



Town of Carrboro

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

Meeting Minutes

Board of Aldermen

Tuesday, May 20, 2014

7:30 PM

Board Chambers - Room 110

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

Absent: Alderman Michelle Johnson

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

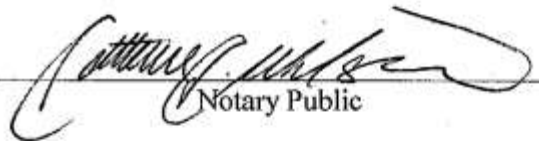
OATH OF OFFICE ISSUED TO ALDERMAN-ELECT BETHANY CHANEY

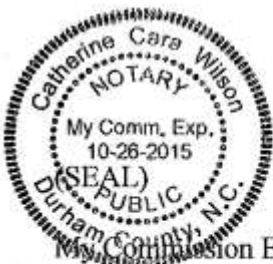
Judge Allen Baddour, Superior Court Judge, administered the oath of office to Alderman Bethany Chaney. Alderman Chaney, along with other members of the Board, made comments.

I, Bethany Chaney, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Alderman of the Town of Carrboro, on which I am about to enter, according to my best skill and ability; so help me God.


Bethany Chaney

Sworn to and subscribed before me this 20th day of
May, 2014


Notary Public



My Commission Expires: 10/26/2015

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN GIST TO APPOINT ALDERMAN CHANEY AS THE SECOND REPRESENTATIVE ON THE CHAPEL HILL TRANSIT PARTNERS COMMITTEE. VOTE: AFFIRMATIVE ALL, ABSENT ONE (JOHNSON)

INDIGENOUS PEOPLES DAY

Steve Dear requested that the Board adopt a resolution proclaiming October 2, 2014 as Indigenous Peoples Day. He asked for Alderman Slade and Alderman Johnson to work on drafting a resolution for this topic.

Alderman Gist asked for this item to be shared with the School Board.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY, FOR ALDERMEN SLADE AND JOHNSON TO WORK ON DRAFTING A RESOLUTION FOR INDIGENOUS PEOPLES DAY WITH STEVE DEAR. VOTE: AFFIRMATIVE ALL

UPDATE FROM OWASA

Steve Dear, the Carrboro Representative on the OWASA Board of Directors, provided the update to the Board.

Alderman Haven-O'Donnell asked if OWASA has an official position on the use of aerators for pollution control in Jordan Lake. She asked for him to bring information back to the Board on regarding OWASA's research and position on this item.

Alderman Slade asked if OWASA has expressed any concerns to the Mining and Energy Commission on their concerns of fracking and if not, he encouraged them to do so. He also asked if the Jordan Lake allocation application would at all be changed based on the Cane Creek Reservoir's. He stated that the Town is supportive of the efforts to reduce customer's bills.

Mayor Lavelle asked that the OWASA representatives provide an annual update to the Board of Aldermen.

PROCLAMATION PUBLIC WORKS WEEK

Mayor Lavelle proclaimed the Week of May 18-24 as “National Public Works Week” in the Town of Carrboro.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN HAVEN-O’DONNELL, SECONDED BY ALDERMAN SEILS, TO APPROVE THE MINUTES OF MAY 6 AND MAY 13, 2014. VOTE: AFFIRMATIVE ALL

INDEPENDENT AUDIT CONTRACT FOR FY 2013-14

The purpose of this item was to award the contract for the Town’s annual audit for the fiscal year ending June 30, 2014.

Motion was made by Alderman Slade, seconded by Alderman Haven-O’Donnell to approve the resolution below:

A RESOLUTION AWARDING THE CONTRACT FOR THE FY 2013-14 AUDIT

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

Section 1. The audit contract for the fiscal year ending June 30, 2014 is awarded to Dixon Hughes Goodman LLP for a total cost of \$53,000.

Section 2. The Mayor is authorized to sign the Audit Contract required by the Local Government Commission and Dixon Hughes Goodman LLP Letter of Engagement.

Section 2. This resolution shall become effective upon adoption.

This the 20th day of May, 2014

The motion carried by the following vote:

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

UPDATE ON STORM WATER FLOODING ISSUES

The purpose of this item was to provide the Board of Aldermen an update on various storm water flooding issues since the last report on February 11, 2014.

Alderman Seils stated that he will provide photographs of recent flooding to the Public Works Director.

Alderman Chaney asked for staff to look into the source of grease dumping on Old Pittsboro Road and report back to the Board.

Alderman Haven-O'Donnell asked if there was a hotline for someone to call to report flooding issues in Town. She also asked for staff to consider a hotline for tornado warnings for people that don't have access to shelter.

