



# Town of Carrboro

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

## Meeting Minutes Board of Aldermen

**Tuesday, April 19, 2016**

**7:30 PM**

**Board Chambers - Room 110**

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

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

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### **REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR**

Landon Rodgers stated that he is concerned with the location of the Google Hut and the noise associated with it. He suggested moving it to the OWASA property.

Julia Hartsell, owner of The Flowjo, stated that the cemetery is quiet and it provides a place of reflection in Carrboro. She stated that the Google Hut would be a loss to the space. She stated that she is not anti-Google but wants the place reserved for a reflective space for the living.

Matthew Barton, owner of a unit in Village Square, stated that he was not notified until one week ago about the construction. He stated that he was surprised that the Land Use Ordinance was amended over a year ago to allow this use in the cemetery. He stated that the lack of any realistic notice was disheartening and the Board of Village Square has not had time to officially develop a position on this issue. He asked why there is no covering wall around the generator. He asked why the generator or HVAC units have to be so large. He asked how the use is consistent with the cemetery.

Bob Proctor read a prepared statement to the Board where he expressed an issue with Google as a corporate monopoly and the location and noise associated with the Google Hut. [A copy of the statement was not left with the Clerk for inclusion in the public record. However, Mr. Proctor hand-delivered what he referred to in his statements as "a modified version" of the comments to the Town Manager on 4/18/2016 and the Town Clerk has a copy of those comments on file for the public record.]

[Alderman Chaney arrived at the meeting at 8:03p.m.]

Pamela Moffatt, a resident of 119 Fidelity Street, stated that the Google Hut is a "hub" and that it is a question of where. She suggested that Jones Ferry Road or across from Willow Creek Shopping Center would be better placement for the Google Hut. She provided the Board with a copy of her talking points.

Lisa Bennett, a resident of Village Square, stated that she just bought last year and viewed her home as just that, her home with a beautiful view of the woods. She expressed concern with how fast the development has happened and how much noise it will make. She stated that she would like more notice and noted that she would like more input on the Lions Club property and any development that may occur.

Ellen Perry, a resident of 119 Fidelity Street, stated that it affects her because she walks her dog on the Lions Club road and there are deer everywhere; that she enjoys. She asked what will happen to the deer now that Google Hut has been built. She asked what happened to the rules and regulations that were put in place requiring special use permits and conditional use permits. She told the Board that the Town has to go back to the rules and she is not going to put up with this.

Mayor Lavelle stated that she met with Bob Proctor, David Andrews, and Trish McGuire onsite of the Google Hut construction and discussed many of the questions that were raised tonight.

[Alderman Seils arrived at the meeting at 8:10 p.m.]

David Andrews, the Town Manager, stated that the Town followed all protocols in place regarding the siting of the Google Hut. He also stated that staff put a lot of thought into minimizing any negative impacts associated with the project.

Trish McGuire, the Town's Planning Director, showed a map of the location of the Google Hut. She stated that the process initially started with the Town participating in the North Carolina Next Generation Networks (NCNGN) project. The Town received a response from AT&T and Google expressing a desire to work directly with the Town to provide fiber service. The Board reviewed agenda items where Google expressed a desire to locate on Town owned property. The Board then passed a text amendment in June of 2015 allowing the use with a zoning permit. The two most desired Town properties were the MLK Jr Park site and the Westwood Cemetery due to the proximity of the most citizens in the community. In February of 2016 the Google Lease Agreement was presented to the Board for consideration and approved for the Westwood Cemetery location. She stated that the location of the Google Hut was a joint effort of the Town and Google. Google has indicated that the project is behind schedule and that they do not intend to delay the project. There are no noise requirements in the United States as strict as the ones that are placed on the Hut by the Town. There will be approximately two visits per week by Google to the site in which they will use the driveway that leads to the Lion's Club property. She stated that the generator will run when electricity is not running and will not run on a regular basis. The generator test will take place at schedule authorized by the Town. The HVAC units will be the same size as a residential unit in place for a two-story residence in Carrboro and will run as the only cooling device for the Hut. She stated that Chapel Hill's Hut will be

located near the library. In response to Mayor Lavelle, she stated that 50 decibel level was picked because that is the level in the ordinance associated with any sound requirement near a residential area. She stated that before a Certificate of Occupancy (CO) is issued, Google has to demonstrate that they meet the noise requirements.

Mayor Lavelle stated that the Google Huts will be located about every 15-20 miles.

Alderman Gist apologized because she should have asked how the project would have impacted the neighbors. She also stated that the Town can't move the location at this point. She stated that she wants to push even harder to have the location silenced as much as possible. She asked that the generator be further sound insulated.

