



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, December 6, 2016

7:30 PM

Board Chambers - Room 110

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

Absent: Alderman Michelle Johnson

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

A RESOLUTION IN SUPPORT OF THE NC COMMISSION OF INQUIRY ON TORTURE

Alderman Slade read the resolution and Peggy Misch provided additional information on the annual reading of the Bill of Rights Day and the NC Commission on Inquiry on Torture.

Mayor Lavelle noted that Peggy Misch was honored as a "Town Treasure" by the Chapel Hill Historical Society.

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

RESOLUTION IN SUPPORT OF THE NORTH CAROLINA COMMISSION OF INQUIRY ON TORTURE

WHEREAS, the non-governmental North Carolina Commission of Inquiry on Torture (NCCIT) is being established to examine the role of North Carolina in the United States' secret, global torture program launched soon after 9/11/2001; and

WHEREAS, it is documented in the declassified executive findings and conclusions summary of the Study of the Central Intelligence Agency's Detention and Interrogation Program by the Senate Select Committee on Intelligence that at least 119 human beings were secretly transferred for torture in CIA-run facilities, while many others were rendered to allied foreign custody for torture; and

WHEREAS, most of those rendered and tortured were simply in the wrong place at the wrong time, or had names similar to those of suspects, and have been released without criminal charges; and

WHEREAS, it is further documented in the report titled "The North Carolina Connection To Extraordinary Rendition and Torture" (Weissman, et. al., UNC School of Law, January 2012) that North Carolina played a significant role in the torture program through the operations of Aero Contractors, an aviation front company established by the CIA in 1979 at the Johnston County Airport in Smithfield which, after 9/11/2001, undertook a leading role in kidnapping suspects, including from a hangar it built and operated at the state-run Global TransPark in Kinston; and

WHEREAS, that Aero transported at least 34 detainees to secret detention and torture, 18 of which cases appear in the heavily redacted executive summary of the Senate Intelligence Committee's 6,900-page report on CIA torture, most of which is still kept from the public; and

WHEREAS, the NCCIT will address the harms that torture causes, such as serving as a recruitment tool for extremist and terrorist organizations, endangering U.S. troops abroad, reducing our security here at home, and providing dangerously misleading information, and

WHEREAS, torture is illegal, and violates faith and ethical traditions, and the trauma inflicted on torture survivors affects them for the remainder of their lives, causes lasting psychological injury to those ordered to perpetrate it, and

WHEREAS, the U.S. government, the state of North Carolina, and political subdivisions of this state have ignored their obligations to acknowledge and repair the harms created by the secret detention and torture program, even though impunity compounds those harms and allows their repetition; and

WHEREAS, when governments fail to act, citizens have both a duty and an opportunity to do so, and citizen-led inquiries have a long and honorable history, in North Carolina and beyond, of exposing human rights abuses and creating momentum for accountability and redress;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Carrboro Board of Aldermen hereby supports the North Carolina Commission of Inquiry on Torture, a 501(c)(3), non-profit organization described at www.nccit.org, created to address the issue of North Carolina's role in secret detention and torture, and to craft a model of accountability that can inspire similar efforts elsewhere.

This the 6th day of December 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

ANNOUNCEMENT OF UPCOMING MEETINGS

Catherine Dorando, the Town Clerk, announced the upcoming public meetings.

REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

MIKE MCLAMB – POLICE DEPARTMENT CAREER PROGRESSION PLAN

Mike McLamb stated that his interactions with the Carrboro Police Department have been nothing but

professional. He stated that he welcomes any opportunity for career progression. He suggested that the Town consider the career progression plans Chapel Hill Police Department Career Progression Plan and the UNC Police Department. He stated that he hopes all officers will be able to provide input of the plan. He stated that he would be concerned if the plan included any lowering of the starting pay for Police Officers.

David Andrews, the Town Manager, stated that the progression plan is an improvement based upon what the Town currently offers for the Police Department. He stated that this document does not decrease starting salary.

Walter Horton, the Town's Police Chief, stated that the plan will create a progression level of Police Officer 2.

Alderman Chaney asked how often the career progression plan is reviewed.

