



Town of Carrboro

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

**Meeting Minutes
Board of Aldermen**

Tuesday, March 4, 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

CHARGES ISSUED TO RECENTLY APPOINTED ADVISORY BOARD MEMBERS

The Town Clerk issued charges to the following recently appointed advisory board members:

1. Environmental Advisory Board – Michelle Holder
2. Transportation Advisory Board – Scott Boone
3. Recreation and Parks Commission – Daniel Siler
4. Arts Committee – Eva Weber
5. Appearance Commission – Wendy Dale
6. Planning Board – Rafael Baptista

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SEILS THAT THE MINUTES OF FEBRUARY 2, FEBRUARY 11, FEBRUARY 18, AND FEBRUARY 25, 2014 BE APPROVED. VOTE: AFFIRMATIVE ALL

**A REQUEST TO MAKE AN APPOINTMENT TO THE CARRBORO NORTHERN
TRANSITION AREA ADVISORY COMMITTEE**

The Mayor and Board of Aldermen considered recommending to the Orange County Board of Commissioners that Amy Jeroloman be reappointed as an Orange County representative on the Northern Transition Area Advisory Committee.

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

**A RESOLUTION RECOMMENDING THAT THE ORANGE COUNTY BOARD OF
COMMISSIONERS MAKE AN APPOINTMENT TO THE NORTHERN TRANSITION AREA
ADVISORY COMMITTEE**

WHEREAS, There is an Orange County representative seat currently held by Amy Jeroloman on the NTAAC; and,

WHEREAS, Section 15-27 (a) of the Town Code reads, "There shall be a Northern Transition Area Advisory Committee consisting of five members, three appointed by the Orange County Board of Commissioners and two by the Board of Aldermen. If the Board of Commissioners fails to make these appointments within ninety days after receiving a resolution from the Board of Aldermen requesting that they be made, the Board of Aldermen may make them. All members shall be residents of the Northern Transition Area;" and,

WHEREAS, Staff has verified that Amy Jeroloman meets the residency requirements; and,
**THEREFORE BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
TOWN OF CARRBORO THAT:**

Section 1: Amy Jeroloman's application is hereby forwarded to the Board of Orange County Commissioners and recommended for re appointment to the Town of Carrboro's Northern Transition Area Advisory Committee; and,

Section 2: The reappointment be made for a term to expire 1/2017; and,

Section 3: The Town Clerk shall forward a copy of this resolution to the Orange County Board of Commissioners; and,

Section 4 : This resolution is effective immediately upon adoption.

This the 4th day of March, 2014

The motion carried by the following vote:

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

PRESENTATION FROM RAUL PINTO, ACLU REGARDING POLICE CHECKPOINTS

Raul Pinto, representing the ACLU, made the presentation to the Board.

Alderman Slade asked for staff to provide follow-up information regarding correction made on the filing process with form SB-122 and statistics on undocumented driver enforcement that was initiated at check-points.

CONTINUATION OF CONSIDERATION OF 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 continue the discussion from the February 25th public hearing regarding possible amendments to 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.

A motion was made by Alderman Seils, seconded by Alderman Johnson to approve the resolution below:

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 CLARIFY REQUIREMENTS FOR EXEMPT AND ALLOWABLE ACTIVITIES RELATED TO UTILITIES IN WATER QUALITY BUFFERS.

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 provisions

5.22 Carrboro should adopt a strategy and set of policies to protect all of our creeks, streams, ponds, and lakes.

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 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 4th day of March, 2014

The motion carried by the following vote:

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

Alderman Slade recommended that footnote 8 be amended to read, "8 The width of the corridor that is maintained to exclude woody vegetation will not exceed 20 feet except to accommodate vehicle turnaround, preparedness for emergency situations, and state and federal regulatory standards."

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

Section 15-270.5 Exempt and Allowable Activities

(c) Table of Exempt and Allowable Activities in Water Quality Buffers

(NOTE: ALL ENTRIES IN THIS TABLE NOT SHOWN BELOW WILL NOT BE AFFECTED BY THE PROPOSED AMENDMENT)

Activity	Exempt	Allowable	Allowable with Mitigation
Recreation			
Greenway / hiking trails ¹ designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical		X	
Utilities			
Electric utility, aerial, perpendicular crossings ^{2,3,4} : <ul style="list-style-type: none">• Disturb equal to or less than 100 linear feet of buffer• Disturb greater than 100 linear feet of buffer	X	X	

¹ To the extent practicable, greenway easements shall be located a minimum of 10 feet from the top of bank; surfaces shall be a minimum of 15 feet from the top of bank

² Provided that within 30 feet of surface waters, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the Administrator as defined in Section 15-269.6.

