



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, December 2, 2014

7:30 PM

Board Chambers - Room 110

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

Also Present: David Andrews, Town Manager, Cathy Wilson, Town Clerk, Nick Herman, Town Attorney

BILL MADDEN – POLICE DEPARTMENT CONCERN

Bill Madden stated that Carrboro Police Officers came to his house on October 29, 2014 responding to a report of a "stocky white male" following a female. He stated that he was wearing a different color shirt than the subject and that the Officers laughed when they saw the color of his shirt. He asked the Board to look into the call and said that he felt that they Police were playing a prank on him.

The Board of Aldermen referred the concern to the Town Manager.

SCHEDULING OF THE BOARD OF ALDERMEN ANNUAL RETREAT

The Board scheduled their annual retreat for Sunday, February 15th and appointed Alderman Johnson, Alderman Gist, and Alderman Haven-O'Donnell to the retreat planning subcommittee.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MINUTES OF NOVEMBER 11, 2014 AND NOVEMBER 18, 2014. VOTE: AFFIRMATIVE ALL

ONLINE TRAVEL COMPANIES AND OCCUPANCY TAXES

The purpose of this agenda item was to consider adoption of an agreement between Orange County and other municipalities regarding payment of room occupancy taxes when travelers make reservations and payments for accommodations via online travel companies.

Alderman Slade noted concerns with the distribution of the tax and how it has been calculated. He asked for additional information from the County prior to responding. He also asked for Town staff to compare revenues between bookings directly through the hotel versus online travel companies. He also requested that this be presented to the State legislatures for consideration so that they can be assessed at the state level.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE TOWN'S COMMITMENT TO THE RESOLUTION AGREEMENT AS PRESENTED IN THE PACKET. VOTE: AFFIRMATIVE ALL

REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO AFFORDABLE HOUSING

The purpose of this item was for the Board of Aldermen to consider setting a public hearing on potential text amendments to the Land Use Ordinance relating to affordable housing. A draft ordinance was prepared for the Board's consideration. A resolution setting a hearing date for January 27, 2015 was also been prepared. Advisory board review is needed prior to the public hearing.

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE
CARRBORO LAND USE ORDINANCE RELATING TO AFFORDABLE HOUSING

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 January 27, 2015, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Provide that Loans Made to Families who Purchase Affordable Homes may be Secured by Deeds of Trust that allow the Trustee to Convey Fee Simple Title to the Property at a Foreclosure Sale Free and Clear of the Limitations that Qualify such Homes as Affordable under the Lane Use Ordinance."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board.

This the 2nd day of December 2014.

The motion carried by the following vote:

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

DONATION OF SURPLUS PROPERTY TO THE TOWN OF WALLACE

The purpose of this item was for the Board of Aldermen to consider donation of K9 vehicle kennel (surplus property) to the Town of Wallace, pursuant to NCGS §160A-280.

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

**A RESOLUTION APPROVING DONATION OF PROPERTY TO THE TOWN OF WALLACE
PURSUANT TO G.S. 106A-280**

WHEREAS, North Carolina General Statute §160A-280 authorizes a city or county to donate to a government entity any personal property, including supplies, materials and equipment that the governing board deems to be surplus, obsolete or unused; and

WHEREAS, The Town of Carrboro owns a K9 vehicle kennel; and

WHEREAS, the K9 vehicle kennel is obsolete and has been declared surplus property; and,

WHEREAS, the Town of Wallace has expressed interest in acquiring this K9 vehicle kennel;

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen hereby authorizes the Town Manager to execute all documents necessary to donate the K9 vehicle kennel to the Town of Wallace.

This the 2nd day of December 2014.

The motion carried by the following vote:

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

**UPDATE ON COMMUNITY CONVERSATION REGARDING DEVELOPMENT OF
PROPERTIES AT 201 N. GREENSBORO STREET**

The purpose of this item is to update the Board of Aldermen on a process and schedule for community-sponsored conversations related to development of the properties previously proposed for redevelopment as a new CVS location in downtown Carrboro.

Trish McGuire, the Planning Director, stated that a more detailed timeline will be assembled in early 2015 and then the outreach sessions will begin as soon as possible. She noted that the sessions will likely begin in the late winter or early spring.

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

A RESOLUTION DIRECTING FOLLOW-UP REGARDING A COMMUNITY CONVERSATION
ON DEVELOPMENT OPTIONS FOR THE PROPERTIES KNOWN AS 201 N. GREENSBORO
STREET

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to participate in the consideration of existing policies and regulations, and
WHEREAS, the uncertainty about the future of this crucial location in downtown continues to generate questions in the community, and

WHEREAS, a community conversation process has been identified as a way for the community, property owners, and town officials to evaluate and explore the area and try to develop a shared vision, if possible, or another strategy for moving forward.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen endorses moving forward with the two-part, education and visioning process.

This the 2nd day of December 2014.

The motion carried by the following vote:

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

**PERMIT EXTENSION REQUEST FOR PREVIOUSLY ISSUED CONDITIONAL USE
PERMIT FOR LITCHFIELD AIS CUP**

The Board was asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for Litchfield AIS CUP.

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

A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A
CUP WOULD OTHERWISE EXPIRE FOR THE LITCHFIELD AIS CUP
LOCATED AT 900 HOMESTEAD ROAD

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Litchfield AIS, CUP at 900 Homestead Road on June 22, 2010; and

WHEREAS, the original CUP expiration date was extended by state legislative action to January 1, 2013 in response to the economic crisis; and

WHEREAS, the Board subsequently extended the permit expiration again to first, January 1, 2014 and second, January 1, 2015; and

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1) the CUP has not yet expired, 2) the permit recipient has proceeded with due diligence and in good faith, and 3) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the expiration date for the Litchfield AIS, CUP is hereby extended by three months, by the applicant's request, to April 1, 2015.

This the 2nd day of December 2014.

The motion carried by the following vote:

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

A CALL FOR PUBLIC HEARING ON THE ISSUE OF A PROPOSED NEW ARTS AND INNOVATION CENTER

The purpose of the agenda item was to set a public hearing where the Board of Aldermen could hear the public comments on a proposal for a new Arts and Innovation Center that would replace the current ArtsCenter.

Alderman Gist asked that staff ensure that downtown neighborhoods be notified and that all businesses emails be updated. She asked that neighborhoods not within an association be contacted via direct mailing. She stated that the Board wants to hear from Carrboro residents and business owners at the public hearing.

Alderman Haven-O'Donnell asked for Carrboro residents in the north, with Chapel Hill addresses, to be mailed the meeting notice directly.

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

R E S O L U T I O N

A RESOLUTION TO CALL FOR A PUBLIC HEARING ON JANUARY 20, 2015 TO CONSIDER A PROPOSAL BY THE ARTSCENTER, KIDZU, AND CAROLINA PERFORMING ARTS

WHEREAS, The Town has been approached by the Board of Directors for the ArtsCenter, Kidzu, and the Carolina Performing Arts;

WHEREAS, they have proposed a joint collaboration to form a partnership between the three non-profits to combine resources;

WHEREAS, the proposal includes a new facility that would be constructed and owned by the Town of Carrboro and leased back to the non-profits;

WHEREAS, the Board of Aldermen strongly value public input and wish to hold a public hearing on this proposal;

NOW THEREFORE BE IT RESOLVED, call for a public hearing on January 20, 2015 in the Board Room of Town Hall at 7:30 p.m.

This the 2nd day of December 2014.

The motion carried by the following vote:

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

Nay: Alderman Gist

CLOSE-OUT PUBLIC HEARING ON THE CDBG SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE PROJECT

The purpose of this public hearing was to review project activities and final budget numbers for the CDBG Small Business Entrepreneurial Assistance project to extend a sewer line on Roberson Street.

Annette Stone, the Town's Economic Development Director, opened the public hearing and discussed the project details.

There was no public comment.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY, TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON LEASE OF TOWN OWNED PROPERTY LOCATED AT 110 EAST MAIN STREET

The purpose of this agenda item was for the Board to take public comment on a proposed lease for town property located at 110 East Main Street.

Annette Stone, the Town's Economic Development Director, introduced the item.

Betsy Elbogen, presented the Perch Co-working lease proposal.

Alderman Seils asked for staff to prepare a formal evaluation during the lease to show the economic impact associated with the lease.

Greg Cumin, a PERCH, coworker spoke about the ability to work remotely and begin with less investment capital and how that work has really changed in the last two years.

Alderman Chaney stated that she is interested in seeing a cooperative agreement with the Town that requires PERCH to evaluate the users of the space and submit the earnings of the users to the Town to demonstrate a worthwhile wage.

Alderman Seils stated that he would like to see the types of services offered both to clients and to outside entities.

Alderman Gist stated that she wants to see the co-working space also used for entrepreneurs that are low-income. She recommended a sliding scale rental program based on financial need.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY FOR STAFF TO MODIFY THE DRAFT AGREEMENT TO INCLUDE A REPORTING AND SERVICE DELIVERY REQUIREMENT TO THE PROPOSED LEASE AGREEMENT, AS DISCUSSED BY THE BOARD. THE AGREEMENT SHOULD ADDRESS PREFERENCE FOR LOCALLY OWNED BUSINESSES AND LOW-INCOME ENTREPRENEURS. THESE CHANGES SHOULD BE PREPARED FOR THE BOARD'S CONSIDERATION DURING A MEETING IN JANUARY. VOTE: AFFIRMATIVE ALL

CREATIVE ARTS DISTRICT OPTIONS FOR ESTABLISHMENT AND TOOLS TO SUPPORT THE CREATIVE ECONOMY

The purpose of this agenda item was for the UNC Public Policy Capstone students to share a presentation encompassing feedback and research findings about cultural arts districts.

The Board discussed the option amending the Land Use Ordinance to reflect the sign and Way-finding needs of businesses.

Alderman Chaney asked for the Board to discuss the recommendations during the retreat.

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

PROPOSED CARRBORO MURAL PROJECT - JONES FERRY ROAD AND HIGHWAY 54

The purpose of this item was for Michael Adamson to present additional information in regard to the proposed Carrboro Mural on the existing retaining wall at the intersection of Jones Ferry Road and Highway 54.