Carol Dorsey, the Town's Human Resources Director, stated that this will be the first implementation of a Career Progression Plan in the Police Department. She stated that the plan will go into place January 1, 2016 and that further review will take place during the budget development process.

Alderman Haven-O'Donnell asked that when new levels are added if rank and file officers will have input.

David Andrews stated that the Town has to consider internal equity in all departments when preparing progression plans.

APPROVAL OF PREVIOUS MEETING MINUTES OF NOVEMBER 15, 2016

This item was tabled until the next meeting.

Adoption of 2017 Meeting Calendar

The purpose of this item was for the Board of Aldermen to adopt their 2017 meeting calendar.

A motion was made by Alderman Seils, seconded by Alderman Johnson, that the following schedule be adopted (unless otherwise noted, the meetings will begin at 7:30 PM):

- January 10 – First Meeting After Break
- January 17 – Regular Meeting
- January 24 – Public Hearing
- January 31 – No Meeting – 5th Tuesday

- February 7 – Regular Meeting
- February 14 – Work Session
- February 21 – Regular Meeting
- February 28 – Public Hearing

- March 7 – Regular Meeting
 - March 9 – Annual Advisory Board Dinner at 6:00 PM
 - March 14 – Work Session
 - March 16 – Joint Meeting Chapel Hill and Orange County at the Southern Human Services Center at 7:00PM
 - March 21 – Regular Meeting
 - March 28 – Public Hearing
-
- April 4 – Regular Meeting
 - April 11 – Work Session
 - April 18 – Regular Meeting
 - April 25 – Public Hearing
-
- May 2 – Regular Meeting
 - May 9 – Work Session
 - May 16 – Regular Meeting
 - May 23 – Public Hearing
-
- June 6 – Regular Meeting
 - June 13 – Work Session
 - June 20 – Regular Meeting
 - June 27 – Public Hearing
-
- September 5 – Regular Meeting
 - September 12 – Work Session
 - September 19 – Regular Meeting
 - September 26 – Public Hearing
-
- October 3 – Regular Meeting
 - October 10 – Work Session
 - October 17 – Regular Meeting
 - October 24 – Public Hearing
 - Thursday, October 26, 2017 Joint Meeting with BOCC Southern Human Services Center
 - 7:00 PM
-
- November 7 – ELECTION DAY No Meeting
 - November 14 – Work Session
 - November 16, 2017 Assembly of Governments at the Whitted Building in Hillsborough,
 - 7:00PM
 - November 21 – Regular Meeting
 - November 28 – Public Hearing
-
- December 5 – Swearing In Ceremony

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

A RESOLUTION SETTING THE DATE FOR THE 2016 LEGISLATIVE BREAKFAST AND DISCUSSION OF LEGISLATIVE ISSUES FOR THE 2017 SESSION OF THE GENERAL ASSEMBLY

The purpose of this item was to request that the Board of Aldermen set the date for the 2016 Legislative Breakfast and to facilitate a discussion of legislative issues to present to our local delegation at the breakfast. The delegation may be able to pursue some of the issues presented during the upcoming session of the NC General Assembly.

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

A RESOLUTION SETTING THE 2016 LEGISLATIVE BREAKFAST AND THE 2017 LEGISLATIVE ISSUES FOR THE CARRBORO BOARD OF ALDERMEN

Section 1. The Legislative Breakfast is scheduled for December 21, 2016 at 7:30 a.m.

Section 2. The Board provides the following comments and/or the following legislative priorities:

**Town of Carrboro
2017
Proposed State and Federal Legislative Priorities**

STATE ADVOCACY GOALS

Municipal Authority

- Oppose legislation that further erodes municipal authority.
- Amend the Law Enforcement Recordings/No Public Records law (SL 2016-88; House Bill 972) to provide local governments and law enforcement agencies with greater flexibility in the disclosure and release of dashboard and body-worn camera recordings.
- Oppose any further weakening of gun control laws, especially with regard to municipal and governmental properties, including parks and greenways, school properties, and college and university campuses.
- Oppose legislation that removes authority of municipalities to determine election schedules.

Affordable Housing/Tax Credits

- Support for Restoration of State Housing Tax Credits and Opportunity Tax Credits (or similar) as may be proposed during the session.

- Support for other affordable housing finance strategies.

