



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, June 6, 2017

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

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

POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

Ilana Dubester and Gary Phillips, the Town's poet laureate, read a poem entitled "A Love Song for My People" in Spanish and English in honor of Immigrant Heritage Month.

ANNOUNCEMENT OF POLICE DEPARTMENT PROMOTIONS - SERGEANT JAMES WALKER TO LIEUTENANT AND OFFICER TREY KENNEDY TO SERGEANT

Chief Walter Horton announced the promotions of Lieutenant James Walker and Sergeant Trey Kennedy.

PROCLAMATION: HONORING CARRBORO HIGH SCHOOL WOMEN'S SOCCER TEAM FOR THEIR 3RD STRAIGHT STATE CHAMPIONSHIP

Mayor Lavelle proclaimed June 7th as "Carrboro High School Women's Soccer Day" in the Town of Carrboro and presented the proclamation to the team and coaches.

PROCLAMATION: IMMIGRANT HERITAGE MONTH

Mayor Lavelle proclaimed June 2017 as "Immigrant Heritage Month" in the Town of Carrboro and presented the proclamation to Gio Mollinedo representing El Centro Hispano.

PROCLAMATION: CARRBORO POLLINATOR WEEK

Mayor Lavelle proclaimed the week of June 18th as "Carrboro Pollinator Week" in the Town of Carrboro and presented the proclamation to Randy Dodd, the Town's Environmental Planner.

PROCLAMATION: PRIDE MONTH

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

ANNOUNCEMENT OF UPCOMING MEETINGS

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

APPROVAL OF PREVIOUS MEETING MINUTES OF MAY 16, 2017 AND MAY 23, 2017

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MEETING MINUTES OF MAY 16, 2017 AND MAY 23, 2017, AS AMENDED. VOTE: AFFIRMATIVE ALL

BEE CITY USA UPDATE

The purpose of this item was to provide an update on the Town's participation in the Bee City USA program.

CONSIDERATION OF LAND USE ORDINANCE AMENDMENT RELATING TO ROAD AND SIDEWALK REQUIREMENTS

The purpose of this agenda item was to provide an opportunity for the Board of Aldermen to consider adoption of an amendment to the Land Use Ordinance relating to road and sidewalk requirements in unsubdivided developments.

Alderman Slade asked that this ordinance be brought back after MLK is developed for further policy discussion.

A motion was made by Alderman Seils, seconded by Alderman Slade, 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 TOWN OF CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO ROAD AND SIDEWALK REQUIREMENTS.

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 the Board's desire to respond to interests that are identified through site-specific community planning efforts for public facilities.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it gives an additional layer of consideration by the Board of Aldermen, since the development of town-owned property is approved administratively with a zoning permit and therefore not subject to a quasi-judicial review process.

Section 3. This resolution becomes effective upon adoption.

This the 6th day of June, 2017

The motion carried by the following vote:

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

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

AN ORDINANCE AMENDING TOWN OF CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO ROAD AND SIDEWALK REQUIREMENTS

Ordinance No. 20/2016-17

Section 1. Subparagraph (b) of the Town of Carrboro Land Use Ordinance Section 15-221, Road and Sidewalk Requirements in Unsubdivided Development, is amended to read as follows:

(b) Whenever (i) a lot is proposed to be developed residentially for more than four dwelling units or non-residentially in such a fashion as to generate more than 40 vehicle trips per day, and (ii) if the lot were to be subdivided, a street would be required running through the lot to provide a connection between existing or planned adjacent streets in accordance with the provisions of Sections 15-214 and 15-271(a), then the developer shall be required to construct and dedicate the same street that would have been required had the property been subdivided. On Town-owned properties, the Board of Aldermen may eliminate or reduce the requirements of this section for reservation and/or connection of right-of-way.

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

Section 3. This Ordinance shall become effective upon adoption.

This the 6th day of June, 2017

The motion carried by the following vote:

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

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

Police Lieutenant Doug Strowd will retire from the Town of Carrboro Police Department on July 1, 2017 after approximately 30 years of service. The Police Department would like to award Lieutenant Strowd his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Board of Aldermen is requested to adopt by resolution, Town staff’s recommendation to award the service side arm to Lieutenant Doug Strowd.

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

A RESOLUTION AWARDING A SERVICE SIDE ARM TO RETIRING POLICE OFFICER

WHEREAS, Police Lieutenant Doug Strowd is retiring from the Town of Carrboro Police Department on July 1, 2017 after approximately thirty years of service; and

WHEREAS, Lieutenant Strowd 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 Lieutenant Doug Strowd.

This the 6th day of June, 2017

The motion carried by the following vote:

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

REQUEST TO AUTHORIZE THE TOWN MANAGER TO AWARD BID FOR 2016-2017 STREET RESURFACING CONTRACT

The purpose of this agenda item was to grant the Town Manager the authority to approve the award of the bid for 2016-2017 Street Resurfacing Contract.

Alderman Gist requested that the street begin and end points be corrected.

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

**A RESOLUTION AWARDING A CONTRACT FOR THE PROJECT KNOWN AS THE
2016-2017 STREET RESURFACING CONTRACT**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:
Section 1. The Town Manager is hereby granted the authority to approve the award of the bid for 2016-2017 Street Resurfacing Contract and any change orders with in the budgeted \$551,000.00 amount of the contract.

Section 2. The resolution shall become effective upon adoption.

This the 6th day of June, 2017

The motion carried by the following vote:

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

A REQUEST TO ISSUE PERMITS FOR THE ANNUAL FOUR ON THE FOURTH ROAD RACE, CARRBORO 10K ROAD RACE, AND THE GALLOP AND GORGE 8K ROAD RACE

The purpose of this item was to consider Street Closing Permit Applications submitted by Cardinal Track Club for the following three annual road races: Four on the Fourth Road Race, Carrboro 10 K Road Race, and the Gallop and Gorge 8 K Road Race.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF THE FOLLOWING STREETS TO ACCOMMODATE THE *FOUR ON THE FOURTH ROAD RACE, CARRBORO 10K ROAD RACE, AND GALLOP AND GORGE 8K ROAD RACE.*

Section 1. The following streets shall be temporarily closed on Tuesday, July 4, 2017 from 7:45 AM to 10:00AM to accommodate the *Four on the Fourth Road Race*. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

1. Old Fayetteville Rd. to Carol St.
2. Carol Street to Lorraine St.
3. Lorraine Street to Hillsborough Rd.
4. Hillsborough Road to West. Main St.
5. West Main Street to James St.
6. James Street to Carol St.
7. Carol St. to Old. Fayetteville Rd.
8. Finish at McDougle Middle School

The following streets shall be temporarily closed on Saturday, October 7, 2017 from 8:00 AM to 11:00 AM to accommodate the *Carrboro 10 K Road Race*. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

1. Old Fayetteville Rd. to Carol St.
2. Carol St. to James St.
3. James St. to Lorraine St.
4. Lorraine St to Hillsborough Rd.
5. Hillsborough Road to Simpson St.
6. Simpson St. to West Main St.
7. West Main St. to Hillsborough St.
8. Hillsborough St. to Oak St.
9. Oak St. to North Greensboro St.
10. North Greensboro St. to Morningside Dr.
11. Morningside Dr. to Blueridge Rd.
12. Blueridge Rd. to Spring Valley Rd.
13. Spring Valley Rd to Pathway Dr.
14. Pathway Dr. to Parkview Dr.
15. Parkview Dr. to Hillsborough Rd.
16. Hillsborough Rd. to James St.
17. James St. to Rainbow Dr.
18. Rainbow Dr. to Lisa Dr.
19. Lisa Dr to Carol St.
20. Carol St. to Old Fayetteville Rd
21. Finish at McDougle Middle School

The following streets shall be temporarily closed on Thursday, November 23, 2017 from 8:00 AM to 11:00 AM to accommodate the *Gallop and Gorge 8K Road Race*. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

1. Weaver St. to Elm St.
2. Elm St. to E. Poplar St.
3. E. Poplar to W. Main St.
4. W. Main St. to Hillsborough Rd.
5. Hillsborough Rd. to High St.
6. High St. to W. Main St.
7. W. Main St. to Simpson St.
8. Simpson St. to Mary St.
9. Mary St. to Lorraine St.
10. Lorraine St. to James St.
11. James St. to Carol St.
12. Carol St. to Lisa Dr.
13. Lisa Dr. to Quail Roost Dr.
14. Quail Roost Dr. to James St.
15. James St. to Hillsborough Rd.
16. Hillsborough Rd. to Cheek St.
17. Cheek St. to Milton Dr.
18. Milton Dr. to N. Greensboro St.
19. N. Greensboro St. to Shelton St.
20. Shelton St. to Oak Ave.
21. Oak Ave. to W. Weaver St.
22. Finish on E. Weaver St.

