



# **Town of Carrboro**

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

## **Meeting Minutes Board of Aldermen**

**Tuesday, April 7, 2015**

**7:30 PM**

**Board Chambers - Room 110**

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

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

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### **BILL MADDEN – REQUEST FOR PUBLIC RECORDS**

Bill Madden stated that he has not gotten answers from the Town Manager regarding his public records requests. He stated that he had also not received any response from the Town Attorney.

David Andrews, Town Manager, offered to meet with Bill Madden and the Town Attorney to go over the issues.

Alderman Slade stated that after consideration of Mr. Madden's complaint regarding the police throwing snowballs he feels that it was a display of their humanity. Mr. Madden stated that he was using that as an example that Officer Glenn can be a prankster.

Alderman Haven-O'Donnell asked if Mr. Madden would like for the meeting to be mediated.

It was decided that the meeting will take place between Mr. Madden, Mr. Herman, and Mr. Andrews.

Mr. Herman stated that the emails from Mr. Madden were requests for public records that he determined did not meet the public records law but that he would be happy to meet with him regarding other requests.

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### **CHARGES ISSUED**

The Town Manager issued charges to the following advisory board members:

- 1) Christina Abernathy, Arts Committee
- 2) Barbara Cudmore and Lisa Smith, Recreation and Parks Committee
- 3) Matt Neal, Economic Sustainability Commission
- 4) Johnny Crncic, Appearance Commission

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**RESOLUTION: SEXUAL ASSAULT AWARENESS MONTH**

Alderman Michelle Johnson read the resolution naming April as “Sexual Assault Awareness Month” in Carrboro.

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

**RESOLUTION**

**“SEXUAL ASSAULT AWARENESS MONTH 2015”**

**WHEREAS**, the Orange County Rape Crisis Center assisted over 600 survivors of sexual violence, their loved ones, and community professionals during 2014; and

**WHEREAS**, the Orange County Rape Crisis Center works with the county’s two school systems and other groups to provide students with age-appropriate information about violence prevention, reaching over 14,800 youth and adults each year; and

**WHEREAS**, the coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system, and other community advocates to improve services for survivors of sexual assault who come forward; and

**WHEREAS**, 1 in 5 American women have been sexually assaulted at some point in their lives (Centers for Disease Control and Prevention, 2010); and

**WHEREAS**, in the United States rape is the most costly crime to its survivors, totaling \$127 billion a year considering factors such as medical cost, lost earnings, pain, suffering, and lost quality of life (U.S. Department of Justice, 1996); and

**WHEREAS**, in the United States 1 in 3 women and 1 in 4 men have experienced some form of sexual or physical violence committed by an intimate partner (Centers for Disease Control and Prevention, 2010); and

**WHEREAS**, there are more than 15,000 sex offenders registered as living in North Carolina (Department of Justice, 2014)

**WHEREAS**, victim-blaming continues to be an enormous problem in instances of rape and sexual assault; and

**WHEREAS**, the Orange County Rape Crisis Center, a non-profit agency that has served this community since 1974, is working to stop sexual violence and its impact through support, education, and advocacy;

**NOW, THEREFORE BE IT RESOLVED** that the Board of Aldermen of the Town of Carrboro, do hereby proclaim **the month of April 2015** as **“SEXUAL ASSAULT AWARENESS MONTH.”** We encourage all citizens to speak out against sexual violence and to support their local community’s efforts to prevent and respond to these appalling crimes.

This 7<sup>th</sup> day of April, 2015.

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

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

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**PROCLAMATION - POETRY MONTH**

Mayor Lavelle proclaimed April as "National Poetry Month" in the Town of Carrboro.

Celisa Steele, Carrboro's Poet Laureate, recited two poems: a poem she wrote entitled, "A Tabloid Headline" and "A Ritual to Read to Each Other" by William Stafford.

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**CANCELLATION OF THE APRIL 14, 2015 WORK SESSION**

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO CANCEL THE APRIL 14, 2015 MEETING. VOTE: AFFIRMATIVE ALL

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**APPROVAL OF PREVIOUS MEETING MINUTES**

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SEILS TO APPROVE THE MINUTES OF MARCH 17, 2015 AND MARCH 24, 2015, AS AMENDED. VOTE: AFFIRMATIVE ALL

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**DESIGNATION OF AGENTS RELATED TO APPLICATIONS FOR HAZARD MITIGATION GRANT PROGRAM FUNDS FOR FLOOD-PRONE PROPERTIES**

The purpose of this item was to designate agents to act on behalf of the Town in support of applications for \$748,392 in Federal Emergency Management Agency (FEMA) funds through the HMGP program.

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

**Primary: David Andrews, Town Manager**

**Secondary: Arche McAdoo, Finance Director**

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization 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 the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.

This 7<sup>th</sup> day of April, 2015.

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

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

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**PERMIT EXTENSION REQUEST FOR PREVIOUSLY ISSUED CONDITIONAL USE  
PERMIT FOR VERIDIA AIS**

The Board was asked to consider approving a request for an extension of the date when a Conditional Use Permit would otherwise expire for Veridia AIS CUP. Town Staff recommends approval of the request.

Alderman Gist asked if this project would begin within the year. Mr. Bell, the applicant, stated that he is working on developing the project in a more affordable manner but did not provide a timeline for development, due to financial barriers.

Alderman Slade encouraged Mr. Bell to consider the affordable housing taskforce and the Town as a partner for affordability measures.

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

**A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A  
CUP WOULD OTHERWISE EXPIRE FOR VERIDIA AIS CUP**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Veridia AIS CUP on April 26, 2011; and

WHEREAS, the Carrboro Board of Aldermen approved an extension to the date on which the Conditional Use Permit for the Veridia AIS CUP would have expired, thereby extending the date to April 26, 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 permit is again extended, with a new expiration date for Veridia AIS CUP of April 26, 2016.

This 7<sup>th</sup> day of April, 2015.

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

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

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**PROPOSED DISCUSSION AND ADOPTION OF UNIFIED ANIMAL ORDINANCE**

The purpose of this item was to allow the Board to discuss the proposed adoption of a unified animal ordinance that creates a common framework for animal services while allowing for codes that are unique to the town of Carrboro and other jurisdictions.

Chief Horton introduced the item.

Annette Moore and Bob Marotto provided the staff information and presentation from Orange County.

Alderman Gist stated that she was concerned that response time for animal abuse or neglect call would be increased. Chief Horton stated that the County has been providing the service for a couple of years so response time would not change.

Alderman Haven-O'Donnell asked about the term "security dog." County staff explained that the definition for the security dog was so broad that it captured any dog that barks when a person enters the property and the amended ordinance is now written to determine those types of situations on a case-by-case basis. The Town Attorney suggested additional review of the use of the term in the draft unified ordinance.

Alderman Slade asked if there was something that was unique to Carrboro if it could be enforced. Orange County staff noted that it can be enforced and added by amendment to the unified ordinance or retained in Carrboro's Town Code for independent enforcement.

Alderman Haven-O'Donnell asked if there was room to allow the Carrboro Appeals Board to function in its current role. Ms. Moore stated that it is possible and that the draft can be amended to reflect the Board's comments.

Alderman Seils expressed concern with the change in the Carrboro Animal Control Board's role in the draft unified ordinance. Staff from Orange County stated that there would be a one Appeal Board for everything other than the livestock section that remains unique to Carrboro. All livestock appeals would be handled by Carrboro's Appeal Board. Alderman Seils suggested that the draft ordinance be amended to describe the changes to the County Appeals Board and to expand the membership to include majority members from each appeal jurisdiction. County staff stated that they would draft an amendment that

addresses those concerns.

Alderman Johnson suggested that members from the Carrboro Animal Control Board be included on the Orange County Animal Review Board. Orange County staff recommended that instead of having two boards that they could use Carrboro's members during a panel review for incidents that occur in Carrboro.

Alderman Gist suggested that the review of appeals in Carrboro should be heard by Carrboro residents. She also suggested that the appeal meeting should be held in the jurisdiction where the violation occurred.

Mayor Lavelle asked for clarification on the unified ordinance approval process. Staff noted that Chapel Hill would review the ordinance and changes could be made after the review.

Alderman Chaney asked for clarification on how the unified ordinance gets amended by all jurisdictions. She confirmed with staff that changes regarding chickens would not need to be approved for inclusion in the unified ordinance because Carrboro's Town Code retains the livestock section.

Nick Herman, the Town Attorney, discussed concerns with the ordinance with the Board. He suggested that staff and the Board review the draft again in a future meeting to provide specific recommendations to Orange County.

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**CONTINUED CONSIDERATION OF A REQUEST FOR A MINOR MODIFICATION TO THE CUP FOR 300 EAST MAIN RELATED TO WALL/SIDEWALK IN FRONT OF THE NEW FLEET FEET BUILDING**

The purpose of this item was for the Board to consider adopting a resolution approving changes to the sidewalk area in front of the Fleet Feet building/Phase A of the 300 East Main project.

Marty Roupe, the Town's Zoning Administrator, made the staff presentation.

Kevin Benedict, the applicant, discussed the renderings and options that were presented.

Alderman Haven-O'Donnell stated that she wants the planters to be movable.

Alderman Chaney stated that she thinks that this is the least safe option.

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

**A RESOLUTION APPROVING A MINOR MODIFICATION OF THE CONDITIONAL USE PERMIT FOR 300 EAST MAIN STREET TO MODIFY THE PLAZA AND SIDEWALK DESIGN IN FRONT OF THE FLEET FEET BUILDING.**

WHEREAS, the Town of Carrboro approved a Conditional Use Permit on September 30, 2008 for a commercial project located at 300 East Main Street (Combination Use); and

WHEREAS, the plaza and sidewalk in front of the Fleet Feet building being constructed in a manner that is different than the approved plans necessitates that a permit modification be approved; and

WHEREAS, staff has determined that the application received constitutes a Minor Modification to the CUP per the applicable language from the Town of Carrboro Land Use Ordinance; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to Minor Modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby approve the Minor Modification to Conditional Use Permit for 300 East Main Street to modify the design to include an additional five-feet of sidewalk area next to the existing sidewalk, abutting newly-constructed stairs.

This 7<sup>th</sup> day of April, 2015.

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

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

**Nay:** Alderman Chaney

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**REVIEW OF THE 2015 ANNUAL REPORT ON THE SCHOOLS ADEQUATE PUBLIC FACILITIES ORDINANCE (SAPFO) FROM THE TECHNICAL ADVISORY COMMITTEE**

The Orange County Board of County Commissioners has referred the 2015 report for review and comments. The Board of Commissioners is scheduled to certify the report in May and requested comments from signatories to the Memorandum of Understanding by April 21, 2015.

Trish McGuire, the Town's Planning Director, made the staff report.

Alderman Haven-O'Donnell stated it would be great to see the projects that are not shown, but that are in the works. Staff was asked to provide information on CAPS issued and expected from developments in Carrboro and Chapel Hill. Where possible, include information on number of bedrooms.

Alderman Seils stated that Aldermen Gist had requested comparison of the estimates versus the actuals in a summarized chart. Staff was asked to provide cumulative information on the performance of the projection metrics since SAPFO was initiated.

Alderman Chaney stated that she would also like to see Chapel Hill's data and the curve associated with Carrboro's data.

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

A RESOLUTION ACCEPTING AND COMMENTING ON THE SCHOOLS ADEQUATE PUBLIC FACILITIES TECHNICAL ADVISORY COMMITTEE (SAPFOTAC) 2015 REPORT

WHEREAS, the Town has had a longstanding interest in the success and excellence of the Chapel Hill-Carrboro City Schools; and  
WHEREAS, the Town has participated in the development and implementation of the schools adequate public facilities ordinance provisions since 2003; and  
WHEREAS, the annual technical advisory committee report has been prepared and distributed for comments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro provides the following comments:

1. Acceptance of school capacities at all levels is recommended.
2. Adoption of the updated Student Generation Rates (2014 Tischler-Bise Study) is recommended.
3. Due to significant magnitude of projected expenses for renovations and additional capacity in CHCCS, SAFPOTAC should examine population projection methodologies, especially the influence of changes in existing housing occupancy, in upcoming year and make sure the best information possible is being used to determine school capacity and needs.

This 7<sup>th</sup> day of April, 2015.

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

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

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**REQUEST TO MAKE APPOINTMENTS TO THE PLANNING BOARD**

The purpose of this agenda item was for the Mayor and Board to make appointments to the Planning Board.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPOINT JACK HAGGERTY TO THE PLANNING BOARD FOR A TERM TO EXPIRE 2/2018. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN SEILS TO APPOINT THOMAS TIEMANN TO THE PLANNING BOARD FOR A TERM TO EXPIRE 2/2016 AND TO APPOINT BEN KITTELSON TO THE RECREATION AND PARKS COMMISSION FOR A TERM TO EXPIRE 2/2018. VOTE: AFFIRMATIVE ALL

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**ADJOURNMENT**

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