Infrastructure/Utilities/Transportation

- Support removal the 10% cap on total state funding for a commuter rail or light rail project (N.C.G.S. 136-189.10(3)g)
- Support legislative efforts to expand of municipal broadband.
- Support legislation to protect Jordan Lake as a drinking water supply.
- Support for state or federal money that could help with extreme flooding that Carrboro has been experiencing in recent years.

Juvenile Jurisdiction

- Support of raising the age of juvenile jurisdiction to 18 to non-violent crimes

LGBTQ

- Oppose any religious freedom bill that allows discrimination against the LGBT community.
- Seek repeal of the Magistrates Recusal for Civil Ceremonies law (SL 2015-75; Senate Bill 2).
- Seek repeal of the Public Facilities Privacy & Security Act (SL 2016-3; House Bill 2).
- Support legislation that establishes statewide protections for LGBTQ citizens related to sexual orientation, gender identity, and gender expression in the areas of housing, employment and public accommodation.

FEDERAL ADVOCACY GOALS

Environment

- Oppose legislation that would eliminate the EPA, as well as including efforts to limit greenhouse-gas emissions, limit the Clean Power Plan, or reduce rules imposed on oil, gas, and coal sectors.

Finance

- Support the passage of the federal e-fairness legislation.
- Support for state or federal money that could help with extreme flooding that Carrboro has been experiencing in recent years.

Healthcare

- Oppose healthcare reform efforts that would fully repeal the Affordable Care Act or discriminate against people with pre-existing conditions or drop coverage of children under the age of 26.

Trade/Human Rights

- Oppose any trade agreements (including the Trans Pacific Partnership) that include investor-state dispute arbitration and which undermine the ability of governments to enact laws to protect human rights, labor and environmental standards. (2014 Resolution Against Trade

Agreements that Undermine the Ability of Governments to Enact and Enforce Laws to Protect Human Rights, Labor and the Environment provided as an agenda item attachment)

Section 3. This resolution is effective immediately upon adoption.

This the 6th day of December, 2016

The motion carried by the following vote:

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

ESTABLISHMENT OF CAREER DEVELOPMENT PLAN FOR CARRBORO POLICE

OFFICERS

The purpose of this item was to provide officers with opportunities for training and development that will give them career advancement and salary increases, in addition to the Town's competitive promotional opportunities program.

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

**RESOLUTION ADOPTING CHANGES TO TOWN OF CARRBORO POSITION CLASSIFICATION
AND PAY PLAN**

WHEREAS, the Board of Aldermen has adopted a comprehensive Position Classification and Pay Plan for the Town of Carrboro; and,

WHEREAS, the position classification plan provides a complete inventory of all authorized and permanent position in the Town services, and an accurate description and specification for each class of employment; and,

WHEREAS, the Board of Aldermen desires to establish a Career Progression Plan for Police Officers;

**NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO
RESOLVES:**

Section 1. The Position Classification and Pay Plan is hereby modified as follows:

a.Change Police Officer, Salary Grade 9, to Police Officer I;

b.Create new position of Police Officer II, Salary Grade 10;

Section 2. Create a Career Progression Plan for Police Officers, incorporating requirements for advancement from Police Officer I to Police Officer II (see attached Career Progression Plan).

Section 3. All salary increases recommended in connection with the Career Progression Plan for Police Officers shall be dependent upon the availability of approved funds in the Police Department's operating budget.

Section 4. The Human Resources Director shall revise the Position Classification and Pay Plan to reflect the changes in Section 1 through 3.

Section 5. All other provisions of the Position Classification and Pay Plan remain unchanged.

Section 6. This resolution shall become effective January 1, 2017.

This the 6th day of December, 2016

The motion carried by the following vote:

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

PROPOSED REVISIONS TO THE RENTAL AND UTILITY DEPOSIT ASSISTANCE PROGRAM

The purpose of this item was for the Board to consider approving proposed revisions to the Rental and Utility Deposit Assistance Program out of the Affordable Housing Fund.

