



**Town of Carrboro**

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

**Meeting Minutes**

**Board of Aldermen**

**Tuesday, February 25, 2014**

**7:30 PM**

**Board Chambers - Room 110**

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

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

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**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS TO CLARIFY REQUIREMENTS FOR EXEMPT AND ALLOWABLE ACTIVITIES RELATED TO UTILITIES IN WATER QUALITY BUFFERS**

The purpose of this item was for the Board of Aldermen to consider amending the Land Use Ordinance to clarify exempt and allowable activities for disturbance associated with utilities in water quality buffers.

Randy Dodd, the Town's Environmental Planner, made the staff presentation.

Mr. Todd Taylor, representing OWASA, suggested alternative language to the easement requirement based on emergency response and some locations with deeper sewer lines. He asked the Board to allow OWASA to maintain the full width of their easements.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SLADE FOR STAFF TO COORDINATE FOOTNOTE LANGUAGE WITH OWASA AND BRING BACK TWO VERSIONS OF THE REVISED FOOTNOTE 8, CONSIDERING ALDERMAN GIST'S SUGGESTIONS THAT WILL ADDRESS OWASA'S NEED FOR EMERGENCY ACCESS, OSHA STANDARDS, AND TRUCK TURNAROUND REQUIREMENTS. STAFF SHOULD ALSO DISCUSS AMENDING THE FIRST FOOTNOTE OF ATTACHMENT B-1 TO ALLOW FOR A *MAXIMUM* OF TEN FEET. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO THE ENVIRONMENTAL ADVISORY BOARD**

The purpose of this agenda item was for the Board of Aldermen to consider amending the Land Use Ordinance relating to the Environmental Advisory Board's charge and duties to ensure consistency within the review process.

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

Alderman Gist suggested changing the word "oversight" to "input" throughout the ordinance.

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

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.

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 LAND USE ORDINANCE TO MODIFY PROVISIONS RELATED TO THE CHARGE AND RESPONSIBILITIES OF THE ENVIRONMENTAL ADVISORY BOARD AND OTHER ADVISORY BOARDS.

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

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 as it relates to the environmental protection and promotion in Section 5.0 and specifically in the following provision:

5.23 Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing impacts on waterways.

Section 2. The Board concludes that the above described amendment is in the public interest because it clarifies the Environmental Advisory Board's role in the development process and consideration of amendments, and also strengthens the language relating to its charge to fulfill the Town's requirements under its NPDES Phase II stormwater permit for citizens' input of stormwater management activities.

Section 3. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 4. This resolution becomes effective upon adoption.

This the 25th day of February, 2014

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

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

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

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MODIFY PROVISIONS  
RELATED TO THE CHARGE AND RESPONSIBILITIES OF THE ENVIRONMENTAL  
ADVISORY BOARD AND OTHER ADVISORY BOARDS  
Ordinance No. 20/13-14

## THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-45.2 of the Carrboro Land Use Ordinance is rewritten to read as follows:

### Section 15-45.2 Powers and Duties of the EAB

(a) The Environmental Advisory Board shall fulfill the Town's requirements under its NPDES Phase II stormwater permit for citizens input on stormwater management activities.

(b) The Environmental Advisory Board may:

(1) Advise the Board of Alderman on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources. The areas of review for the EAB include new development, solid waste, air quality, stormwater management, climate protection and resilience, energy conservation, solar energy, groundwater, natural resources, and other areas.

(2) Provide recommendations for green building and low impact development as part of new development and redevelopment, including site planning and design, energy efficiency and renewable energy, water efficiency, materials efficiency and waste reduction, indoor environmental quality, and the minimization of pollution and stormwater runoff.

(3) Adopt a set of guiding principles or goals for the EAB and review these goals periodically to determine if they are being obtained.

(4) Take any other action authorized by this chapter or any other ordinance or resolution of the Board of Alderman

Section 2. Section 15-50(c) of the Carrboro Land Use Ordinance is rewritten with the addition of the Environmental Advisory Board to the list of Boards and Commissions in the second sentence below which are identified as having designated members participate in an on-site walkabout. The rewritten section shall read as follows:

(c) After the site analysis plan has been submitted, the planning staff shall schedule a mutually convenient date to walk the property with the applicant and the applicant's site designer. Designated members of the Planning Board, Northern Transition Advisory Committee, Transportation Advisory Board, Environmental Advisory Board, and Appearance Commission, shall be notified of the date and time of this "on-site walkabout." The purpose of this visit is to familiarize town officials with the property's special features and to provide an informal opportunity for an interchange of information as to the developer's plans and the town's requirements.

