



# Town of Carrboro

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

## Meeting Minutes Board of Aldermen

**Tuesday, March 18, 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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### **PROCLAMATION HONORING THE CHAPEL HILL HIGH SCHOOL LADY TIGERS - 3A STATE BASKETBALL CHAMPIONS**

Mayor Lavelle proclaimed Wednesday March 19, 2014 as “Chapel Hill High School Lady Tigers Basketball Day” and presented Coach Sherry Norris and the team with the proclamation.

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### **EARTH HOUR RESOLUTION**

The purpose of this agenda item was to present a resolution supporting Earth Hour.

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

#### **A RESOLUTION FOR PARTICIPATION IN EARTH HOUR ON MARCH 23RD**

WHEREAS, March 29th, 2014, 8:30 PM has been designated as “Earth Hour” by the World Wildlife Fund as a reminder that, by working together, people can make a positive impact in the fight against climate change;

WHEREAS, Carrboro is joining with others across the country and around the world to raise awareness and demonstrate commitment to addressing climate change by supporting “Earth Hour,” and;

WHEREAS, “Earth Hour” involves something quite simple:—turning off lights for one hour, and otherwise raising awareness and building a global commitment;

WHEREAS, “Earth Hour” is the largest event of its kind in the world;

WHEREAS, Carrboro has joined Cities for Climate Protection, and is committed to reducing greenhouse emissions;

WHEREAS, the Board of Aldermen adopted a climate protection resolution in December, 2009;

THEREFORE, the Carrboro Board of Aldermen, do hereby proclaim, March 29, 2014 from 8:30 – 9:30p.m. as “Earth Hour” in Carrboro and call upon all residents and businesses of Carrboro to join in supporting the aims and goals of this effort.

FURTHERMORE, the Carrboro Board of Aldermen, do hereby direct staff to send out a public service announcement to publicize “Earth Hour”.

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

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

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**APPROVAL OF PREVIOUS MEETING MINUTES**

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN JOHNSON TO APPROVE THE MEETING MINUTES OF MARCH 4 AND MARCH 11, 2014. VOTE: AFFIRMATIVE ALL

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**REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO BUILDING SETBACKS**

The purpose of this agenda item was for the Board of Aldermen to consider setting a public hearing on potential text amendments modifying the building setback provisions as they relate to roof overhangs. A resolution setting a public hearing date for April 22, 2014 has been prepared, and advisory board review has also been requested prior to the public hearing.

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY SETBACK PROVISIONS RELATING TO ROOF OVERHANGS

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 April 22, 2014, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Modify Setback Provisions Relating to Roof Overhangs.”

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

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

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

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**TOWN CODE AMENDMENT ESTABLISHING A SAFE ROUTES TO SCHOOL IMPLEMENTATION COMMITTEE**

Following up on a March 4, 2014, agenda item, the Board of Aldermen was asked to consider establishing a Safe Routes to School Implementation Committee.

**A motion was made by Alderman Gist, seconded by Alderman Johnson to approve the ordinance below:**

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CARRBORO TOWN CODE TO ESTABLISH A SAFE ROUTES TO SCHOOL IMPLEMENTATION COMMITTEE**

Ordinance No. 24/13-14

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article V of Chapter 3 of the Carrboro Town Code is amended by adding new sections as follows:

Section 3-24.10 Safe Routes to School Implementation Committee Established

(a) There shall be a Safe Routes to School Implementation Committee composed of thirteen voting members. One of these members shall be a member of the Board of Aldermen appointed by the Board as a liaison member. Twelve of these members shall be appointed by the Board of Aldermen and shall be composed as follows:

- (1) One member of the Chapel Hill-Carrboro City Schools Board of Education
- (2) One member of the Chapel Hill-Carrboro City Schools administration
- (3) One member of the administration, faculty, or staff of Carrboro Elementary School
- (4) One member of the administration, faculty, or staff of McDougle Elementary School
- (5) One member of the administration, faculty, or staff of Morris Grove Elementary School
- (6) One member of the Transportation Advisory Board

- (7) One representative of the North Carolina Department of Transportation
- (8) One parent of a student attending an elementary school in Carrboro
- (9) One resident of the Town with a demonstrated background in public health, physical activity promotion, or active transportation
- (10) One youth member enrolled in high school
- (11) One youth member enrolled in middle school
- (12) One youth member enrolled in elementary school

The members denoted by (1) through (7) in this list above shall be recommended by their respective organizations. The member denoted by (8) shall be eligible to serve on the Committee in any calendar year in which his or her child is or was enrolled as a student. The Board of Aldermen may appoint the youth members denoted by (10) through (12) after receiving recommendations from their respective schools. The Board of Aldermen may appoint alternate members for each of these members to serve when the members are not present.

(b) Excluding the Board liaison member and youth members, voting members of the Committee shall serve three-year staggered terms, but members may continue to serve until their successors are appointed and qualified. The terms of three seats shall expire on February 1, 2016, and every third anniversary thereafter. The terms of three seats shall expire on February 1, 2017, and every third anniversary thereafter. The terms of three seats shall expire on February 1, 2018, and every third anniversary thereafter.

(c) The Board liaison member shall serve at the pleasure of the Board. The Board may appoint an alternate Board liaison member to serve when the liaison member is unavailable.