Alderman Seils asked for staff to be included in the conversation with Orange County regarding their emergency preparedness plan.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN GIST THAT THIS REPORT BE ACCEPTED WITH THE COMMENTS FROM THE BOARD. VOTE: AFFIRMATIVE ALL

REQUEST TO MAKE AN APPOINTMENT TO THE HUMAN SERVICES COMMISSION

The purpose of this item was for the Mayor and Board to consider making an appointment to the Human Services Commission.

Motion was made by Alderman Slade, seconded by Alderman Haven-O'Donnell to approve the resolution below:

A RESOLUTION MAKING AN APPOINTMENT TO THE
HUMAN SERVICES COMMISSION

WHEREAS, Barbara Foushee has submitted her application to the Human Services Commission and there are two vacant seats.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES;

Section 1. The Board of Aldermen hereby appoints Barbara Foushee to the Human Services Commission for a term to expire in February of 2016.

Section 2. This resolution shall become effective upon adoption.

This the 20th day of May, 2014

The motion carried by the following vote:

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

Absent: Alderman Johnson

REQUEST TO APPROVE A SUPPLEMENTAL AGREEMENT WITH NCDOT RELATING TO THE BIKE LOOP DETECTORS PROJECT

The Board was asked to approve the Supplemental Agreement to extend the milestone dates for completion of preliminary engineering and construction of the project.

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

A RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH NCDOT
RELATING TO THE BIKE LOOP DETECTORS (U-4726-DF) PROJECT

WHEREAS, additional time is needed to complete preliminary engineering and construction of the Bike Loop Detectors project (U-4726-DF);

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board approves the Supplemental Agreement with NCDOT to extend preliminary engineering and construction milestone dates for the Bike Loop Detectors project and authorizes the Town Manager to execute the Supplemental Agreement.

This the 20th day of May, 2014

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

Absent: Alderman Johnson

**APPLICATION FOR FEDERAL AND STATE FINANCIAL REIMBURSEMENT FOR ICE
STORM RESPONSE AND DEBRIS**

The purpose of this item was to designate agents to act on behalf of the Town to receive approximately \$22,000 from the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Emergency Management for the ice storm that occurred on March 7, 2014.

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

A RESOLUTION TO DESIGNATE AGENT FOR STATE AND FEDERAL FINANCIAL
ASSISTANCE UNDER FEMA

WHEREAS, the Town of Carrboro has qualified for certain state and federal financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, the Town of Carrboro desires to receive such state and federal financial assistance.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT, The Town Manager is designated as the Primary Agent and the Fire Chief is designated as the Secondary Agent and authorized to execute and file application for any and all federal and/or state assistance on behalf of the Town for the purpose of obtaining state and federal financial assistance.

BE IT FURTHER RESOLVED THAT, The Town Manager and Fire Chief are authorized to represent

and act for the Town of Carrboro in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by grant agreements and to make certain assurances.

This resolution shall become effective upon adoption.

This the 20th day of May, 2014

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

Absent: Alderman Johnson

REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) AND TO CREATE AMENDMENTS AS NEEDED BETWEEN THE TOWN OF CARRBORO AND THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL FOR FIBER OPTIC INFRASTRUCTURE FACILITIES SHARING AND/OR EXCHANGE

The purpose of the MOU and Amendments was to allow the Town of Carrboro and the University of North Carolina at Chapel Hill to interconnect portions of their respective existing fiber optic cable plant to facilitate network path redundancy and diversity, access to high speed and low cost internet access through MCNC's NCREN network, facilitate interconnection of regional fiber networks for inter-municipality emergency services communications, fiber optic infrastructure planning, engineering and administration expertise sharing and many other benefits.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) AND TO CREATE AMENDMENTS AS NEEDED BETWEEN THE TOWN OF CARRBORO AND THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL FOR FIBER OPTIC INFRASTRUCTURE FACILITIES SHARING AND/OR EXCHANGE

WHEREAS, the Town of Carrboro and the University of North Carolina at Chapel Hill jointly desire to formally recognize and maintain a mutually beneficial and collaborative environment surrounding the planning, engineering, deployment, documentation and maintenance of their respective fiber optic infrastructure resources; and,

WHEREAS, the Town of Carrboro and the University of North Carolina at Chapel Hill jointly acknowledge that each entity would be able to enhance the scope, route diversity, redundancy and overall reliability of network connectivity through a structured and detailed process whereby the Town and University equitably, and by mutually beneficial means, share and/or exchange specific elements of their respective fiber cable plants through an MOU and Amendments; and,

WHEREAS, the purpose of the MOU is to establish the terms and conditions for the Town of Carrboro and the University of North Carolina at Chapel Hill to equitably share and/or exchange defined elements of their respective (a.) fiber optic infrastructure systems, (b.) fiber optic infrastructure strategic planning, and (c.) fiber optic infrastructure engineering and administration expertise and that Amendments to the MOU will be created, as needed, to document and describe each instance of sharing and/or exchanging fiber optic infrastructure resources; and,

