



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, April 26, 2016

7:30 PM

Board Chambers - Room 110

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

Absent: Alderman Bethany Chaney

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

APPROVAL OF PREVIOUS MEETING MINUTES OF APRIL 12, 2016

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN JOHNSON TO APPROVE THE MINUTES OF APRIL 12, 2016. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHANEY)

PUBLIC HEARING ON THE DRAFT COMMUNITY CLIMATE ACTION PLAN

The purpose of this agenda item was to receive public input on the draft Community Climate Action Plan.

Randy Dodd, the Town's Environmental Planner provided the staff report to the Board.

Bruce Sinclair, Chair of the Environmental Advisory Board but speaking on behalf of himself, thanked the Task Force for their work. He stated that Climate Change should be addressed comprehensively. He stated that he wants greenways development added back into the plan because it provides a wide range of benefits to the Town.

James Carnahan stated that the plan is excellent and detailed. He stated that maintaining the Town's affordability is important and that some of the recommendations come with varying costs. He suggested studying the emissions reductions for cost of implementation. He asked that the Board use zoning incentives to leverage more energy efficient building standards. He proposed a "tiny house

ordinance" that would allow the construction of a small scale house that met certain requirements for energy efficiency and affordability. He also stated that he wants the study of greenways to be included in the plan.

Benjamin Lu , a sophomore attending Chapel Hill High School, stated that efforts to combat climate change can no longer be procrastinated. He stated that he wants the plan to educate students and minorities. He stated that students believe that climate change matters and that the plan should be communicated to the students through student-government.

Rob Pinder, a member of the Climate and Energy Task Force, but speaking on his own behalf, stated that the goal to reduce greenhouse gas (GAG) emissions is ambitious but that the time to act is now. He stated that this allows the Town to be a leader in climate change.

Kathy Kaufman, a member of the Climate and Energy Task Force but speaking on her own behalf, discussed the historic high temperatures and stated that climate change is here now, and worsening. She stated that she hopes an implementation plan is developed soon and that she holds the energy efficient buildings as near and dear to her heart. She asked everyone to review the recommendations and opine on them.

Jeanette O'Connor, a member of the Climate and Energy Task Force but speaking on her own behalf, stated that there are many recommendations that could have positive affect on the Town upon implementation. She stated that residents need to do all they can to fight climate change and asked people not to let perfect get in the way of the good. She suggested composting and a stormwater utility as great places to start.

Carolyn Buckner, a member of the Climate and Energy Task Force but speaking on her own behalf, stated that climate change is real. The causes and impacts are far reaching and feels overwhelming. She stated that she wants the plan to be used to guide others with a place to start effecting change. She stated that the Town has done a ton to reduce the Town's plan but the community needs to do more work. She stated that the community needs to get involved without being overwhelmed. She asked staff to look into ways that implementation has occurred in other places. She stated that staff should review ways to get the community involved and to keep the momentum going.

Jeff Herrick, a member of the Climate and Energy Task Force but speaking on his own behalf, stated that the Task Force worked really hard on the plan and attempted to be thoughtful. He stated that it was disheartening to hear the Board focus on just few controversial items rather than get the plan started on things that can get done. He stated that he is concerned about the implementation of the plan and that the sustainability coordinator position could be used as a consultant rather than the position because of the cost. He also suggested using UNC to help with ideas on implementation and to provide scientific guidance. He stated that the Chapel Hill stormwater utility could possibly be leveraged and the funds to be used for climate plan implementation for infrastructure.

Lindsey Paydon stated that a major piece missing from the plan is the inclusion of plant-based diets and requested that animal agriculture be included as one of the main causes of GHG emissions in Carrboro. Animal agriculture accounts for more GHG than all forms of transportation. She stated that shifting to a plant-based diet will allow people to reduce their carbon footprint. She recommended that Carrboro include animal agriculture as a cause of global warming in the plan; reduce meat consumption in Town sponsored events and work with the school system to offer plans such as "meatless Mondays" for school lunches.

Jacob Martin stated that 51% of GHG emissions are caused by animal agriculture. He stated that if all of Carrboro went vegan, the goal would be reached without changing any form of transportation. He proposed that Carrboro implement a tax on all products derived from animal agriculture.

Arwen Carlin, stated that animal agriculture and plant-based diets should be included in the plan. She stated animal agriculture results in 51% of GHG while transportation only accounts for 13%.

Linda Haac, a member of the Transportation Advisory Board but speaking on her own behalf, thanked the task force for their work. She stated that she agrees that composting and the stormwater utility should be pursued. She stated that education and community outreach is incredibly important for this plan to be successful. She stated that this should be a bottom-up process and asked for ways to get other neighborhoods involved. She stated that there was a survey completed by the Transportation Advisory Board and that one of the complaints was cycling trouble spots along Seawell School Road. She stated that the TAB has advised the Board to complete a comprehensive review of the completion of phases 3 and 4 of the Bolin Creek Greenway and include all of the Bolin Creek watershed and all possible impacts.