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

A RESOLUTION APPROVING THE UPDATES TO THE RENTAL AND UTILITY DEPOSIT ASSISTANCE PROGRAM

WHEREAS, the Board of Aldermen created an affordable housing special revenue fund on June 27, 2007 by the adoption of resolution no. 244/2006-07; and

WHEREAS, the Board of Aldermen established administrative procedures for the fund on September 9, 2008 by the adoption of resolution no 15/2008-09; and

WHEREAS, the Board of Aldermen passed a resolution authorizing the Town Manager to develop and implement a program to expend funds from the Affordable Housing Fund as it pertains to Section 8 Housing Choice Voucher holders relocating within Carrboro on June 24, 2014; and

WHEREAS, the Board of Aldermen approved revisions to the program on November 24, 2015 to increase the usefulness of the program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen hereby ordains:

Section 1. The proposed revisions to the Rental and/or Utility Deposit Program providing authority to the Town Manager to approve or deny requests for funding and providing clarity on application procedures are approved.

Section 2. This resolution shall become effective upon adoption.

This the 6th day of December, 2016

The motion carried by the following vote:

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

ACCEPTANCE OF AN ELECTRIC VEHICLE CHARGING STATION GRANT FROM DUKE ENERGY

The Board was asked to consider approving receipt of a grant from Duke Energy in the amount of \$10,000 to install two (2) electric vehicle charging stations within Town limits.

Alderman Slade stated that while it is nice to receive this grant that it should be noted that these funds are made available through a settlement that Duke Energy is involved in. He said that he hopes that eventually we can power these charging stations off of the grid.

A motion was made by Alderman Seils, seconded by Alderman Slade, that this ordinance be approved.

**DUKE ENERGY ELECTRIC VEHICLE CHARGING STATION
GRANT PROJECT
ORDINANCE NO. 8/2016-17**

WHEREAS, the Town of Carrboro, through the Public Works Department, has been awarded a grant by Duke Energy for the installation of two electric vehicle charging stations; and,

WHEREAS, the grant application identified potential locations for the installation of electric vehicle charging stations; and,

WHEREAS, Duke Energy requires the Town to execute a funding agreement by December 31, 2016; and,

WHEREAS, the Board of Aldermen for the Town of Carrboro deems this activity to be a worthy and desirable undertaking:

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 grant project is authorized to install two electric vehicle charging stations at the following locations: 1) Downtown – Century Center or Town Hall and 2) Non-Downtown – Wilson or Anderson Park; and is hereby authorized to be undertaken until all project activity is completed.
2. The following revenues are anticipated to be available to the Town of Carrboro to complete this project:
Duke Energy Electric Vehicle Charging Station Support Program Grant \$10,000.00

Total \$10,000.00

3. The following amount is appropriated for this project to be expended in the following manner:

Purchase and Installation of 2 Charging Stations \$10,000.00

Total Appropriation \$10,000.00

4.The Town Manager is authorized to execute the required funding agreement and undertake any other administrative actions necessary to secure this funding.

5.Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this grant project ordinance with the Finance Director.

This the 6th day of December, 2016

The motion carried by the following vote:

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

A motion was made by Alderman Seils, seconded by Alderman Slade, that this ordinance be approved.

**AMENDMENT TO ANNUAL BUDGET ORDINANCE FY 2016-17
Ordinance No. 9/2016-17**

WHEREAS, the Town Board of the Town of Carrboro on June 21, 2016 adopted annual budget ordinance number 14/201516 for the fiscal year beginning July 1, 2016 and ending June 30, 2017; and

WHEREAS, it is appropriate to amend certain budget accounts in the general fund to provide for increased revenues and expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

ACCOUNT CODE			ACCOUNT NAME	CURRENT	INCREASE	NEW TOTAL
ORG	OBJECT	PROJ		BUDGET	(DECREASE)	
29	434724	29115	Grant Revenue - Duke Energy	\$ -	\$ 10,000.00	\$ 10,000.00
29	504500	29115	Contract Services	\$ -	\$ 10,000.00	\$ 10,000.00

REASON: To recognize and appropriate grant revenue for installation of two electric vehicle charging station.

