motion is confusing, it is his [her] duty to clarify it. This may mean helping a member rephrase a motion."
- "Be in control of the floor. The presiding officer should 'assign' the floor by recognizing those members who wish to speak by calling them by name. No other member may interrupt or call out remarks without being out of order. The presiding officer should remind such a member that the floor has been assigned and request that his [her] remarks be held until the floor has been assigned to him [her]. In addition, private discussion between members while another has the floor is out of order and disruptive members should be reminded of this rule."
- "Be impartial. The presiding officer should impartially call on members wishing to speak. He [she] should give members on both sides of an issue an opportunity to speak..."
- "Be composed. The presiding officer should remain calm and objective, keeping the meeting moving."
- "Be precise. The presiding officer should always restate the motion before taking a vote. After taking the vote, he [she] announces the result of the vote by interpreting the action taken. The presiding officer should always be certain about the results of a voice vote. He [she] may retake the vote by requesting a show of hands on his [her] own accord."
- "Be focused. The presiding officer should not allow irrelevant discussion. Restate the question and, if necessary, directly request the member to 'confine remarks to the pending question'."
- "Be temperate. The presiding officer should use the gavel sparingly, tapping it once to open and close the meeting."

10. Action by boards

Actions of the boards shall proceed by motion, unless agreed to proceed by unanimous consensus. Seconds are required to all motions. Only one motion at a time shall be allowed. Motions may be withdrawn at any time prior to a vote or in accordance with the law. Motions shall be adopted by a majority of the votes cast unless otherwise required by these rules or by the laws of North Carolina. A majority is defined as more than half of the board members present for the vote.

Every member of the board should actively participate in voting unless excused by the remaining members in accordance with state law. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member should be excused from voting except upon matters in which the member has a conflict of interest (as outlined in the North Carolina General Statutes and case law). In all other cases, a failure to vote by a member who is physically present in the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. However, board members are encouraged to make their voting positions clear by verbalizing their votes rather than allowing their silence to represent an affirmative vote. If a vote is unclear to the chair, then it will be up to the chair to call for a vote by hand.

11. Minutes

Generally, the minutes of all boards are considered public records. The public records laws should be relied upon in determining when all records, including minutes, are deemed public records. The staff member that is designated as the secretary or liaison to the board shall be considered the custodian of the minutes and should treat such documents as public record laws require. The North Carolina Department of Cultural Resources should be referred to as a necessary guide in determining the status of all records.

Draft minutes posted in a meeting documents packet shall be watermarked "DRAFT". Once minutes are approved, they shall be posted in the appropriate section of the website module before the next meeting's documents are posted and sent out.

Minutes will be "summary minutes" and will not be verbatim. The law requires that all minutes be "full and accurate". The purpose of minutes is to provide a record of the actions taken by a board and not to provide a transcript of the discussions that occurred during the meeting. The minutes can also provide evidence on behalf of the board, that the board followed proper procedures in taking its actions. If no action is taken, the minutes may simply reflect that the meeting occurred, include the subject of the meeting and that no action occurred. It is not necessary to reflect the conversations and discussions of the board. The minutes should reflect motions made and seconds, identify the movants, dissenting votes, the general summary for the dissenting vote (or minority opinion), and the order in which the items before the board are addressed. All minutes shall be in written form. Minutes should contain enough information to act as an official record of the action taken, they should serve as a guide to staff and the Board in describing what action, if any, is recommended by the board, and they should be sufficient to be submitted as legal evidence as necessary. It is not necessary to record all discussions, particularly those discussions upon which no action is taken. Minutes shall include an accurate account of all guests that speak and a summary of what they spoke about.

Minutes for the Board of Adjustment should reflect in the record all findings pertaining to each hearing, every resolution acted upon by the board, and all votes of members of the board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote.

The following is an outline which may serve as a template for the boards in the preparation of meeting minutes.

- Name/identity of the board;
- Date, time and location of meeting;
- Time meeting called to order;
- Names of board members in attendance and those absent;
- Statement of whether or not there was a quorum present;
- Identification of subjects for consideration;
- Motions and seconds;
- Any conflicts of interest or abstainments from voting and votes thereon;
- Vote/Action taken by board;
- Dissenting opinion;
- Time meeting adjourned.

Each board shall vote to approve their minutes at their next meeting. Board members may suggest corrections to the minutes when they are in draft form. All board member suggested corrections should comply with this policy. Board members should not propose amendments to the minutes that conflict with this policy.

If audio recordings of board meetings are created, then the staff liaison shall maintain these audio recordings in accordance with the public records laws and Town policy.

12. Committees of the Boards

The board may create committees to facilitate the efficiency and effectiveness of the board's business by researching, studying, and deliberating issues on behalf of, and at the direction of, the full board. Recommendation and reports of any committee will be made to the full board for discussion and/or recommendation.

Minutes of committee meetings shall comply with this policy.

Public notice of subcommittee meetings shall follow the agenda notice requirements of Section 4 of this policy.

13. Remote Attendance

At the discretion of the chair and provided that quorum requirements are otherwise met, a regular member who is unable to attend a meeting due to physical incapacitation or absence from the Town beyond a reasonable travel distance may participate by teleconference, subject to the availability of functioning equipment, and will be considered present for discussion and deliberation but shall not count towards a quorum and shall not able to vote. A member wishing to participate by teleconference should contact the chair at least 24 hours prior to the meeting.

14. Meeting Recording

All advisory board and commission meetings shall be audio recorded. The staff liaison shall be reasonable for maintaining the recordings in accordance with the NC Public Records laws. Audio/video media do not have a permanent life space and it would be inconvenient and difficult to continually copy audio/video minutes to ensure their permanement status. Once official meeting minutes have been adopted, the minutes become the official permanent record of the meeting.

15. Ethics

Chapter 2, Appendix B of the Carrboro Town Code "The Code of Ethics for the Town of Carrboro Board of Alderman" shall also apply to all Town of Carrboro advisory board members. Section 3-42 of the Town Code shall also apply to all members.

16. Coverage (Effective Date and Application)

This policy shall be applicable to all appointed boards and committees until such time that the policy statement is altered, modified or rescinded.



Town of Carrboro

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

Agenda Item Abstract

File Number: 17-709

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Public Hearing on Land Use Ordinance Amendments Relating to Performing Arts Space **PURPOSE:** The purpose of this item is for the Board of Aldermen to consider text amendments to the Land Use Ordinance that would create a new use classification and associated permit and development requirements. The Board of Aldermen must receive public input before reaching a decision on the draft ordinance.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org; Bob Hornik - 919-929-3905, hornik@broughlawfirm.com

INFORMATION: Visitor guides have long touted the Triangle Region for its performing arts scene with a variety of spaces of different sizes and locations to support different types of music. The Carrboro Board of Aldermen and community have likewise expressed an ongoing interest in supporting the continued and expanded vitality of the performing arts, as well as preserving the character of the Town's historic fabric. A draft ordinance has been prepared that, if approved, would establish a new "performing arts space" use, with permit requirements and development standards. The new use could be allowed with either a zoning permit or a conditional use permit in an existing historic building within certain commercial districts in the downtown such as the B-1(g), B-1(c), and M-1 zoning districts, depending on the distance of the building containing the performance space from existing residential uses.

