



## **Town of Carrboro**

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

### **Meeting Minutes**

### **Board of Aldermen**

**Tuesday, June 25, 2013**

**7:30 PM**

**Board Chambers - Room 110**

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

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

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### **SECTION 8 VOUCHERS**

David Smith, a resident of Carolina Apartments, spoke to the Board about GSC Properties no longer accepting Section 8 vouchers. He asked them to research the problem to see how they can help.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT THIS MATTER BE REFERRED TO THE TOWN ATTORNEY FOR A RESPONSE DURING THE SUMMER ON HOW THE BOARD OF ALDERMAN CAN ASSIST.  
VOTE: AFFIRMATIVE ALL

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### **POEMS BY JAY BRYAN**

Jay Bryan, Carrboro's outgoing Poet Laureate, read three poems and made remarks to the Board regarding the end of his term as Poet Laureate.

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### **KIWANIS DAY**

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN SLADE TO PROCLAIM JULY 23, 2013 AS "KIWANIS DAY" IN THE TOWN OF CARRBORO. VOTE: AFFIRMATIVE ALL

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## **HVAC REPAIR FOR COMMUNITY SCHOOL FOR PEOPLE UNDER SIX**

**Motion was made by Alderman Lavelle, seconded by Alderman Gist, to approve the resolution:**

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO REPAIR HVAC SYSTEM AT 102 HARGRAVES STREET AND MODIFY LEASE AGREEMENT WITH COMMUNITY SCHOOL FOR PEOPLE UNDER SIX

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO HEREBY AUTHORIZES THE TOWN MANAGER TO:

Section 1. Use \$12,500 from unexpended Non-Departmental funds in the General Fund for replacement of heating and air conditioning system at 102 Hargraves Street, Town owned property which is currently leased by Community School for People Under Six.

Section 2. Modify the lease agreement with Community School for People Under Six to provide for payment of rent in the amount of \$100 per month for six years.

Section 3. This resolution shall become effective upon adoption.

Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

This the 25<sup>th</sup> day of June, 2013.

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

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

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## **REQUEST TO APPROVE EQUIPMENT AND VEHICLE FINANCING**

The Board was requested to approve a contract for installment financing of vehicles and equipment budgeted for FY 2012-13.

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

### **RESOLUTION APPROVING FINANCING TERMS**

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

**BE IT THEREFORE RESOLVED, as follows:**

1. The Town hereby determines to finance the Project through SunTrust Equipment Finance & Leasing Corp. (SunTrust), in accordance with the proposal dated June 14, 2013. The amount financed shall not exceed \$397,320.00, the annual interest rate (in the absence of default in tax status) shall not exceed 1.367%, and the financing term shall not exceed five (5) years from date of closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and Project Fund Agreement as SunTrust may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the terms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval on the Documents final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b) (3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the SunTrust financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 25th day of June, 2013.

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

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

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## **APPROVAL OF EXTENDING FIBER-OPTIC CONNECTIVITY TO WCOM AND THE ARTSCENTER**

The purpose of this item was for the Board of Aldermen to consider approving extension of the Town's fiber optic network to enhance existing service provided to WCOM and add connectivity to the ArtsCenter.

Alderman Slade requested that this extension be shared with the County for possible use with the library.

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

### **RESOLUTION TO APPROVE EXTENDING FIBER-OPTIC CONNECTIVITY TO WCOM AND THE ARTSCENTER**

WHEREAS, the Town of Carrboro has provided free public Wi-Fi service to the downtown area for a number of years; and

WHEREAS, the Town of Carrboro has provided dedicated Wi-Fi access to WCOM community radio in the past; and

WHEREAS, the Town of Carrboro has an existing Fiber-Optic network that could provide WCOM and the ArtsCenter with a fast, stable internet connection in support of the work those organizations do for the community, and

WHEREAS, there is minimal cost involved to allow the connection of these organizations to the Town's Fiber-Optic network..

NOW THEREFORE BE IT RESOLVED, that the Board of Aldermen supports the extension of Fiber-Optic connectivity to WCOM and The ArtsCenter.

This 25st day of June 2013.

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

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

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## **REQUEST FOR A MINOR MODIFICATION TO THE CUP FOR BANK OF AMERICA**

The purpose of this item was for the Board to consider approving a CUP Minor Modification request for Bank of America, located at 104 East Main Street. The request involved changing an existing drive-up lane with a drive-up automatic tell machine (ATM), and installing additional lights near the ATM for enhanced security.