Laura Wenzel stated that she is working with the Rogers Eubanks Neighborhood Association and NextClimate with her group Clean Air Carolina stated that the kids are raising funds to have solar activity during their summer camp at the Rogers Road Community Center. A fundraising event is May 5th and she encouraged those in attendance to get involved.

Alderman Gist expressed thanks for those that spoke and stated that she agrees the timeline as recommended by staff for a review in the fall/winter of 2016 of staff's analysis that will be completed in the interim.

Alderman Haven-O'Donnell thanked those in attendance for their comments. She recommended that the manager work to find a way to make a recommendation regarding animal agriculture into the plan.

Alderman Slade expressed his thanks for those that spoke and the task force's work. He stated that this plan is a chance for Carrboro to take a stand against climate change. He stated that he looks forward to hearing back from the community and from staff on how this plan will be implemented. He asked for clarification on the role of the task force in implementing ideas that were brought forward tonight. He stated that he wants to amend language in the plan.

David Andrews, the Town Manager, stated that Town staff is making this plan a top priority and they are working to review the plan so that implementation can be successful.

Alderman Johnson stated that some of the recommendations are costly and that people may need financial resources to assist them in the implementation. She stated that she does not think that class, race or cultural traditions were considered when discussing the animal agriculture and that if it is added, she wants it to discuss race and class. She stated that she is unsure about what foods can be purchased with the SNAP vouchers and that affordability should be considered.

Alderman Seils stated that a lot of work went into the creation of this report. He stated there was frustration from the task force because they were unable to make amendments to the report and he wanted staff to be aware. He stated that social equity should be addressed in every recommendation from the report and used to inform the prioritization. He stated that the implementation should address how it can be achieved by those that need assistance in participation. He expressed appreciation for Randy Dodd and his help on the plan.

Mayor Lavelle stated that the task force members did a phenomenal job on the report and asked for the manager to clarify when and how edits to the report are made.

David Andrews stated that the report has been presented to the Board and that any changes to the document are expected to be made by approval of the Board. He used the example of deer culling and stated that the Board directed staff to remove that item if the Police Chief determined that it was unsafe. He stated that the Board makes the decisions and that is what he has tried to follow. He stated that between now and June he wants to work with Town Staff and the Climate Action Taskforce to bring back information for the Board to review. He stated that the Town is making some progress on composting and the stormwater utility.

Alderman Gist suggested waiting until June to make any decision.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHANEY)

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

**A RESOLUTION OPENING THE PUBLIC HEARING FOR THE
DRAFT COMMUNITY CLIMATE ACTION PLAN**

WHEREAS, a temporary Energy and Climate Action Task Force was formed in 2014 to present community climate action planning recommendations; and

WHEREAS, the Task Force has presented drafts of a Community Climate Action Plan to the Board of Aldermen; and

WHEREAS, the Board of Aldermen referred follow up actions on the draft plan to staff; and

WHEREAS, staff have provided a report to the Board and will be pursuing additional follow up; and

WHEREAS, a Public Hearing to receive public input on the draft plan is planned for April 26th;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen:

- a) Opened a Public Hearing and received public input on the draft plan;
- b) Directs staff to pursue additional outreach in May and provide a report to the Board in June.

This the 26th day of April, 2016

The motion carried by the following vote:

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

Absent: Alderman Chaney

PUBLIC HEARING ON REVISED LAND USE ORDINANCE TEXT AMENDMENTS THAT WOULD PROVIDE FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT (FLX)

The purpose of this item is for the Board of Aldermen to provide an opportunity for public comment on amendments to the Land Use Ordinance that would authorize the Board to establish site specific, flexible zoning districts.

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

Mayor Lavelle opened the public hearing.

Anahid Vrana, a member of the Northern Transition Area Advisory Committee (NTAAC), stated that she wants to ensure that this process will continue in a way that enhances the neighborhood in an environmentally friendly way. She stated that FLX eliminates the safeguards of the conditional use zoning process. She stated that the NTAAC recommends clearly defining the participation of the Advisory Board in the FLX review process and that the FLX language checklist be incorporated into the ordinance so that it can be a measurable performance standard.

Amy Jeroloman, a member of the NTAAC, stated that traffic along Old 86 and the NSA is already dense. She stated that there is no garbage or curbside recycling and most take their trash to the center on Eubanks Road.

Meg McGurk, a resident of Morris Grove, expressed her support for the FLX zoning district. She stated that the plan allows more specificity at the end. She stated that she wants to be able to walk and bike safely to things in the area.

Jay Bryan, a member of the Northern Transition Area Advisory Committee, stated that they have submitted a proposed ordinance amendment and asked that the amendment be reviewed by advisory boards with adequate notice.

Kathy Kaufman, a resident of Lucy Lane, spoke in favor of what Jay Bryan and the NTAAC members have stated. She stated that the intersection of Lucy Lane and Old 86 is not a safe intersection and that a traffic study is very important for any development in this area.

Michelle Wiener stated that the idea of development is very exciting for the area but that she is concerned about the lack of specificity and predictability of what can come into the area. She stated that the traffic on Eubanks Road is a constant.

Ed Wick, a resident of the NTAAC stated that one of the reasons he moved from Atlanta was because of the traffic. He stated that this needs to be looked at as an opportunity and that he would love to walk to a store.

Alderman Gist stated that this process has taken too long. She stated that there are differences in the staff ordinance and the NTAAC proposed ordinance but that they are not far apart. She stated that the NTAAC has had problems receiving information and then their comments were not forwarded to the Board and that has slowed the process. She also stated that the developer has been very patient and that the Town needs to be fair to him. She stated that she would like to see the Board make a decision on this before the Board breaks for the summer.

Alderman Seils stated that he was unaware that the committee was not involved in the process and stated that he has appreciated the feedback from them. He stated that the standard CUP process places the favor on the applicant because it says the Board shall issue the requested permit unless one or four things are true. He stated that he interprets that as the Board is expected to issue the permit. He stated that for a rezoning request, the Board has broad authority to decide as based on the burden of proof as supplied by the applicant. He stated that he is unsure how the FLX proposal will diminish protections as suggested by the NTAAC.

Bob Hornik, the Town's Attorney, summarized the burden of proof requirements of the proposed ordinance and the current CUP process. He stated that there is a heavier burden of proof requirement on project opponent's during a CUP process. He also stated that during a CUP process the Board is constrained from speaking to the public outside of public hearings and that in the FLX process, because it would be a legislative decision, the Board is allowed to have those discussions and provides greater flexibility.

Jay Bryan stated that as a citizen he would prefer to have the burden because it allows him the chance to offer evidence during a public hearing. He stated that in the legislative decision, there is no requirement for the Board to listen to his proof as evidence. He stated that specificity is important upfront.

Alderman Seils stated that the items regarding process in the proposed ordinance from the NTAAC could be considered and reviewed for inclusion. He stated that one of the complicated items from that proposed ordinance is that it is written specifically for the NSA when the FLX is written to be broadly applied anywhere in the Town.

Tina Moon, in response to a question from Alderman Seils, stated that the process is similar to a Planned Unit Development process and that there is nothing that prevents specificity to be requested at the beginning of the process. She also showed how advisory boards would have double opportunity for review in the FLX process.

Alderman Slade stated that there could be ways to integrate the proposed ordinance submitted by the NTAAC and the FLX ordinance as submitted by staff. He stated that the Board could request process parameters in the beginning and that would provide a range of available outcomes for the community. He agreed with Alderman Gist and stated that the Board should make a decision before the summer break.

Alderman Haven-O'Donnell thanked the NTAAC for their comments. She stated that perhaps it would be best for the developer to work with NTAAC on the proposed ordinance and process. She stated that she would like to see the NTAAC have a chance to review the concept plan ahead of other advisory boards and thanks that this plan would allow that. She stated she was pleased to hear that neighbors spoke in favor of development. She stated that she also hears what they are saying about traffic and that is something that should be addressed up front with any plan. She stated that there is at least one other property that could be considered for FLX zoning and asked how the process for another property align with what is done with this one. In response, Tina Moon, stated that the process would be exactly the same and that the site specific study outcomes could be different. She expressed concern with the fact that the process is very Board dependent and asked how to ensure that for future Boards.

Mayor Lavelle stated that she has no problems with the FLX process as it was presented and that it provides ample participation by the public.

Omar Zinn, the owner of the proposed area, stated that any new process is scary but that this process

will allow for ample public input. He stated that he is trying to create density in the urban services boundary. He requested that the Town not stop talking but move forward to the next phase and stop talking about whether or not the Town wants a FLX zone.

Alderman Seils stated he supports the FLX ordinance.

Alderman Slade stated that he also supports the FLX ordinance and suggested incorporation of some of the parts of the ordinance as presented by the NTAAC. He stated that he wants to make sure the Town is maximizing public notice. He stated that he does not feel that it needs to be a vote tonight.

Alderman Johnson stated that she is good with moving forward with the FLX ordinance and that it needs to occur before the Board's break. She stated that she feels that the Board is spinning their wheels.

Alderman Gist stated that she June 21st would be the date that she would like to see and asked that all parties are involved and able to provide comments. She stated that the Board needs to vote by the end of June.

Alderman Haven-O'Donnell stated that she would like to schedule on June 21st.

Mayor Lavelle suggested that staff incorporate language from the proposed NTAAC language and the FLX ordinance then provide that amended draft to the NTAAC for their feedback.

This item will be brought back to the Board after receiving feedback from the NTAAC at their May meeting.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN GIST TO CONTINUE THE PUBLIC HEARING TO JUNE 21, 2016. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHANEY)

ADJOURNMENT

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