The draft ordinance was referred to Orange County and presented to the joint advisory board meeting on November 1st and the Economic Sustainability Commission on November 14th. Comments are provided (Attachment C).

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 finding consistency, (Attachment A) and the draft ordinance to the Land Use Ordinance (Attachment B).

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE TO ALLOW PERFORMING ARTS SPACES IN EXISTING BUILDINGS IN CERTAIN DISTRICTS.

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

Section 1. The Board has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:
Consistent with current adopted plans, such as Carrboro Vision 2020 particularly the provisions under Section 1.2, Arts and Culture to promote music and the arts and the provisions under Section 2.0, Development to preserve Carrboro's town character, support the evolution of a downtown district that embodies and is consistent with the town's distinctive character.
Amendment to current adopted plan:

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

The proposed text amendment which allows new uses consistent with the Town's vision with permitting requirements based on size and intensity, is reasonable and in the public interest.

Section 3. Therefore, the Carrboro Board of Aldermen has: $\underline{approved \mid denied}$ the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

Adopted by the Carrboro Board of Aldermen this 27th day of November 2018.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ALLOW PERFORMING ARTS SPACE IN EXISTING BUILDINGS IN CERTAIN DISTRICTS

DRAFT 10-19-18

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

- Section 1. Section 15-15 (Definitions) of the Carrboro Land Use ordinance is amended by adding a new subsection (68.1) as follows:
- (68.1) Performing Arts Space. A commercial enterprise occurring within an existing building or buildings aged fifty years or older and adapted for reuse in which performance art/performance art programming is the primary and principal driver of its business activities as demonstrated by factors specified in Section 15-147(r). This use is distinguished from bar and nightclub uses in that performances are often geared toward standing audiences and the ratio of audience to stage space is approximately four to one.
- Section 2. Section 15-146 (The Table of Permissible Uses) is amended by adding a new use classification 8.800 entitled "Performing Arts Space" and by adding the letters "Z, C" opposite this use classification under the B-1(g), B-1(c), and M-1 zoning district columns to indicate that this use is permissible in these districts with a zoning permit or conditional use permit, subject to Subsection 15-147(r).
- Section 3. Section 15-147 (Use of the Designations Z, S, C, in Table of Permissible uses) is amended by adding a new subsection (r) that reads as follows:
- (r) When used in conjunction with 8.800 uses, the designation "Z, C" means that a zoning permit must be obtained if the performing arts space development is located on a property located in that portion of the B-1(g), B-1(c) or M-1 zoning districts and is located 150 feet or more from the nearest building containing a residential use. A conditional use permit must be obtained if the development is located on a property that is located within portions of the B-1(g), B-1(c) or M-1 zoning districts. The measurement is made from the building containing the main performance space to the nearest existing off-site building containing a residential use.
- Section 4. Article XI (Supplementary Use Regulations) is amended by adding a new section 15-176.8 as follows:

Section 15-176.8 Performing Arts Space

(a) Performing arts spaces shall be located on lots where an existing permanent structure or structures fifty years of age or older is available for adaptive reuse and such preservation and reuse will provide for the continued vibrancy of the Town's commercial and industrial building fabric and associated heritage.

- (b) As set forth in the Table of Permissible Uses, performing arts spaces are permissible only in the B-1(g), B-1(c) and M-1 districts, subject to the permit requirements specified in Section 15-147 (r) and the other provisions of this section.
- (c) Performing arts spaces must demonstrate at least three of the following criteria relating to the building facilities and venue operation:
 - 1) defined performance space and defined audience space;
 - 2) specialty equipment associated with live performances, such as: light mixing desk, public address system, lighting rig, back line equipment;
 - 3) applies cover charge to some performances through ticketing or front door entrance fee;
 - 4) marketing of specific acts through published advertisements or listings;
 - 5) hours of operation for principle use associated with performance times; and
 - 6) produces live performances at least three days a week.
- (d) Performing arts spaces may include the following related and accessory uses: restaurants (indoor and outside service and consumption), mobile prepared food vendors, office, research, and service, billiards and pool halls, electronic gaming operations, temporary residences, multifamily residences, museums, art galleries and art centers, open air markets and sales and rental of goods, so long as the performing arts spaces is the predominant use and development. The area allocated for such related and accessory uses may be greater than fifty percent with a conditional use permit.
- (e) All occupancy provisions for the principle performance uses, and for the accessory and related other uses, shall be in accordance with the State Building Code.
- (f) Performing arts spaces shall not impede normal traffic patterns on adjacent public streets. Mobile prepared food vendors associated with a performance art venue must confine their operations to the lot on which the performance art venue is located.
- (g) Up to six special performances may be programmed each year, provided that the event sponsor submits for the Town's prior approval a plan for traffic and parking which demonstrates that arrangements have been made to satisfy the required use of parking areas for the primary business on the lot during its regular hours of operation, and will not otherwise interfere in a significant way with the movement of motor vehicles using such area, unless such parking spaces are otherwise provided for.
- (h) Mobile prepared food vendor business associated with this use shall not operate between the hours of 2:30 a.m. and 6:00 a.m.
- (i) Density of accessory residential units shall be determined in accordance with Section 15-182. Up to four residential units may be allowed in conjunction with a performing arts space permitted with a zoning permit. More than four residential may be allowed in conjunction with a performing arts space permitted with a conditional use permit.

- (j) A zoning permit issued for this use may be revoked for the reasons specified in Section 15-115 or if the zoning administrator determines that the performing arts space's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety, or is in repeated violation of the Town Code, Chapter 5,General Offenses, Article II Sections 5-11, 5-12, 5-16 and 5-18.
- Section 5. Section 15-291(g) (Part I. Parking Requirement (Except as Noted in Part II of This Table)
- 8.800 1 space per 100 square feet of performing arts space, plus additional spaces for associated and accessory uses as indicated in this table, either Part I or Part II, whichever is less.
- Section 6. Section 15-291(g) (Part II. Applies to Properties Located Within the B-1(c), B-1(g), and B-2 Zoning Districts) Parking Requirements is amended by the addition of the following information to the table:
- 8.800 1 space per 100 square feet of performing arts space plus additional spaces for associated and accessory uses as indicated in this table, either Part I or Part II, whichever is less.

Section 7. Section 15-291(h) Table of Bicycle Parking Standards is amended by adding the new use classification 8.800 to the table so it reads as follows:

	Table of Bicycle Parking Standards				
Use	Bicycle Parking Requirement				
1.300	1.5 spaces per unit				
2.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces				
2.200					
2.300					
3.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces				
3.200					
3.260	1 space for every 5 seats in the portion of the building used for dining				
5.100	1 space per 10 students plus 1 space per 10 employees				
6.200	1 space per 4 presumptively required auto spaces				
8.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces				
8.200					
8.800					
10.100	1 space per 10 auto spaces, with a minimum of 5 spaces				
34.100	1 space per 5 rooms, up to 50 rooms; 1 space per 10 rooms above 50 rooms				

Section 8 Subsection 15-299 (a) (Special Provisions for Lots With Existing Buildings and Lots Within Neighborhood Preservation Districts) is amended by the addition of the phrase "to other than a performing arts space (use classification 8.800) so that the subsection now reads as follows:

(a) Notwithstanding any other provisions of this chapter, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this chapter, and (ii) a change in use to other than a performing arts space (use classification 8.800) that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 15-291 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 15-291 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available as provided in Section 15-298. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

Section 9. Subsection 15-298(b)(Satellite Parking) is amended to read as follows:

(b) All such satellite parking (except spaces intended for employee use or spaces required in relation to use 8.800, Performing Arts Space may be located within 1000 feet of the public entrance of a principal building housing the use associated with such parking.

Section 10. This ordinance shall become effective upon adoption.



ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT Craig N. Benedict, AICP, Director

Administration (919) 245-2575 (919) 644-3002 (FAX) www.orangecountync.gov



P O Box 8181 Hillsborough, North Carolina, 27278



TRANSMITTAL DELIVERED VIA EMAIL

October 2, 2018

Christina Moon, AICP Planning Administrator Town of Carrboro 301 W. Main St. Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us September 24, 2018 and proposed for town public hearing on October 23, 2018:

 An Ordinance Amending the Land Use Ordinance to Allow Music Venues in Existing Buildings in Certain Districts.

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

Perdita Holtz, AICP

Perdita Holtz

Planning Systems Coordinator

TOWN OF CARRBORO



Planning Board

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

THURSDAY, NOVEMBER 1, 2018

Land Use Ordinance Text Amendment to Allow Performing Arts Spaces in Existing Buildings in Certain Districts

Motion was made by Adamson and seconded by Gaylord-Miles that the PLanning Board of the Town of Carrboro recommends that the Board of Aldermen approve the draft ordinance with following recommendations:

We support both encouraging this use and encouraging preservation of historic and characteristic buildings, However binding the two together may be too restrictive.

Because of the shortage of public parking, we feel that the parking requirement may be burdensome.

VOTE:

AYES: (8) Foushee, Rosser, Gaylord-Miles, Adamson, Clinton, Meyer, Whittemore, Tiemann

ABSENT/EXCUSED: (2) Petrin, Vance

NOES: (1) Poulton ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Rosser and seconded by Meyer that the Planning Board of the Town of Carrboro finds the proposed text amendment, is consistent with adopted plans, particularly the provisions under Section 1.2, Arts and Culture to promote music and the arts and the provisions under Section 2.0, Development to preserve Carrboro's town character, support the evolution of a downtown district that embodies and is consistent with the town's distinctive character.

Furthermore, the Planning Board of the Town of Carrboro finds the proposed text amendment, which allows new uses consistent with the Town's vision with permitting requirements based on size and intensity, reasonable and in the public interest.

VOTE:

AYES: (9) Foushee, Rosser, Gaylord-Miles, Adamson, Clinton, Meyer, Whittemore, Poulton, Tiemann

ABSENT/EXCUSED: (2) Petrin, Vance

My Duran

NOES: (0)

ABSTENTIONS: (0)

in (Date)

(Chair)

Page 3 of 13 Attachment A

TOWN OF CARRBORO



Appearance Commission

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

THURSDAY, NOVEMBER 1, 2018

Land Use Ordinance Text Amendment to Allow Performing Arts Spaces in Existing Buildings in Certain Districts

Motion was made by Johnson and seconded by Hangood that the Hocas	Commission Commis
Motion was made by Johnson and seconded by Rygood that the Pocuse of Carrboro recommends that the Board of Aldermen Approve the draft ordinance.	- Subject
VOIE:	1
AYES: © file	*
ABSENT/EXCUSED: 2 two	1
NOES: 6) Zero	
ABSTENTIONS: () Zero	1
Associated Findings	
By a unanimous show of hands, the AC membership indicated that no me financial interests that would pose a conflict of interest to the adoption of this amendment.	embers have any
Motion was made by Thusen and seconded by Hayend that the AC of Carrboro finds the proposed text amendment, is consistent with adopted plans, provisions under Section 1.2, Arts and Culture to promote music and the arts and the Section 2.0, Development to preserve Carrboro's town character, support the evolution district that embodies and is consistent with the town's distinctive character.	particularly the provisions under
Furthermore, the of the Town of Carrboro finds the proposed text an allows new uses consistent with the Town's vision with permitting requirements basintensity, reasonable and in the public interest.	nendment, which sed on size and
VOTE:	!
AYES: (5)	
ABSENT/EXCUSED: 2	
NOES: 🖎	
ABSTENTIONS: 🔾	
the section of the se	-1-18 Date)

APPEARANCE COMMISSION RECOMMENDATIONS REGARDING:

LAND USE TEXT AMENDMENT RELATING TO PERFORMING ARTS SPACE

November 1, 2018

The AC made the following recommendation motions to be added to the standard amendment recommendation sheet:

Motion (Forbis) Second (Brown)

- 1. The Appearance Commission recommends that the LUO Amendment relating to Performing Arts Space include a more specific goal statement as it pertains to the use of older buildings to clarify why these buildings are specified. Is it to promote historic preservation? To what extent is the building allowed to be modified? Should, even for Zoning Permits, the Appearance Commission be allowed to review and comment on the project as happens in the existing Neighborhood Preservation District?
- 2. The Appearance Commission recommends that the proposed amendment include language allowing additional flexibility in the parking requirement without creating situations that cause additional overflow parking into surrounding neighborhoods.
- 3. The Appearance Commission does not quite understand the disability accessibility implications of the language that associates the amendment to 'performances that are often geared toward standing audiences' and believes this language should be removed from the new Performing Arts Space definition.

Vote: Unanimous



TOWN OF CARRBORO

Transportation Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

THURSDAY, NOVEMBER 1, 2018

Land Use Ordinance Text Amendment to Allow Performing Arts Spaces in Existing Buildings in Certain Districts

Motion was made by **Linda** and seconded by **Kurt** that the TAB of the Town of Carrboro recommends that the Board of Aldermen **reject** the draft ordinance.

VOTE:

AYES: (6): Rob, John, Kurt, Linda, Diana

ABSENT/EXCUSED: (1): Colleen

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Transportation Advisory Board membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

The Transportation Advisory Board of the Town of Carrboro finds the proposed text amendment, which allows new uses inconsistent with the Town's vision with permitting requirements based on size and intensity, reasonable and in the public interest and recommend the Board of Aldermen consider the following comments:

- The preservation intent of the proposed change is good and should be pursued; but
- The language about Performing Arts spaces not impeding traffic is vague and should be reworded. [Section 15-176.8(f)] Is the concern about pedestrian traffic on sidewalks or car traffic on streets? What exactly is 'normal' traffic patterns?
- Why are there parking requirements for a proposed adaptive reuse? This seems to miss the point of preserving the old space.
- The language about satellite parking needs to be simplified if at all possible.

VOTE:

AYES: (6): Rob, John, Kurt, Linda, Diana

ABSENT/EXCUSED: (1): Colleen

NOES: (0)

ABSTENTIONS: (0)

(On Rehalf of Chair)

(Date)

TOWN OF CARRBORO



Economic Sustainability Commission

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

Wednesday, NOVEMBER 14, 2018

Land Use Ordinance Text Amendment to Allow Performing Arts Spaces in Existing Buildings in Certain Districts

Motion was made by Tanya Jisa and seconded by David Darr that the ESC of the Town of Carrboro recommends that the Board of Aldermen approve the draft ordinance.

VOTE:

AYES: (6)

ABSENT/EXCUSED: (3)

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the ESC membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Tanya Jisa and seconded by David Darr that the ESC of the Town of Carrboro finds the proposed text amendment, is consistent with adopted plans, particularly the provisions under Section 1.2, Arts and Culture to promote music and the arts and the provisions under Section 2.0, Development to preserve Carrboro's town character, support the evolution of a downtown district that embodies and is consistent with the town's distinctive character.

Furthermore, the ESC of the Town of Carrboro finds the proposed text amendment, which allows new uses consistent with the Town's vision with permitting requirements based on size and intensity, reasonable and in the public interest. However, the ESC offers the following comments and questions on the proposed amendment:

- 1) Reconsider the number of shows required by the art space.
- 2) Reconsider allowing buildings less than 50 years old for this use to expand available inventory.
- 3) Be clear on critieria that constitutes a nuisance.
- 4) Clarify if a residential structure could be used for this type use?

VOTE:

AYES: (6)

ABSENT/EXCUSED: (3)

NOES: (0)

ABSTENTIONS: (0)

11/14/2018

(Chair) (Date)



Town of Carrboro

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

Agenda Item Abstract

File Number: 17-714

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Affordable Housing Review Meeting for Hutchins Property at 905 and 921 Homestead Road

PURPOSE: The Board of Aldermen approved a conditional rezoning for the subject properties on May 22, 2018. The developer is now moving forward with preparing a Conditional Use Permit application and is requesting an Affordable Housing Review Meeting to discuss the affordable housing component of the project. The Board is asked to discuss the affordable housing component of the project with the applicant.

DEPARTMENT: Planning Department, Manager's Office

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 919-918-7333 or mroupe@townofcarrboro.org, Rebecca Buzzard, Project Manager, 919-918-7438, rbuzzard@townofcarrboro.org

INFORMATION: Following the Board of Aldermen approving the R-10 conditional rezoning of the subject properties, the developer has begun preparing a Conditional Use Permit application for the project. While doing so, staff met with the applicant and discussed their plans for the affordable housing component for the project. As the applicant desires to only include 25% size-limited units in the project, totaling 5 of 20, in accordance with LUO Section 15-188, it is necessary to participate in an affordable housing review meeting with the Board of Aldermen in accordance with LUO Section 15-54.1(e). On September 4, 2018, the Board referred the project to the Affordable Housing Advisory Committee for discussion at their September meeting. Comments from AHAC are attached for your consideration as Attachment A. During the rezoning public hearing, the Planning Board also made a recommendation regarding affordable housing, included as Attachment B. A statement from the applicant about the matter is provided as well as Attachment C.

Materials related to the conditional rezoning of the property, including a rezoning exhibit, may be viewed at the following links:

May 22, 2018 Public Hearing

<a href="mailto:schale-2014-85-2014-2014-85-20

June 19, 2018 Public Hearing

="mailto:shttps://carrboro.legistar.com/LegislationDetail.aspx?ID=3531582&GUID=76525EB5-0530-4E3B-841A-85EF73E892FA&Options=&Search>="mailto:shttps://carrboro.legistar.com/LegislationDetail.aspx?ID=3531582&GUID=76525EB5-0530-4E3B-841A-85EF73E892FA&Options=&Search>="mailto:shttps://carrboro.legistar.com/LegislationDetail.aspx?ID=3531582&GUID=76525EB5-0530-4E3B-841A-85EF73E892FA&Options=&Search>="mailto:shttps://carrboro.legislationDetail.aspx?ID=3531582&GUID=76525EB5-0530-4E3B-841A-85EF73E892FA&Options=&Search>="mailto:shttps://carrboro.legislationDetail.aspx?ID=3531582&GUID=76525EB5-0530-4E3B-841A-85EF73E892FA&Options=&Search>="mailto:shttps://carrboro.legislationDetail.aspx?ID=3531582&GUID=76525EB5-0530-4E3B-841A-85EF73E892FA&Options=&Search>="mailto:shttps://carrboro.legislation.org/"mailto:shttps://ca

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

FISCAL & STAFF IMPACT: No fiscal or staff impacts are associated with holding the affordable housing review meeting.

RECOMMENDATION: Staff requests that the Board of Aldermen participate in an Affordable Housing Review as pertaining to the Hutchins Property at 905 and 921 Homestead Road.



TOWN OF CARRBORO

Affordable Housing Advisory Commission

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

SEPTEMBER 19, 2018

Hutchins Property - 905/921 Homestead Rd Affordable Housing Review

Motion was made by <u>Vijay Sivaraman</u>, and seconded by <u>Terri Buckner</u> that the AHAC recommends that the Board of Aldermen consider the following comments/recommendations during their affordable housing review:

 The AHAC would appreciate the developers consider ceding the existing house on the property to EmPOWERment or Community Home Trust to show support for affordable housing in Carrboro, in addition to the 5 size limited units proposed.

VOTE:

AYES: (6)

ABSENT/EXCUSED: (1)

NOES: ()

ABSTENTIONS: ()

By a unanimous show of hands, the <u>AHAC</u> membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

(Chair) O9/21/18 (Date)



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

MAY 3, 2018

905 and 921 Homestead Road - Conditional Rezoning to R-10-CZ

Motion was made by <u>Susan Poultan</u> and seconded by <u>Braxton Foushee</u> that the <u>Planning Board</u> recommends that the Board of Aldermen approve the draft ordinance, with the following recommendations:

- We commend the applicant on their thoughtfulness to protect the large tree on the eastern side of the project and the vegetative buffers on the north and south side.
- We recommend that all roads within the subdivision connect to other existing roads, however we recommend that the applicant look into the installation of traffic calming devices.
- We suggest the Board of Alderman continue to pursue 15% affordable housing in this development. We also encourage the Board of Alderman to ask the applicant for 40% (8) of the units to qualify as sized-limited housing, as a condition of the rezoning.

VOTE:

AYES: (7) Foushee, Poulton, Meyer, Whittemore, Petrin, Adamson, Gaylord-Miles)

ABSENT/EXCUSED: (4) Clinton, Rosser, Tiemann, Vance)

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Catherine Adamson and seconded by Andrew Whittemore that the Planning Board the Town of Carrboro finds the proposed map amendment is consistent with *Carrboro Vision2020*, and the Facilitated Small Area Plan for Carrboro's Northern Study Area, particularly the provisions relating to compact growth with a variety of housings types and prices, and the installation of bike-ped infrastructure in the development and connection to adjacent properties.

The Planning Board furthermore finds that the above described amendment is reasonable and in the public interest because it uses a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

VOTE:

AYES: (7) Foushee, Poulton, Meyer, Whittemore, Petrin, Adamson, Gaylord-Miles)

ABSENT/EXCUSED: (4) Clinton, Rosser, Tiemann, Vance)

NOES: (0)

ABSTENTIONS: (0)

 $\frac{\sqrt{3/16}}{\text{(Chair)}}$ (Date)

Hutchins/Jones property 905/921 Homestead Rd

Parker Louis, LLC is requesting to build (5) size limited units for the above referenced 20 lot subdivision. The model for us to build 15% of the homes as affordable, typically selling for at least 50% below market and partnering with the Community Home Trust (CHT), is not a feasible option, especially in such a small subdivision. This option (affordable) was bypassed for size limited housing in Claremont South because we could not sustain a \$25,000-\$30,000 per loss unit and could not secure bank financing for constructing the homes at a loss.

The size limited option (1100 and 1350 square foot homes) was used in Claremont South, where 23 single family homes were constructed and typically sold between \$220-240,000. This provided a rare (single family) price range for new construction in Carrboro. The size limited option is a good option for the middle class and income levels slightly above the Home Trust standards. We also plan on remodeling the old family homestead into a size limited home.

Thank you for your consideration



Town of Carrboro

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

Agenda Item Abstract

File Number: 17-713

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Consideration of Transportation Projects for NCDOT's High Impact and Low Cost Projects Program

PURPOSE: The purpose of this agenda item is to provide the Board information about a funding source from NCDOT for small, shovel ready transportation projects, to evaluate Town projects which appear to be candidates for the program, and to consider whether to submit any or all of these projects for possible funding.

DEPARTMENT: Planning

CONTACT INFORMATION: Zachary Hallock, 919-918-7329, <u>zhallock@townofcarrboro.org</u> <mailto:zhallock@townofcarrboro.org; Tina Moon, 919-918-7325, <u>cmoon@townofcarrboro.org</u> <mailto:cmoon@townofcarrboro.org

INFORMATION: On November 7th, NCDOT announced a call for projects to be funded as a part of State Senate Bill 257, "Current Operations Appropriations Act of 2017," Section 34.7(c) High Impact and Low Cost Projects. (Information about the SB 257 may be found at the following link: https://dashboard.ncleg.net/api/Services/BillSummary/2017/S257-SMRW-104(sl)-v-2) Now in its third year, the program is designed to provide funding for small, shove ready, highway projects which support regional/local needs and priorities, including job creation and economic growth. The selection criteria, developed by NCDOT Division 7, provides points for eight categories: traffic volume, safety, roadway characteristics, multimodal benefits, other funding availability, and county economic well-being based on county tier designation.

Staff has identified four possible projects that appear to score well on the selection criteria and address local transportation interests:

- 1) Construction of shoulders on NC Old 86 from Homestead Road to Farmhouse Road. This project has been submitted for funding as part of the formal prioritization process under both the highway and bike-ped category but has not scored well in the SPOT evaluation process.
- 2) Improve the bike-ped facilities on the Smith Level Road Bridge over Morgan Creek by widening the sidewalk and restriping. This project was identified during the final review of the Morgan Creek Greenway project as a way to improve the bike and pedestrian experience crossing the bridge for safety. If funded it could be constructed as part of the greenway project.

Agenda Date: 11/27/2018 File Type: Agendas

In Control: Board of Aldermen

Version: 1

3) Intersection improvements at the Hillsborough Road and West Main Street intersection. This location was recommended by the Transportation Advisory Board as part of its evaluation of bike-ped safety improvements.

4) Installation of an enhanced pedestrian crossing at North Greensboro Street and Shelton Station. An improved crossing at this location was recommended as part of the Shelton Station development. High visibility crosswalks are currently part of the project, this would include additional safety improvements.

Project descriptions, location maps with preliminary cost estimates and scores have been prepared for each project (Attachment B and Attachment C). While no local match is required, a 20% local match is recommended, particularly for Tier 3 counties, and increases the quantitative scoring (Attachment D).

The deadline for submitting projects for this funding cycle is December 3, 2018.

FISCAL & STAFF IMPACT: While this program does not require a local match, the quantitative ranking methodology selected by Division 7 provides bonus points if additional funding (maximum points at 20% match) is available. Because of this, in order to have the best chance to receive State funding, there would be a fiscal impact associated with providing that match.

The current cost estimate and 20% local match for the identified projects are:

Project	Cost Estimate	Recommended 20% Local Match
Old NC 86 Shoulders	\$540,000	\$108,000
Smith Level Road Bridge-bike-ped crossing	\$ 83,000	\$ 16,600
West Main Street @ Hillsborough Road	\$ 41,000	\$ 8,200
North Greensboro St @ Shelton Station	\$ 45,000	\$ 9,000
Totals	\$709,000	\$141,800

Funds have not been budgeted for the match. An appropriation would need to be made should any of these projects receive funding through the program. Staff has reached out to NCDOT to determine whether STBG-DA funds could be used toward the match.

There would also be requirements for staff time both to administer the project funds and to manage the development of design plans.

RECOMMENDATION: Staff recommends that the Board review the attached project descriptions and cost estimates, and direct staff as to whether to submit any of the identified projects to NCDOT for funding consideration in the upcoming High Impact and Low Cost program.

A RESOLUTION TO CONSIDER TRANSPORTATION PROJECTS FOR NCDOT'S HIGH IMPACT AND LOW COSTS PROJECTS PROGRAM

WHEREAS, North Carolina Senate Bill 257, Current Operations Appropriations Act of 2017, Section 34.7(c) provides a funding opportunity for transportation projects that meet specific criteria as High Impact and Low Cost projects; and

WHEREAS, the NCDOT has announced a call for local projects to the DCHC MPO and its partner organizations by December 3, 2018; and

WHEREAS, the Town has identified the following four projects that appear to score well on the selection criteria:

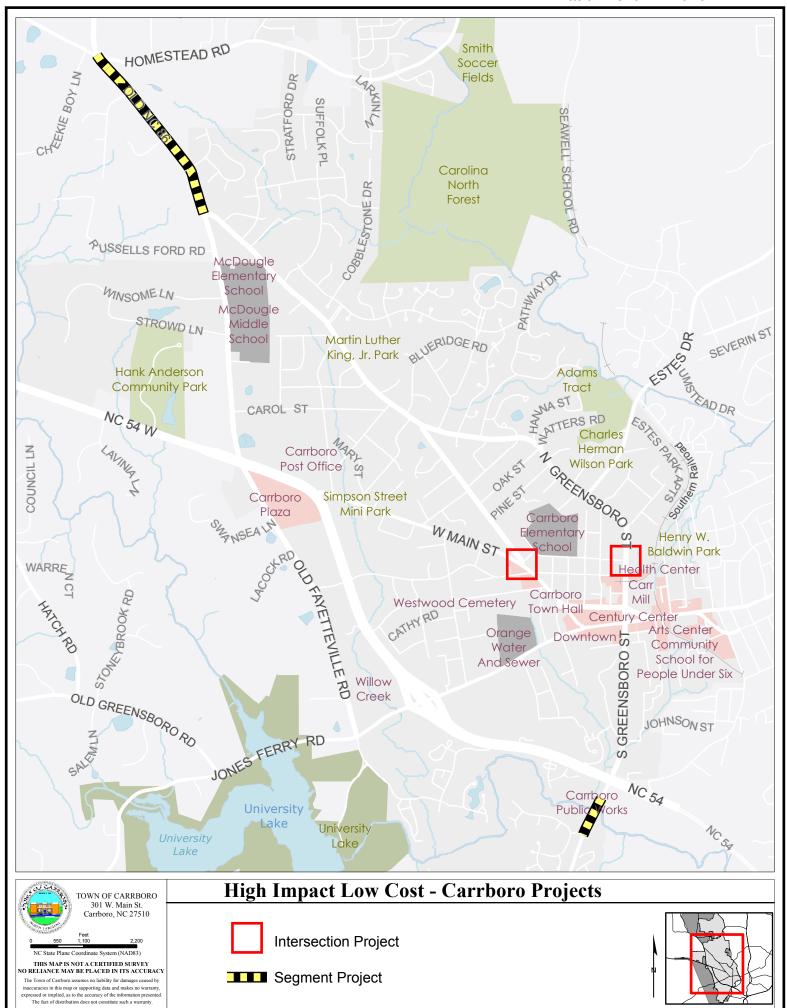
- 1. Old NC 86: Paved Shoulders from Farm House Drive to Homestead Road
- 2. Smith Level Road Bridge: Restriping and Resurfacing with improved Bike/Ped facility along the bridge as a part of Morgan Creek Greenway
- 3. West Main Street @ Hillsborough Road: School Zone Safety Improvements, Median Refuge Island, Pedestrian Crossing Signals and Vehicular Warning Signals
- 4. North Greensboro Street @ Shelton Street, Pedestrian Crossing Signals; and

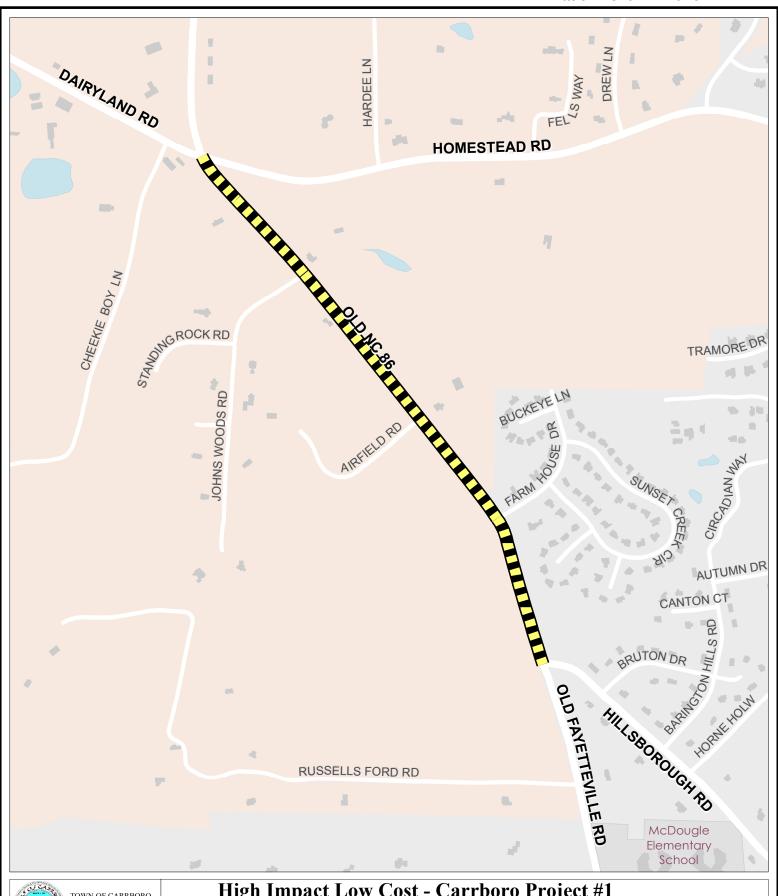
WHEREAS, each of these four projects would facilitate safe, efficient, and equitable movement for all users of the roadway network in and around the Town of Carrboro, and

WHEREAS, a twenty-percent funding match is recommended to increase the likelihood of project selection, based on the criteria selected by NCDOT Division 7.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board directs staff to submit the following highway projects for consideration in the High Impact and Low Cost program.

Old NC 86 Shoulders	Road West Main Street @ Hillsborough
Smith Level Road Bridge	North Greensboro Street @ Shelton Station
BE IT FURTHER RESOLVED:	
1)	
2)	
3)	



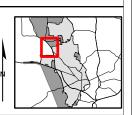


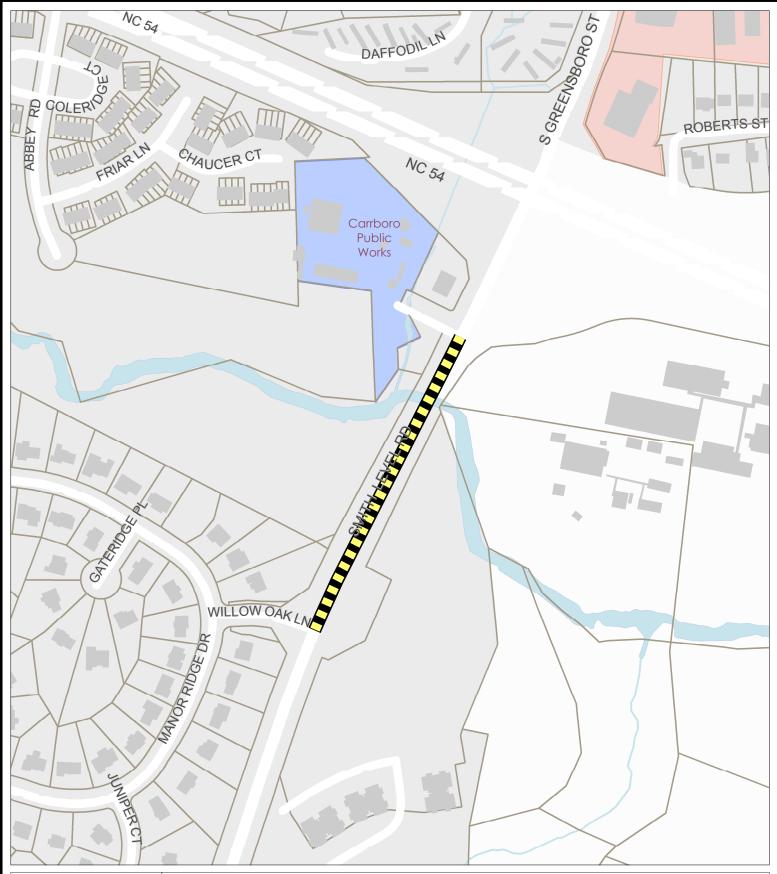


High Impact Low Cost - Carrboro Project #1

Location: Old NC 86 from South of Farm House Drive to Homestead Road.

Project Description: Bike Lanes end about 100 feet south of Farm House Drive and Old NC 86 north of Farm House Drive lacks any sort of paved shoulder. This location has surprisingly high bicycle traffic due to recrecational routes using Old 86 to access Hillsborough or Maple View, and we have recieved numerous comments indicating concerns for cyclist safety along this route.







NC State Plane Coordinate System (NAD83)

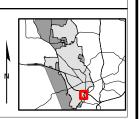
THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS ACCURACY

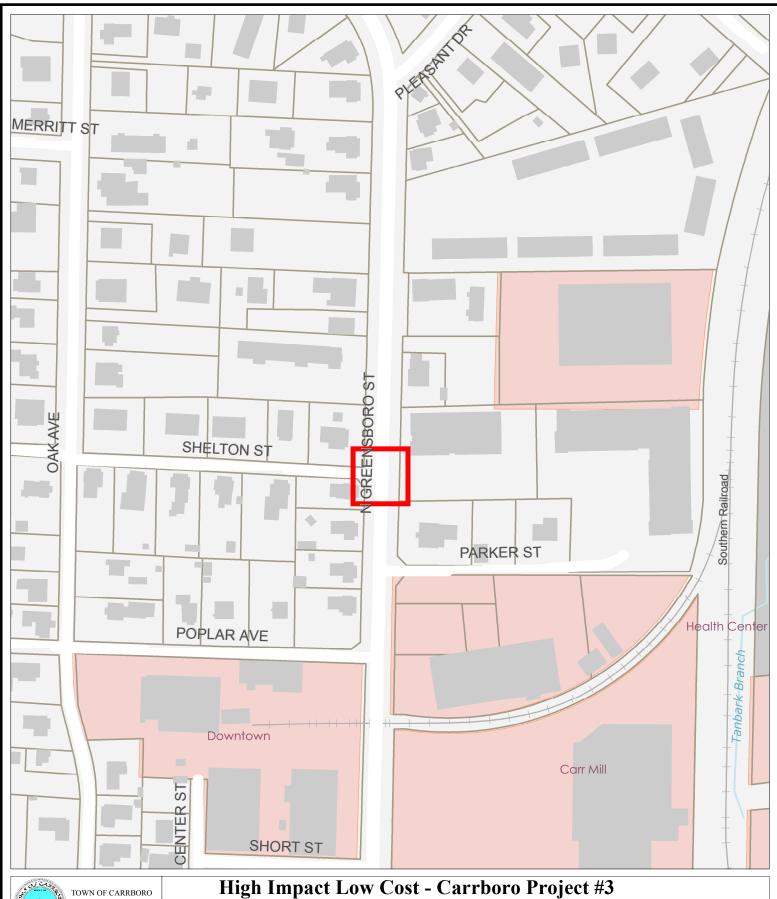
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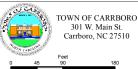
High Impact Low Cost - Carrboro Project #2

Location: Smith Level Road Bridge

Project Description: Future planned greenways for both Carrboro and Chapel Hill would provide access to Smith Level Road on the South and North sides of Morgan Creek respectively. The current pavement condition is very low as the bridge has not been resurfaced, doing so could provide an opportunity to restripe the roadway surface and enhance the bicycle and pedestrian crossing over Morgan Creek.





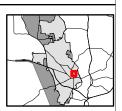


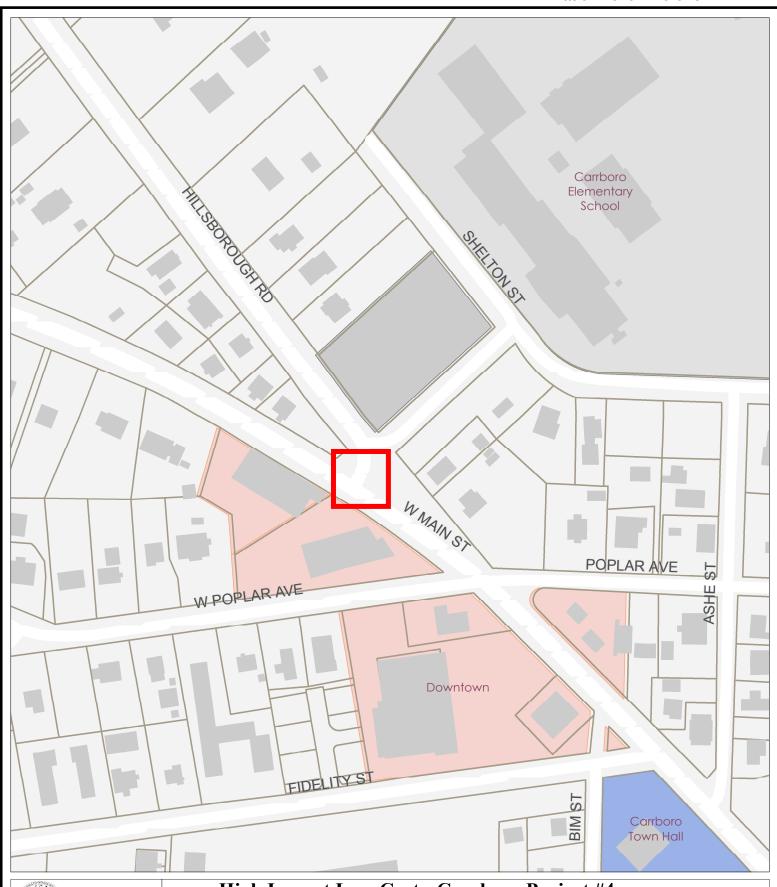
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Location: N Greensboro Street @ Shelton Street

Project Description: Current conditions along N Greensboro Street result in traffic traveling into downtown at substantially higher speeds than the posted speed within downtown. Future development near this location is expected to increase the volume of both pedestrian and vehicular traffic transversing this area. Would like to see a pedestrian safety improvment at the crosswalks here, such as a RRFB or HAWK.







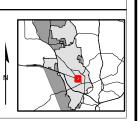
NC State Plane Coordinate System (NAD83)
THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS ACCURACY

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High Impact Low Cost - Carrboro Project #4

Location: W Main Street @ Hillsborough Road

Project Description: The combination of sign lines, a school zone, and higher posted speeds west of Hillsborough Road result in traffic traveling into downtown at substantially higher speeds than the posted speed with little warning of increased pedestrian traffic. Would like to see safety improvments at the school zone crosswalks here, such as a median island along with a RRFB or HAWK.



		Old NC 86 - Homestead	Smith Level Road	Hillsborough	N Greensboro	
High Impact Low Cost Projects	Source	Road to Farm House	@ Morgan Creek	Road @	Street @	
		Drive	Bridge	W Main Street	Shelton Street	
		Paved Shoulder	Restriping with	School Zone	Ped Safety Improvements	
Improvement Type	Description		Enhanced	Safety		
			Bike/Ped	Improvements	·	
AADT	NCDOT AADT Map	5,900	17,000	2,800	14,000	
AADT Points	Nebol AAbi Map	2	2	2	2	
Combined Safety Score	NCDOT Traffic Safety	66.7	77.8	55.5	88.9	
Safety Points	NCDOT Traffic Safety	2	2	1	2	
Lane Width (feet)	Aerial Imagery	10	11	12	12	
Lane Width Points	Aeriai iiilagei y	0	0	0	0	
Shoulder Width (feet)	Aerial Imagery	0	0	0	0	
Shoulder Width Points	Aeriai iiiiagery	2	2	2	2	
Pavement Condition	NCDOT Pavement Mgmt	81	60	71	71	
Pavement Points	NCDOT Pavement Mignit	0	2	1	1	
Non-Highway benefit	All have Bike/Ped benefit	2	2	2	2	
Other Funding (%)	To Be Decided	0	0	0	0	
Funding Points	то ве ресіцец	0	0	0	0	
County Tier Points	Orange Co. is Top Tier, no points	0	0	0	0	
Total Score (Max 2.00)	Calculation	1.20	1.30	1.10	1.25	
Cost Estimate	NCDOT Bike/Ped Cost Tool	\$540,000	\$83,000	\$41,000	\$45,000	
Local Match for 2 points	Calculation	\$108,000	\$16,600	\$8,200	\$9,000	
Max Score with Match	Max Score with Match Calculation		1.50	1.30	1.45	

Projects can't cost more than \$1,500,000

Must have a total score greater than 1.00 to be considered

Projects must be under construction within 12 months of funding approval

Project with total cost over \$250,000 must have resolution of support from local Gov't

DIVISION 7 CRITERIA

		Hig	h Impact/Low	Cost Project Sel	ection Criteria
	% Weight	0 points	1 point	2 points	
				Traffic Volume	
Current Volume/AADT	30	750 or less	751 to 1499	1500 or more	Use most recent AADT Map volume or other available traffic volume count
				Safety	
Accident rate (Combined Safety Score)	15	Combined safety score of 0 to 33	Combined safety score of 33 to 66	Combined safety score of 66 to 100	provided by mobility and safety
			Roa	dway Characteristic	
existing lane width	15	standard width or above		below standard	NCDOT/AASHTO Design Guidelines
existing shoulder width	10	standard width or above		below standard	NCDOT/AASHTO Design Guidelines
pavement condition score	5	80>100	70>=80	>=70	use most recent pavement condition survey score
			M	ultimodal Benefits	
Non-Highway modal components included in project	5	no non-highway benefits		includes benefits to at least one non- highway mode	Determined by Divisions
			Othe	r Funding Availabilit	у
Other Funding Availability	10	no other funding	1% to 19.99%	20% or above	Other funding sources are available to offset project costs. Other sources can include other highway funded program dollars (contingency, economic development, small construction, etc.) or local funding participation. With the exception of trust fund economic development projects, STI funds should not be considered.
		County Eco	nomic Well Being (f	NC Dept of Commerc	e County Tier Designation)
County Tier Designation	10	Tier 3	Tier 2	Tier 1	Based on current county tier designation as identified by the North Carolina Department of Commerce: Tier 1: 40 most distressed counties Tier 2: Next 40 distressed counties Tier 3: 20 least distressed counties
Total:	100	% weights for the so	oring criteria select	ed must total to 100	%
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^{*} Division Engineers, in conjunction with their partnering MPOs and RPOs, shall select a minimum of 7 criteria to be used in evaluating projects within their Division based on regional/local needs and priorities.

^{*} If desired, Division Engineers, with concurrence from each of their partnering MPOs and RPOs, may develop additional scoring critieria beyond those provided in the above list. Any new critieria shall include metrics for scoring on the established 0 to 2 point scale.

^{*} Division Engineers shall determine the appropriate scoring weights for each of the critieria selected based on regional/local needs. Scoring weights must add up to 100%.

^{*} Projects must receive at least half of the total possible scoring points to be considered for funding.

^{*} For those projects meeting the minimum threshold for funding consideration, Division Engineers, in conjunction with their partnering MPOs and RPOs, shall determine which projects are funded based on local priorities and budgetary constraints with priority consideration given to projects that promote job creation and economic growth.

^{*} Projects funded through this program, unless otherwise approved by the Secretary of Transportation, are expected to be under construction (contracts awarded) within 12 months of funding approval by the Board of Transportation (Board Agenda Item H).

^{*} High Impact/Low Cost project funding share shall not exceed \$1.5M on any single project unless otherwise approved by the Secretary of Transportation.

^{*} Any project exceeding \$250k total project cost (all funding sources) will require resolution of support from the appropriate local government agency prior to authorization of funding.