



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, October 25, 2016

7:30 PM

OWASA Community Room

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

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

CANCELLATION OF THE NOVEMBER 9, 2016 WORK SESSION

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO CANCEL THE NOVEMBER 9, 2016 WORK SESSION. VOTE: AFFIRMATIVE ALL

CHARGE ISSUED - DANIEL MAYER, CARRBORO TOURISM DEVELOPMENT AUTHORITY

Cathy Dorando, the Town Clerk, issued the charge to Daniel Mayer, a recent appointee to the Carrboro Tourism Development Authority.

REPORT ON MAXIMUM SUPPORTABLE SCHOOL IMPACT FEE STUDY

The purpose of this agenda item was for the Board of Aldermen to receive a report on the recently completed study of the maximum supportable impact fee that could be applied to new residential construction in support of Chapel Hill Carrboro City School facilities.

Perdita Holtz, representing Orange County, presented the staff presentation and discussed the report and answered questions.

Alderman Slade expressed that the new measures for assessing proportionality on impact fees appear to be inconsistent and that this inconsistency points to an opportunity to choose measures that may be more socially just and also more responsible to the principle that there is a possibility that housing stock that is used one way today may be used another way tomorrow (and impact fees are applied only once). Specifically, proposed new impact fee rates will charge multifamily housing higher rates than single family detached. Simultaneously senior housing will not be charged a smaller fee the explanation given is that there is no way to guarantee that that housing stock will remain without children, short of restrictions on the deed.

Alderman Haven-O'Donnell asked about impact fees for lots that have a home torn down and then a larger home is built on the same lot. She stated that currently those homes do not have to pay an impact fee. Nick Herman, the Town's attorney, stated that they can look into the question raised by Alderman Haven-O'Donnell.

The Board of Alderman offers to the Board of County Commissioners the following comment:

Look into how new formulas for determining 'proportional' impact fees may have regressive impacts.

DISCUSSION OF POSSIBLE ESTABLISHMENT OF A STORMWATER UTILITY ENTERPRISE FUND

The purpose of this item was for the Board to discuss the possibility of establishing a stormwater utility enterprise fund to assist in expanding stormwater management services.

Nate Broman-Fulks, an assistant to the Town Manager, provided the staff report. Trish McGuire, the Town's Planning Director, provided information about existing and anticipated stormwater management practices.

Mayor Lavelle asked the amount of money that the fee may be. David Andrews, the Town Manager, stated that between the capital costs and staffing costs it would easily cost \$400,000 a year that would be 2 cents on the property tax rate or a fee. He stated that the fee would be estimated between \$30-\$50 dollars per single family home and based on square footage.

Mayor Lavelle asked if there would be considerations for affordability. David Andrews stated that the stormwater utility manager would be charged with developing fee structures.

Alderman Chaney asked if there are limitations on how the fees can be spent. David Andrews stated that the fee could only be used for the service that it provides and could not be used for general fund purposes.

Alderman Seils asked if there is a way that the Town can collaborate with the Town of Chapel Hill with their existing management of the program. David Andrews stated that even if the Town contracts with another entity to manage the program the Town would still have to charge a fee to reimburse those. David Andrews stated that the Town will explore the most cost effective method.

Robert Joyner, a resident of 100 Purple Leaf Place, urged the Board to consider the use of property tax rather than a dedicated fund because fees are not tax deductible but taxes can be. He also stated that the

dedicated fee would only be used for those specific funds and that the tax revenue could be placed in the budget and dedicated to items based on priorities.

Arche McAdoo, the Town's Budget Director, stated that a conversation should begin about establishing a dedicated source of funding.

Alderman Seils stated that he looks forward to seeing more information soon.

AN UPDATE ON CARRBORO'S PARKING PLAN

The purpose of this agenda item was for the Board of Aldermen to receive an update on the progress of the Town's Parking Plan.

Trish McGuire, the Town's Planning Director, provided the staff report and updated the Board on the parking plan.

Alderman Haven-O'Donnell asked that staff review the Citizen Survey with the Parking Plan.

REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) AND TO CREATE AMENDMENTS AS NEEDED BETWEEN THE TOWN OF CARRBORO AND THE CHAPEL HILL CARRBORO CITY SCHOOLS FOR FIBER OPTIC INFRASTRUCTURE FACILITIES SHARING AND/OR EXCHANGE

The purpose of the MOU and Amendments was to allow the Town of Carrboro and the Chapel Hill Carrboro City Schools to interconnect portions of their respective existing fiber optic cable plant to facilitate network path redundancy and diversity, network access to Town of Carrboro staffed offices within CHCCS, fiber optic infrastructure planning, engineering and administration expertise sharing and many other benefits.

Andy Vogel, the Town's IT Director, provided the staff report and discussed the fiber optic infrastructure sharing.

Alderman Slade stated that he would like to see what the cost savings actually are so that we can see what the Town has spent to provide that benefit. He also asked if the Town could look into providing the service to citizens to Carrboro as a free service.

Alderman Seils agreed with Alderman Slade and stated that he was in a small town in Denmark that offers their residents free high-speed wifi access.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING (MOU) AND TO CREATE AMENDMENTS
AS NEEDED BETWEEN THE TOWN OF CARRBORO AND THE CHAPEL HILL
CARRBORO CITY SCHOOLS FOR FIBER OPTIC INFRASTRUCTURE FACILITIES
SHARING AND/OR EXCHANGE

WHEREAS, the Town of Carrboro and the Chapel Hill Carrboro City Schools jointly desire to formally recognize and maintain a mutually beneficial and collaborative environment surrounding the planning, engineering, deployment, documentation and maintenance of their respective fiber optic infrastructure resources; and,

WHEREAS, the Town of Carrboro and the Chapel Hill Carrboro City Schools jointly acknowledge that each entity would be able to enhance the scope, route diversity, redundancy and overall reliability of network connectivity through a structured and detailed process whereby the Town and School System equitably, and by mutually beneficial means, share and/or exchange specific elements of their respective fiber cable plants through an MOU and Amendments; and,

WHEREAS, the purpose of the MOU is to establish the terms and conditions for the Town of Carrboro and the Chapel Hill Carrboro City Schools to equitably share and/or exchange defined elements of their respective (a.) fiber optic infrastructure systems, (b.) fiber optic infrastructure strategic planning, and (c.) fiber optic infrastructure engineering and administration expertise and that Amendments to the MOU will be created, as needed, to document and describe each instance of sharing and/or exchanging fiber optic infrastructure resources; and,

WHEREAS, the Town of Carrboro and the Chapel Hill Carrboro City Schools will have no ownership rights to the other organization's fiber optic infrastructure as a result of this MOU or Amendments; and,

WHEREAS, the Town of Carrboro and the Chapel Hill Carrboro City Schools will be sharing and/or exchanging fiber optic infrastructure, as laid out under specific Amendments, all sharing and/or exchanging will be quid pro quo at no cost to either organization other than possible nominal splicing fees;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board authorizes the Town Manager to enter into a Memorandum of Understanding (MOU) and to Create Amendments as needed between the Town of Carrboro and the Chapel Hill Carrboro City Schools for Fiber Optic Infrastructure Facilities Sharing and/or Exchange.

Adopted this 25th day of October 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

**PUBLIC HEARING ON TOWN CODE AMENDMENT TO ESTABLISH VACANT
NONRESIDENTIAL BUILDING ORDINANCE**

The purpose of this agenda item was for the Board of Aldermen to receive public comment on a draft ordinance that establishes Town Code requirements related to the condition of vacant, nonresidential buildings.

Mayor Lavelle asked about language in the document and requested that the fencing language be tweaked to address the property at question as closely as possible.

Alderman Seils asked if the attorney had information from other cities that have used this process. The attorney stated that he would provide that information at a future date but that he is not worried about the legality of this statute.

The attorney for Mr. Mellott, expressed concern with the broad reach of the ordinance and asked if there was a way to make it more specific. Nick Herman the Town's Attorney stated that the administrator would have discretion on this ordinance but that they could discuss options including a way to define vacancy appropriately.

Alderman Chaney stated that the concerns brought up should be addressed. She also asked that vacancy be defined.

The Board asked for the attorney to consider the questions brought forward to the Board and to bring the ordinance back during the next meeting on November 1st.

Cliff Collins stated that the Board had a chance to have someone build the CVS building and that you've not got it now and that is why the property of concern looks the way it does.

Alderman Seils asked for the attorney to remove the gender specific language and to change the term "alderman" to "aldermen" throughout.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO CONTINUE THE PUBLIC HEARING TO NOVEMBER 1, 2016. VOTE: AFFIRMATIVE ALL

**PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO
CONDITIONAL ZONING DISTRICTS**

The purpose of this item is for the Board of Aldermen to consider amending the Land Use Ordinance to clarify the language in Article IX relating to conditional zoning districts.

Tina Moon, the Town's Planning Administrator, provided the staff report. The hearing was opened but there were no public comments provided.

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 TO MODIFY PROVISIONS RELATED TO THE CREATION OF CONDITIONAL ZONING DISTRICTS.

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

Section 1. The Board concludes that the above described amendment is consistent the Land Use Ordinance in that it would further allow the use of a mechanism already authorized and is consistent with Carrboro Vision 2020, particularly the statements under Section 2.0, Development, relating to the inclusion of all community interests when making development decisions.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it because it corrects language in the Land Use Ordinance to align the conditional zoning provisions with their original intent.

Section 3. This resolution becomes effective upon adoption.

Adopted this 25th day of October 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 Chaney, that this ordinance be approved.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY
PROVISIONS RELATED TO THE CREATION OF CONDITIONAL ZONING
DISTRICTS

Ordinance No. 4/2016-17

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Sections 15-141.4(d) and (d1) (Conditional Zoning Districts) of the Carrboro Land Use Ordinance are amended to read as follows:

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district.

(d1) A rezoning petition may be submitted to allow use classification 3.260, Social Service Provider with Dining within a building of more than two stories or 35 feet in height.

- (1) The petition shall include information that demonstrates that, if the project is completed as proposed, it:
 - a. Will not substantially injure the value of adjoining or abutting property; and
 - b. Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings; and
 - c. Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.
- (2) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d1) above.

Section 2. Section 15-141.4(d2) of the Carrboro Land Use Ordinance, the full text of which has been incorporated as subdivision (d1)(2) above, shall be deleted.

Section 3. Section 15-141.4 of the Carrboro Land Use Ordinance shall be further amended by redesignating the existing subparagraphs (e) through (g) as subparagraphs (f) through (h) and adding a new subparagraph (e) that reads as follows:

(e) The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional zoning district shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site.

Section 4. Any provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

Adopted this 25th day of October 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

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO

ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL