



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, May 19, 2015

7:30 PM

Board Chambers - Room 110

Present: Mayor Lydia Lavelle, Alderman Damon Seils, 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

Absent: Alderman Michelle Johnson

REQUEST FOR AFTERSCHOOL PROGRAMMING FROM MARY PARK

Mary Park spoke to the Board to request that an afterschool program be allowed at 105 Simpson Street. She stated the length of the permit process would prohibit the school from beginning during the summer months.

Alderman Chaney asked if the regulation is under "childcare home" to determine if there is a definition that can be amended to allow this use. She asked for staff to report back on if this definition could be amended at the municipal level.

Alderman Slade stated that the state has a standard that is more lax than the Town's and suggested that the Town's language be amended to allow fourth and fifth graders to attend this summer program.

Alderman Gist stated that she remembers when the definitions were put in place to strike a balance for different uses and cautioned that the Board not lose site of the complexity of uses across Town.

Alderman Haven-O'Donnell suggested that the community could be better served with a definition that provides a distinction between childcare and after-school education care.

Nick Herman, the Town's Attorney, stated that this use would require a special use permitting process that technically could be finalized by August. He also stated that the zoning ordinance could be amended but cautioned the Board about opening the use up to the entire community.

He also stated that there is no option to permit the Board to allow this use and then change the regulations.

Trish McGuire, the Town's Planning Director, stated that the current regulations allow for less than three children to be cared for without permitting and allowed as the home use or less than two hours of care. This use would require a special use permit to obtain the "childcare facility" use because they intend to serve up to twelve children. She stated that the Board of Adjustment could hear the permit application in June but that the issuance of the permit could be a tight time squeeze in regards to issuing the permit within the time requested by the applicant.

It was decided that she will go forward with the Special Use Permit process.

PROCLAMATION - CARRBORO HIGH SCHOOL JAGUAR MENS' TENNIS DAY

Mayor Lavelle proclaimed May 20th as "Carrboro Jaguar Mens' Tennis Day " in Carrboro.

CHARGE ISSUED

The Town Clerk issued a charge to Anahid Vrana, a recent appointee to the Northern Transition Area Advisory Committee.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS TO APPROVE THE MINUTES OF APRIL 28, 2015, MAY 5, 2015, AS AMENDED, AND MAY 12 2015. VOTE: AFFIRMATIVE ALL, ABSENT ONE (JOHNSON)

REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS RELATED TO NEW DATA SERVICE PROVIDER USE CLASSIFICATION REQUIREMENTS

The purpose of this item was for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to establish a new data service provider use classification.

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH REGULATIONS FOR DATA SERVICE PROVIDER FACILITIES NOT OTHERWISE REGULATED

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 23, 2015, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Establish Regulations for Data Service Provider Facilities Not Otherwise Regulated.”

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.

This 19th day of May, 2015.

The motion carried by the following vote:

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

Absent: Alderman Johnson

**REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE TEXT
AMENDMENTS THAT WOULD MODIFY PROVISIONS RELATING TO THE EXPIRATION
OF PERMITS**

The purpose of this item was for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to modify the existing provisions relating to the expiration and extension of permits.

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

**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE LAND
USE ORDINANCE TO MODIFY PROVISIONS RELATING TO THE EXPIRATION OF PERMITS**

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 23, 2015, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Modify Provisions Relating to the Expiration of Permits.”

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

This 19th day of May, 2015.

The motion carried by the following vote:

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

Absent: Alderman Johnson

**REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE TEXT
AMENDMENTS THAT WOULD AUTHORIZE THE CREATION OF CONDITIONAL
ZONING DISTRICTS THAT CORRESPOND WITH MOST OF THE EXISTING ZONING
CATEGORIES**

The purpose of this item was for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance that would authorize the establishment of conditional zoning districts that correspond to most zoning districts rather than just B-1(G) and B-2.

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE
CARRBORO LAND USE ORDINANCE TO AUTHORIZE THE CREATION OF CONDITIONAL
ZONING DISTRICTS THAT CORRESPOND TO MOST ALL ZONING DISTRICTS RATHER
THAN JUST THE B-2 AND B-1(G) DISTRICTS

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 23, 2015, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Authorize the Creation of Conditional Zoning Districts that Correspond to Most All Zoning Districts Rather than just the B-2 and B-1(G) Districts.”

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

This 19th day of May, 2015.

The motion carried by the following vote:

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

Absent: Alderman Johnson

RECEIPT OF THE 30TH TREE CITY USA AWARD

The Town of Carrboro was named a Tree City USA for 2014 by The National Arbor Day Foundation for honoring its commitment to its community forest. This marked the 30th year that the Town of Carrboro was given the award.

David Jantzen, the Town's Public Works Ground Crew Director, made the staff presentation and discussed the Town's receipt of the 30th year of the Tree City USA award from the National Arbor Day Foundation.