WHEREAS, the Town of Carrboro and the University of North Carolina at Chapel Hill will have no ownership rights to the other organization's fiber optic infrastructure as a result of this MOU or Amendments; and,

WHEREAS, the Town of Carrboro and the University of North Carolina at Chapel Hill will be sharing and/or exchanging fiber optic infrastructure, as laid out under specific Amendments, all sharing and/or exchanging will be quid pro quo at no cost to either organization other than possible nominal splicing fees;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board authorizes the Town Manager to enter into a Memorandum of Understanding (MOU) and to Create Amendments as needed between the Town of Carrboro and the University of North Carolina at Chapel Hill for Fiber Optic Infrastructure Facilities Sharing and/or Exchange.

This the 20th day of May, 2014

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

Absent: Alderman Johnson

PUBLIC HEARING ON TOWN MANAGER'S RECOMMENDED BUDGET FOR FY 2014-15

The purpose of this item was to hold a public hearing on the Town Manager's recommended budget for the upcoming fiscal year as required by G. S. 159-12 (b).

Mary Jane Seyda, Chair of the Orange County Partnership to End Homelessness, asked the Board for a dedicated funding source for affordable housing.

Anita Badrock, for Community Home Trust, thanked the Board for their previous support and for the current recommended funding.

Colleen Blue, for El Centro Hispano, thanked the Town for their continued support.

Betty James, representing a group of tennis players, encouraged the Carrboro Board of Aldermen to approve the improvements to the Wilson Park tennis courts that are in the recommended budget.

ENERGY AND CLIMATE ACTION PLANNING

The purpose of this item was to present the Board with a draft energy and climate protection plan and receive feedback on future planning.

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

Alderman Gist asked that the taskforce be staffed with work/life balance in mind as to not burn out current staff members. She also suggested having virtual meetings for the taskforce..

Alderman Chaney asked for the taskforce to have a role for Randy Dodd to fill. She asked for an evaluation of savings and for the costs and benefits to be well documented.

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

A RESOLUTION ACCEPTING THE DRAFT ENERGY AND CLIMATE PROTECTION PLAN AND DIRECTING STAFF TO MOVE FORWARD WITH NEXT STEPS FOR ENERGY AND CLIMATE PROTECTION PLANNING AND IMPLEMENTATION

WHEREAS, the Town has: signed on to the Mayors Climate Protection Agreement and adopted a Climate Protection Resolution in 2009; and,

WHEREAS, the Town participated in the Orange County Greenhouse Gas Inventory, and updated the inventory in 2011, 2012, and 2013, and has pursued emissions reductions through a variety of means; and

WHEREAS, the Town has joined the Triangle J Clean Cities Coalition; and,

WHEREAS, Town staff have drafted an Energy and Climate Protection Plan;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept the draft plan and authorize staff to finalize and implement the plan and work with advisory board members to plan a fall forum and UNC staff and students to support the planning effort through the Capstone program.

In finalizing the plan, the Board further directs staff to consider the following:

- 1) To evaluate the costs and benefits of the plan.

This the 20th day of May, 2014

The motion carried by the following vote:

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

Absent: Alderman Johnson

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

A RESOLUTION ACCEPTING STAFF RECOMMENDATIONS FOR ESTABLISHING A TEMPORARY ENERGY AND CLIMATE PLANNING TASK FORCE

WHEREAS, the Town has: signed on to the Mayors Climate Protection Agreement and adopted a Climate Protection Resolution in 2009;

WHEREAS, the Town participated in the Orange County Greenhouse Gas Inventory, and updated the inventory in 2011, 2012, and 2013, and has pursued emissions reductions through a variety of means; and

WHEREAS, Town staff have drafted an Energy and Climate Protection Plan;

WHEREAS, the Board of Aldermen have expressed an interest in establishment of a task force to support energy and climate action planning.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept staff recommendations for establishment of a temporary Energy and Climate Planning Task force.

The Board further finds:

1) Staff shall prepare a charge and bring it back to the Board for approval.

This the 20th day of May, 2014

The motion carried by the following vote:

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

Absent: Alderman Johnson

A RESOLUTION MAKING AN APPOINTMENT TO THE OWASA BOARD OF DIRECTORS

The Mayor and Board of Aldermen considered several applications to make an appointment to one of the Town's seats on the OWASA Board of Directors.

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

**A RESOLUTION MAKING AN APPOINTMENT TO THE ORANGE WATER AND SEWER
AUTHORITY BOARD OF DIRECTORS**

WHEREAS, The Town of Carrboro has two seats on the Orange Water and Sewer Authority Board of Directors; and,

WHEREAS, there is a vacancy in one of those seats; and,

WHEREAS, the Town Clerk has advertised for this position and received applications from:

- 1) Virginia (Ginger) Guidry
- 2) Todd L. Peterson
- 3) Quinton Harper

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO HEREBY RESOLVES:

Section 1: Quinton Harper is hereby appointed as the Town's representative on the OWASA Board of Directors for a term to expire on June 30, 2016.