This the 6th day of December, 2016

The motion carried by the following vote:

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

A RESOLUTION SCHEDULING A BOARD OF ALDERMEN MEETING FOR DECEMBER 13, 2016

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

A RESOLUTION SCHEDULING A MEETING FOR DECEMBER 13, 2016

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

Section 1: A meeting of the Board is scheduled for December 13, 2016 to begin at 7:30 PM

This the 6th day of December, 2016

The motion carried by the following vote:

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

CONTINUATION OF THE PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO PROTESTS TO ZONING MAP AMENDMENTS

The purpose of this item was for the Board of Aldermen to consider amending the Land Use Ordinance to replace the existing provisions for protest petitions with a new policy for citizen comment.

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

Alderman Seils asked if the Board could entertain comments submitted later than two business days for a legislative action.

Alderman Slade stated that the resolution to adopt should simply read that the Board is adopting the ordinance because the legislature is requiring them to do so.

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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS RELATED TO PROTEST PETITIONS

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020, particularly the statements under Section 2.0, Development, by retaining to the extent allowed by current statute an opportunity for community input when making development decisions.

Section 2. The Board further concludes that the above described amendment which will conform the provisions of the Land Use Ordinance, with regard to citizen comments on zoning petitions, to recent changes in state legislation, is in the public interest.

Section 3. This resolution becomes effective upon adoption.

Adopted this 6th day of December 2016.

The motion carried by the following vote:

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

Nay: Alderman Slade, Alderman Gist, Alderman Haven-O'Donnell

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

**AN ORDINANCE AMENDING TOWN OF CARRBORO LAND USE ORDINANCE
PROVISIONS RELATED TO PROTEST PETITIONS
Ordinance No. 7/2016-17**

Section 1. Town of Carrboro Land Use Ordinance Section 15-326 “Protests to Zoning Map Amendments” is hereby repealed, and the following is substituted in its place:

Section 15-326. Citizen Comments on Zoning Map and Text Amendments.

The Town of Carrboro Land Use Ordinance may from time to time be amended, supplemented, changed, modified or repealed. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification or repeal to this Ordinance to the Clerk of the Board of Aldermen at least two (2) business days prior to the proposed vote on such change, the Clerk to the Board shall deliver such written statement to the Board. If the proposed change is the subject of a quasi-judicial proceeding under North Carolina General Statutes Section 160A-388 (such as conditional use rezoning in which the legislative rezoning is accompanied by or followed by a quasi-judicial conditional use permit process), the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Board shall not disqualify any member of the Board from voting. Written statements submitted in connection with a quasi-judicial proceeding may be admitted into evidence at such a proceeding if the Board determines that such statements are admissible in the proceeding. (Amended 12-6-16 ; and enacted pursuant to a Resolution in Opposition to the General Assembly’s Repeal of Statutory Authority for Qualified Protest Petitions to Trigger a Super Majority Vote for Certain Zoning Map Amendments, dated 12-6-16).

Section 2. All provisions of any Town Ordinance in conflict with this Ordinance are repealed.

Section 3. This Ordinance shall become effective upon adoption.

Adopted this 6th day of December 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 motion was made by Alderman Seils, seconded by Alderman Slade, that this resolution be approved.

A RESOLUTION IN OPPOSITION TO THE GENERAL ASSEMBLY'S REPEAL OF STATUTORY
AUTHORITY FOR QUALIFIED PROTEST PETITIONS TO TRIGGER A SUPER MAJORITY
VOTE FOR CERTAIN ZONING MAP AMENDMENTS

WHEREAS, effective May 1, 2015, the General Assembly amended G.S. 160A-385 (per HB 201) to eliminate qualified protest petitions to require a favorable vote of three-fourths of all members of the Board of Aldermen for certain zoning map amendments;

WHEREAS, prior to this amendment, Section 15-326 of the Town of Carrboro Land Use Ordinance (attached hereto) provided for qualified protest petitions to require a favorable vote of three-fourths of all members of the Board of Aldermen for certain zoning map amendments;

WHEREAS, the Board of Aldermen opposes the General Assembly's amendment to G.S. 160A-385 that eliminated qualified protest petitions to require a favorable vote of three-fourths of all members of the Board for certain zoning map amendments;

WHEREAS, notwithstanding this opposition, the Board of Aldermen is obligated to conform the Town's Land Use Ordinance to G.S. 160A-385 as amended, and the Board has thus amended Section 15-326 of the Land Use Ordinance to conform to G.S. 160A-385 as amended, albeit under protest;