(d) Youth members shall serve one-year terms but may continue to serve until their successors are appointed and qualified and as long as they remain enrolled the same school or at the same level (elementary, middle, high) of another school in Carrboro.

(e) Committee members may be appointed for a maximum of two successive terms (or any part thereof). A member who has served for two successive terms (or any part thereof) shall be eligible for re-appointment only after an absence from the Committee of at least one year.

(f) Members may be removed as follows:

(1) The chairman shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chairperson waives the requirement, members shall be removed if they are absent from three consecutive meetings. The town clerk shall notify the chairperson in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

Section 3-24.11 Meetings and Officers of the Safe Routes to School Implementation Committee

- (a) Beginning with calendar year 2015, the Committee shall hold regular meetings at least three times per calendar year at such times and places as it shall designate.
- (b) A quorum shall consist of a majority of the non-vacant seats on the Committee, except that in no case shall a quorum consist of fewer than eight members.
- (c) Abstention from voting is strongly discouraged except in circumstances when a member has a direct financial interest in the outcome of the matter at issue. Abstention shall not be required in any case, but members are expected to disclose potential conflicts of interest that are not apparent from the nature of the matter at issue.
- (d) The Committee shall designate one of its members to serve as chairperson and one to serve as vice-chairperson. These officers shall be selected annually at the commission's first meeting of the year and shall serve for terms of one year unless their terms of appointment to the Committee sooner expire. A member may be selected to serve as chairperson for not more than two consecutive full one-year terms. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

Section 3-24.12 Powers and Duties of the Safe Routes to School Implementation Committee

- (a) The Committee shall recommend transportation projects, policies, programs, or activities that serve to increase the safety and convenience of walking and bicycling to school. The Committee shall provide guidance and support for implementing the recommendations of the adopted Safe Routes to School Action Plan and evaluating implementation progress. The Committee may provide assistance with seeking project or program funding, including applying for grants, Safe Routes to School event planning, and data collection.
- (b) In creating this section, the Board of Aldermen finds that while safe walking and bicycling options are important for all levels of K-12 education, Safe Routes to School efforts typically focus on elementary and middle schools. Therefore, the Committee shall focus its efforts on existing or planned elementary and middle schools within Town limits.
- (c) The Committee may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

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

Section 3. This ordinance shall become effective upon adoption.

This the 18th 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

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

The Board of Aldermen approved a revised version of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) Memorandum of Understanding (MOU) on February 25, 2014, and authorized the Mayor to sign it. The MPO Transportation Advisory Committee (TAC) approved a further-revised version on March 12, 2014. The resolution below approved this version and authorized the Mayor to sign it.

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

**A RESOLUTION APPROVING A REVISED VERSION OF 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 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 Transportation Advisory Committee (TAC) of the MPO approved a revised MOU on October 9, 2013; and,

WHEREAS, on February 25, 2014, the Board of Aldermen approved the revised MOU and authorized the Mayor to sign it; and,

WHEREAS, on March 12, 2014, the TAC subsequently approved a version of the MOU revised further by non-substantial changes; and,

WHEREAS, the Board finds it prudent to re-approve the March 12, 2014, MOU and reauthorize the Mayor to sign it, in order to ensure the highest degree of consistency in its approval process;

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, dated March 12, 2014, including any subsequent versions of it with non-substantive changes only.

BE IT FURTHER RESOLVED that the Board of Aldermen authorizes the Mayor to execute the revised Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) Memorandum of Understanding as included in Attachment B, dated March 12, 2014, including any subsequent versions of it with non-substantive changes only.

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 18th 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

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**REPORT ON THE PLANNING BOARD'S COMMUNITY ZONING CONVERSATIONS**

The purpose of this agenda item was to provide the Board of Aldermen with a report on the Planning Board's "Community Zoning Conversations" outreach program held in October of 2013.

Bethany Chaney, the chair of the Planning Board, made the presentation to the Board.

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

A RESOLUTION RECEIVING THE PLANNING BOARD'S REPORT, "CARRBORO COMMUNITY ZONING CONVERSATIONS: RESULTS AND RECOMMENDATIONS "

WHEREAS, an outreach committee of the Town of Carrboro Planning Board sponsored a series of three dialogue sessions on zoning held during the month of October, 2013; and

WHEREAS, the Chair of the Planning Board presented a report on the Planning Board's 2013 dialogue sessions on zoning.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the report and directs staff to schedule a work session to discuss the public input process.

This the 18th 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

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**UPDATE ON STORMWATER VOLUME CONTROL REQUIREMENT**

The purpose of this item was to provide an update regarding implementation of a stormwater volume requirement in the Land Use Ordinance.

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

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

**A RESOLUTION RECEIVING A STAFF UPDATE REGARDING STORMWATER PROVISIONS  
IN THE LAND USE ORDINANCE**

**WHEREAS**, the Carrboro Land Use Ordinance was amended in 2012 with a provision limiting the volume of permissible stormwater volume that runs off a developed site that provides additional protection for groundwater resources and the stability of stream channels.

**NOW, THEREFORE**, The Board of Aldermen of the Town of Carrboro receives the staff update discussing this ordinance provision and staff experience with its implementation.

This the 18th 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

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**MATTERS BY BOARD MEMBERS**

The Mayor and Board of Aldermen provided a brief update from their respective advisory boards and subcommittees.



**ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS TO  
ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL

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TOWN CLERK

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MAYOR