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 5. Applicant shall post signs at roadway intersections along race course, 5-7 days before the event, to notify the public about the running race.

Section 6. Applicant will be responsible for all costs incurred by Police, Fire and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police, Fire and Public Works.

Section 7. This resolution shall become effective upon adoption.

This the 6th day of June, 2017

The motion carried by the following vote:

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

APPROVAL OF COMMUNICATIONS PLAN

The purpose of this item was to adopt the Communications Plan originally presented to the Board of Aldermen in April.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE COMMUNICATIONS PLAN. VOTE: AFFIRMATIVE ALL

CONTRACT AMENDMENT FOR TRANSPORTATION PLANNING SERVICES WITH VHB ENGINEERING FOR THE PARKING PLAN

The purpose of this item was for the Board of Aldermen to consider authorizing the Town Manager to approve an amendment to the contract with VHB for transportation planning services relating to the Parking Plan.

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

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH VHB ENGINEERING FOR TRANSPORTATION PLANNING SERVICES FOR THE PARKING PLAN

WHEREAS, on November 18, 2015, the Board of Aldermen awarded a contract to VHB Engineering for transportation planning services to prepare a parking plan at a cost not to exceed \$75,000; and,

WHEREAS, the costs associated with completion of the plan is expected to total \$78,500.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Town Manager is authorized to negotiate and amend the existing contract with VHB Engineering for completion of the parking plan at a cost not to exceed \$78,500.

This the 6th day of June, 2017

The motion carried by the following vote:

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

CONSIDERATION OF TOWN CODE AMENDMENTS RELATING TO BIKE LANES AND ON-STREET PARKING

The purpose of this agenda item was for the Board of Aldermen to consider four amendments to the Town Code relating to bike lanes and on-street parking.

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

Michael Meredith, a resident of Bolin Forest, questioned the traffic peak hours on Pathway Drive, the year in which the ordinance was adopted, Cobblestone private parking, and stated that it is awkward to not have on street parking on Pathway Drive.

Susan Heaton, a resident of 207 Broad Street, stated that if you start making special requests for each house then you will end up having a bigger issue with parking. She suggested that the resident fix her gate rather than wasting tax money to restrict parking. She stated that she does not go down Cobb Street because the trucks are stopped for deliveries.

Cinnamon Larson, a resident of Pathway Drive, stated that cars that are parked on the street have not been an issue and that most people bike in the center of the street. She stated that it is safer to have cars parked on the street rather than in driveways that need to be shuffled.

Glem Self, a resident of Broad Street, stated that they do not want parking on both sides of the street and that the owner of the property should have their gate open in a different direction. She stated that Cobb Street is the main passage way to Broad Street but is usually blocked by delivery trucks. She stated that there does not need to be additional parking on Cobb Street.

Cambise Aguafor, a resident of Pathway Drive, stated that he agrees with Cinnamon's statement and that there are certain types of the year acorns fall heavily and he has found an area on the street where he can protect his car the most and that he feels limiting the on-street parking is unfair.

Heidi Middendorf, a resident of Pathway Drive, read an email from her husband that is a member of the Carolina Tarwheel Bicycling club, he stated that bike lanes are helpful when there is a high volume of traffic. She suggested that the need for bike lanes be studied on Pathway Drive.

Wes Johnson, a resident of Pathway Drive, stated that he thinks the resident on Cobb Street should fix their gate, that a delivery zone should be added to Broad Street, and asked why there are bike lanes on Pathway Drive.

Tom Barta, a resident of Pathway Drive, stated that he is generally a fan of bike lanes but Pathway Drive is a dead-end. He stated that the driveways are not constructed large enough in the neighborhood and that on-street parking is convenient. He also stated that on-street parking is necessary for guest parking.