NOW, THEREFORE, the Board of Aldermen Resolves:

1. The Board registers its objection and opposition to the General Assembly's amendment to G.S. 160A-385 (per HB 201) to eliminate qualified protest petitions to require a favorable vote of three-fourths of all members of the Board for certain zoning map amendments;
2. The Board has amended Section 15-326 of the Town's Land Use Ordinance to conform to G.S. 160A-385 as amended, but the Board has done so under protest; and
3. In the event the General Assembly in the future reinstates the authority of the Board to provide for qualified protest petitions to require a favorable vote of three-fourths of all members of the Board for certain zoning map amendments, the Board favors reinstating the attached version of Section 15-326 of the Land Use Ordinance, which previously provided for qualified protest petitions to require a favorable vote of three-fourths of all members of the Board for certain zoning map amendments.

Adopted this 6th day of December 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

DISCUSSION OF ESTES DRIVE AND N. GREENSBORO ST. INTERSECTION IMPROVEMENTS

The purpose of this agenda item was for the Board of Aldermen to discuss proposed improvements to the Estes Drive/N. Greensboro St. intersection and provide comments to NCDOT.

Bergen Watterson, the Town's Transportation Planner, provided the staff report.

Alderman Gist stated that she is concerned regarding pedestrian safety. She asked if it is possible to require a mandatory stop for pedestrians. Bergen Watterson stated that state law requires that vehicles yield to pedestrians in crosswalks.

Alderman Haven-O'Donnell asked how school crossing works with the roundabout design. She stated that signage and flashing beacons are very important for crossing safety. She stated that stacking of right hand turn from Estes heading west needs to be considered during school crossing hours. She asked if the Board could review an animated model.

Alderman Seils stated that he is assuming that the lane width will accommodate delivery vehicles, busses, and trucks. He stated that he was impressed by the Transportation Advisory Board's (TAB) comments and suggested that they be included in the Boards recorded comments.

Alderman Slade stated that he wants to make sure that comments from the TAB are included and that signage for vehicles to be aware of merging bicyclist is also included.

Alderman Chaney suggested that staff discuss with NCDOT who is responsible for signage regarding certain sized trucks being unable to use the roundabout.

Alderman Gist asked staff to make sure that construction does not start before the other construction on Greensboro is completed and that it does not conflict with other construction projects.

A motion was made by Alderman Seils, seconded by Alderman Haven-O'Donnell for the following resolution to be approved:

A RESOLUTION TO SUBMIT COMMENTS TO NCDOT REGARDING THE ESTES DRIVE AND N. GREENSBORO ST. INTERSECTION IMPROVEMENTS

WHEREAS, the intersection of Estes Drive and N. Greensboro Streets was submitted for improvements to SPOT 3.0 in 2013; and

WHEREAS, the project is programmed in the 2016-2025 State Transportation Improvement Program (STIP) for design in FY17 and construction in FY18; and

WHEREAS, NCDOT and their consultant, SEPI Engineering, held a public meeting at Town Hall on November 14, 2016; and

WHEREAS, NCDOT extended the public comment period to accommodate the Board of

Aldermen discussion and resulting comments on the intersection improvements;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the following comments shall be submitted to NCDOT on behalf of the Board:

1. That the attached rendering and comments from the Carrboro Transportation Advisory Board are shared by the Carrboro Board of Aldermen.
2. That pedestrian safety is thoroughly reviewed and prioritized.
3. That special consideration is provided to the logistics associated with school crossings.
4. That signage and flashing beacons are very important for crossing safety.
5. That vehicle stacking needs to be considered during school crossing hours.
6. The Board would like to review an animated model of the proposed roundabout (Synchro or similar).
7. That signage be considered to alert vehicles to be aware of bicyclists merging into the lane on westbound N. Greensboro.
8. That signage regarding certain sized trucks being unable to use the roundabout be placed in locations well in advance of the roundabout as to appropriately alert large truck drivers that they will not be able to navigate the roundabout.
9. That construction does not start before the current construction on S. Greensboro Street is completed and that it does conflict with other construction projects.