Alderman Slade expressed concern with the Board making a decision prior to a review by the Transportation Advisory Board. Alderman Seils agreed with this concern and suggested that the change

may increase the intensity of use.

Alderman Gist asked if it was less pollution to park and restart car or to keep it running. Staff will respond to this question.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN JOHNSON TO REFER THIS ITEM TO THE TRANSPORTATION ADVISORY BOARD FOR CONSIDERATION DURING THEIR NEXT MEETING. VOTE: AFFIRMATIVE ALL

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### **TOWN COMMONS FOLLOW-UP REPORT**

This was an informational item to inform the Board of Aldermen of the process used to gather community feedback on future use of Town Commons. The report was included as part of the agenda packet.

MOTION WAS MADE BY ALDERMAN LAVELLE, SECONDED BY ALDERMAN SEILS THAT THE REPORT BE ACCEPTED. VOTE: AFFIRMATIVE ALL

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### **ADOPTION OF AN ORDINANCE LIMITING THE AMOUNT OF CONTRIBUTIONS TO CANDIDATES**

The purpose of this item was for the Board to adopt an ordinance limiting campaign contributions to any candidate for town office.

**A motion was made by Alderman Lavelle, seconded by Alderman Seils, that this ordinance be approved.**

AN ORDINANCE TO REENACT THE EXPIRING PROVISIONS OF SECTION 15-15 OF THE CARRBORO TOWN CODE, WHICH LIMIT THE AMOUNT OF CONTRIBUTIONS THAT CAN BE MADE TO CANDIDATES FOR TOWN OFFICES  
Ordinance No. 22/12-13

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 5-15 of the Carrboro Town Code, which by its own terms expires automatically 60 days prior to the opening of filing for the 2013 regular town election, is reenacted and amended to read as follows:

#### **Section 5-15 Limitation on Campaign Contributions for Town Offices**

(a) No person, political committee, or other entity may contribute to any candidate for the office of mayor or any candidate for the office of alderman any money or in-kind contribution in any election (regular or special) in excess of \$250.00.

(b) The definitions in Article 22A of Chapter 163 of the General Statutes apply to the provisions of this section. In addition, as used herein, the word "candidate" also means a political committee authorized by the candidate for that candidate's election.

(c) The provisions of this section do not apply to contributions made by a candidate or a candidate's spouse, domestic partner registered with a government agency, parents, brothers, or sisters.

(d) The provisions of this section are authorized and shall be interpreted in accordance with Sections 2-8 and 2-9 of the Town Charter, as established by Chapter 97 of the 2008 Session Laws.

(e) The provisions of this section shall expire 60 days prior to the opening of filing for the 2015 regular town election, except that such expiration will not make lawful any contribution made before that date that is in violation of this section.

Section 2. This ordinance shall become effective upon adoption. The section it replaces is not immediately repealed but shall expire 60 days prior to the opening of filing for the 2013 regular town election. The Town Clerk shall replace the expiring version of Section 15-15 in the Town Code with the version set forth above.

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

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

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**FINANCIAL ASSISTANCE FOR FOLKLORE SOCIETY**

The purpose of this item was for the Board of Aldermen to consider providing a financial award to help support the celebration and summit of the Folklore Society.

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

**RESOLUTION TO AWARD CONTINGENCY FUNDS TO SUPPORT FOLKLORE SOCIETY  
EVENTS**

WHEREAS, the Board of Aldermen of the Town of Carrboro on June 18, 2013 adopted the annual budget for the fiscal year beginning July 1, 2013 and ending June 30, 2014; and,

WHEREAS, funds for a contingency fund were established in the nondepartmental budget; and,

WHEREAS, transfers from this contingency account may be executed only by the Board of Aldermen; and,

WHEREAS, the Board of Aldermen deems it appropriate to provide funding to support the Folklore Society's planned celebration and summit.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with the Town's Annual Budget Ordinance for FY 2013-14, the Town Manager is authorized to provide \$1,500 from the Contingency Fund to the Folklore Society to support its celebration and summit.  
This resolution is effective immediately.

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

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

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**REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT ALLOWING THE CONSTRUCTION OF THE HOMESTEAD-CHAPEL HILL HIGH SCHOOL MULTI-USE PATH ON STATE OF NORTH CAROLINA-UNIVERSITY OF NORTH CAROLINA PROPERTY**

The Board was asked to approve a resolution authorizing the Town Manager to enter into a right of entry agreement with the University of North Carolina and/or the State Property Office to allow for the construction of the Homestead-Chapel Hill High School Multi-use Path. The path will extend on State/UNC land east of Bolin Creek.