Section 3. Section 15-57, Recommendations on Conditional Use Permits of the Carrboro Land Use Ordinance is rewritten by adding the Environmental Advisory Board to the list of

those Boards and Commissions to which development applications are referred in Subsections (a), (b), (c), (d), and (e), so that the Section now reads as follows:

(a) Before being presented to the Board of Aldermen, an application for a conditional use permit shall be referred to the planning board, appearance commission, environmental advisory board, and the transportation advisory board for joint review and action in accordance with this section. The Board of Aldermen may not hold a public hearing on a conditional use permit application until the planning board, appearance commission, environmental advisory board, and the transportation advisory board have had an opportunity to consider the application (pursuant to standard agenda procedures) at one regular meeting. In addition, at the request of the planning board, appearance commission, environmental advisory board or the transportation advisory board, the Board of Aldermen may continue the public hearing to allow the respective boards more time to consider the application.

(b) When presented to the planning board, appearance commission, environmental advisory board and the transportation advisory board, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 and other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the Board of Aldermen. If the planning staff report proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirement of this chapter, it shall identify the requirement in questions and specifically state supporting reasons for the proposed findings and conclusions. (AMENDED 09/19/95)

(c) The planning board, appearance commission, environmental advisory board, and the transportation advisory board shall consider the application and the attached staff report in a timely fashion, and may, in its discretion, hear from the applicant or members of the public. (AMENDED 09/19/95)

(d) After reviewing the application, the planning board, appearance commission, environmental advisory board, and the transportation advisory board shall report to the Board of Aldermen whether it concurs in whole part with the staff's proposed findings and conditions, and to the extent there are differences the respective boards shall propose their own recommendations and the reasons therefore. (AMENDED 09/19/95)

(e) In response to the planning board's, the appearance commission's, environmental advisory board's or the transportation advisory board's recommendations, the applicant may modify his application prior to submission to the Board of Aldermen, and the planning staff may likewise revise its recommendations. (AMENDED 09/19/95)

Section 4. Subsection 15-56 (c), Recommendations on Special use permits is amended by adding the term 'Transportation Advisory Board' and 'Environmental Advisory Board' to the list of those boards to which applications may be referred so that this subsection reads as follows:

(c) The board of adjustment may, by general rule applicable to all cases or any class of cases, or on a case by case basis, refer applications to the planning board, the transportation advisory board, the environmental advisory board, or the appearance commission to obtain the recommendations of some or all of these boards.

Section 5. Subsection 15-322(a), Planning Board and other Advisory Consideration of Proposed Amendments, is rewritten by adding the environmental advisory board to the list of boards and commissions to which amendments may be referred so that the subsection reads as follows:

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues, and may refer the amendment to the environmental advisory board if the amendment involves community environment issues.

Section 6. This ordinance shall become effective upon adoption.

This the 25th day of February, 2014

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

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

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**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO  
CONSTRUCTION MANAGEMENT PLANS**

The purpose of this agenda item was for the Board of Aldermen to consider amending the Land Use Ordinance requiring Construction Management Plans for development projects meeting certain criteria. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

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

Ken Reiter, asked for clarification on who will hold the meetings and how quickly staff will turnaround comments and concerns from neighbors.

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

**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**

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 REQUIRE TOWN APPROVAL OF A CONSTRUCTION MANAGEMENT PLAN FOR DEVELOPMENT PROJECTS THAT, DURING THE CONSTRUCTION PROCESS, MAY HAVE A SIGNIFICANT IMPACT ON PUBLIC STREETS OR SIDEWALKS OR NEARBY PROPERTIES.

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

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 as it relates to the mitigation of adverse effect of public health and safety as

part of development as described below in Provisions 2.0 Development and 3.1 Nature of Development:

2.0 Carrboro's development should take place in a manner consistent with a set of adopted values. The health and safety of citizens should be protected.