Alderman Slade stated that he agreed with Alderman Gist and he also apologized to the neighbors. He requested for staff to look into requiring that for-profit entities that seek changes to the land use ordinance, so that they are allowed to build a specific project, be required to give notice to neighbors of the sites that they are considering for that project, especially for when the change in the land use ordinance would set a threshold that would not trigger a public hearing and board of alderman review for the use. He requested that the Town ask Google to lower the noise and for information related to electromagnetic radiation from the facility.

Alderman Haven-O'Donnell stated that she agrees with Alderman Gist. She stated that she was sorry because the Board didn't ask about the impact to the neighbors. She stated that the Town should look into additional screening. She asked the staff to do a six-month check-in with the neighbors.

Alderman Chaney stated that the Board should have reached out to the neighbors. She stated she assumed it would have been in the ordinance for the Town to notify the neighbors and asked for staff to work on amending the ordinance to ensure neighbors are notified when the Town plans to build or allow something to be built on public property.

Alderman Gist stated that this was not staff's fault and that the Board takes responsibility.

Alderman Slade stated that sound levels are observed as louder at night and stated that he would like staff to look into the 50 decibel level change at night and factor that into the ordinance. He stated that he would like staff to make sure Google is aware of how serious the Board is regarding the noise.

Mayor Lavelle stated that she agrees with the comments from the Board and that her largest concern is related to the noise.

**MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN CHANEY TO EXPRESS THE BOARD'S THANKS TO THE NEIGHBORS AND FOR STAFF TO HAVE A CONVERSATION WITH GOOGLE ABOUT INCREASING THE SOUND PROOFING FOR THE GENERATOR NOISE. THE BOARD SHALL BE KEPT APPRISED OF THE PROGRESS. STAFF SHALL ALSO DRAFT AN ORDINANCE THAT REQUIRES NOTICE TO ADJACENT PROPERTY OWNERS ON TOWN PROPERTY BEFORE ANY CONSTRUCTION COMMENCES. TOWN STAFF SHOULD ALSO EXPLORE**

**ADDITIONAL SCREENING AND REPLANTING OF TREES NEAR THE GOOGLE HUT AND REPORT BACK TO THE BOARD. TOWN STAFF SHALL FURTHER EXPLORE REDUCING THE ALLOWED DECIBEL LEVEL AT NIGHT AND REPORT BACK TO THE BOARD. VOTE: AFFIRMATIVE ALL**

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**CHARGE ISSUED TO RECENTLY APPOINTED ADVISORY BOARD MEMBERS**

The Town Clerk issued a charge to Mark Vandergrift, a recent appointee to the Recreation and Parks Commission.

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**ANNOUNCEMENT OF UPCOMING MEETINGS**

The Town Manager announced upcoming public meetings in the Town.

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**APPROVAL OF PREVIOUS MEETING MINUTES**

**MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MARCH 22, MARCH 26, AND APRIL 5, 2016 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE ALL**

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**A RESOLUTION CANCELING THE JUNE 7, 2016 BOARD OF ALDERMEN MEETING**

The purpose of this item was to cancel the Board's June 7, 2016 meeting.

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

A RESOLUTION CANCELING THE JUNE 7, 2016 BOARD OF ALDERMEN MEETING

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT:

Section 1. The June 7, 2016 Board of Aldermen meeting is canceled.

**This the 19<sup>th</sup> day of April, 2016**

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

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

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**REQUEST TO MAKE AN APPOINTMENT TO THE BOARD OF ADJUSTMENT**

The purpose of this agenda item was for the Mayor and Board to make an appointment to the Board of

Adjustment.

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

**A RESOLUTION MAKING APPOINTMENT(S) TO THE  
BOARD OF ADJUSTMENT**

Section 1: THE BOARD OF ALDERMEN HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE BOARD OF ADJUSTMENT:

<b>Seat Designation</b>	<b>Appointee</b>	<b>Term Expiration</b>
In-Town	Dana Davis	2/2019

Section 2. This resolution shall become effective upon adoption.

**This the 19<sup>th</sup> day of April, 2016**

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

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

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**AMENDMENT TO THE CAPITAL PROJECT ORDINANCE FOR THE  
HOMESTEAD-CHAPEL HILL HIGH SCHOOL MULTI-USE PATH PROJECT**

The purpose of this item was for the Board of Aldermen to consider approving an amendment to the capital project ordinance for Homestead Road-Chapel Hill High School Multi-Use Path to increase funding for construction engineering.

