



# Town of Carrboro

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

## Meeting Minutes Board of Aldermen

Tuesday, June 23, 2015

7:30 PM

Board Chambers - Room 110

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

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

\*\*\*\*\*

### COOLING STATIONS

Alderman Gist asked if the Town had cooling stations for anyone that may be suffering from the heat.

Mayor Lavelle stated that Orange County has issued a list of places people can go to use the A/C and cool off. She asked that the information for the County be made available on the Town's website and the TV page.

Alderman Gist asked if staff could contact the department of housing and make it known that people can use the Cybrary and look into ways to provide water to people.

Alderman Johnson suggested contacting Meals-on-Wheels and other organizations to see if they have resources for folks in need.

Alderman Haven-O'Donnell asked to run Orange County's list of locations on the Town's website.

\*\*\*\*\*

### PROCLAMATION - JULY AS RECREATION AND PARKS MONTH

Mayor Lavelle proclaimed July as "Parks and Recreation Month" in Carrboro and presented Grace Baucom, Secretary for the Carrboro Youth Council with a copy of the proclamation.

\*\*\*\*\*

**IMPLEMENTATION OF BODY WORN CAMERAS (BWC) BY THE CARRBORO POLICE DEPARTMENT.**

The purpose of this item was to review the BWC policy and accept the implementation of Body Worn Cameras by the police department.

Alderman Slade presented concerns to the Board and stated that the Legislature may pass legislation that dictates how the Town may implement.

Alderman Gist agreed with Alderman Slade and stated that the policy should be written without regard to the Carrboro department and passed as a model for all agencies.

Alderman Haven-O'Donnell stated that she supports being careful going into this because it is a new venture.

Alderman Seils stated that he would be willing to work more on the policy during the summer.

Alderman Chaney suggested working on the policy more to flesh out Alderman Slade's concerns as much as possible.

This item will be reviewed during the summer and Board members will email the manager and attorney any current concerns.

No action was taken.

\*\*\*\*\*

**REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS THAT WOULD PROVIDE FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT**

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 site specific, flexible zoning district.

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO PROVIDE FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT

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 October 13, 2015, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Provide for a Site Specific, Flexible Zoning District.”

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, Transportation Advisory Board, Economic Sustainability Commission, and the Northern Transition Area Advisory Committee.

**This the 23<sup>rd</sup> day of June, 2015.**

**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

\*\*\*\*\*

### **ADOPTION OF RESOLUTION - ENO-HAW REGIONAL HAZARD MITIGATION PLAN**

The purpose of this agenda item was for the Board of Aldermen to consider adoption of a resolution approving the community's natural hazards mitigation plan.

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

#### RESOLUTION OF ADOPTION ENO-HAW REGIONAL HAZARD MITIGATION PLAN

WHEREAS, in October 2000, the President of the United States signed into law the “Disaster Mitigation Act of 2000” (PL 106-390) to amend the “Robert T. Stafford Disaster Relief and Emergency Act of 1988” which requires local governments to adopt a mitigation plan in order to be eligible for hazard mitigation funding; and

WHEREAS, Federal mitigation planning regulations require local mitigation plans to be updated and resubmitted to the Federal Emergency Management Agency for approval every five years in order to continue eligibility for Federal Emergency Management Agency hazard mitigation assistance programs; and

WHEREAS, North Carolina General Statute §166-A - 19.41, approved by the North Carolina General Assembly in June 2001 requires local governments to have a hazard mitigation plan approved pursuant to the Stafford Act in order to receive state public assistance funds; and

WHEREAS, Town staff along with representatives from partnering jurisdictions in conjunction with contract services have performed a comprehensive review and evaluation of the newly created Eno-Haw Regional Hazard Mitigation Plan and have updated the plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the North Carolina Division of Emergency Management; and

WHEREAS, the North Carolina Division of Emergency Management has deemed the Eno-Haw Regional Hazard Mitigation Plan compliant with Section 322 of the Disaster Mitigation Act of 2000, as well as with relevant state requirements; and

WHEREAS, the Federal Emergency Management Agency has received a draft of the Eno-Haw Regional Hazard Mitigation Plan and is currently reviewing;

WHEREAS Town staff along with representatives from partnering jurisdictions in the process of developing the Eno-Haw Regional Hazard Mitigation Plan identified climate change as a hazard to be addressed in the plan.