3.1 In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. This resolution becomes effective upon adoption.

This the 25th day of February, 2014

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

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

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

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE TOWN APPROVAL OF A CONSTRUCTION MANAGEMENT PLAN FOR DEVELOPMENT PROJECTS THAT, DURING THE CONSTRUCTION PROCESS, MAY HAVE A SIGNIFICANT IMPACT ON PUBLIC STREETS OR SIDEWALKS OR NEARBY PROPERTIES

Ordinance No. 21/13-14

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-49(c1) of the Carrboro Land Use Ordinance shall become Subsection 15-49(c2), and Section 15-49 is further amended by adding a new Subsection 15-49(c1) to read as follows:

(c1) If the administrator determines that a proposed development that has been issued a zoning permit, special use permit, or conditional use permit would likely have a significant impact on adjoining or nearby streets, sidewalks, or properties during the construction process, the administrator shall notify the permit recipient that a construction management plan must be submitted and approved by the administrator. Examples of significant impacts include but are not limited to the construction of more than 1000 square feet of new building area in the downtown commercial zoning districts or ground disturbance of more than 20,000 square feet in the downtown commercial zoning districts. A construction management plan shall likewise be submitted and approved by the administrator if required by a condition attached to a conditional or special use permit.

- (1) The administrator shall inform the permit recipient of the contents of the Town Code regarding (i) construction noise and hours of operation (Section 5-12(4)), and (ii) obstructing or excavating within public street rights of way (Sections 7-1, 7-4, and 7-12). The administrator shall also inform the developer that the construction management plan shall commit the developer to compliance with those provisions and shall explain how the developer intends to address other potential impacts identified by the administrator, such as streets to be used or avoided by construction vehicles, the location of entrances to the site for construction vehicles, parking for employees, contractors and subcontractors, and the location on the site for the staging of construction materials and equipment, and concerns about potentially harmful pollutants including by not limited to dust, debris and aerosols.
- (2) If a development triggers a construction management plan, a meeting will be held by the developer with surrounding residents and businesses to elicit their input into the development of the construction management plan and to ensure its implementation. Town staff shall be present at the meeting and shall record the minutes to make certain that public input is conveyed to the applicant and incorporated into the construction management plan.
- (3) No construction may be commenced until the construction management plan has been approved. The administrator shall approve the plan if the plan proposes measures to mitigate the potential negative impacts of the project during the construction process to the extent reasonably practical under all the circumstances.
- (4) The provisions of an approved construction management plan shall be enforceable in the same manner as other provisions of this chapter.

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

This the 25th day of February, 2014

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

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

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## **PROPOSED REVISIONS TO THE DCHC-MPO MEMORANDUM OF UNDERSTANDING**

This agenda item was a continuation of the Board of Aldermen's discussion on February 4, 2014, regarding proposed revisions to the DCHC-MPO MOU.

Jeff Brubaker, the Town's Transportation Planner, made the staff presentation.

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

### **A RESOLUTION APPROVING THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION MEMORANDUM OF UNDERSTANDING**

WHEREAS, Section 134 of Title 23 of the United States Code establishes requirements for the designation of metropolitan planning organizations (MPOs), plans to be developed, transportation modes to be included in the planning process, and other factors; and,

WHEREAS, the aforementioned section requires a “performance-driven, outcome-based approach to planning” for an intermodal (including bicycle and pedestrian) transportation system; and,

WHEREAS, Section 66.2 of Chapter 136 of the North Carolina General Statutes requires that MPOs develop comprehensive transportation plans (CTP); and,

WHEREAS, the Town of Carrboro has participated in the regional transportation process as an active member of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO); and,

WHEREAS, the planning activities of the DCHC-MPO are governed by a Memorandum of Understanding (MOU) approved and signed by the State and all MPO member jurisdictions; and,

WHEREAS, the current MOU was executed in January 1994; and,

WHEREAS, several changes are necessary to “reflect current federal and state legislation and regulations, planning practices of the MPO, updated population figures, and best planning principles”, as stated by MPO staff; and,

WHEREAS, the Transportation Advisory Committee of the MPO approved the revisions on October 9, 2013, but it must be approved by member jurisdictions’ governing bodies in order to be fully executed; and,

WHEREAS, the Town of Carrboro continues to be committed to working with all MPO member jurisdictions to further cooperative, comprehensive, and continuing transportation planning; and,

WHEREAS, the Board of Aldermen reviewed the revisions to the MOU on February 4, 2014, and directed that a follow-up meeting be scheduled in order to receive more information;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approves the revised Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) Memorandum of Understanding as included in Attachment B.