Estes-N. Greensboro Roundabout: Recommendations from the Transportation Advisory Board



1. Safety concerns

- a) Right turns at speed from N. Greensboro (northbound) onto Estes Dr. Ext (eastbound) and from Estes onto N. Greensboro (westbound)
- b) Street lighting for the full intersection is poor
- c) Speed limit through intersection & immediate area
- d) Lane widths

2. Cycle traffic concerns

- a) Bike lane for N. Greensboro cycle westbound traffic
- b) Multi-use path on N. Greensboro (eastbound, southwest side of the roundabout)
- c) Frances Shetley Greenway access on/off the roundabout

3. Roundabout aesthetics

Request clarification on the options for a fountain, sculpture or planting in the roundabout's center

This the 6th day of December 2016

The motion received the following vote:

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

**DELIBERATION ON THE PROPOSED REZONING AND ASSOCIATED LAND USE
ORDINANCE TEXT AMENDMENTS FOR THE LLOYD FARM DEVELOPMENT
PROPOSAL**

Continuation of the Board's deliberation on the proposed rezoning at 700 Old Fayetteville Road from R-10 and B-4 to B-4-CZ, from R-10 and R-20 to R-10-CZ and R-20-CZ, and the associated text amendments for the Lloyd Farm development proposal. Draft ordinances for the Land Use Ordinance map and text amendments have been prepared.

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

Mayor Lavelle stated her top ten reasons for supporting the project. She supports the project because of the public input that has been provided throughout the years. She stated that the conditional rezoning process has allowed the Town to bargain for many benefits and develop a plan much better than what will likely go on the site if this project is not approved. She explained that going through the conditional rezoning process allowed the Town to have a comprehensive stormwater plan that was tied to the overall site that went beyond current stormwater requirements in the ordinance. She said that the process allowed the Town to bargain for conditions that reflect community values, such as allowing for design of a sidepath along Highway 54 as part of the Town's plans for bike and pedestrian access to Anderson Park, constructing a multi-use path in the development to the neighborhood, relocation of the turtles currently in the ponds on the property, and a greater visual and physical barrier between the properties on Carol Street and the development. She stated that the owners agreed to have the northwestern-most lot in the project remain as open greenspace in perpetuity. She stated that the project would also include construction of an over-55 community housing development with an affordable housing mechanism included, and a payment of \$743,057 to go into the town's affordable housing program. She said that the process also allowed a closer examination of a possible increase in traffic, the effect on the neighbors, and with approval, funding of a neighborhood traffic calming study. She explained with Board approval that Town could post signage on Carol Street to read "Local Traffic Only" or "No Thru Traffic," and that the owners were trying to provide controlled left turns out of the site at the NC 54 exit, the Old Fayetteville exit, or both. She said that 4.6 acres of the property would be donated to the Town, and that the project would provide commercial development and more jobs in the Town. She stated that the Board has known for some time that the property would be developed in a commercial way, as nearly half of it has been zoned commercial for many years. She said that the Lloyds came to the Board several years ago to work with the Town on what could get approved for their property. She stated that many people in the community would like to see a more urban, dense-style development on this site, and that she does not personally disagree with that, and that others would like nothing to happen to this site, but that something is going to happen one way or another. She stated that the plan, while not perfect, best meets the goals, objectives, and values that the collective community espouses.

Alderman Slade stated that the proposed development and the existing zonings for these properties are out of line with 1) the flooding realities experienced by the adjacent neighborhood and 2) the kind of walkable and bikeable development that is necessary if we are to mitigate climate change. He stated that for these reasons he will not vote in favor of the proposed development. He further stated that he would like for the town to look into rezoning these properties to zonings that mitigate flooding on the neighborhood and mitigate climate change.

Alderman Seils stated that he is not going to support the rezoning but understands the benefits that this project could offer. He stated that he sees the benefits of the additional tax revenues and the residential component, along with the affordability components. He stated that the developer has done a good job of meeting and exceeding the Town's stormwater ordinance requirements and that current flooding and infrastructure issues are not the developer's job to address. He stated that his decision against the rezoning is based on the nature of the development and that the first time that he saw this project that the Planning Board made extensive comments to the developer regarding the suburban model and to approach the site with a more compact urban form. He stated that the project continues to be dominated by features of a suburban shopping center; that the buildings are designed and organized mainly around large surface parking lots and traffic circulation features; and that the buildings have little relationship with each other, and so do not frame any useful spaces other than what is organized around the experiences of drivers. He stated that for those reasons he is unable to support the rezoning and this project as a land use, especially on a property of this size and of this importance to the community.

Alderman Chaney stated that she agrees with the benefits and challenges that have been outlined by Mayor Lavelle. She stated that she wished the mediation process had worked for all parties better. She stated that she recognized that there are a lot of people that were not in the mediation. She stated that if this project does not move forward in a positive way that the mediation process may have failed. She expressed disappointment that affordable housing was not an outcome of the mediation given it is an expressed priority of the Board. She said that she was grateful for the developer's willingness to negotiate affordability after the mediation. She stated that there are things in the project that meet the whole town's goals and that the Board has to consider the whole town. She stated that she is willing to move forward with the discussion of the conditions.

Alderman Johnson stated that she sees the positives from the proposed project especially with the affordable housing and the land donated to the Town. However, she wonders if the project will cause more harm. She stated that she is concerned with the stormwater runoffs and that stormwater devices do not always operate as they are intended to. She stated that she would also like to see more density and a relationship between the buildings. She stated that she cannot support the rezoning.

Alderman Gist stated that she has appreciated that this has been a very deliberate conversation over the last couple of years. She stated that she wasn't sure until today how she was going to vote on this. She stated that one of the first things that she always considers is if the project will have a negative impact on the surrounding properties. She stated that she believes that it will. She stated that there are projects that can happen by right. She stated that she does not support the rezoning. She expressed disappointment that the senior housing was for upper and middle class seniors.

Alderman Haven-O'Donnell began by stating that she thought the mediation process was good work, doing the best we could forging into new territory. She noted that it may not have been perfect but mapped out some new ways to engage community. She noted that through the mediation process the Town got to know neighbors really well and in August the Town made a site visit. Alderman Haven-O'Donnell stated that she likes the project for Mayor Lavelle's reasons and dozens more. She stated that the timing bothers her because of the neighbors that are experiencing flooding. She stated that the community of neighbors that are immediate, surrounding and downstream of this project are already vulnerable. They are already in a position that is not acceptable. The Town needs to make the situation

better. She said the Town needs to recommit to the needs of the neighborhood first before we develop further. It's really important that we figure out what we have to do to correct it. She recognized that monies generated from this project may have been put into making corrections. Alderman Haven-O'Donnell stated she is not comfortable voting for this at this time given that the neighbors are not protected. First and foremost take care of the neighborhood. Additionally, she raised a question for the Board: Without the project revenues where will the revenues come from to mitigate neighborhood stormwater issues?

A motion was made by Alderman Slade, seconded by Alderman Seils for the following resolution to be approved:

**RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND
USE ORDINANCE**

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FLEXIBILITY WITH RESPECT TO STREET DESIGN STANDARDS IN THE B-4-CU AND B-4-CZ DISTRICTS, TO ALLOW MULTI-FAMILY USES IN THE B-4-CU AND B-4-CZ DISTRICTS, TO INCREASE THE BUILDING HEIGHT LIMIT FOR MULTI-FAMILY BUILDINGS IN THE B-4-CU AND B-4-CZ DISTRICTS.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 6th day of December 2016

The motion received the following vote:

Ayes: Alderman Seils, Alderman Slade, Alderman Johnson, Alderman Gist, and Alderman Haven-O'Donnell

Nays: Alderman Chaney, Mayor Lavelle

A motion was made by Alderman Slade, seconded by Alderman Johnson for the following resolution to be approved:

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S
REASONS FOR REJECTING AN AMENDMENT TO THE ZONING MAP OF THE
CARRBORO LAND USE ORDINANCE**

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 40 ACRES OF THE PROPERTY KNOWN AS 700 OLD FAYETTEVILLE ROAD FROM R-10 AND R-10 AND B-4 TO B-4-CZ, AND FROM R-10 TO R-10-CZ AND R-20 TO R-20-CZ.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 6th day of December 2016

The motion received the following vote:

Ayes: Alderman Seils, Alderman Slade, Alderman Johnson, Alderman Gist, and Alderman Haven-O'Donnell

Nays: Alderman Chaney, Mayor Lavelle

ADJOURNMENT

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