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

**AMENDMENT TO HOMESTEAD CHAPEL HILL HIGH SCHOOL MULTI-USE PATH  
CAPITAL IMPROVEMENT PROJECT ORDINANCE NO. 7/2015-16**

Ordinance No. 12/2015-16

WHEREAS, the Board of Aldermen has adopted Capital Improvement Project Ordinance No. 7/2015-16 for the Homestead - Chapel Hill HS Multi-Use Path (previously referred to as the Bolin Creek Greenway Phase 1-B ; and,

WHEREAS, the Town Manager has been executed an amended Supplemental Municipal Agreement with NCDOT for this project ; and,

WHEREAS, the project design has been completed and a construction contract has been awarded; and,

WHEREAS, additional funds are now necessary to acquire a construction engineer and to complete the project;

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

- 1.The revenues anticipated to be available to the Town of Carrboro to complete the project are amended as follows:

	<b>Current Budget</b>	<b>Increase (Decrease)</b>	<b>New Budget Authorized</b>
STP-DA Funds	\$ 994,184	\$	\$ 994,184
GO Bond Proceeds	\$ 200,500	\$ 10,400	\$ 210,900
Payment-in lieu	\$ 48,046		\$ 48,046
<b>Total Revenue</b>	<b>\$ 1,242,730</b>	<b>\$ 10,400</b>	<b>\$ 1,253,130</b>

- 2.The amount appropriated for design, environmental documentation and construction costs are amended as follows:

	<b>Current Budget</b>	<b>Increase (Decrease)</b>	<b>New Budget Appropriation</b>
Design	\$ 153,260		\$ 153,260
Construction	\$ 996,630	\$ 10,400	\$ 1,007,030
ROW	\$ 6,354		\$ 6,354
Contingency	\$ 86,486		\$ 86,486
<b>Total Expenses</b>	<b>\$ 1,242,730</b>	<b>\$ 10,400</b>	<b>\$ 1,253,130</b>

- 3.The revenues and appropriations are authorized for the Homestead-Chapel Hill HS Multi-Use Path Capital Improvement Project until all project activity is completed.
- 4.Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director and Planning Director.

**This the 19<sup>th</sup> day of April, 2016**

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

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

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### **INDEPENDENT AUDIT CONTRACT FOR FY 2015-16**

The purpose of this item was to award a contract for the Town's annual independent audit for the fiscal year ending June 30, 2016.

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

**A RESOLUTION AWARDING THE CONTRACT FOR INDEPENDENT AUDIT FOR FISCAL  
YEAR ENDING JUNE 30, 2016**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

Section 1. The audit contract for the fiscal year ending June 30, 2016 is awarded to Dixon Hughes Goodman LLP for a total cost of \$54,590.00.

Section 2. The Mayor is authorized to sign the Audit Contract required by the Local Government Commission and Dixon Hughes Goodman LLP Letter of Engagement.

Section 3. This resolution shall become effective upon adoption.

**This the 19<sup>th</sup> day of April, 2016**

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

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

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**PRESENTATION ON ORANGE COUNTY FOOD POLICY COUNCIL BY MOLLY DE  
MARCO AND MARGARET KROME-LUKENS**

Molly De Marco presented information to the Board on the Orange County Food Council.

Margaret Krome-Lukens, assistant manager of the Carrboro Farmers' Market, spoke to the Board about the work of the Council and stated that they hope a member of the Board of Aldermen will participate as a member of the Council.

Sophie Kelmenson discussed the Community Food Assessment and stated that it would provide a snapshot of the current food system in the County.

Alderman Gist asked if UNC students were part of the assessments. Sarah stated that they were included.

**MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS TO  
APPOINT ALDERMAN SLADE TO THE ORANGE COUNTY FOOD COUNCIL AND TO  
APPOINT ALDERMAN GIST AS AN ALTERNATE. VOTE: AFFIRMATIVE ALL**

Alderman Chaney stated that the issue of food systems has arisen in the discussion of the Climate and Energy Task Force. She stated that she will point some members of the Task Force in their direction for expertise on the food system in Carrboro. She stated that she would like to better understand how many farmers of color there are in Orange County and where are the barriers to helping them participate in the food system. She also stated that she would like to know how many jobs are related to the food system. She stated that the information from both is important in the Town's economic development strategies.

Alderman Haven-O'Donnell stated that it is very important to de-silo the information and create an umbrella model that needs to address the issues of the most vulnerable. She asked them to send the Orange County Food System slide to the board with the group "squares" included.

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

The Board is 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.

David Bell, owner of Sustainable Properties, LLC, asked the Board to extend the permit for a period of two years. He stated that the current mobile home park provides needed affordable housing for residents now but he hopes to supply additional affordable housing units of his development. He expressed a desire to pursue affordable housing initiatives with a public private partnership that will allow low-income families to have a nicer residence. Alderman Haven-O'Donnell asked how many units are planned. He stated that there are 36 units and it is a planned 1-1 replacement of the mobile home units.

Mayor Lavelle suggested that he meet with Nate Broman-Fulks and Trish McGuire to further discuss ways the Town may be of assistance.

Alderman Chaney asked if he was thinking 100% affordability. David Bell stated that he is. Alderman Chaney stated that the Town has an affordable housing fund and that it could be a component for the end user or the developer as a way to keep the units affordable.

Alderman Slade commended him for trying to prove that this level of affordability is possible. He stated that the Board and staff can offer support and feedback. He encouraged him to think about how the support from the Town and the County assist in making the project more attractive to get more support from the banks.

**A motion was made by Alderman Chaney, seconded by Alderman Slade, 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, 2016; 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, 2018.

**This the 19<sup>th</sup> day of April, 2016**

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

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

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**REVIEW OF THE 2016 ANNUAL REPORT ON THE SCHOOLS ADEQUATE PUBLIC FACILITIES ORDINANCE (SAPFO) FROM THE TECHNICAL ADVISORY COMMITTEE**

The Orange County Board of County Commissioners referred the 2016 report for review and comments. The Board of Commissioners is scheduled to certify the report in May.

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

Alderman Haven-O'Donnell stated that the numbers for the Chapel Hill-Carrboro City Schools were interesting because elementary and middle did not exceed and in all three there were no anticipated need for additional schools. She asked how much of the numbers are affected by charter and other alternatives as opposed to just a flattening of the numbers of students in the population. Trish McGuire stated that they are going to have a discussion about how to further evaluate the numbers. Alderman Haven-O'Donnell stated that previously, Orange Grove was looking into a new middle school. Trish McGuire stated that the data does not show a need for the school at this time but there is interest in keeping it on the radar.

Alderman Gist asked if there are numbers for children that are being homeschooled, sent to charter schools, or alternative schools.

Alderman Slade stated that it was unfortunate that Orange County Board of Commissioners and the School Board did not include energy efficiency upgrades as part of the bond referendum for upgrading the schools. He stated that he wants the school system to realize that they can recoup money from the energy efficiency upgrades. Trish McGuire stated that she can ask them if they are including the energy upgrades for the renovations.

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

**A RESOLUTION ACCEPTING AND COMMENTING ON THE SCHOOLS ADEQUATE PUBLIC FACILITIES TECHNICAL ADVISORY COMMITTEE (SAPFOTACT) 2016 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 accepts the report.

**This the 19<sup>th</sup> day of April, 2016**

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

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

**MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY FOR STAFF TO REQUEST FURTHER INFORMATION ON ENERGY EFFICIENT UPGRADES FROM THE SCHOOL SYSTEM. VOTE: AFFIRMATIVE ALL**

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### **MATTERS BY BOARD MEMBERS**

Alderman Chaney stated that she had spoken with Orange County Commissioner Bernadette Pelissier and that she wants the County to form an inter-local affordable housing taskforce. She stated that Bernadette Pelissier requested that the Board of Aldermen petition the County Commissioners to do that. Alderman Chaney stated that the Towns of Hillsborough and Chapel Hill will do the same.

Alderman Gist stated that before the group meets, they must review the recommendations from previous groups that have worked and made recommendations and went to a shelf.

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN GIST THAT THE CARRBORO BOARD OF ALDERMEN PETITIONS THE ORANGE COUNTY BOARD OF COMMISSIONERS TO CREATE AN INTERLOCAL WORKGROUP ON AFFORDABLE HOUSING TO INCLUDE ONE ELECTED OFFICIAL, WITH POSSIBLY ONE ALTERNATE, FROM EACH ELECTED BOARD WITHIN ORANGE COUNTY. PRIOR TO THE GROUP'S FIRST MEETING, MEMBERS SHOULD CAREFULLY READ PRIOR AFFORDABLE HOUSING TASKFORCE REPORTS BECAUSE A LOT OF WORK AND RECOMMENDATIONS HAVE BEEN MADE IN THE PAST THAT WERE NEVER IMPLEMENTED INTO POLICY. VOTE: AFFIRMATIVE ALL**

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### **CLOSED SESSION - ECONOMIC DEVELOPMENT MATTER AND ATTORNEY-CLIENT PRIVILEGE PURSUANT TO N.C.G.S. 143-318.11 (A) (3) AND (4)**

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS TO ENTER INTO CLOSED SESSION PURSUANT TO N.C.G.S. 143-318.11 (A) (3) AND (4). VOTE: AFFIRMATIVE ALL**

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### **OPEN SESSION**

**MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN JOHNSON TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL**

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**CLOSED SESSION**

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