BE IT FURTHER RESOLVED that the Board of Aldermen authorizes the Mayor to execute the revised DCHC-MPO Memorandum of Understanding as included in Attachment B.

BE IT FURTHER RESOLVED that the Board of Aldermen authorizes the Mayor to execute the DCHC-MPO Memorandum of Understanding as included in Attachment B with the following alternative language replacing the current language on p. 6 regarding a quorum.

Current language



“A quorum of the MPO Board shall consist of a majority of the voting members whose votes together represent a majority of the possible weighted votes identified in the weighted vote schedule below.”

Alternative language

“A quorum of the MPO Board shall exist when both of the following two conditions are met:

1. A majority of the voting members are present.
2. The voting members who are present represent a majority of the possible weighted votes identified in the weighted vote schedule below.”

BE IT FURTHER RESOLVED that the Board of Aldermen acknowledges that the process for payment of the local match by the Town of Carrboro to the MPO for MPO planning activities included in the Unified Planning Work Program (UPWP) – including, but not necessarily limited to, the timing of payment and documentation necessary for payment – will be subject to further discussion by Town staff, MPO staff, staff from other MPO member jurisdictions, and, if necessary, the Board of Aldermen and MPO Transportation Advisory Committee.

This the 25th day of February, 2014

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

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

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**DISCUSSION OF ADVISORY BOARD APPOINTMENTS**

The Mayor and Board of Aldermen discussed appointments to the Town's advisory boards.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN JOHNSON TO APPOINT SETH MAID AND EARLEEN BURCH TO THE HUMAN SERVICES COMMISSION FOR TERMS TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPOINT LEO GAEV TO A RESIDENT SEAT FOR A TERM TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO RECOMMEND TO THE BOARD OF COMMISSION OF ORANGE COUNTY THAT THEY REAPPOINT SUSAN POULTON TO THE TRANSITION AREA SEAT ON THE PLANNING BOARD FOR A TERM TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN GIST TO APPOINT WENDY DALE TO THE APPEARANCE COMMISSION FOR A TERM TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN JOHNSON TO APPOINT JAY BRYAN TO A SEAT ON THE NORTHERN TRANSITION AREA ADVISORY COMMITTEE FOR A TERM TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SLADE TO APPOINT EVA WEBER TO THE ARTS COMMITTEE FOR A TERM TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN JOHNSON TO APPOINT BRUCE SINCLAIR, MICHELLE HOLDER, JAE FURMAN TO THE ENVIRONMENTAL ADVISORY BOARD FOR A TERM TO EXPIRE IN 2017 AND TO APPOINT GABE RIVIN FOR A TERM TO EXPIRE IN 2015. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN SLADE TO APPOINT CATHERINE ADAMSON, BETHANY CHANEY, AND RAFAEL BAPTISTA TO THE PLANNING BOARD FOR TERMS THAT EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN SLADE TO APPOINT DANIEL SILER TO THE OUT OF TOWN SEAT ON THE RECREATION AND PARKS COMMISSION FOR A TERM TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SLADE TO APPOINT KENDRA VAN PELT TO THE RECREATION AND PARKS COMMISSION FOR A TERM TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN JOHNSON TO APPOINT JAMES BAKER AND SRIV NAVARATNAM TO THE BOARD OF ADJUSTMENT FOR TERMS TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN SEILS TO APPOINT DIANA MCDUFFEE, KURT STOLKA, AND SCOTT BOONE TO THE TRANSPORTATION ADVISORY BOARD FOR TERMS TO EXPIRE IN 2017. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN GIST TO APPOINT TERRI TURNER AND BETSY BERTRAM TO THE ECONOMIC SUSTAINABILITY COMMISSION FOR TERMS TO EXPIRE IN 2017. VOTE AFFIRMATIVE ALL

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## **ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN JOHNSON TO ADJOURN THE MEETING AT 9:18 PM. VOTE: AFFIRMATIVE ALL