Section 2: A copy of this resolution shall be forwarded to OWASA.

Section 3. This resolution shall become effective upon adoption.

This the 20th day of May, 2014

The motion carried by the following vote:

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

Absent: Alderman Johnson

CUP MINOR MODIFICATION BY THE LEGENDS AIS HOMEOWNERS ASSOCIATION TO RECLASSIFY AFFORDABLE UNITS AS MARKET-RATE

The Legends AIS Homeowners Association submitted an application requesting a modification to their Conditional Use Permit to allow the designated affordable units in the subdivision to be converted to market-rate units per specific arrangements described in this report. In order to fulfill their request, an associated text amendment to the LUO is required.

Jeff Kleaveland, the Town's planner and zoning development specialist, made the staff presentation.

Alderman Chaney suggested that the sunset clause expire 20 years from the date of purchase for the current homeowner. She noted that she does not want to see the erosion of affordable housing stock and that she is only interested in this for the Legends.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE LEGENDS AIS CONDITIONAL USE PERMIT AUTHORIZING THE MARKET RATE CONVERSION OF CERTAIN AFFORDABLE HOUSING UNITS (AS DEFINED BY THE LUO) SUBJECT TO THE CONDITION HEREIN.

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Legends Architecturally Integrated Subdivision on August 22, 2006; 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 by the Carrboro Board of Aldermen that the Board of Aldermen approve the Minor Modification to the Legends AIS CUP subject to the following condition:

1. That, pursuant to a text amendment allowing for the conversion of designated affordable units into market-rate units without violating the density provisions of the LUO (applicable only for developments approved prior to June 2007 that utilized the provisions of Section 15-182.4), the Legends AIS Conditional Use Permit be amended to allow the designated affordable units to be treated as follows:
 - a. That the affordable unit can be sold at market rate if owners choose to do so and that the proceeds from the sale are treated as follows:
 - i. Real estate commissions are deducted from the proceeds ;
 - ii. Owner to retains the first \$5000 of equity appreciation;
 - iii. Owner to retain eligible capital improvement costs (such as unit upgrades);
 - iv. Any remaining surplus proceeds are shared 50/50 with the Town and Owner
 - v. The Town's portion is directed to the Town of Carrboro Affordable Housing Special Revenue Fund;
 - vi. The affordable unit converts to market-rate with no restrictions;
 - vii. A sunset clause is provided whereupon any of the affordable units automatically converts to market rate after a period of 20 years (from the date of purchase by the current owner);
2. That the all applicable recorded documents containing references to the affordable units, including the deeds, the Homeowner Association Covenants and Declarations, and the Legends final plat, will be re-recorded accordingly to reflect the conditions of this permit modification.

This the 20th day of May, 2014

The motion carried by the following vote:

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

Absent: Alderman Johnson

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO RESIDENTIAL DENSITY BONUS FOR AFFORDABLE HOUSING AND ALTERNATIVE METHODS FOR ACHIEVING TOWN'S AFFORDABLE HOUSING GOAL

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 June 24, 2014, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance Relating to Residential Density Bonus for Affordable Housing and Alternative Methods for Achieving the Town's Affordable Housing Goal."

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

This the 20th day of May, 2014

The motion carried by the following vote:

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

Absent: Alderman Johnson

CUP MINOR MODIFICATION - CARRBORO PLAZA, ADDITION OF FREESTANDING WALK-UP ATM

Wells Fargo as represented by the Carrboro Shopping Center, LLC, submitted an application to add a freestanding walk-up ATM machine to the Carrboro Plaza Shopping Center (see attached). The ATM is proposed to be located within the southeastern quadrant of the existing parking lot.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE CARRBORO PLAZA CONDITIONAL USE PERMIT AUTHORIZING THE SITING OF A WALK-UP AUTOMATIC TELLER MACHINE IN THE AREA DESCRIBED BY THE SUBMITTED PLANS

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Carrboro Plaza CUP in 1983; 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 by the Carrboro Board of Aldermen that the Minor Modification request to the Carrboro Plaza CUP, authorizing the location of the walk-up ATM per the specifications of the submitted plans and further subject to all applicable provisions of the Town of Carrboro Land Use Ordinance.

This the 20th day of May, 2014

The motion carried by the following vote:

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

Absent: Alderman Johnson

MATTERS BY BOARD MEMBERS

The Board members provided brief updates regarding their advisory boards and committees.

Mayor Lavelle introduced Bryan Howard, the Mayor's Intern for the summer.

ADJOURNMENT

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