Whereas the Eno-Haw Regional Hazard Mitigation Plan does not address climate change.

NOW THEREFORE, BE IT RESOLVED, that the Board of Aldermen of the Town of Carrboro hereby adopt, by way of this resolution, the “Eno-Haw Regional Hazard Mitigation Plan” as approved by the North Carolina Division of Emergency Management.

THEREFORE, BE IT FURTHER RESOLVED the Town of Carrboro requests an immediate update to the Eno-Haw Regional Hazard Mitigation Plan so that climate change mitigation is included within the plan. The update should be finalized within 12 months after the approval of the current plan.

This the 23<sup>rd</sup> day of June, 2015.

**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 PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE NOT SO NORMAL RUN FESTIVAL**

The purpose for this meeting was to receive public input for a Street Closing Permit Application submitted by Hairy Pony Racing Association for the temporary closing and usage of streets from 7:00 AM to 2:00 PM on Sunday, April 3rd, 2016 to accommodate the *Not So Normal Run Festival*, which includes a half marathon race and a full marathon race.

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

**A PUBLIC HEARING TO RECEIVE PUBLIC INPUT ON A TEMPORARY STREET CLOSING PERMIT TO ACCOMMODATE A HALF MARATHON AND FULL MARATHON FOR THE NOT SO NORMAL RUN FESTIVAL**

Section 1. On the day of the event, public streets shall be temporarily used Sunday, April 3<sup>rd</sup>, 2016 from 7:00 AM to 2:00 PM to accommodate half marathon and full marathon races for the Not So Normal Run Festival. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code. Refer to attached maps for exact locations of streets being used for the event.

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. Applicant shall distribute flyers of notification, to persons occupying property abutting the streets where the event is to take place, of the contents of any resolution passed.

Section 5. Applicant will be responsible for all costs incurred by Police and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police and Public Works.

Section 6. The scope of this event will require staffing that exceeds what the Public Works and Police Departments can typically provide, and subsequently the coordinator will be hiring additional professional staff to help manage the event. Town staff will help coordinate the traffic control. The applicant must provide additional labor for areas of the race courses outside the Town of Carrboro jurisdiction limits, and hiring additional forces for areas in Town limits beyond what Carrboro Police and Public Works are able to staff.

Section 7. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 8. This resolution is contingent on the applicant providing proper liability insurance to the Town at least 30 days prior the event.

Section 9. This resolution shall become effective upon adoption.

**This the 23<sup>rd</sup> day of June, 2015.**

**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

\*\*\*\*\*

**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS TO MODIFY PROVISIONS RELATING TO THE EXPIRATION OF PERMITS**

The purpose of this item was for the Board of Aldermen to consider amending the Land Use Ordinance to modify the existing provisions relating to the expiration and extension of permits. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

Tina Moon, the Town's Planning Administrator, provided the staff report.

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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO

LAND USE ORDINANCE TO MODIFY PROVISIONS RELATING TO THE EXPIRATION OF PERMITS.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with the Downtown Carrboro New Vision which speaks to the importance of reviewing and updating zoning and development policies and is consistent with *Carrboro Vision 2020* which speaks to the need to govern development and minimize negative impact as well as consider the interests of all members of the community, including property owners, neighbors, and other interested citizens when making development decisions.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it will allow the Board to consider extending an approved permit, under specific criteria, for a development project that complies with the Land Use Ordinance.

Section 3. This resolution becomes effective upon adoption.

**This the 23<sup>rd</sup> day of June, 2015.**

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

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MODIFY PROVISIONS RELATING TO THE EXPIRATION OF PERMITS

Ordinance No. 21/2014-15

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-62(c) of the Carrboro Land Use Ordinance is amended to read as follows:

(c) The permit-issuing authority may extend for a period up to two years from the date when a permit would otherwise expire pursuant to subsections (a) and (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods of up to two years upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

Section 2 This ordinance shall become effective upon adoption.

This the 23<sup>rd</sup> day of June, 2015

**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

\*\*\*\*\*

**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS TO 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 amending 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 Johnson, seconded by Alderman Slade that this resolution be approved.**

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: 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.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with the Downtown Carrboro New Vision document which speaks to the importance of updating zoning and development policies to ensure that the ordinance implements the Town's Vision Plan and *Carrboro Vision 2020* particularly the statements under Section 2.0, Development:

- Carrboro's development should take place in a manner consistent with a set of adopted values.
- Growth should occur in a balanced fashion, and at a rate that does not jeopardize the values set forth by Vision 2020.
- The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it expands the use of a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

Section 3. This resolution becomes effective upon adoption.

This the 23<sup>rd</sup> day of June, 2015

**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 motion was made by Alderman Seils, seconded by Alderman Johnson, that this ordinance be approved.**

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  
Ordinance No. 22/2014-15

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Subsection 15-141.4(a) of the Carrboro land Use Ordinance is amended as follows:

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established: ~~B-2-CZ and B-1(G)-CZ.~~

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ , and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, OA-CZ, M-1-CZ, M-2-CZ

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 23<sup>rd</sup> day of June, 2015**

**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

\*\*\*\*\*

**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS TO ESTABLISH A NEW USE CLASSIFICATION FOR DATA SERVICE PROVIDER FACILITIES**

The purpose of item was for the Board of Aldermen to consider amending the Land Use Ordinance to establish a new use classification for data service provider facilities.

Tina Moon, the Town's Planning Administrator, provided the staff report.

Alderman Seils suggested changing the word "unmanned" to "automated" in the definition.

Alderman Slade asked if there are electromagnetic fields emitting from the location. Marty Roupe, the Town's Zoning Administrator, stated that he did not think they were the same as cell towers but that staff could look into the question and report back to the Board. Nick Herman, the Town's Attorney, stated that staff could find out if it is emitting electro magnetics and if so, staff can report back on what they can do.



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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH REGULATIONS FOR DATA SERVICE PROVIDER FACILITIES NOT OTHERWISE REGULATED.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with *Carrboro Vision 2020* particularly the statements under Section 3.4 relating to technology:

3.42 Carrboro should continue to explore new technologies and should actively recruit private companies to supply Carrboro with the most up-to-date technology available, encouraging its distribution throughout the town.

3.43 Carrboro should help local businesses grow and expand by taking full advantage of the Internet and other new technologies that become available.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because the performance standards should allow the Town to embrace new technologies in a way that ensures compatibility with surrounding and proposed uses.

Section 3. This resolution becomes effective upon adoption.

**This the 23<sup>rd</sup> day of June, 2015**

**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 motion was made by Alderman Chaney, seconded by Alderman Johnson, that this ordinance be approved.**

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH REGULATIONS FOR DATA SERVICE PROVIDER FACILITIES NOT OTHERWISE REGULATED

Ordinance No. 23/2014-15

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-15 (Definitions) of the Carrboro Land Use Ordinance is amended by adding a new subsection (28), as shown below, and renumbering the subsequent subsections accordingly.

(28) DATA SERVICE PROVIDER FACILITY: An automated facility other than a utility facility or wireless telecommunication facility, including but not limited to a structure and ancillary improvement, used primarily for the purpose of transmitting and receiving data. Typically, such facilities resemble

wireless telecommunications base stations and house equipment used to transmit and receive data via cable, fiber optic strands, or similar media.

Section 2. Section 15-146 (The Table of Permissible Uses) is amended by adding a new use classification 15.750 “Data Service Provider Facility” and by adding the letters “Z S” opposite this use classification under the R-10, R-15, R-20 zoning district columns to indicate that this use is permissible in those districts with a zoning permit or special use permit as noted further in section 15-176.6 Data Service Provider Facilities.

Section 3. Article XI (Supplementary Use Regulations) is amended by adding a new section 15-176.6 as follows:

Section 15-176.6 Data Service Provider Facilities.

(a) Data service provider facilities up to 500 square feet in building area, and no taller than 15 feet in height are allowed in the R-10, R-15 and R-20 zoning districts with a zoning permit, provided that such facility otherwise satisfies the requirements of the Carrboro Land Use Ordinance.

(b) A data service provider facility larger or taller than the maximums stated above, or that cannot meet one or more of the provisions in Section 15-176.6(c) through 15-176.6(l) below may be allowed with a special use permit issued by the Board of Adjustment upon satisfaction of the considerations required by section 15-54.

(c) All data service provider facilities shall be set back at least twice the otherwise applicable front, side and rear yard setback requirements for the zoning district in which the facility is located.

(d) A data service provider facility shall have sufficient parking on site to accommodate the number of vehicles likely to be present at the facility on a regular basis.

(e) A data service provider facility shall be surrounded by a fence or wall at least 8 feet in height and constructed of material that cannot be easily climbed or penetrated.

(f) All data service provider facilities shall be surrounded by a Type A buffer on all sides.

(g) No data service provider facility may generate any smoke, odor, electrical interference that is perceptible beyond the boundaries of the lot where the facility is located or that affect the use of adjoining or neighboring properties.

(h) The maximum permitted sound level for all data service provider facilities is 50 dB(A) measured at (i) the outside boundary of the leased area occupied by the facility, or (ii) the lot line if the facility is the only use located on the lot.

(i) No 15.750 classification use in any district may generate any ground transmitted vibration that is perceptible to the human sense of touch measured at (i) the outside boundary of the leased area occupied by the facility, or (ii) the lot line if the facility is the only use located on the lot.

(j) No outdoor storage shall be permissible at data service provider facilities.

(k) Commercial messages may not be displayed on any data service provider facility, provided that such facility shall have a single sign no larger than 4 square feet in area, identifying the operator of the facility and providing a telephone number or other contact information for the operator.

(l) All data service provider facilities shall meet the applicable lighting requirements established in section 15-242.5.

(m) The recipient of the permit for data service provider facilities shall submit to the Zoning Administrator written verification that the facility is being utilized within thirty (30) days of receipt of a written request for such verification. Data service provider facilities which are not used for a period of 6 months or more shall be removed by the recipient of the permit or subsequent permit holder within 90 days thereafter.

Section 4. Section 15-147 Use of the Designation Z, S, C, in Table of Permissible Uses is amended by adding a new subsection (n) that reads as follows:

(n) Notwithstanding the foregoing, the permit requirement for use classification 15.750 data service provider facilities shall be determined by the supplementary use regulations in Section 15-176.6.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. This ordinance shall become effective upon adoption.

**This the 23<sup>rd</sup> day of June, 2015**

**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

\*\*\*\*\*

**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS TO MODIFY THE PRESUMPTIVE PARKING REQUIREMENT FOR RESTAURANTS WITH OUTDOOR SEATING**

The purpose of this item is for the Board of Aldermen to consider amending the Land Use Ordinance to modify the presumptive parking requirements for restaurants with outdoor seating in the B-1(c), B-1(g) and B-2 zoning districts.

Tina Moon, the Town's Planning Administrator, provided the staff report.

Nathan Milian, property manager for Carr Mill Mall, urged the Board to refrain from adopting the proposed amendment until the parking study was completed and presented the Town Clerk with materials for the record.

Mike Benson, owner of Southern Rail, stated that Carrboro has been growing and that the parking issues are a direct result. He stated that the proposed amendment is a good thing.

Alderman Johnson stated that the advisory boards recommended that the Board wait to act on the proposed amendment until the Parking Study begins.

Alderman Gist stated that she would like to see a survey completed to see if people are biking or walking to outdoor seating. She asked for the parking study to include such a survey.

Alderman Seils stated that it makes sense to continue the public hearing to include a more comprehensive process.

Alderman Slade stated that it makes sense to consider this item for after the parking study and that the Transportation Advisory Board supports this amendment with the caveat of waiting to see if the Parking Study data backs it up. He also asked for clarification from the Nathan Milian (seated in the audience) regarding if “they are litigating the Town” upon which time Mr. Milian nodded to reject that statement and Alderman Slade continued that it would be ironic if Mr. Milian was litigating and wanted to discontinue the study since part of the reason for the Parking Study was to respond to Carr Mill Mall’s parking complaint.

Trish McGuire, the Town's Planning Director stated that staff will try to accomplish returning this item to the Board on September 22, 2015 for further discussion.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO CONTINUE THIS PUBLIC HEARING UNTIL SEPTEMBER 22, 2015. VOTE: AFFIRMATIVE ALL.

\*\*\*\*\*

### **ENERGY AND CLIMATE ACTION PLANNING TASK FORCE REPORT**

The purpose of this item was for the Energy and Climate Action Planning Task Force to present its recommendations.

Randy Dodd, the Town's Environmental Planner, provided an introduction to the report.

Members of the Taskforce were present to provide the report and discuss their recommendations.

Alderman Johnson asked the Town Manager to look into a position of a sustainability coordinator in next year's budget and that interns are used in the interim. She stated that it could be a good idea for the members to meet with the Affordable Housing Taskforce to speak about affordability issues. She asked for shared parking to be looked into for car/vanpool parking. She encouraged staff to work with the school system to have more bike to work and school events. She encouraged the Taskforce to work with school groups that may be interested in assisting.

Alderman Haven-O'Donnell asked the Town Attorney to review the Town's authority to limit idling in the Town. She stated that the Town is looking into the potential to partner with a stormwater utility. She stated that she approves of an extension of their work.

Alderman Chaney suggested a lunch-and-learn event to help promote the goals of the Taskforce. She suggested that the final plan be very clear that the Town would like to prioritize subsidies to barriers for low-income communities so all have equal access to creating a healthy community. She encouraged

the Taskforce to work with OWASA regarding their affordability outreach strategies and lessons learned.

Alderman Seils suggested exploring joint efforts and stated that it would be useful to identify in the strategies where clear opportunities exist for joint efforts. He also suggested that it would be helpful for the Taskforce to identify which recommendations could be achieved through ordinance amendment. He stated that improvements for low income communities be prioritized and asked that the Taskforce show if those efforts achieve both social justice and energy efficiency goals.

Alderman Gist stated that she was concerned about creating a community that is too expensive for even the middle class. She stated that the creation of a stormwater utility, a staff member, the increased efficiency of a rental property all make costs increase. She asked the Taskforce to not forget the middle class.

Mayor Lavelle stated that she suggested that the solarize effort seek to work with apartment complexes and churches. Mayor Lavelle suggested every Friday be promoted as a bike to work or school day. She suggested an initiative to encourage eating less meat and more foods that don't emit greenhouse gasses. She asked if more neighborhoods could opt out of street lights. She suggested partnering with Chapel Hill to find places to park and drive carpool to work.

Alderman Johnson suggested reviewing the Affordable Housing Document as a model to include into the strategies. She also suggested identifying a percentage of Affordable Housing funds for the energy efficient upgrades that have been discussed. She suggested that the Affordable Housing Taskforce meet to discuss that allocation.

Alderman Slade encouraged the Taskforce to connect with the local businesses. He stated that the geothermal district is very inspiring and asked if the attorney could determine if heating districts are required to be regulated by the NC Utilities Commission. He asked that the plan be Forwarded to the Affordable Housing Taskforce, the Planning Board, and the Transportation Advisory Board, ESC.

Alderman Seils stated that he would prefer a timeline and encouraged underserved members of the community to be included on the Taskforce.

It was decided that the Taskforce would report back in the late fall.

\*\*\*\*\*

### **A REQUEST TO MAKE APPOINTMENTS TO THE GREENWAYS COMMISSION**

The purpose of this item was to make appointments to the Greenways Commission.

Mayor Lavelle suggested a ballot process for selection.

Alderman Chaney suggested that the Board should be very clear in their desire in making appointments.

She suggested a process that allows the Board to be better decision makers. She stated that she would like the process to include a process that does not have bias and allows the Board to express their values.

Alderman Johnson thanked Alderman Chaney for the dialogue.

Mayor Lavelle stated that per Roberts Rules of Order the process of ballot voting is what is recommended for all appointments.

Alderman Haven-O'Donnell stated that she would like to discuss the value of the questions that are answered by the Board Chairs. She also indicated that she would vote for Ethan O. Beattie because of his experience related to greenways in the town.

Alderman Seils stated that the nomination and ballot process are much better than the process the Board has been using.

Alderman Chaney suggested that two seats up for reappointment be filled rather than appointing three to allow the Board a chance to have a broader discussion regarding how recruitment and appointments are made at meeting in the fall.

Mayor Lavelle called for votes to be issued by ballot by each member of the Board.

The following candidates were listed and received the votes indicated:

<b>Applicant</b>	<b>Board Members Recorded Vote</b>	<b>Appointed</b>
Dania Adkisson	0 – No Vote Cast	NO
Ethan O. Beattie	1- Alderman Haven O'Donnell	NO
Robert Kirschner	7 – Mayor Lavelle, Alderman Seils, Alderman Slade, Alderman Chaney, Alderman Johnson, Alderman Gist, Alderman Haven-O'Donnell	YES
Johnny Randall	7 – Mayor Lavelle, Alderman Seils, Alderman Slade, Alderman Chaney, Alderman Johnson, Alderman Gist, Alderman Haven-O'Donnell	YES

\*\*\*\*\*

**MINOR MODIFICATION TO THE CUP FOR 400 ROBERSON STREET**

Bobbitt Design Build has submitted an application for a Minor Modification to the existing CUP for the property located at 400 Roberson Street to authorize the remodeling of the existing building shell with associated interior layout revisions.

Jeff Kleaveland, the Town's Zoning and Development Administrator, provided the staff presentation.

Duncan Yaggy, representing the applicant, provided an update on the proposed changes to the building and discussed the building's history.

Alderman Slade asked if Duncan Yaggy would be interested in being part of a registry on energy savings. Mr. Yaggy stated that he would be interested in participating.

Alderman Seils asked why the applicant asked to continue the non-conforming outdoor lighting requirement. Nathan Milian, representing the applicant, stated that the process to replace the lighting would require a lot of digging and wiring work that they are trying to avoid.

Alderman Slade stated that he would like to hear back from staff on policy guidance for the Board to better justify the non-conformity allowances. He proposed showing cost of making the improvement from the applicant.

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

**A RESOLUTION APPROVING A MINOR MODIFICATION TO THE 400 ROBERSON ST CONDITIONAL USE PERMIT ALLOWING FOR REVISING THE BUILDING SHELL, INTERIOR LAYOUT AND ASSOCIATED HARDSCAPE AND LANDSCAPING**

**WHEREAS**, the Carrboro Board of Adjustment approved a Special Use Permit for 400 Roberson St. property in 1972; and

**WHEREAS**, this project would require a Conditional Use Permit under the current provisions of the Land Use Ordinance; 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 to the 400 Roberson St. Conditional Use Permit authorizing the revisions to the building shell, interior layout and associated hardscape and landscaping be approved subject to the following stipulation:

1. That signage on the building be provided directing users to the location of the bicycle parking.
2. That, based upon materials presented by the applicant at the meeting and their own request, the LUO nonconformities pertaining to sidewalk width and outdoor lighting be allowed to remain.

This the 23<sup>rd</sup> day of June, 2015.

**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

\*\*\*\*\*

**REVIEW OF DRAFT AGENDA FOR ZONING 101 -LLOYD-SUNSET NEIGHBORHOOD**

The purpose of this item was for the Board of Aldermen to consider a proposed program for an informational session being developed to provide zoning information to the Lloyd-Sunset neighborhood.

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

\*\*\*\*\*

**CARRBORO ARTS & INNOVATION CENTER UPDATE**

The purpose of this item was to update the Board on the work of the Technical and Steering Committees as related to the possibility of a Carrboro Arts & Innovation Center based on Proposed Path to a New Proposal.

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

Alderman Gist stated that she thinks the Board has been very clear that they have not supported a co-location for the library and an arts center. She stated that she does not want to see the library sacrificed in the name of the arts center.

Alderman Haven-O'Donnell stated that the discussion to reset the program for the arts center was not intended to reset the process of the library. She stated that the library process should be cleared and unbundled from any other project and unconstrained from the other interests.

Alderman Seils stated that something happened between the last time the Board highly recommended the Butler site and the County began public information sessions and stated that he would like clarity from Orange County on why the process has shifted so radically from where it was left the last time the Board recommended the Butler site.

Alderman Chaney stated that the parallel track may be hiding a deliberative process and that the Board should be updated regarding the process. It has to be clear to the Commissioners that the Library has to be its own process.

It was requested that the item be included on the joint meeting with Orange County in October.



It was agreed that Mayor Lavelle and David Andrews will meet with the Orange County Chair and Manager.

\*\*\*\*\*

**ADJOURNMENT**

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