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 September 16, 2014

George Seiz, the Town's Public Works Director, made the staff presentation and answered questions from the Board.

Alderman Slade requested information on what it would take to mitigate the issue of flooding at the Rocky Brook Mobile Home Park during the next staff report.

Trish McGuire, the Town's Planning Director, reported to the Board an update on Hazard Mitigation Grant Funding applications that were submitted by the Town. She stated that the Town will likely hear in July or August on the status of those grants. If funding is available, the owners of the properties will have the option of participation but it will not be mandatory. The grant impact areas could be used for retention purposes in the future.

Reed Palmer, a resident of 408 Broad Street, stated that he thinks the replacement of the culvert is the superior option and that his neighbors are in favor of this option, as well.

Josie Hartman, a resident of Old Pittsboro Road, stated that she has experienced flooding since 1999. She stated that the stormwater appears to have liquids other than water because of the color and the foaming.

Katie Bryant, a resident of 100 James Street, stated that since the building of the Post Office, her property has flooded annually. She stated that after a one inch rain, the water on the property backs up.

Alderman Seils asked how other cities handle the funding challenge. George Seiz stated that a lot of cities use the stormwater utility fee that distributes the cost to every property in the Town. He also stated that the Town has the authority to define a special service district that would allow the Town to assess the properties.

Alderman Chaney asked if it was recommended that a hydraulic study be performed before executing the possible mitigation projects and if so, how much that would cost. George Seiz stated that it would be recommended but that he could not estimate the cost.

Alderman Gist stated that storm problems are worse and flooding more often than they have in the past. She stated that she thinks that there others areas that have been flooded but that the Town has not heard from those citizens. She stated that she thinks the Town's stormwater system should be updated and that the cost should not be the burden of individual homeowners. She suggested a comprehensive stormwater system study and recommended that a bond should be used to pay for the repairs.

Alderman Haven-O'Donnell stated that she thinks a hydraulic study is necessary at this point. She stated that there could be additional areas in the Town that are flooding and referenced the Berryhill neighborhood that had problems a few years back. She stated that the Town needs to know where infrastructure should be reviewed comprehensively and that she did not recommend a Band-Aid approach. She stated that she would also be in approval of a bond for this project and encouraged the Board to request further information from staff. She also stated that she would like further information on a stormwater utility program.

Alderman Slade agreed with Alderman Gist's suggestion that other properties may have been affected by flooding that the Town has not heard about. He stated that he is not averse in ways to share the costs because some responsibility should be placed upon the homeowner and their decision to purchase homes near streams. He stated that the flooding problem will continue to get worse at the climate conditions worsen.

Mayor Lavelle asked for the Town Manager to report back to the Board on including a comprehensive hydrology study and the different mechanisms to fund the projects. David Andrews, the Town Manager, stated that this is a priority of the Board and that there will be a report made back as soon as possible.

Alderman Haven-O'Donnell requested that Orange County be contacted to determine if they will contribute. She also asked that staff look into Josie Hartman's observation that there are foaming and multi-colored liquids draining in the drain.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS THAT THE REPORT BE ACCEPTED AND THAT THE BOARD'S COMMENTS BE FORWARDED TO STAFF FOR DIRECTION AND FOLLOW-UP. VOTE: AFFIRMATIVE ALL, ABSENT ONE (JOHNSON)

ORANGE COUNTY AFFORDABLE HOUSING COALITION DISCUSSION ON AFFORDABLE HOUSING NEEDS AND OPPORTUNITIES IN CARRBORO

The purpose of this item was for the Board to hear from the Orange County Affordable Housing Coalition on what the affordable housing needs and opportunities are for Carrboro.

Liz Evans, a resident of 701 North Greensboro Street - a coop community, spoke to the Board about the increasing needs for affordable housing.

Robert Dowling, the Director of the Community Home Trust, spoke on behalf of the Orange County Community Housing Coalition. He stated that Chapel Hill has initiated a "penny for affordable housing" and that they will continue this initiative next fiscal year. He spoke to the Board about steps to take to achieve affordable housing and stated that each step requires subsidy. He explained that the more affordable the housing, the more that subsidy is required and that local subsidy is needed. He suggested that using proceeds from the sale of the Town owned condo could be used to support affordable housing.

Tish Galu stated that state and federal funding is decreasing and that more funds are needed from local governments.

Alderman Chaney stated that the Town has a proposed increase in the affordable housing budget for the next and requested that the Affordable Housing Coalition work with the Town on ways to connect the needs to the funding available in Carrboro.

Alderman Slade asked what type of reception has been received from the County and encouraged them to continue conversations regarding the use of bond funding for affordable housing.

BRIEF UPDATE FROM BOARD MEMBERS

The Mayor and Board provided brief updates regarding their additional Town activities.

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL, ABSENT ONE (JOHNSON)