Carolyn Strowd, a resident of 214 Broad Street, stated that the parking should stay as-is and that landlords should have enough parking for their renters. She stated that the neighbor should fix the fence instead of marking the street with more white lines. She stated that Cobb Street is often blocked and that is a problem for access.

Alderman Chaney asked if there was a mechanism to allow auxiliary short-term event parking on Hillsborough Road during temporary events such as estate sales, bereavements, or family celebrations. Nick Herman stated that the Police Department would look at those situations as a non-enforcement situation. Alderman Chaney suggested some way of providing guidance within the ordinance on how to handle instances with such parking need.

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

AN ORDINANCE AMENDING THE TOWN CODE TO EXTEND BIKE LANES ALONG
HILLSBOROUGH ROAD
Ordinance No.21/2016-17

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Article VIII of Chapter 6, Section 6-34 of the Carrboro Town Code (Establishment of Bikeways) (1)(g) is amended to read as follows:

(g) A 6-foot strip along the outside edge of the roadway on both sides of Hillsborough Road from Main Street to Old Fayetteville Road.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption. Mayor Lavelle closed the public hearing.

This the 6th day of June, 2017

The motion carried by the following vote:

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

Alderman Seils stated that he would like to know if there had been a speed study on Pathway Drive. He stated that he would rather see a sharrow than a bicycle lane on Pathway Drive and that he feels ok with leaving the remainder of Pathway Drive, as-is.

Alderman Chaney stated that she agrees with the residents that the gate placement should be addressed on Broad Street. She also stated that she wants to monitor the residential parking provided for renters. She stated that she is not in favor of adding markings in front of the gate, as additional owners may request the same in the future. She stated that the loading and unloading issue seems to be the problem

on Cobb Street. She stated that the peak hour does not make sense on Pathway Drive as it does downtown so she empathizes with the residents and is not in support of the parking restrictions at all. She asked if there could be a bicycle lane and a buffer that allows parking and the lane. She stated that she is unmoved by the effect of bike lanes on Pathway Drive toward the goal of achieving Gold Bicycle Friendly Community.

Alderman Gist stated that the fence should be fixed on Broad Street. She stated that on Cobb Street she would like to examine having a no-loading/unloading zone and if that is not possible, having a time-limited loading zone. She stated that she would like to see a report on parking restrictions on residences that are being rented so that parking is adequately provided. She stated that on Pathway Drive, the bike lanes may not make sense 30 years after they were approved. She stated that a sharrow or a bike boulevard would be a great option for the entirety of Pathway Drive. She stated that it is unfair to make people move their cars twice a day for no reason and would like to allow parking at all times.

Alderman Slade stated that when the bike plan is updated he would like to be more sensitive in placement of bike lanes placed by traffic volume. He stated that Poplar Avenue is a great example of multimodal transportation. He stated that he agrees that the gate should be moved rather than parking changed to accommodate that specific location.

Alderman Haven-O'Donnell stated that she would like a loading zone researched on Cobb Street. She asked that the businesses be included in the discussion about creating a loading zone. Tina Moon noted that there is a loading zone but that it could be reconfigured. She agreed that the gate be fixed on Broad Street. She stated that she agrees with others about Pathway Drive and would leave that part of Pathway Drive parking, as-is. She stated that along Pathway Drive, between Spring Valley and Cates Farm, that the restriction is for parking between the peak hours. She suggested that those hours be adjusted because those are not the true peak hours. She also stated that the morning peak restriction could also be examined or eliminated. She stated that she would like to see a bike boulevard researched on Pathway as well.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY FOR STAFF TO REPORT BACK ON THE DISCUSSIONS PERTAINING TO COBB STREET, BROAD STREET, AND HILLSBOROUGH ROAD AT A LATER DATING KEEPING IN MIND THE BOARD'S DISCUSSION. STAFF SHOULD ALSO INCLUDE IF ROADS ARE WIDE ENOUGH FOR BOTH BICYCLE LANES AND DESIGNATED ON-STREET PARKING, AND REPOT ON PARKING REGULATIONS FOR RENTALS. VOTE: AFFIRMATIVE ALL

CREATION OF A STORMWATER MANAGEMENT UTILITY

The purpose of this item was for the Board of Aldermen to consider approving an ordinance amending the town code to add a new chapter (18) establishing a stormwater management utility for the Town of Carrboro, effective July 1, 2017.

