



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, November 17, 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, Bob Hornik, Town Attorney

RECOGNITION OF CHAPEL HILL HIGH SCHOOL WOMEN'S CROSS COUNTRY TEAM - STATE CHAMPIONS

Mayor Lavelle recognized the runners and coaches and proclaimed Wednesday, November 18th as, "Chapel Hill High School Women's Cross Country Team Day."

CHARGES ISSUED TO RECENTLY APPOINTED ADVISORY BOARD MEMBERS

The Town Clerk issued charges to Gwen Barlow, a recent appointee to the Appearance Commission and Hathaway Pendergrass, a recent appointee to the Planning Board.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SLADE TO APPROVE THE OCTOBER 20, 2015 MEETING MINUTES AND TO POSTPONE APPROVAL OF THE NOVEMBER 10, 2015 MINUTES. VOTE: AFFIRMATIVE ALL

**A RESOLUTION SETTING THE DATE FOR THE 2016 BOARD OF ALDERMEN
RETREAT**

The purpose of this item was to schedule the Board of Aldermen retreat for February 28, 2016 at 10:00 am at the Hampton Inn and Suites in Carrboro.

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

A RESOLUTION SETTING THE DATE FOR THE 2016 BOARD OF ALDERMEN RETREAT
NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT:

1. The 2016 retreat is scheduled for Sunday, February 28, 2016 at 10:00 am at the Hampton Inn and Suites in Carrboro.
2. The Dispute Settlement Center will be engaged to facilitate the retreat.
3. The Retreat Subcommittee will work with the Town Clerk to finalize details of the retreat.
4. The Town Clerk will post and publicize the meeting pursuant to the North Carolina Open Meetings Law.

This the 17th day of November, 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

RE-FINANCING OF FIRE STATION CONSTRUCTION LOAN

The purpose of this item was to allow the Board to consider a proposal from BB&T to modify the interest rate for the Town's Fire Station Construction Loan.

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

Resolution Approving Terms of Re-financing

WHEREAS, Carrboro, North Carolina (the "Town") has determined to change the terms of the Payment Schedules to that Financing Agreements and Deed of Trusts (the "Original Agreement") granted to F. Louis Loyd, III (the "Deed of Trust Trustee") for the benefit of Branch Banking and Trust Company ("BB&T") for contract # 9933000653-00005; and

WHEREAS, the changes to the terms of the Payment Schedule include revising the interest rates from 4.07% to 2.59% for loan 00005 maturing on 7-15-2024; and

NOW, THEREFORE BE IT RESOLVED by the governing body of the Town of Carrboro, North Carolina that the proposed changes to the Payment Schedule of the Original Agreement are hereby approved and the officers designated to sign financing documents are hereby authorized and

directed to take such action as may be necessary to effectuate such changes. All other terms and conditions of the Original Agreement and the Payment Schedule thereof remain in full force and effect.

This the 17th day of November, 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

TOWN CODE SECTION 4-36 ADVERSE WEATHER/HAZARDOUS CONDITIONS
AMENDMENT

The purpose of this item was to amend Section 4-36 of the Town Code.

Motion was made by Alderman Gist, seconded by Alderman Chaney to approve the ordinance below:

AN ORDINANCE AMENDING CARRBORO TOWN CODE SECTION 4-36 REGARDING
EMPLOYEE ATTENDANCE AND COMPENSATION DURING ADVERSE WEATHER
CONDITIONS

Ordinance No. 4/2015-16

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Town Code Section 4-36 Adverse Weather/Hazardous Conditions, is amended to read as follows:

- (a) The Town has responsibility for emergency services including law enforcement. Adequate staff are required to operate critical Town Services seven days per week, twenty four hours per day in all weather. Department heads should designate which staff positions and personnel are critical and, therefore, required to report to work regardless of weather or other hazardous conditions.
- (b) All Town departments are affected by extreme weather conditions. The Town Manager will make decisions related to the delayed opening, early closing, or full-day closure of Town Hall and administrative offices. When these circumstances occur, employee work attendance and compensation will be handled as described:

(1) Non-emergency, non-exempt employees: If Town offices are closed due to extreme weather conditions, non-emergency, non-exempt employees will be paid their regular hourly rate for work hours missed due to the closing, up to a maximum of twenty-four (24) hours per fiscal year. If Town offices are open during extreme weather, non-emergency, non-exempt employees with supervisor approval may use accrued time, or leave without pay, if they are absent from work due to local extreme weather conditions. (for example, roads near an employee's home are not clear but roads in Carrboro are safe.)

(2) Non-emergency, exempt employees: If Town offices are closed due to extreme weather conditions, non-emergency, exempt employees will be paid their regular salary for work hours missed due to a full day closing, for a maximum of three (3) full-day closures per fiscal year. If Town offices are open during extreme weather, non-emergency, exempt

employees with Town Manger approval may use accrued time, or leave without pay, if they are absent for a full day from work due to extreme weather conditions. (for example, roads near an employee's home are not clear but roads in Carrboro are safe.)

(3)Emergency and weather - essential employees: Many of the Town's employees must function at all times regardless of weather conditions. Emergency and weather-essential employees are required to report to work. The Town Manager will exercise his/her best judgement for each weather situation as to which employees are considered essential. If Town offices delay opening, close early, or are closed for a full day, emergency and weather essential staff who work during this time will receive compensatory time up to but not exceeding twenty-four (24) hours per year due to extreme weather conditions, in the equivalent amount as non-emergency employees.

(4)There will be no accrual, no pay-out, and no carry-over of these days from one fiscal year to another.

(5)Previously scheduled sick and/or vacation leave during extreme weather conditions will be deducted as originally scheduled and approved and will not be eligible for compensatory time.

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 17th day of November, 2015

Vote:

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

CONSIDERATION OF A TOWN CODE AMENDMENT RESTRICTING PARKING ALONG THE JONES FERRY ROAD EXIT OF NC HIGHWAY 54

The purpose of this item was for the Board of Aldermen to consider an amendment to the Town Code restricting parking alongside the off-ramp extending from the NC Highway 54 West exit to Jones Ferry Road.

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

AN ORDINANCE AMENDING THE TOWN CODE TO SPECIFY PARKING RESTRICTIONS ALONG THE NC 54 OFF-RAMP ONTO JONES FERRY ROAD
Ordinance No. 5/2015-16

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Article IV of Chapter 6, Section 6-19 of the Carrboro Town Code (Parking Prohibited in Certain Locations at Certain Times)(b)(1)(qq) is amended to read as follows:

(qq) Along both sides of the off-ramp extending from the NC Highway 54 West exit to Jones Ferry Road.

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 17th day of November, 2015

Vote:

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

CONSIDERATION OF A TOWN CODE AMENDMENT RESTRICTING PARKING ALONG OLD PITTSBORO ROAD

The purpose of this item was for the Board of Aldermen to consider an amendment to the Town Code restricting on-street parking along Old Pittsboro Road.

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

AN ORDINANCE AMENDING THE TOWN CODE TO SPECIFY PARKING RESTRICTIONS
ALONG OLD PITTSBORO ROAD
Ordinance No.6/2015-16

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Article IV of Chapter 6, Section 6-19 of the Carrboro Town Code (Parking Prohibited in Certain Locations at Certain Times)(b)(1)(rr) is amended to read as follows:

(rr) Both sides of Old Pittsboro Road.

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 17th day of November, 2015

The motion carried by the following vote:

Aye: 6 - Mayor Lavelle, Alderman Chaney, Alderman Gist, Alderman Haven-O'Donnell, Alderman Johnson and Alderman Seils

Nay: 1 - Alderman Slade

BIKE SHARE FEASIBILITY IN CARRBORO PRESENTATION

The purpose of this item was for the Board of Aldermen to receive a presentation from UNC

Department of City and Regional Planning students on their semester-long bike share feasibility study for the Town of Carrboro.

Alderman Slade asked to discuss this item again at a future work session of the Board.

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

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR ENDED JUNE 30, 2015

The Town's independent auditor, Dixon Hughes Goodman LLP, presented the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2015 to the Board of Aldermen.

DISCUSSION OF REVISED DRAFT LAND USE ORDINANCE TEXT AMENDMENTS ESTABLISHING A NEW USE CLASSIFICATION WITH ASSOCIATED REQUIREMENTS FOR FACILITIES PROVIDING SOCIAL SERVICES WITH DINING

The purpose of this item was for the Board of Aldermen to review a revised draft ordinance that would amend the Land Use Ordinance to establish a new use classification for facilities providing social services with dining as a permissible use in certain zoning districts and consider whether to set a public hearing for January 26, 2016.

Tina Moon, the Town's Planning Administrator, made the staff presentation.

Michael Reinke, the Executive Director of Inter-Faith Council for Social Service (IFC), spoke in support of the application and asked the Board for their support.

Jason Merrill, owner of Bike Alley Bikes, expressed support for moving the project into downtown Carrboro and stated that he is a product of growing up receiving the services offered by the IFC.

Jock Wick, a resident of Carrboro and owner of residential and commercial property in downtown, stated that he was caught off-guard with the discussion and didn't hear about the project from the Town. He asked that the Town keep the community and residents more informed on this project.

Jerry King, the owner of Provence, stated that 110 West Main may not be the best place for the kitchen and suggested that another location may be better.

David Summer, owner of Framers Corner and resident of Carrboro, stated that there has been a lack of communication to the business community from the Town and the IFC regarding this

issue. He stated that the business community supports Food First and the IFC and that they are proud to have them here. However, they do not have enough information presented by the IFC or from the Town. He suggested that the Town's Economic Development Department share the information. He asked the IFC to join in with the business community to have a conversation to discuss the needs of the community and the IFC.