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

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT RELATING TO RIGHT-OF-WAY FOR THE HOMESTEAD-CHAPEL HILL HIGH SCHOOL MULTI-USE PATH**

WHEREAS, on March 1, 2011, the Board of Aldermen approved a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Homestead-Chapel Hill High School Multi-use Path project (NCDOT TIP #U-4726-DE); and,

WHEREAS, NCDOT requires that projects obtain right-of-way certification prior to approval of final plans, specifications, and the estimate; and,

WHEREAS, on June 13, 2012, Town of Carrboro staff submitted a right-of-entry agreement request to UNC to allow for construction of, and future public access on, the portion of the Homestead-Chapel Hill High School Multi-use Path on property owned by the State Property Office and University of North Carolina; and,

WHEREAS, timely execution of a right-of-entry or lease agreement would allow for the timely transition of the project to the construction phase, which is subject to certain timelines;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board authorizes the Town Manager to enter into a right-of-entry or lease agreement with the University of North Carolina and-or the North Carolina State Property Office for the purpose(s) of constructing and-or ensuring public access on (for nonmotorized transportation with the exception of authorized maintenance vehicles) the Homestead-Chapel Hill High School Multi- use Path.

This is the 25<sup>th</sup> day of June in the year 2013.

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

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

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**APPROVAL OF EXTENDING THE TOWN'S FIBER OPTIC INFRASTRUCTURE ALONG SMITH LEVEL ROAD**

The purpose of this item was for the Board of Aldermen to consider approving funds for the extension of the Town's fiber optic network infrastructure along Smith Level Road and to authorize the Town Manager to enter into an agreement with NCDOT and/or their contractors.

**A motion was made by Alderman Lavelle, seconded by Alderman Seils, that this ordinance be approved.**

**AN ORDINANCE AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH NCDOT FOR THE INSTALLATION OF INNERDUCT ON SMITH LEVEL ROAD**

Ordinance No. 23/12-13

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES THAT THE TOWN MANAGER IS HEREBY AUTHORIZED TO:

Section 1. Transfer \$79,000 from Undesignated Capital Reserve Fund to the fiber optics project in the Capital Projects Fund.

Section 2. Increase the total budget for the fiber optics project from \$219,198 to \$298,198. Section 3. To enter into a contract with NCDOT and/or the contractor associated with this project.

Section 4. This resolution shall become effective upon adoption.

Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

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

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

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**PUBLIC HEARING TO AMEND THE LAND USE ORDINANCE RELATING TO THE LOCATION OF DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR UNRELATED PERSONS, PARKING REQUIREMENTS AND RELATED ISSUES**

The purpose of this item was for the Board to consider amending the Land Use Ordinance relating to the location of dwelling units to be occupied by more than four unrelated persons. A draft ordinance was prepared along with an alternative version.

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



Bob Kirschner, a resident of Carrboro, requested that the hearing be tabled to allow the Board more time to analyze the amendments.

Alderman Gist suggested a facilitated meeting between members of the Transportation Advisory Board, Planning Board, town staff, and the Board of Aldermen to further discuss the proposed modifications.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS:

1. TO CONSIDER MORE SUBSTANTIAL MODIFICATIONS TO ONE OR BOTH OF THE PROPOSED ORDINANCES
2. TO TABLE MAKING A DECISION
3. FOR STAFF TO DEVELOP A MAP SHOWING WHERE THE EXISTING UNITS ARE LOCATED
4. FOR STAFF TO SCHEDULE A FACILITATED MEETING BETWEEN INVOLVED ADVISORY BOARDS, STAFF, AND THE BOARD OF ALDERMEN
5. FOR STAFF TO SET A NEW PUBLIC HEARING WHEN THE REVISED AMENDMENT IS READY TO COME BACK TO THE BOARD. VOTE: AFFIRMATIVE ALL

**A motion was made by Alderman Seils, seconded by Alderman Gist, that the following resolutions be approved.**

RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE  
ORDINANCE

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 AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP.  
NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 25th day of June 2013.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE  
ORDINANCE

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 AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP. [ALTERNATIVE VERSION WITH LIMITS ON NUMBER OF PARKING SPACES]

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

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 25th day of June 2013.

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

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

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### **PUBLIC HEARING ON A PROPOSED ECONOMIC DEVELOPMENT AGREEMENT**

The purpose of this agenda item was to take public comment on a proposed economic development agreement between the Town of Carrboro, Fleet Feet, Kalisher, and Main Street Properties.

Annette Stone, the Town's Economic and Community Development Director, made the staff presentation.

Alderman Gist asked to see specific salary information for the Kalisher employees and if they receive benefits. She also asked for more information on Kalisher's annual sales.

Alderman Slade asked if the Orange County Commissioners would consider providing funding for this project. David Andrews, Town Manager, noted that the County Manager has indicated that he would make a recommendation to the Commissioners to provide funding for the first five years of parking for Kalisher. Alderman Slade encouraged the County to consider offering additional funding since the need for parking spaces will be less in the first five years.

John Rees, a customer of Fleet Feet, stated that he is a big fan of the business and that it would be terrible for Carrboro to lose this business.

Art Menius, Executive Director of the Arts Center, stated that he supports the approval of the project.

Bob Kirschner, a citizen, expressed his support for the project. He asked that staff make sure there are exit clauses that will protect the staff from an early termination of the contract.

Heidi Perry, a member of the Carrboro Bike Coalition, spoke in favor of the proposed project. She stated that funding left over from the parking fund could be used to incentivize employees to use alternative modes of transportation.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SLADE TO APPROVE THE SECTIONS OF THE ECONOMIC DEVELOPMENT AGREEMENT WITH FLEET FEET AND FOR TONIGHT'S POWERPOINT PRESENTATION TO BE PLACED ON THE TOWN'S WEBSITE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN GIST TO CONTINUE THE DISCUSSION OF THIS ITEM AT THE BOARD'S RETREAT ON SUNDAY, JUNE 30, 2013 TO ALLOW TIME TO RECEIVE FURTHER PUBLIC COMMENT. VOTE: AFFIRMATIVE ALL

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**REQUEST FOR A MINOR MODIFICATION TO THE CUP FOR THE PHASE A BUILDING AT 300 EAST MAIN STREET**

The purpose of this item was for the Board of Aldermen to consider approving a Minor Modification request for the 300 East Main CUP to allow for changes to the design of the Phase A building.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN GIST TO EXCUSE THE MAYOR FROM PARTICIPATING ON THIS ITEM. VOTES: AFFIRMATIVE ALL

Marty Roupe, the Town's Zoning Administrator, made the staff presentation to the Board.

Laura Van Sant, representing Main Street Properties, discussed the application with the Board.

Alderman Seils suggested that the Board review the downtown architectural standards at a future meeting of the Board.

**A motion was made by Alderman Gist, seconded by Alderman Seils, that the following resolution be approved.**

**A RESOLUTION APPROVING A MINOR MODIFICATION TO THE 300 EAST MAIN  
CONDITIONAL USE PERMIT AUTHORIZING REDUCTION IN SIZE FROM FIVE  
STORIES TO THREE STORIES AND ASSOCIATED CHANGES TO THE BUILDING'S  
DESIGN**

**WHEREAS**, the Carrboro Board of Aldermen approved a Conditional Use Permit for 300 East Main;  
and

**WHEREAS**, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

**WHEREAS**, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

**NOW, THEREFORE BE IT RESOLVED** that the Carrboro Board of Aldermen approve the Minor Modification request to allow for a reduction in size from five stories to three stories, along with the associated changes in the building's design.

This the 25th day of June, 2013

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

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

**Nay:** Alderman Slade

**Excused:** Mayor Chilton

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**REQUEST FOR A MINOR MODIFICATION TO THE CUP FOR 300 EAST MAIN RELATED TO ADDING A RESIDENTIAL USE CATEGORY AND OUTDOOR USES ON THE SITE**

The purpose of this item was for the Board to consider adopting a resolution approving changes to the sidewalk / courtyard area of the 300 East Main project.

Marty Roupe, the Town's Zoning Administrator, made the staff presentation to the Board.

Laura Van Sant, representing Main Street Properties, discussed the application with the Board.