Nate Broman-Fulks, the assistant to the Town Manager, provided the staff report.

Alderman Chaney stated that duplexes do not show up in the definitions and asked staff to look into that. She stated that the utility will now allow for fee discounts or waivers based on income, and therefore wants to see funds added to the Affordable Housing Fund to assist with fees, especially for new units. She asked that the stormwater manager work with the Planning Department to examine impervious

surface requirements as related to grave and other landscaping techniques to better accommodate innovations and best practices in design as well as materials.

Alderman Slade stated that he wants the stormwater utility manager to be paid through the collected fees. He stated that many properties are located in flood plains and he wants to be clear that this utility will not solve every problem.

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

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF CARRBORO TO ADD A NEW CHAPTER 18 ESTABLISHING A STORMWATER UTILITY PUBLIC ENTERPRISE FOR THE TOWN OF CARRBORO

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The Town of Carrboro Town Code is amended to add a new Chapter 18, a copy of which is attached as Addendum A to this Ordinance and is incorporated herein by reference in its entirety.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective on July 1, 2017.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 6th day of June, 2017.

This the 6th day of June, 2017

The motion carried by the following vote:

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

CHAPTER 18

STORMWATER MANAGEMENT UTILITY

Article I – General Provisions

- Section 18-1 Findings
- Section 18-2 Purpose
- Section 18-3 Definitions Applicable to Article
- Section 18-4 Establishment of a Stormwater Management Utility and Enterprise Fund
- Section 18-5 Jurisdiction

Article II – Establishment of Stormwater Service Charge and Credits

- Section 18-6 Rate Structure
- Section 18-7 Schedule of Fees and Charges
- Section 18-8 Billing and Collection
- Section 18-9 Exemptions and Credits Applicable to Stormwater Management Service Charges

Article III – Use of Stormwater Utility Funds

- Section 18-10 Disposition of Service Charges and Fees
- Section 18-11 Miscellaneous

Article I GENERAL

PROVISIONS

Section 18-1 Findings

- (a) Water quality standards mandated by state and federal law require that local governments develop more detailed, advanced, and costly stormwater programs.
- (b) Effective stormwater management should be provided to protect, to the extent practicable, the citizens of the town from the loss of life and property damage from flooding.
- (c) The construction, operation, and maintenance of stormwater conveyance systems requires long term planning and stable and adequate funding.
- (d) G.S. Chapter 160A, Article 16, authorizes the town to acquire, construct, establish, enlarge, improve, extend, maintain, own, operate, and contract for the operation of stormwater management programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and structural and natural stormwater and drainage systems of all types.
- (e) The establishment of a stormwater management utility that would be accounted for as a separate enterprise fund and would facilitate the provision of a stormwater management program is reasonable and in the public interest.
- (f) G.S. 160A-314 authorizes the Town of Carrboro to establish and revise, from time to time, a schedule of rates and charges to fund the stormwater management program activities including both structural and natural stormwater conveyance and drainage system services provided by the stormwater management utility.

Section 18-2 Establishment and Purpose

A stormwater management utility is hereby created for the purpose of comprehensively addressing the stormwater management needs of the town. The town's stormwater management needs are met herein (1) through programs designed to protect and manage water quality and quantity by controlling the level of pollutants in stormwater runoff, and the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types, (2) by providing for the establishment of a schedule of charges, (3) by defining the control, collection, and disbursement of funds, and (4) by setting forth penalties, methods of appeals and exemptions.

Section 18-3 Definitions applicable to article

For the purpose of this article, the following words, terms, and phrases shall have the meanings given to them in this section, except where the context clearly indicates a different meaning:

Developed land shall mean a land parcel altered from its natural state.

Drainage system shall mean natural and structural channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of storm water runoff.

Equivalent residential unit (ERU) is a unit of measure of impervious surface (in square feet) that represents the impervious surface area on the average single-family residential parcel in the town as a unit of comparison. ERU shall mean, for the purposes of this article, 2,800 square feet of impervious surface.

Impervious surface shall mean developed areas of land that prevent or significantly impede the infiltration of stormwater into the soil. Typical impervious surfaces include, but are not limited to: Roofs, sidewalks, walkways, patios, swimming pools, private driveways, parking lots, access extensions, alleys and other paved, engineered, compacted or gravel surfaces containing materials that prevent or significantly impede the natural infiltration of stormwater into the soil. *Natural state* shall describe existing undeveloped land where the soil and vegetation characteristics have not been substantially modified or disturbed by human activities and the hydrologic function is in an unaltered or natural condition.

Nonresidential parcel shall mean a parcel that is developed land not used as a single-family residence; this includes, but is not limited to, commercial, industrial, institutional properties, and apartment complexes.

Residential parcel shall mean a parcel with a single-family residential structure used as a single-family dwelling and whose primary uses is as a single-family residence; residential condominiums/townhomes subdivided as individual parcels are considered residential parcels.

Service charge shall mean a stormwater management service charge, applicable to a land parcel, which generally reflects the impact on or demand for stormwater management services provided by the town to properly control and manage stormwater runoff quantity and/or quality associated with the land parcel. The service charge may vary from one land parcel to another based on the impervious surface and pollution load. The service charge may vary for the same class of service in different areas of the town limits and may vary according to classes of service.

Stormwater shall mean the runoff from precipitation that travels over natural state or developed land surfaces and enters a drainage system.

Stormwater utility manager is a person working for or on behalf of the town to administer the stormwater management program.

Stormwater management program shall mean an identified set of measures and activities designed to protect, restore and/or manage stormwater quality by controlling and/or reducing pollutants and to reduce and/or manage stormwater quantity by controlling velocity, volume, and rate.

Stormwater management utility shall mean an organizational structure established by the town, that is responsible for funding, administering, and operating the town's stormwater management program, and that is supported through a rate structure based on the impervious surface area and found on land parcels located within the town limits.

Town limits shall mean all land within the corporate limits of the Town of Carrboro.

Undeveloped land shall mean all land that is not altered from its natural state.

Section 18-4 Establishment of a stormwater management utility and enterprise fund

- (a) There is hereby established a Town of Carrboro Stormwater Management Utility that shall be responsible for implementing, operating, and administering the town's stormwater management program as defined herein.
- (b) There is hereby established a Town of Carrboro Stormwater Management Enterprise Fund for the purpose of dedicating and protecting funding applicable to the responsibilities of the stormwater management utility including, but not limited to, rents, rates, fees, charges, and penalties as may be established after due notice having been given and a public hearing held by the Board of Aldermen as required by G.S. 160A-314(a1)(1). The hearing may be held concurrently with the public hearing on the proposed budget ordinance. Funding may also include other funds transferred or allocated to the stormwater management utility by the Board of Aldermen. All revenues and receipts of the stormwater management utility shall be placed in the stormwater management enterprise fund and all expenses of the stormwater management utility shall be paid from the stormwater management enterprise fund, except that other revenues, receipts, and resources not accounted for in the stormwater management enterprise fund may be applied to stormwater management activities as deemed appropriate by the Board of Aldermen.

Section 18-5 Jurisdiction

The jurisdiction of the stormwater management utility shall extend throughout the town limits of the Town of Carrboro.

Article II

**ESTABLISHMENT OF STORMWATER SERVICE CHARGE
AND CREDITS**

Section 18-6 Rate structure (Reserved for future adoption)

Section 18-7 Schedule of fees and charges

The schedule of rates, fees, charges, and penalties, if any, related to this article shall be adopted after notice and a public hearing as required by G.S. 160A-314. As set out in G.S. 160A-314, the hearing may be held concurrently with the public hearing on the town's proposed budget. The schedule of rates, fees, charges, and penalties shall apply to all land parcels within the town limits, except as may be altered by credits or exemptions provided in this article.

Section 18-8 Billing and collection

- (a) *Method of billing.* Billing and collection of the stormwater management utility service charges for stormwater management services and facilities which may be adopted shall be billed with property taxes under the general administration of the town manager. Stormwater management utility service charges may be made payable in the same manner as property taxes, or in such other manner as may be determined by the town manager.
- (b) *Delinquencies.* Stormwater management utility service charge billings that are not paid within the time allowed for the payment of property taxes shall be collected by any remedy provided by law for collecting and enforcing private debts or in any other manner authorized by law.

- (c) *Application of payment.* Payment will be applied to a customer's bill in the following order: (1) Interest, to the extent allowed by law.
(2) Civil penalties assessed pursuant to this article.
(3) Stormwater management utility service charge.
- (d) *Appeal of disputed bills and adjustments.* If any citizen wishes to dispute a stormwater management utility service charge billing or any other rents, rates, fees, charges, or penalties adopted pursuant to this article, that citizen must submit a written appeal within 60 days from the date of billing, stating the reasons for the appeal, and providing information pertinent to the calculation of the billed charge. A timely appeal shall stay the penalty deadlines. An appeal of a disputed bill shall be filed with the stormwater utility manager for review and disposition. If the citizen is not satisfied with the disposition of the appeal, the citizen may further appeal the disputed charge to the town manager or his designee who shall make the final ruling on the validity of the appeal.

Section 18-9 Exemptions and credits applicable to stormwater management service charges

- (a) *Statement of policy.* Except as provided in this section, no public or private property shall be exempt from stormwater management utility service charges or receive a credit or offset against such stormwater management utility service charges. No exemption or reduction in stormwater management utility service charges shall be granted based on the age, tax or economic status, race, or religion of the customer, or other condition unrelated to the cost of providing stormwater services and facilities.
- (b) *Exemptions.* No public or private property shall be exempt from stormwater management utility service charges, with the following exceptions:
- (1) Publically dedicated roads, streets, greenways, sidewalks and other publically dedicated rights-of-way and easements for vehicular or pedestrian traffic that are available for use by the general public for transportation purposes, shall be exempt from town stormwater management utility service charges. This exemption shall not apply to internal site roadways within public or private facilities.
 - (2) Railroad rights-of-way used or formerly used for trackage shall be exempt from town stormwater management utility service charges. This exemption shall not be construed to apply to railroad stations, maintenance buildings, or other developed land used for railroad purposes.
 - (3) Undeveloped land, open space or land parcels with fewer than 500 square feet of impervious surface area.
 - (4) Parcels maintained by homeowner associations as open space or with engineered stormwater control measures.
 - (5) Town-owned property.
- (c) *Credits.* The following credits may be allowed upon adoption of a credit application instruction manual by the Town Board:
- (1) Non-residential parcels that provide measures to mitigate the impacts of runoff on the stormwater system beyond what was required at the time the project was approved by the town may be eligible for one or more credits to the stormwater management utility service charge.
 - (2) The credit application instruction manual may be approved by the Town Board and placed on

file with the town clerk at which time it shall be followed in establishing applicable credits to a customer's stormwater management utility service charge.

- (3) Each credit allowed against a customer's stormwater management utility service charge shall be conditioned on continuing compliance with the performance standards set forth in the credit application instruction manual and may be rescinded for noncompliance with those standards.
- (4) Each credit for which a customer applies shall be subject to review and approval by the stormwater utility manager. The stormwater utility manager may approve or reject any application for a credit in whole or in part.

Article III

USE OF STORMWATER UTILITY ENTERPRISE FUNDS

Section 18-10 Disposition of service charges and fees

Stormwater management utility service charge and fee revenues shall be assigned and dedicated solely to the stormwater management enterprise fund in the town budget and accounting system, which shall be and remain separate from other funds, and shall be used only to fund identified stormwater management program activities. The services charges and fees paid to and collected by virtue of the provision of this article shall not be used for general or other governmental or proprietary purposes of the town, except to pay for costs incurred by the town in rendering services associated with the stormwater management utility.

Section 18-11 Miscellaneous

- (a) The ordinance from which this article is derived supersedes all other town ordinances, or parts of ordinances in conflict herewith.
- (b) Any part or provision of the ordinance from which this article is derived found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or of the State of North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the Ordinance.

REVIEW OF ALTERNATIVES - INTERSECTION IMPROVEMENTS AT MERRITT MILL- FRANKLIN-E. MAIN - BREWER

The purpose of this item was for the Board of Aldermen to receive information on alternative improvements being designed to alleviate congestion and increase safety at this intersection and consider communicating support for NCDOT's continued work on the project.