Activity	Exempt	Allowable	Allowable with Mitigation
Electric utility, aerial, other than perpendicular crossings ³ : <ul style="list-style-type: none"> • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters^{2,4,5}: 	X	X	X
Electric utility, underground, perpendicular crossings ^{3,4,6} : <ul style="list-style-type: none"> • Disturb less than or equal to 40 linear feet of buffer • Disturb greater than 40 linear feet of buffer 	X	X	

- A zone at least 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Riprap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.

• In wetlands, mats shall be utilized to minimize soil disturbance.

³ Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

⁴ Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless the Administrator completes a no practical alternative evaluation as defined in Section 15-269.6

⁵ Provided that:

- No heavy equipment shall be used within 30 feet of surface waters.
- Vegetation in undisturbed portions of the buffer is not compromised.
- Felled trees are removed by chain. A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable.
- Trees are shall be: 1) felled so as not to damage trees not intended for removal or stream banks; and 2) removed by chain.
- No permanent felling of trees occurs in protected buffers or streams.
- Stumps shall be removed only by grinding.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- At the completion of the project the disturbed area shall be stabilized with native vegetation.
- The condition and use of the area within 50 feet of surface waters shall be consistent with Sections 15-269.3 and 15-269.4.
- ⁶ A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable.
- Trees shall be felled so as not to damage trees not intended for removal or stream banks.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Stump grinding is allowable only for stumps more than 30 feet from surface waters.
- Provided that, within 30 feet of surface water, all of the following BMPs for underground utility lines shall be used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Administrator, as defined in Section 15-269.6.
- Stumps shall remain, except in the trench where trees are cut.

Activity	Exempt	Allowable	Allowable with Mitigation
Non-electric utility, other than perpendicular crossings ^{3, 6, 5} : <ul style="list-style-type: none"> • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters^{5, 8} 	X	X	X

This the 4th day of March, 2014

The motion carried by the following vote:

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

UPDATE ON IMPLEMENTATION OF IMPROVEMENTS IN THE HISTORIC ROGERS ROAD AREA - PRELIMINARY ENGINEERING AND OUTREACH EFFORTS

The purpose of this agenda item was to provide the Board of Aldermen an opportunity to consider information on the next phase of planning for the extension of sewer service to the Historic Rogers Road area, and on an outreach effort that will seek to clarify the vision for development in the area.

Trish McGuire, the Town's Planning Administrator, made the staff presentation.

Alderman Slade asked for the Town Managers to meet to further discuss the community outreach component and for the attorney to determine if there have been alternative methods identified that will allow the Town of Chapel Hill to financially participate. He expressed concern that the outreach proposal will address any future "changes that may occur in the Community" and stated that he does not want the effort to engage in any scare tactics with the citizens.

Rev. Robert Campbell asked the Board to move forward with the preliminary engineering study.

⁸ The width of the corridor that is maintained to exclude woody vegetation will not exceed 20 feet in width except to accommodate vehicle turnaround, preparedness for emergency situations, and state and federal regulatory standards. Permanently maintained areas will generally not exceed 20 feet in width. Occasional wider widths are allowable to accommodate vehicle turnaround.

Alderman Seils recommended that the Board discuss the community outreach further after a meeting between the managers. He also recommended that the County administer the agreement with the Jackson Center and be reimbursed by the Towns. He asked for the manager to confirm the \$130,000 - \$150,000 quoted amount from OWASA. He also asked that if a larger district is being considered, be clear that Carrboro is interested in financial contribution for only those 86 parcels.

It was requested that the Town Manager also suggest the concept of a utility district in the meetings.

Alderman Johnson asked for the Manager to make sure that RENA is included in future conversations and to note that they were left out of the conversations between the Town of Chapel Hill and the Jackson Center. She also asked for the manager to report back to the Board with additional timeline information regarding the public outreach portion of the work.