Kevin Benedict, representing Main Street Properties, also discussed the application with the Board. He stated that they could agree to the condition that 80% of the residential would be one bedroom or studio on the upper floors only.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN SEILS TO APPROVE OF THE RESOLUTION, EXCEPT FOR THE RESIDENTIAL COMPONENT, AND FOR THE APPLICANT TO RETURN THE PROJECT, IN MORE DETAIL, TO THE BOARD AT A LATER TIME:

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE 300 EAST MAIN CONDITIONAL USE PERMIT AUTHORIZING INSTALLATION OF AN OUTDOOR DINING COVER UP TO 700 SQUARE FEET IN SIZE, AND AFFIRMING THAT SMALL, NON-STRUCTURAL CHANGES MAY OCCUR WITHOUT ZONING STAFF OR BOARD OF ALDERMEN REVIEW

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for 300 East Main; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor

Modifications.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen approve allow installation of an outdoor dining cover up to 700 square feet in size, and allowing small, non-structural changes to occur without zoning or Board of Aldermen review, subject to the following condition:

- That the applicant may install, remove, and otherwise change the location of non-structural elements of the outdoor portions of the site without necessitating review under LUO Section 15-64, so long as sidewalks and courtyards remain reasonably open and traversable. Such changes include but are not limited to small awnings, non-structural patio covers up to 200 square feet in size, and fencing, bollards, and similar devices intended to delineate outdoor dining areas. Structural additions and / or larger sized changes exceeding 200 square feet, as well as changes to the façade of a building, that significantly change the size of an opening, shall be reviewed by staff. Staff will determine, in accordance with LUO Section 15-64, whether such requests need to be reviewed by the Board as a Minor Modification.

This the 25th day of June, 2013

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

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

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### **DISCUSSION OF POSSIBLE CHANGES TO PARKING AND TOWING RULES**

The purpose of this item was for the Board of Aldermen to receive information from Town staff regarding suggested changes to the Town Code related to the towing of vehicles from private property and limitations on parking in Town-owned parking lots.

Trish McGuire, the Town's Planning Director, made the staff presentation to the Board.

Nick Robinson, representing Carr Mill Mall Limited Partnership, read a prepared statement to the Board. That statement was presented to the Town Clerk for addition to the public record. He expressed a desire to work with the Board on a comprehensive parking plan.

Jaffey Barnes, representing Barnes Towing, spoke to the Board about his concerns related to towing. He expressed a desire to work with the Board on developing the towing rules and regulations.

Cindy McMahan, the owner of Elmo's, stated that she needs the Board's help with parking. She stated that as a tenant, she needs the parking spaces so people can get to her restaurant. She said that as a business owner in Carr Mill, that she feels forgotten by the Board of Aldermen.

**MOTION WAS MADE BY ALDERMAN LAVELLE, SECONDED BY ALDERMAN SEILS FOR STAFF TO WORK WITH BARNES TOWING, AND OTHER TOWING COMPANIES, ON THE PROPOSED ORDINANCE CHANGES. THE REPORT SHALL BE RETURNED TO THE BOARD IN SEPTEMBER. VOTE: AFFIRMATIVE ALL**

In response to a question about recent refunds related to vehicles that were towed from the Carr Mill lot, Brooke Barnes, the manager of Barnes Towing, stated that some of the towing fees were refunded to

show that they are willing to work on a solution together.

Alderman Haven-O'Donnell and Alderman Slade suggested that wayfinding signs for public parking be discussed as part of the comprehensive parking discussion.

Motion was made by Alderman Seils, seconded by Alderman Johnson, to approve the following ordinance:

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE PROVISIONS DEALING WITH  
PARKING  
Ordinance No. 21/2012-13

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 6-19(b)(4) of the Carrboro Town Code (parking for not more than two hours between 7:00 p.m. and 5:30 a.m.) is amended by adding a new subdivision (f) and (g) as follows:

- (f) Within the municipal parking lot located on Laurel Avenue.
- (g) Within the leased parking spaces at the 300 East Main Street Development

Section 2. Subsection 6-19(b) of the Carrboro Town Code (parking prohibited in certain locations at certain times) is amended by adding a new subsection (10) as follows:

- (11) No Parking from 3:00 a.m. to 5:00 a.m.

All town parking lots

Section 3. Subsection 6-41(c) of the Carrboro Town Code is amended by raising the \$25.00 civil penalty for parking offenses to \$35.00 for the first offense, \$50.00 for the second offense, and \$100.00 for the third offense within a 365 day period. The amended subsection reads as follows:

(c) Any violation of the following sections shall subject the offender to a civil penalty as indicated. If the offender fails to pay this penalty within 10 days after being cited for a violation and notified of the penalty, the Town may seek to collect it in a civil action in nature of debt:

Section	Civil Penalty
6-14.1, 6-24, 6-26, 6-28, 6-28.1, 6-28.2, 6-29, 6-35, 6-37, 6-38, 6-40.1	\$25.00
6-18 (except 6-18(a)(13), 6-19, 6-20, 6-21, 6-22	\$35.00 for the first offense, \$50.00 for the second offense, \$100.00 for each subsequent offense within a 365 day period
6-18(a)(13)	\$50.00
6-28.3	\$250.00

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

This the 25<sup>th</sup> of June 2013.