It was requested that staff report back regarding the parking of 18-wheelers on the exit ramp.

The Board also suggested looking into creating a space for graffiti artists.

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

A RESOLUTION APPROVING THE FOLLOWING ACTIONS FOR THE CARRBORO MURAL PROJECT AT THE INTERSECTION OF JONES FERRY ROAD AND HIGHWAY 54

WHEREAS, the Carrboro Board of Aldermen approved the concept of the Carrboro Mural Project at their April 8th, 2014 meeting; and

WHEREAS, Mr. Adamson has presented further information to the Board of Aldermen and is requesting the following actions be accepted by the Board of Aldermen:

1. Approve, in concept, the division of the Carrboro Mural Project into three phases
2. Authorize the Town Staff to proceed with preparation and submission to NCDOT of a preliminary application for use of the retaining wall on the exit ramp from NC 54 westbound onto Jones Ferry Road
3. Authorize Carrboro Mural to carry out a program of public involvement for the three phases of the project
4. Authorize the Town Staff to prepare, based on comments from the District Engineer, a final application to NCDOT for use of the Ramp Wall. This final application will NOT be submitted to NCDOT but will be brought back to the BOA at a public hearing for approval, and

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby accept the above stated actions for the Carrboro Mural Project at the intersection of Jones Ferry Road and Highway 54.

This the 2nd day of December 2014.

The motion carried by the following vote:

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

**COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR ENDED
JUNE 30, 2014**

The purpose of this presentation was for the Town's independent auditor, Dixon Hughes Goodman LLP, to present and the Board of Aldermen to receive the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2014.

Representatives of Dixon, Hughes, and Goodman presented the Town's audit for the year ending June 30, 2014.

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

A RESOLUTION ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AND INDEPENDENT AUDITOR'S SAS 114 LETTER FOR THE FISCAL YEAR ENDING JUNE 30, 2014

WHEREAS, the Carrboro Board of Aldermen have received the Comprehensive Annual Financial Report including independent auditor's opinion and SAS 114 Letter for fiscal year ending June 30, 2014; and

WHEREAS, the Aldermen were informed by the Town's independent auditors, Dixon Hughes Goodman LLP, that the Town's financial statements are free of material misstatement and that the audit tests conducted by the firm did not uncover any material weaknesses;

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

Section 1: Accept the Comprehensive Annual Financial Report with independent auditor's opinion and SAS 114 Letter for fiscal year ending June 30, 2014.

This the 2nd day of December 2014.

The motion carried by the following vote:

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

EL CENTRO HISPANO MODIFICATIONS FOR A DAY LABORER CENTER

The purpose of this item was for the Board of Aldermen to consider modifying the Town's current agreement with El Centro Hispano to include a one-time allocation up to \$5,000.

Nate Broman-Fulks, the Town's assistant to the Town Manager, made the staff presentation to the Board.

Alderman Johnson asked for staff to follow-up with the County to see if a Social Justice Fund was established. If so, staff should check for support for the Day Laborer Center.

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

A RESOLUTION APPROVING A MODIFICATION TO THE AGREEMENT WITH EL CENTRO HISPANO TO INCLUDE A ONE-TIME ALLOCATION FOR CAPITAL EXPENDITURES RELATED TO THE DAY LABORERS CENTER

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen hereby authorizes the Town Manager to modify the Agreement with El Cento Hispano to include a one-time allocation of up to \$5,000 for modifications needed to the El Centro Hispano building to accommodate the Day Laborers Center.

This the 2nd day of December 2014.

The motion carried by the following vote:

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

A RESOLUTION SETTING THE DATE FOR THE 2015 LEGISLATIVE BREAKFAST AND DISCUSSING THE NCLM PROPOSED ADVOCACY GOALS

The purpose of this item was to request that the Board of Aldermen set the date for the 2015 Legislative Breakfast and highlight any areas of concern or disagreement with the proposed NCLM Advocacy Goals.

The Board discussed each draft goal and directed staff on how to vote at the League's Advocacy Goal's Conference.

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

**A RESOLUTION SETTING THE LEGISLATIVE BREAKFAST AND PROVIDING COMMENT ON
THE PROPOSED NCLM ADVOCACY GOALS**

Section 1. The Legislative Breakfast is scheduled for: Friday, February 6th, 2014 at 7:30a.m.

Section 2. The Board provides the following comments on the proposed 2015 NCLM Advocacy Goals and/or asks that the following additional goal(s) be considered at the Conference:

1) Staff shall vote as directed by the Board's conversation.

Section 3: The Board hereby appoints David Andrews as the Town's Voting Delegate to the NCLM Advocacy Goals Conference

Section 4: The Board hereby appoints Cathy Wilson as the Town's Alternate Voting Delegate to the NCLM Advocacy Goals Conference.

This resolution is effective immediately upon adoption.

This the 2nd day of December 2014.

The motion carried by the following vote:

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

CLOSED SESSION

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER.
VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN GIST TO RETURN TO 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