Alderman Haven-O'Donnell agreed that RENA should be involved in the conversations regarding community outreach. She also asked for staff to confirm that the preliminary engineering includes the original 86 parcels in the Historic Rogers Road Area and that Carrboro's previously agreed upon portion of 14%, to come from the \$900,000 pledged amount, is being used for that scope of work.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN JOHNSON FOR THE TOWN TO:

A RESOLUTION SPECIFYING FOLLOW-UP ACTIONS RELATED TO PRELIMINARY ENGINEERING AND OUTREACH EFFORTS FOR HISTORIC ROGERS ROAD SEWER PROJECT

WHEREAS, the Board of Aldermen has supported efforts to make improvements in the Historic Rogers Road area, most recently evidenced by active participation in the work of the Historic Rogers Road Neighborhood Task Force; and

WHEREAS, the Board of Aldermen has previously adopted resolutions expressing its commitment to allocating \$900,000 towards Rogers Road improvements; and

WHEREAS, the Board of Aldermen appropriated \$450,000 from the Town's fund balance to support Rogers Road-related improvements on April 2, 2013; and

WHEREAS, following the consensus from the November 21, 2013 Assembly of Governments meeting to move forward with further analysis of the mechanics/feasibility of the sewer alignments that were identified through preliminary investigations, OWASA staff has provided a preliminary scope of work and cost for this next step; and

WHEREAS, The Town of Chapel Hill has also estimated the cost of a public outreach effort, a concept identified by the Managers and also endorsed by the HRRTF that would seek to identify action steps to provide sewer service to the neighborhood.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen direct the Town Manager to work with staff of OWASA, Orange County and Chapel Hill to refine the scopes of services for sewer extension and outreach, prepare appropriate agreements, and sign relevant agreements on behalf of the Town with the following conditions:

1) PROCEED WITH THE PRELIMINARY ENGINEERING

2) FOR THE TOWN MANAGER TO SCHEDULE A MEETING WITH THE MANAGERS TO DISCUSS:

- a. OUTREACH PROPOSAL – MAKE SURE THE TOWN IS INVOLVED IN THE DISCUSSION TO DEFINE THE SCOPE OF WORK.
- b. MAKE SURE RENA IS INVOLVED IN THE DISCUSSIONS. POINT OUT THAT THEY WERE LEFT OUT OF PREVIOUS DISCUSSIONS B/W CH AND JACKSON CENTER
- c. ANSWER: WHO WILL ADMINISTER? WHO WILL DO THE WORK? WHO WILL PAY? THE BOARD EXPRESSED A DESIRE FOR OC TO ADMINISTER THE CONTRACT AND FOR THE TOWN'S TO REIMBURSE OC FOR THEIR PREVIOUSLY AGREED UPON PERCENTAGE.
- d. REPORT BACK TO THE BOARD WITH ADDITIONAL TIMELINE INFORMATION REGARDING THE PUBLIC OUTREACH PORTION OF THE WORK.

3) FOR THE TOWN MANAGER TO CONFIRM :

- a. THE \$130,000-\$150,000 QUOTED AMOUNT WITH OWASA AND REPORT BACK TO THE BOARD
- b. THAT PRELIMINARY ENGINEERING INCLUDES ORIGINAL 86 PARCELS IN THE HISTORIC ROGERS ROAD AREA AND THAT CARRBORO'S PREVIOUSLY AGREED UPON PORTION OF 14% (\$900,000) IS BEING USED FOR THAT SCOPE OF THE WORK. IF IT IS A LARGER DISTRICT THAT IS BEING CONSIDERED, BE CLEAR THAT CARRBORO IS INTERESTED IN FINANCIAL CONTRIBUTION FOR ONLY THOSE 86 ORIGINAL PARCELS.

4) FOR THE TOWN ATTORNEY TO DETERMINE FROM THE CHAPEL HILL ATTORNEY IF THE TOWN IS INTERESTED IN SEEKING ADDITIONAL MEASURES FOR PARTICIPATION. ARE THEY CONSIDERING A UTILITY DISTRICT?

This the 4th day of March, 2014

The motion carried by the following vote:

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

TOWN CODE AMENDMENT ESTABLISHING A SAFE ROUTES TO SCHOOL IMPLEMENTATION COMMITTEE

The Board of Aldermen was asked to consider establishing a Safe Routes to School Implementation Committee to recommend transportation projects, policies, programs, or activities that serve to increase the safety and convenience of walking and bicycling to school and fulfill related functions.

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

Alderman Gist suggested that the student seats be voting members

Alderman Haven-O'Donnell expressed the need to have better communication regarding Safe Routes to School efforts between the Town and the School Board.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL FOR STAFF TO AMEND THE DRAFT ORDINANCE TO MAKE THE STUDENT SEATS VOTING MEMBERS AND FOR THE QUORUM NUMBER TO BE A MINIMUM OF 7 MEMBERS. VOTE: AFFIRMATIVE ALL

CLOSED SESSION

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN GIST TO ENTER INTO CLOSED SESSION TO DISCUSS AN ECONOMIC DEVELOPMENT MATTER. VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN JOHNSON TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

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