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

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

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**MINOR MODIFICATION TO THE LEGENDS AIS CONDITIONAL USE PERMIT**

The Legends AIS Homeowner's Association submitted an application requesting a minor modification to their Conditional Use Permit to allow the designated affordable units in the subdivision to be converted to market rate units pursuant to a proposed \$15,000 in-lieu payment being made at the time of the unit's sale.

A MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN LAVELLE, THAT THIS ITEM BE TABLED AT THE REQUEST OF THE APPLICANT. VOTE: AFFIRMATIVE ALL.

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**LLOYD SQUARE AIS CUP MINOR MODIFICATION**

Layton and Mary Wheeler, the developers of the Lloyd Square AIS, a 16 unit subdivision, sought permission from the Board to revise the layout of the subdivision, reduce the density by one unit, and replace the affordable units with payments-in-lieu.

Jeff Kleaveland, the Town's Zoning Development Specialist, made the staff presentation to the Board.

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

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE LLOYD HARBOR ARCHITECTURALLY INTEGRATED SUBDIVISION LOCATED AT 100 DEER STREET ALLOWING THE REDUCTION IN DENSITY BY ONE UNIT (FROM 16 TO 15), THE ACCEPTANCE OF PAYMENTS IN LIEU OF THREE AFFORDABLE UNITS, AND, THE REVISIONS TO THE LOT LAYOUT AS PRESENTED TO THE BOARD DURING THE MEETING

**WHEREAS**, the Carrboro Board of Adjustment approved a Conditional Use Permit for the 16 lot Lloyd Harbor Architecturally Integrated Subdivision (AIS) located at 100 Deer Street on September 22, 2009; and

**WHEREAS**, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Conditional Use Permit that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes a minor modification to the original Conditional Use Permit; and

**WHEREAS**, the Board of Adjustment finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Adjustment that the Board of Adjustment approve the minor modification to the Lloyd Harbor Architecturally Integrated Subdivision (AIS) located at 100 Deer Street allowing the reduction of the density by one unit (from 16 to 15), the acceptance by the Town of payments in lieu of affordable units, and, the revisions to the lot layout as presented to the Board during the meeting subject to the following conditions:

1. That conditions 3, 5 and 8 from the original approved Conditional Use Permit be removed from the permit as the proposed changes to the permit no longer require provisions pertaining to the long term management of affordable units and the revised layout no longer requires a HEC/RAS study.
2. That Condition 4 from the original approved Conditional Use Permit be replaced with the following condition: Certificates of Occupancy for each of the three (3) bonus 'market-rate' units may not be issued until such time as a corresponding *payment in lieu* for an affordable unit is made to the Town. This is equivalent to a total of three payments in lieu of affordable units. The fee shall be set in accordance with the Town's fee schedule at the time of payment. The three bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.
3. That the existing sanitary sewer service to serve Lot 12 can be realigned beginning within 2' of the existing Lisa Dr. pavement edge and angled south across the Lisa Dr. roadway shoulder and swale to access the established Lot 12 sanitary sewer service easement.
4. That the realigned Lot 12 sanitary sewer service line shall be constructed of 4" ductile iron pipe and associated fittings from its connection point 2' outside of the pavement edge and extending to the property line or 1' outside of the existing Lisa Dr. public right-of-way.
5. That all excavated soils shall be sufficiently compacted and all disturbances within the public right-of-way fully restored to existing conditions and surface elevations within 5 days of the initial excavation.
6. That the contractor shall provide appropriate Traffic Control Devices, Road Work Ahead(2); traffic cones for separating the work area from public traffic lane and flagman provided as needed to safely direct motorist around the work area. All excavations shall be backfilled daily. That Public Works will be notified prior to beginning work within the Lisa Dr. public right-of-way.

This the 25<sup>th</sup> day of June, 2013.

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

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

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#### **MATTERS BY BOARD MEMBERS**

Alderman Slade reminded staff that the Wilson Park parking lot will be used for carpooling to Moral



Mondays in Raleigh.

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**ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN SLADE TO  
ADJOURN THE MEETING AT 11:58PM. VOTE: AFFIRMATIVE ALL

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Town Clerk

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Mayor