



# **Town of Carrboro**

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

## **Meeting Minutes Board of Aldermen**

**Tuesday, September 20, 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, Nate Broman-Fulks, Assistant to the Town Manager, Nick Herman, Town Attorney

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### **ANNOUNCEMENT OF PLANNING MONTH ACTIVITIES**

Andrew Whittemore, a member of the Town's Planning Board, announced upcoming Planning Month Activities to the Board.

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### **PROCLAMATION "DIAPER NEED AWARENESS DAY"**

Mayor Lavelle proclaimed the week of September 26 – October 2, 2016 as "Diaper Need Awareness Day" and presented the proclamation to Elizabeth Thomas with NC Diaper Bank.

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### **ANNOUNCEMENT OF UPCOMING MEETINGS**

David Andrews, the Town Manager, announced the upcoming meetings.

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### **APPROVAL OF PREVIOUS MEETING MINUTES OF SEPTEMBER 6, 2016**

MOTION WAS MADE BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN SEILS TO APPROVE THE MINUTES OF SEPTEMBER 6, 2016. VOTE: AFFIRMATIVE ALL

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**REQUEST TO SET A PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS  
RELATING TO CONDITIONAL ZONING DISTRICTS**

The purpose of this item was to consider setting a public hearing on text amendments to the Land Use Ordinance that would modify the language in Article IX relating to conditional zoning districts.

Alderman Gist asked for clarification on this amendment and asked that it be presented in a way that makes it understandable for the general public.

Trish McGuire, the Town's Planning Director, provided a response and showed the Board the changes. She stated that it is an administrative rearrangement that creates a new conditional zoning district designation for social services facilities with dining. She stated that these provisions will apply when an application comes before the Board. The application will require a conditional zoning public hearing with the Board of Aldermen.

Alderman Haven-O'Donnell asked how the community can quantify their concerns ahead of the public hearing. Trish McGuire stated that the Board will have broad authority to hear what people have to say and make a legislative decision. Nick Herman, the Town's Attorney, stated that the bottom line is that the Board of Aldermen will determine the credibility of the evidence and comments as they are offered from the public. He stated that the ordinance does not spell out a way to quantify the evidence and leaves it up to the Board to decide.

Alderman Chaney requested that the information be presented in a way that clearly illustrates what could happen if the ordinance is not changed when it is brought for adoption in October.

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

**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE  
CARRBORO LAND USE ORDINANCE TO MODIFY PROVISIONS RELATED TO THE  
CREATION OF CONDITIONAL ZONING DISTRICTS**

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 25, 2016, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Modify Provisions Related to the Creation of Conditional Zoning Districts."

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:

**Adopted this 20th day of September 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

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**A REQUEST TO ADOPT A RESOLUTION TO AWARD A SERVICE SIDEARM TO A RETIRING POLICE OFFICER**

Police Sergeant William Austin will retire from the Town of Carrboro Police Department on October 1, 2016 after approximately 15 years of service. The Police Department asked to award Sergeant Austin his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Board of Aldermen was requested to adopt by resolution Town staff's recommendation to award the service side arm to Sergeant William Austin.

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

**A RESOLUTION AWARDING A SERVICE SIDE ARM TO RETIRING POLICE OFFICER**

WHEREAS, Police Sergeant William Austin is retiring from the Town of Carrboro Police Department on October 1, 2016 after approximately fifteen years of service; and  
WHEREAS, Sergeant Austin has demonstrated his dedication to duty and to the citizens of the Town of Carrboro; and

WHEREAS, North Carolina General Statute 20-187.2 allows the governing body of a law enforcement agency to award to a retiring member, upon request, the service side arm of the retiring member;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen adopt this resolution awarding the service side arm to Sergeant William Austin.

**Adopted this 13th day of September 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

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**DISCUSSION OF A DRAFT ORDINANCE TO BE ENTITLED "TOWN OF CARRBORO NONRESIDENTIAL BUILDING ORDINANCE"**

The purpose of this item was to allow the Board to discuss the draft ordinance related to blighted commercial properties.

Mayor Lavelle stated that this ordinance will allow the Board to take action on commercial property in the downtown area that is failing to meet certain standards. Mayor Lavelle stated that this is directly related to the building owned by CVS at the corner of Greensboro Street and Weaver Street that appears to be in disrepair and that the community has shared their concerns about the appearance of the building.

Nick Herman, the town's attorney, stated that this ordinance will prevent blight in downtown commercial properties by creating a set of conditions that buildings must meet and maintain. The owner must provide a response to the defects if any are found and then repair the defects or demolish the building.

Alderman Seils stated that he would be interested to hear any lessons learned from other communities that may have adopted similar ordinances under the general statute provisions.

David Andrews stated that the next step will be a public hearing and then adoption of the ordinance.

Alderman Slade asked the attorney to look into how the ordinance applies to buildings that are not used or occupied and asked for a response back at a later date. He also asked that landscaping be addressed in the ordinance. He asked that a fair market value be placed in the ordinance to avoid a possible loophole of listing the property for sale at an unreasonably high rate.

Alderman Chaney asked where physical notice would be sent regarding the notice for the public hearing. Nick Herman stated that the Town would advertise the same way that all other public hearings are noticed. Alderman Chaney asked if there is a way to send mailed notice to all property owners so that they have advanced notice.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN SLADE TO SET THE PUBLIC HEARING FOR A DRAFT REGARDING NONRESIDENTIAL BUILDINGS FOR OCTOBER 25, 2016. VOTE: AFFIRMATIVE ALL

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**REQUEST TO SET A PUBLIC HEARING ON LUO TEXT AMENDMENTS  
RELATING TO DIMENSIONAL REQUIREMENTS WITHIN A NATIONAL REGISTER  
HISTORIC DISTRICT**

The purpose of this item was to consider setting a public hearing on text amendments to the Land Use Ordinance that would clarify dimension regulations for properties within the two commercial downtown National Register Historic Districts.

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

There was a discussion regarding the definition of contiguousness as it pertains to the ordinance. Mayor Lavelle stated that she would like to know exactly what this ordinance would include and suggested that a map be used to present that data.

Alderman Haven-O'Donnell requested that a list of buildings along with their street address be provided.

Alderman Chaney stated that she would like to hear from advisory boards and the community about the height restriction as it relates to parking lots and buildings not included in the historic district but are immediately contiguous to it.

Alderman Seils stated that this ordinance seems to have implications that were not discussed by the Board previously and seems that it is further reaching.

Alderman Slade asked for staff to take into account the conversation that occurred tonight and bring the item back to the Board at a future date.

Alderman Chaney stated that she would prefer to see the height restrictions separated out by downtown district when the item is brought back.

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## **REPORT FROM OWASA REPRESENTATIVES**

Yinka Ayankoya and Bob Morgan are the town's current representatives on the OWASA Board of Directors. They provided a presentation to the Board regarding various issues at OWASA. They discussed the draft OWASA Diversity and Inclusion Plan and the proposed changes to the multifamily residential billing rate changes to yearly instead of seasonal. The change in billing should address the fluctuation of customers' water bills.

Alderman Gist asked that OWASA look into speaking with residents about water billing and that data was shared with OWASA. John Young, chair of the OWASA Board, stated that sub-metering allows for the users to be accountable for how much they use and it creates a more sustainable model. He stated that the utilities commission regulates that third party billers can only charge the rate that OWASA charges plus an administrative fee that is less than \$4.00. He also stated that the data has not uncovered that there is any fraud or deceptive billing and that the cost is fairly distributed.

It was requested that town staff share GSC high water bill data with OWASA.

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## **CONCEPT PLAN FOR AFFORDABLE COMMERCIAL - DEVELOPMENT POTENTIAL OF OLD 86 -TOWN OWNED PROPERTY**

The purpose of this agenda item was to gather feedback from the Board of a proposal by staff to develop town-owned property for affordable commercial flex-space.

Annette Stone, the Town's Economic and Community Development Director, made the staff presentation.

Alderman Chaney stated that she would like for the Board to think about how to balance the ability to accommodate consumers with the concept of this not being a destination for consumers. She discussed the flexibility of the lease structure with an economic development agreement. She asked for staff to discuss with local businesses what could work on the property; specifically the ArtsCenter and other nonprofits. She asked for staff to consider carving out a space for nonprofit use.

Alderman Haven-O'Donnell and Mayor Lavelle asked that the surrounding properties be notified of the plans.

Alderman Slade suggested working with the county to extend water and sewer to the parcel.

Alderman Haven-O'Donnell suggested considering the synergy with Twin Creeks Park as this moves forward.

Staff will continue to move forward with public outreach and bring back an RFP for the Board to consider at a future date.

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## **DRAFT FEE REDUCTION POLICY FOR NON-PROFITS ON DEVELOPMENT, ZONING AND BUILDING PERMITS**

The purpose of this item was for the board to consider a policy granting non-profits a 10% reduction in fees on zoning, development review, and construction permitting cost. This is a draft for discussion purposes only and adoption is not requested at this time.

Annette Stone, the Town's Economic and Community Development Director, made the staff presentation.

Alderman Gist suggested placing parameters around which nonprofits could apply for the fee reduction based on their demonstrated financial need.

Alderman Haven-O'Donnell stated that there could be nonprofits with missions that do not align with the values of the town and that the value system should be taken into account when considering offering nonprofits a fee reduction. She stated that simply being a nonprofit should not be the only thing considered for possible fee reduction.

Alderman Johnson asked if research showed the use of a sliding scale based on a nonprofit budget. Annette Stone stated that Asheville's policy is project based with a sliding scale but not based on a budget.

Alderman Chaney asked what the average savings would be for a nonprofit. She also asked for staff to look at permits to see what impacts this might have on the town and for staff to look into other fee reduction models. She asked that it be noted that this does not relate to the affordable housing fee waiver policy.

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## **AUTHORIZATION TO CONDUCT THE 2016 TOWN OF CARRBORO COMMUNITY SURVEY**

The purpose of this item was for the Board to authorize the Town Manager to conduct the Town of Carrboro Community Survey

Staff was requested to send the survey to the Board and to schedule this item on the next week's agenda for consideration.

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## **CLOSED SESSION - NCGS 143-318.11 (3)**

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

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## **OPEN SESSION**

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

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**ADJOURNMENT**

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