Andrew Jones, stated that there is sentiment that the burden should be shared. He stated that if the IFC, the Chamber, and the Board had brokered a meeting with the business community, there would be a much quicker solution presented to the Board.

Aaron Nelson, the director of the Chapel Hill - Carrboro Chamber of Commerce, stated that the businesses make Carrboro such a special place. He summarized the previous two meetings that the Chamber hosted with the businesses to discuss the proposed project. He stated that they do not believe that 101 Main Street is the appropriate location and ask that the IFC consider alternate locations to determine a more appropriate space. The executive board of the Chamber joins the Economic Sustainability Commission in asking that the public hearing, if set, not be set until much later in the spring of 2016.

Rick Robinson, the owner of Rise Biscuit and Donut Kitchen, asked that a public hearing be scheduled later than January 2016. He read a letter from several business owners expressing concern that the current use is not in harmony with the downtown businesses in Carrboro. He stated they would like to work with all parties to address the needs of those in Carrboro.

Grace Holton, a property owner in downtown, expressed concern that she did not hear about this from the Town. She asked that the public hearing be postponed until the business community can have a conversation with the IFC.

Susan Delaney, owner of the Wellness Alliance, stated that she did not get a notice that this was happening. She stated the conflict is the location because of the increase in traffic. She asked for the IFC to have a conversation with the business community.

Alderman Gist stated that folks on both sides of the issue are speaking their truths and stated that it is important to have conversations about how to address those issues. She stated that a conversation needs to occur between the cities and county to develop a needs assessment. She stated that she supports the business community and is in favor of not rushing to a public hearing and that January is too soon to set a public hearing.

Alderman Seils stated that the draft ordinance brought forward addresses the concerns from the Board's previous discussion. He stated that some of the concerns regarding trespassing and negative behavior on their property should be addressed by the Town.

Alderman Slade stated that the community conversation needs to continue.

Alderman Johnson stated that she has heard from the community that there was a flaw in the process regarding communication. She stated that she has experienced around five people that

have acted inappropriately around her business. She stated that there should be additional conversations between the IFC and the business community. She stated that she does not want to lump all of the fears for the majority of people that the IFC will feed on a minority of those that act inappropriately. She stated that she is ok with not having the hearing in January. She stated that the conversation should be very honest with the fears that are being held. The Town should also respond to individuals who are causing disruption to business and personal property.

Alderman Haven-O'Donnell thanked the businesses and the Chamber for their efforts in increasing the conversation and information regarding the proposed project. She suggested having the public hearing in March and agreed with the suggestion to start an intergovernmental task force to discuss the issues.

Alderman Chaney stated that both the Town and the IFC should rethink the communication process and correct it for next time. She stated that the good faith process from hearing from the public and advisory board starts when the Board sets a public hearing.

Mayor Lavelle stated that this issue is very complex and that she sees all sides of the issue. She encouraged folks to volunteer at the IFC to get an understanding of the current situation.

Alderman Gist suggested a process similar to the Lloyd Farm facilitated process and that February is too early.

LeAnne Brown, attorney with the IFC, stated that she would like to begin the path and continue conversations while they are on it.

Mr. Jones stated that the businesses are dealing with the problems now and that the fear of what is happening at Franklin and Rosemary will happen in Carrboro. He stated that his family used to visit downtown Chapel Hill on a regular basis and they saw so much bad behavior and were aggressively panhandled that he could no longer take his children. He stated that Chapel Hill will come to the table because they don't want the problem.

Alderman Slade stated that what Chapel Hill did in response to their businesses re: the shelter move is what not to do, the shelter is now in a far away location that is not accessible to people who may not have a car. The existence of many social services already in downtown Carrboro, instead of being a reason for not locating the IFC in the downtown as has been said by some (that it will 'saturate the downtown'), is the reason to have it there; locating the Community kitchen downtown facilitates accessibility to businesses and services for people who may not have their own car. Anywhere the community kitchen is located the neighbors will be upset. We should apply the concept of inclusionary housing to the downtown. The downtown should be accessible and open to everyone independent of their socio-economic level.

Alderman Slade stated the Lloyd property extended process came about after having gone through advisory board process. The conversation that is happening already with the community is happening at an earlier point than we have had with most other projects.

A motion was made by Alderman Johnson, 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 FACILITIES THAT PROVIDE SOCIAL SERVICES INCLUDING DINING

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 March 22, 2016, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Establish Regulations for Facilities that Provide Social Services Including Dining.”

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 Human Services Commission. Staff should work with the IFC, the Chamber, and the business community to talk about a process to move forward. Staff should also look into current nuisance violations and consider adding additional public restrooms downtown.

This the 17th day of November, 2016

The motion carried by the following vote:

Aye: 5 - Mayor Lavelle, Alderman Chaney, Alderman Johnson, Alderman Seils and Alderman Slade

Nay: 2 - Alderman Gist and Alderman Haven-O'Donnell

CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A)(3)

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A) (3). VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

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