Trish McGuire, the Town's Planning Administrator, provided the staff report.

Alderman Gist stressed the importance of public participation on this project.

Mayor Lavelle stated that it may help the intersection to have a flashing light or pedestrian crossing

added at Boyd Street and East Main Street for Alternative 7.

Alderman Chaney asked for town staff to talk to the affected owners to understand their perspective on the proposed designs.

Neighborhood notification is very important for the meetings.

Alderman Haven-O'Donnell stated that she is concerned about the longstanding businesses and asked that they all be contacted. She stated that the AME church is a historic building in Carrboro.

Alderman Seils stated that while he understands that this is a highway funds project that he would rather focus more on what the Town can do to better pedestrian improvements. Trish McGuire stated that at some point, this project may not be a highway project due to the pedestrian features. At that time, the project would need to be rescored but she feels that the project may be moving in that direction.

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

A RESOLUTION PROVIDING INPUT ON U-5847, INTERSECTION IMPROVEMENTS AT MERRITT MILL-FRANKLIN –MAIN-BREWER

WHEREAS, a project to improve the intersection of Brewer Lane-West Franklin Street-East Main Street-Merritt Mill Road Lane received State funding and is programmed to be constructed in FY19; and

WHEREAS, conceptual design has been underway with an alternatives analysis yielding descriptions of benefits associated with the different types of improvements; and

WHEREAS, NCDOT has requested information from the Towns of Carrboro and Chapel Hill on whether there is continued interest in this project; and

WHEREAS, staff of both towns have reviewed the alternatives, identified two that seem to meet many of the identified interests, and requested clarifying information from the project designers; and

WHEREAS, the Board of Aldermen has received information on the project and discussed the alternatives.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen requests that the North Carolina Department of Transportation (NCDOT) proceed with its work to evaluate and select improvements to the Merritt Mill-Franklin-Main-Brewer intersection,

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen directs staff to meet with affected property owners to gain their perspective on the proposed alternatives.

This the 6th day of June, 2017

The motion carried by the following vote:

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

A DISCUSSION OF OPTIONS RELATED TO FILLING A VACANT SEAT ON THE CARRBORO BOARD OF ALDERMEN

The purpose of this item was to allow the Board of Aldermen to discuss options available for filling a vacant seat on the Board and if decided, to call a special election.

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

A RESOLUTION DECIDING HOW A VACANCY ON THE CARRBORO BOARD OF ALDERMEN SHALL BE FILLED

WHEREAS, Michelle Johnson resigned from the Board of Aldermen effective May 31, 2017, and;

WHEREAS, Michelle Johnson's term expires in December of 2019, and;

WHEREAS, the Charter of the Town of Carrboro requires that whenever a seat on the Board of Aldermen (other than that of the Mayor) becomes vacant at a time when one year or more of the term of office of that seat remains unexpired, that such seat shall be filled by an appointment by the board of aldermen in accordance with provisions of G.S. 160A-63 or by special election, and;

WHEREAS, the special election shall be called by the Board of Aldermen by the adoption of a resolution pursuant to G.S. 163-287 at the next regular meeting of the Board after the vacancy occurs, and;

WHEREAS, the special election may be set as the same date as the municipal general election on November 7, 2017.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMAN THAT:

1. A special election is hereby called for: November 7, 2017
2. The Filing Fee shall be: \$10.00
3. The filing period shall be: July 7, 2017 at noon and ending on July 21st, 2017 at noon.
4. Early voting locations will be the same as the general municipal election and begin on October 19, 2017.
5. The Town Clerk is hereby authorized to forthwith deliver this Resolution to and call upon the Orange County Board of Elections to conduct the election described in this Resolution.
6. If there is a Board Meeting scheduled for the Tuesday of the Election, it is hereby cancelled.
7. This resolution shall be effective immediately upon adoption.

This the 6th day of June, 2017

The motion carried by the following vote:

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

CLOSED SESSION - NCGS 143.318.11(A)(3)(4)

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143.318.11(A)(3)(4). VOTE: AFFIRMATIVE ALL

OPEN SESSION

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

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL