



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, June 14, 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, Bob Hornik, Town Attorney

PROCLAMATION: CARRBORO HIGH SCHOOL WOMEN'S STATE SOCCER CHAMPIONSHIP

Mayor Lavelle proclaimed Wednesday June 15, 2016 as "Carrboro Jaguars Women's Soccer Day" in Carrboro and presented the proclamation to coach Jared Drexler.

PROCLAMATION: CARRBORO POLLINATOR WEEK

Mayor Lavelle proclaimed June 19-June 26 as "Carrboro Pollinator Week" in Carrboro and presented the proclamation to Trish McGuire, the Town's Planning Director.

PROCLAMATION: PRIDE MONTH

Mayor Lavelle proclaimed June 2016 as "LGBT Pride Month" in the Town of Carrboro.

POET LAUREATE ANNOUNCEMENT

Alderman Gist announced that Gary Phillips will be the new Poet Laurette as selected by the Arts Committee.

ANNOUNCEMENT OF UPCOMING MEETINGS

David Andrews announced the upcoming meetings for the following two-weeks.

APPROVAL OF PREVIOUS MEETING MINUTES OF MAY 10, MAY 17 AND MAY 24, 2016 MEETING MINUTES

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MINUTES OF MAY 10, 2016 AND TO TABLE THE APPROVAL OF THE MAY 17 AND MAY 24, 2016 MEETING MINUTES. VOTE: AFFIRMATIVE ALL

RESOLUTION TO ESTABLISH A "LIVING WAGE"

Establish a "Living Wage" as the minimum hourly rate of pay for regular and part-time Town of Carrboro employees.

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

RESOLUTION TO ESTABLISH A "LIVING WAGE" AS THE MINIMUM HOURLY RATE OF PAY FOR REGULAR AND PART-TIME TOWN OF CARRBORO EMPLOYEES

WHEREAS, the Town of Carrboro supports local and national efforts to ensure that employees are paid a living wage; and

WHEREAS, a living wage is the minimum amount that a worker must earn in order to be able to afford basic necessities, without public or private assistance such as food stamps, Housing Choice vouchers, or similar assistance; and

WHEREAS, according to Orange County Living Wage, a local non-profit organization that advocates and assists employers to help create a just and sustainable local economy, the living wage for a single individual living in Orange County in 2015 was \$12.75 per hour for workers who do not have employer-provided health insurance, and \$11.25 per hour for employees who do have employer-provided health insurance; and

WHEREAS, the Town of Carrboro wants to participate in the Orange County Living Wage Program, and encourages all other employers in the Town of Carrboro to do so.

NOW, THEREFORE, BE IT RESOLVED by the Town of Carrboro Board of Aldermen that beginning on July 1, 2016, all regular full time and part-time Town of Carrboro employees shall be paid an amount at least equal to the living wage established for Orange County, as published and certified by Orange County Living Wage.

This the 14th day of June, 2016

The motion carried by the following vote:

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

A REQUEST TO SET A PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE NOT SO NORMAL RUN FESTIVAL

The purpose for this meeting is to set a public hearing for a Street Closing Permit Application submitted by Not So Normal Fund, Inc for the temporary closing and usage of streets from 7:00 AM to 12:00 PM on Sunday, April 2nd, 2017 to accommodate the Not So Normal Run which proposes a quarter marathon loop on Town streets.

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

A RESOLUTION SETTING A PUBLIC HEARING ON A TEMPORARY STREET CLOSING REQUEST

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that June 28, 2016 at 7:30 PM is hereby set as the date for a public hearing on a request by Not So Normal Fund, Inc. for the temporary closing and usage of Town streets on Sunday, April 2nd, 2017 from 7:00 AM to 12:00 AM for the Not So Normal Run event.

This the 14th day of June, 2016

The motion carried by the following vote:

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

REQUEST TO APPROVE EQUIPMENT AND VEHICLE FINANCING

The Board of Aldermen was requested to approve a contract for installment financing of vehicles and equipment included in the FY 2015-16 general fund budget.

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

RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Carrboro ("Town") has previously determined to undertake a project for the financing of various vehicles and equipment (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company (BB&T) in accordance with the proposal dated May 19, 2016. The amount financed shall not exceed \$621,180.00 and the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.40%, and the financing term shall not exceed five (5) years from date of closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the terms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town’s general fund, or any other Town fund related to the project, for the project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

This the 14th day of June, 2016

The motion carried by the following vote:

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

RESOLUTION TO CONSIDER SUMMER STREETS PROGRAM FOR 2016

The purpose of the agenda item was to approve the dates for the Summer Streets program for 2016.

Alderman Chaney requested that the financial impact be included in future abstracts. She also stated that she does not take issue from the summer streets program but that the prior events were not well attended due to heat. She asked that staff do another push for publicity. She stated that she would like a way to measure the event's success.

Alderman Gist stated that one thing the Town could do is use a spray fan from the Fire Department as a cooling device. She asked for the Town to figure out ways to cool people down and consider doing the events in spring or fall.

Manager Andrews stated one of the summer street dates will be used for El Centro Hispano's annual festival, and Anita Jones-McNair stated that the street closing for the festival would be in front of their building.

Mayor Lavelle asked that the suggestions to track attendance and look into ways to cool people off be passed along to Annette Stone.

Alderman Seils stated that last year Annette Stone measured businesses after the events and he requested that she do that again.

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

A Resolution Authorizing the Temporary Closing of East Weaver Street, Between North Greensboro and East Main Street to Accommodate the Summer Streets

WHEREAS, East Weaver Street, from North Greensboro to East Main Street, shall be temporarily closed to vehicular traffic for the Summer Streets, which is an of the Open Streets project to accommodate pedestrians, bicyclists or other approved activities, on the following Sundays: June 19, 2016 and July 17, 2016; and

WHEREAS, the hours of the temporary closing will be approximately from 9:00 a.m. till 2:00 p.m.; and

NOW THEREFORE IT IS RESOLVED, the Board of Aldermen approves the temporary closing of East Weaver Street for Summer Streets 2016 as described herein.

This the 14th day of June, 2016

The motion carried by the following vote:

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

WORK SESSION OF THE BOARD OF ALDERMEN

DISCUSSION OF PHASE 1B BOLIN CREEK MULTI-USE PATH ALIGNMENT AND DESIGN AND CONSTRUCTION CONTRACTS

The purpose of this item was to provide the Board of Aldermen an opportunity to consider the schedule and cost implications of modifying the design and/or alignment of the multi-use path and decide on further exploration of alternatives.

Trish McGuire, the Town's Planning Director, provided the staff report. She discussed staff's research since the last meeting and responded to questions from the Board. She clarified that the gravel surface is not viable due to maintenance issues and costs. She stated that staff is still exploring a rubberized surface. She explained the details of construction access and answered questions related to the need for a temporary bridge to allow construction equipment to gain access to the property without clearing a portion of the trail that may not need to be cleared if the alternate loop is viable and selected. She stated that if the Town goes with the alternate loop, the potential costs are up to \$205,000 and that the Town may also lose over \$212,000 STPDA grant funding from the MPO.

Tom Cors, representing a group of volunteer attorneys that are exploring the alternative alignment, stated that they may be able to proceed with Council of State approval by November. He also stated that they could also help with protecting revenue losses.

Mayor Lavelle clarified that the school system is not interested in contributing any funding.

Alderman Seils stated that the resolution provided by the attorney provided them with three options.

Alderman Haven-O'Donnell stated that she wanted to delay the vote for another week so that the Town could speak with the coaches and the School Improvement Team to make sure that they were onboard with the options.

Alderman Johnson asked what the last communication was with the coaches.

Trish McGuire stated that at the last meeting, the coach wanted the Town to go ahead with the plan and they would then redesign their course if needed.

Alderman Chaney stated that the school system did not communicate with their stakeholders appropriately. She stated that the school system has indicated that they do not want to spend any funds to address a fix. She stated that the Board must take into account their taxpayers and make the right decision.

Alderman Gist stated that she does not want to spend a lot of extra money or to see a construction bridge. She stated that she would like to hear from the School Improvement Team regarding the design. She stated that she would like to hear from the cross country team regarding the possible realignment.

Alderman Seils stated that the Town was told not to touch the path from the coaches.

Tom Cors stated that the volunteer attorneys got involved because the coaches wanted an alternative alignment. He stated that the preferred path for the coaches and the school is to the west and the north.

Alderman Chaney stated that after the meeting with Todd LoFrese and the School Improvement Team, they said they did not want the Town to change the path. She stated that is because the school

district has taken that position because they do not want to incur any costs. She stated that if the alternative alignment was truly preferred, the school system would be willing to pay.

Alderman Haven-O'Donnell stated that she hates that the Town is put into the position of not pursuing the alternative alignment due to unknown costs. She stated that she thinks it is the better plan and that sometimes you have to bite the bullet and pursue the better plan. She stated that she wants to pursue the alternative alignment because the cost is worth having the community feel like all sides were heard.

Alderman Johnson stated that she is supportive of option 2. She stated that she does not think that community will be knitted together with this process. She stated that it is not possible to please everyone and that she is not in favor of spending up to \$500,000.

Alderman Gist stated that she wants to hear from people about how they feel about the downward cross country path route. She also stated that she wants to know if a construction bridge is necessary.

Trish McGuire stated that a construction bridge would be required due to the existing easement, as explained by the general contractor.

Alderman Slade expressed preference for an alternative option that would not include a temporary construction bridge by using the originally planned access from the high school, as a means to buy more time for further exploration of the tennis court alignment opportunity. Alderman Slade recognized that this alternative would entail cutting young trees for construction access in the section where the new path and running path run together; however he felt that the benefit of potentially realizing the tennis court alignment could outweigh the cost of felling the young trees, especially since these trees are young and can be replaced to grow back quickly again if the tennis court alignment were ultimately found to be viable.

Alderman Seils stated that the Board has heard from the community about the options, that the costs are known, and that he supports option 2.

MOTION WAS MADE BY ALDERMAN SEILS FOR THE BOARD TO ADOPT THE RESOLUTION WITH THE SELECTION OF OPTION 2, SECONDED BY ALDERMAN JOHNSON.

Alderman Chaney stated that she would like to know if the downward loop on the cross country trail is possible but that information is unnecessary to begin with option 2. She asked if the trail is collocated, if the University would allow the Town to make improvements to the cross country trail.

Trish McGuire stated that it is possible and the Town could replant along the co-location and the corridor would be tighter and require less clearing. She stated that it has to be considered as part of the Town's project so that it remains eligible for the funding. She stated that it can be explored.

Alderman Haven-O'Donnell asked for the opportunity for the School Improvement Team to understand where they are tonight so the Board could make a decision next week.

Mayor Lavelle stated that on May 10, 2016 the Board got really close to adopting something but they waited one more week to allow further conversation regarding the alternative alignment. On Tuesday, May 17, 2016 there was a long conversation on possible ways to move forward and staff was directed to report back to the Board with the reality of moving forward with the alternative alignment. She said that

we have heard that report tonight, and stated that she is in favor of option 2. She stated that the Board has given thoughtful and emotional examination to this project.

Alderman Slade stated that the Town has taken on a lot of the responsibility when it should have been shared with the School System. He stated that he is concerned about the ongoing costs.

**RESOLUTION AUTHORIZING TOWN STAFF TO PROCEED WITH
HOMESTEAD—CHAPEL HILL HIGH SCHOOL MULTI-USE PATH BOLIN CREEK PHASE
1B PROJECT**

WHEREAS, on May 17, 2016 the Town of Carrboro Board of Aldermen adopted a resolution directing Town Staff to issue a Notice to Proceed to the contractor for the Homestead Road — Chapel Hill High School, Multi-Use Path, Bolin Creek Phase 1B Project (the “Project”) and to investigate the technical and economic feasibility of certain design modifications in response to concerns raised about the Project as currently designed; and

WHEREAS, Town Staff has reported to the Board on the results of Town Staff’s investigation to date.

NOW, THEREFORE, BE IT RESOLVED by the Town of Carrboro Board of Aldermen as follows:

1.Town Staff is directed to proceed with performance of the contract for construction of the Project as currently designed, planned and approved; and

2.Town Staff is directed to continue to investigate the alternative surface option, to install a rubberized surface (i) on the portion of the Multi-Use Path which runs parallel with the CHHS cross country course (generally the eastern approximately one-third of the Multi-Use Path) and (ii) at the locations where the Multi-Use Path intersects with the CHHS cross country course; the easement for the Multi-Use Path shall remain unchanged. It is estimated that the Town has incurred or will incur at least \$50,000 in costs associated with delay in the start of work on the Project and additional costs of up to \$15,000 to complete the Project using an alternative surface for portions of the Multi-Use Path, and that the Project will not be completed until Spring 2017.

3.Town staff will work with CHCCS to ensure that the school district's various constituents are appropriately engaged in addressing impacts of the Multi-Use Path on the cross country course.

This the 14th day of June, 2016

The motion carried by the following vote:

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

Nay: Alderman Gist and Alderman Haven-O'Donnell

DISCUSSION OF PHASES 3 AND 4, BOLIN CREEK GREENWAY

The purpose of this item was to provide the Board of Aldermen an opportunity to discuss the public

participation aspect of future consideration of plans for Phases 3 and 4 of the Bolin Creek greenway.

The Board discussed the public participation aspect of Bolin Phases 3 and 4.

Alderman Gist stated that this issue has divided the community. She stated that there is a lot of bullying on both sides about this issue and encouraged the community to take it down a notch.

She stated that there is no money for these projects to go forward at this time. She stated no one in the community wants to destroy the environment. She stated that she wants to hear from the community how they envision navigating through the Bolin Forest.

Alderman Chaney stated that the question at hand is how to achieve a north-south route. She stated that the question is: "How do we want to navigate that route." She stated that there is a Greenways Plan and a Bike-Ped Plan that provides some direction. She stated that the Board should frame the question correctly so that they can get to the solutions. She stated that populations should be pursued that are not normally involved in the conversation; including: young people, people with mobility issues, and the neighborhoods to the north.

Alderman Haven-O'Donnell stated that she agrees with all that has been said and that it is not just about connectivity but also about the natural environment. She stated that connectivity should be defined. She stated that she would like to see where the community has common ground first. She stated that she would like for Phase 1B and the bike lanes completed on Seawell School Road before the process is started.

Alderman Johnson stated that the Climate Change Taskforce discussed the greenways in Carrboro. She stated that given that there are no funds for the project, that timing is important and perhaps the Board should anticipate when there will be funding available and pursue a public process at that time. She also stated that she would like the Board to decide how much time will be allotted for the public process.

Mayor Lavelle stated that the timeframe is important. She believes the entire Board is in agreement that they want to be inclusive and get the community's input. She stated that she wants the Board to think outside the box about ways that they can work toward the issue. She stated that as part of the process all stakeholders be included along with UNC and OWASA.

Alderman Slade stated that for some to maintain what they want they kick the can down the road and that keeps the status quo. He stated that he hopes that all can be heard and that no one is silenced from participating.

Alderman Seils stated that he wants to know other values and work on a comprehensive public input process before they stray from the 2009 policy. He stated that he wants to hear from staff what the project and process would look like.

Alderman Chaney stated that the Board should also look into an outside facilitator to get public input.

Alderman Seils stated that saying that the Seawell School Road project should have bike lanes before the process begins is inconsistent with hearing from the public on what they want to see first and that it is assuming that the majority agrees with that statement.

Mayor Lavelle suggested that the Board direct staff to come back to the Board in the fall to consider what type of forum and process may be used.

Alderman Chaney asked that staff begin to develop an exhaustive list of stakeholders. She also

requested that there be a plan to reach out to those stakeholders.

Alderman Seils stated that this process would have to be budgeted in FY 17/18.

David Andrews asked if the Board still wished to limit advisory board's discussion of the north-south corridor. The Board agreed that at this time, the Board of Aldermen is still working on the process, and that it is not the appropriate time for advisory board discussion.

**A RESOLUTION MAKING AN APPOINTMENT TO THE ORANGE WATER AND SEWER
AUTHORITY (OWASA) BOARD OF DIRECTORS**

This item was postponed until June 28, 2016 to allow two additional weeks of recruitment.

FAMILY SUCCESS ALLIANCE APPOINTMENT

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SLADE TO
APPOINT ALDERMAN SEILS AND ALDERMAN JOHNSON (ALTERNATE) TO THE
FAMILY SUCCESS ALLIANCE. VOTE: AFFIRMATIVE ALL**

ADJOURNMENT

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