



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, June 27, 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

Gary Phillips, the Town's Poet Laureate read a poem by Lisa Austricke entitled, "America the Beautiful."

RESOLUTION CONCERNING GERRYMANDERING

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

RESOLUTION CALLING FOR THE ESTABLISHMENT OF AN INDEPENDENT REDISTRICTING PROCESS TO DRAW STATE LEGISLATIVE AND CONGRESSIONAL DISTRICTS IN NORTH CAROLINA

WHEREAS, the current North Carolina redistricting process is one where, every ten years, the political party in power at the beginning of a decade (most recently, 2000) redraws legislative districts in the state; and

WHEREAS, this system creates a conflict of interest, as lawmakers have the opportunity to effectively

select their own party constituents; and

WHEREAS, law makers often draw legislative districts that that are not compact, and split communities of interest; and

WHEREAS, this process leaves persons not a member of a political party out of this process; and

WHEREAS, in recent years, redistricting process has resulted in numerous challenges to the Federal Voting Rights Act, causing North Carolina residents to be governed for long periods of time under leaders who have been unconstitutionally elected to office, and costing the State of North Carolina money defending suits brought against such redistricting; and

WHEREAS, the redistricting process should be conducted in an open, unbiased manner, with opportunity for public dialogue and feedback; and

WHEREAS, voters are more likely to participate when they feel that their vote will count, and when they have a reasonable chance of electing candidates who represent their interests; and

WHEREAS, an independent, non-partisan, redistricting process will promote fairness and confidence in our political system; and

WHEREAS, Mayor Lydia Lavelle and several members of the Board of Aldermen have previously voiced their support for redistricting reform on the Common Cause website endgerrymanderingnow.org.

NOW, THEREFORE BE IT RESOLVED, that the Carrboro Board of Aldermen does hereby resolve that the North Carolina General Assembly should establish an independent redistricting process as soon as possible, one that includes principles of diversity, partisan balance, and geography, so that every voter in North Carolina can cast a meaningful vote.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to North Carolina State Senator Valerie Foushee and North Carolina State Representative Verla Insko.

This the 27th 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

Lisa Hazirjian, a representative of "You Can Vote" a nonprofit stated that the group works to have fair voting districts and asked for volunteers.

A RESOLUTION STATING THE TOWN OF CARRBORO'S SUPPORT FOR IMPLEMENTING A PRICE ON CARBON IN A MANNER THAT DOES NOT ABSOLVE CARBON EMITTERS FROM RESPONSIBILITY AND REGULATION

Alderman Slade presented a resolution regarding the Town's support for implementing a price on carbon in a manner that does not absolve carbon emitters from responsibility and regulation. This resolution was presented to the Board by the Environmental Advisory Board (EAB). Bruce Sinclair and Tim Turner, members of the EAB, spoke to the Board of Aldermen about the resolution.

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

A Resolution Stating the Town of Carrboro's Support for Implementing a Price on Carbon in a Manner that does not Absolve Carbon Emitters from Responsibility and Regulation

WHEREAS, there is a scientific consensus that greenhouse gas emissions are the primary cause of global climate change, and that climate change is a crisis demanding immediate measures to reduce its negative effects; and

WHEREAS, climate change is a threat to public health, national security, food security, and business supply chains, and societal costs of inaction are significant and outweigh the temporary economic impacts associated with the energy transition; and

WHEREAS, assigning a cost to greenhouse gas emissions is one of the most efficient ways to discourage consumption of fossil fuels and encourage development of alternatives; and

WHEREAS the urgent need to transition from fossil fuels can be accomplished with a market-based program, namely a revenue-neutral carbon fee-and-dividend; and

WHEREAS such an instrument would encourage consumers and the market to replace their consumption of carbon based energy with innovative energy sources, whether by being more efficient or by choosing other, less carbon intensive energy sources; and

WHEREAS, this revenue-neutral carbon fee-and-dividend is an effective method to reduce carbon emissions for the following reasons:

- 1.The fee would motivate everyone to conserve and to adopt renewable energy without the need for extensive governmental regulatory controls or infrastructure;
- 2.The fee would employ a free market approach to encourage innovative processes, not only in energy production, but also in every other field in which energy is consumed, e.g. electric cars, mass transportation, architectural planning and construction, water heating, lighting and air conditioning in residential and commercial buildings;
- 3.Levying the fee at the point of production would be more efficient, less expensive and provide more accurate price signals than would doing so at the points of consumption;
- 4.The fee would incentivize the development and use of alternative energies and attendant technologies;
- 5.Because the fee is levied on the same basis on all businesses, it is fairer to every business and easier to administer than alternatives, such as a cap and trade system; and

WHEREAS further delay in responding to this crisis increases the risk of catastrophic climate change, imminently threatens low lying coastal areas and land and sea species, threatens water supplies, increases the frequency of severe weather events, increases the cost of undertaking adequate responses and increases risks to the global economy.

Now therefore be it RESOLVED, that the Carrboro Board of Aldermen accepts the position of climate scientists that burning fossil fuels is the primary cause of climate change, and that a necessary measure to address this problem is the enactment of a revenue-neutral fee on carbon production at its source, with the fees being returned to Americans as a dividend.

Be it further RESOLVED: that the Town of Carrboro Board of Aldermen supports the concept of a federal carbon fee-and-dividend approach that levies an annually increasing revenue-neutral fee on the carbon in fossil fuels at the point of production and importation, and that would be sufficient to:

- a.Accelerate the phasing out of fossil fuels;
- b.Make the transition from fossil fuels less onerous to consumers and to the economy by returning all the revenues gained from the fee to Americans on an equitable basis;
- c.Reduce US CO₂-equivalent emissions to 40% of 1990 levels by 2020;
- d.Encourage similar actions by other nations trading with the United States, by suitable carbon-content-based fees for imports and rebates for exports to nations that have not taken such actions.

Be it further RESOLVED that the Town of Carrboro Board of Aldermen believes that the carbon fee-and-dividend should be implemented without reducing or preempting regulatory and legal protections for the public and the environment. In addition, fossil fuel companies should not be absolved from

their potential legal liability and existing ethical responsibility. This resolution shall be sent to the Town's federal delegation.

This the 27th 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

ANNOUNCEMENT OF UPCOMING MEETINGS

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

APPROVAL OF PREVIOUS MEETING MINUTES OF JUNE 20, 2017

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN CHANEY THAT THE MINUTES OF JUNE 20, 2017 BE APPROVED. VOTE: AFFIRMATIVE ALL.

REQUEST TO APPROVE A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT TO CONTINUE PARTICIPATION IN THE TRANSPORTATION DEMAND MANAGEMENT PROGRAM

The purpose of this item was for the Board of Aldermen to consider authorizing the Town Manager to execute a Memorandum of Agreement with the Town of Chapel Hill for its participation in the Transportation Demand Management Program for Fiscal Year 2017-2018.

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

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE TOWN OF CHAPEL HILL FOR CARRBORO'S PARTICIPATION IN THE REGIONAL TRANSPORTATION DEMAND MANAGEMENT PROGRAM FOR FISCAL YEAR 2017-18

WHEREAS, the North Carolina Department of Transportation, Capital Area MPO, and Durham-Chapel Hill-Carrboro MPO have provided funding to the Triangle J Council of Governments to support Transportation Demand Management activities in the region; and

WHEREAS, the Triangle J Council of Governments has issued a call for Transportation Demand Management grant applications for FY17-18; and

WHEREAS, the Town of Carrboro has partnered with the Town of Chapel Hill since 2010 on Transportation Demand Management program promotions; and

WHEREAS, Carrboro has developed a set of Transportation Demand Management activities as a sub-recipient of the Town of Chapel Hill’s FY17-18 Transportation Demand Management grant application;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the Board approves continued participation in an application for regional Transportation Demand Management funding in FY 17-18, and authorizes the Town Manager to execute a Memorandum of Agreement with the Town of Chapel High for that purpose.

This the 27th 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 THE AMENDED 2017-18 HOME INVESTMENT PARTNERSHIP PROGRAM PLAN

The purpose of this item was for the Board to consider approving the HOME Investment Partnership Program’s amended plan for FY 2017-18 based on HUD’s decrease in HOME funding.

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

RESOLUTION TO AMEND THE FY 2017 - 2018 HOME PROGRAM REVIEW COMMITTEE FUNDING RECOMMENDATIONS

BE IT RESOLVED, that the Carrboro Board of Aldermen as a member of the Orange County HOME Consortium approves the following amendments for the 2017 - 2018 HOME Program.

Name of Applicant	Activity/Other	Previously Approved	Amendment
Habitat for Humanity	Second Mortgage	\$250,000	\$211,830

	Assistance		
EmPOWERment	Property Acquisition & Rehabilitation	\$147,900	\$125,319
Rebuilding Together of the Triangle	Homeowner Repairs	\$33,680	\$28,538
Orange County	Administration	\$34,827	\$28,969
	TOTAL	\$466,407	\$394,656

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as the authorized representative of the County to act in connection with the submission of this plan and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This the 27th 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

COMPLETION OF THE AFFORDABLE HOUSING TASK FORCE

The purpose of this item was for the Board of Aldermen to consider approving the completion of the Affordable Housing Task Force.

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

A RESOLUTION APPROVING THE COMPLETION OF THE AFFORDABLE HOUSING TASK FORCE

WHEREAS, the Board of Aldermen established the Affordable Housing Task Force on June 26, 2012 for the purpose of creating recommendations for an affordable housing strategy; and

WHEREAS, the Task Force term was open-ended; and

WHEREAS, the Task Force has achieved several major milestones, including:

- 1) Adoption of the Affordable Housing Goals and Strategies document by the Board of Aldermen,
- 2) Dedicated staffing for affordable housing issues and strategies,
- 3) The creation of new affordable housing programs to assist in the implementation of the Town's strategies, and
- 4) Significant expansion of the Affordable Housing Fund and revisions to the Fund's Guidelines for deploying resources,
- 5) Approval of ten affordable housing funding applications, totaling \$457,347 and projected to affect over 100 affordable housing units since revisions to the guidelines were approved; and

WHEREAS, the Town's priority strategies are now well-defined and have dedicated staff support; and

WHEREAS, on June 13, 2017 the Board of Aldermen approved the creation of the Affordable Housing Advisory Commission, a permanent resident advisory board;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen:

Section 1. Approves the completion of the Affordable Housing Task Force.

Section 2. This resolution shall be effective upon the date of adoption.

This the 27th 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 APPROVE BIDS AND AWARD A CONTRACT FOR THE INSTALLATION OF BICYCLE LOOP DETECTORS AND TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH NCDOT

The purpose of this item was for the Board of Aldermen to consider authorizing the Town Manager to approve bids and award a contract to the selected contractor to install bicycle detectors downtown, and to execute an updated Supplemental Agreement with NCDOT.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO APPROVE BIDS, AWARD A CONTRACT AND EXECUTE SUCH CONTRACT TO INSTALL BICYCLE DETECTOR LOOPS IN THE DOWNTOWN AND TO EXECUTE AN UPDATED SUPPLEMENTAL AGREEMENT WITH NCDOT

WHEREAS, The Carrboro Board of Aldermen has adopted a Capital Improvement Project Ordinance for the installation of Bicycle Detectors at signalized intersections in downtown and has appropriated \$57,500 for this project; and,

Whereas the Town of Carrboro has executed a municipal agreement with the North Carolina Department of Transportation for the design and installation of bicycle detectors in four locations; and,

WHEREAS, on October 16, 2012, the Board of Aldermen awarded a contract for preliminary engineering to Atkins North America, Inc.; and,

WHEREAS, the preliminary design work is under review by NCDOT and is almost ready for bid.

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

- 1) The Town Manager is hereby authorized to approve bids, select a contractor and award a construction contract for the installation of bicycle loop detectors;
- 2) The Town Manager is hereby authorized to execute an updated Supplemental Agreement with NCDOT to reflect later milestones relating to project completion; and
- 3) Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this resolution with the Finance Director.

This the 27th 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 A CONTRACT FOR PRELIMINARY ENGINEERING SERVICES FOR THE JONES CREEK GREENWAY

The purpose of this item was for the Board of Aldermen to consider authorizing the Town Manager to select an engineering firm and to award a contract with such firm for preliminary engineering services for the Jones Creek Greenway.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AWARD A
CONTRACT FOR PRELIMINARY ENGINEERING SERVICES TO CONSTRUCT THE JONES
CREEK GREENWAY

WHEREAS, The Carrboro Board of Aldermen has adopted Capital Improvement Project Ordinance 11/2015-16 for the construction of the Jones Creek Greenway, a one-hundred foot bridge and paved greenway trail between Bolin Creek Greenway and Twin Creeks Greenway and has appropriated \$420,000 for this project; and,

Whereas the Town of Carrboro has executed a municipal agreement with the North Carolina Department of Transportation for design and construction of the Jones Creek Greenway; and,

WHEREAS, Town staff have prepared a Request for Letters of Interest to select the most qualified firm to deliver the project; and

WHEREAS, federal and state law requires that negotiations be conducted with the selected firm to establish a fair and reasonable price for the contract; and

WHEREAS, NCDOT policy requires an audit of the firm's contract proposal prior to the beginning of negotiations.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board authorizes the Town Manager to execute a contract for preliminary engineering services for the Jones Creek Greenway (C-5181), subject to the following:

1. The contract shall be executed at a fair and reasonable price with the most qualified firm, as determined by the Request for Letters of Interest;
2. Commencement of services shall be in July 2017, or shortly thereafter.
3. Completion of a pre-negotiation audit by NCDOT and Town of Carrboro staff addresses all audit comments satisfactorily;
4. If negotiations are unsuccessful in reaching a fair and reasonable price for the services with the most qualified firm, the negotiations may be terminated and initiated with the next-most qualified firm, consistent with NCGS §143-64.31(a).

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

This the 27th 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 APPROVE A RESOLUTION AUTHORIZING THE TOWN MANAGER TO INITIATE A MUNICIPAL AGREEMENT WITH NCDOT FOR THE SOUTH GREENSBORO STREET SIDEWALK PROJECT.

The purpose of this item was for the Board of Aldermen to consider authorizing the Town Manager to initiate a Municipal Agreement with NCDOT for the construction of the South Greensboro Street sidewalk.

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

**SOUTH GREENSBORO STREET SIDEWALK CAPITAL IMPROVEMENT PROJECT
ORDINANCE
Ordinance No. 30/2016-17**

WHEREAS, the Town of Carrboro has been awarded federal funding via the North Carolina Department of Transportation (NCDOT) under the STP-DA and STBGP-DA Programs; and,

WHEREAS, the Town of Carrboro has been awarded funding from the Congestion Mitigation and Air Quality Improvement Program (CMAQ), for the design and construction of a sidewalk along South Greensboro Street; and,

WHEREAS, local funds have been identified to provide the required local match for these funding awards; and,

WHEREAS, the Town of Carrboro is scheduled to received Orange County Transit funds, which may be used toward the local match

WHEREAS, the Board of Aldermen has approved and authorized the Town Manager to execute

a Municipal Agreement with NCDOT to administer federal funding to design and build the South Greensboro Street Sidewalk;

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 South Greensboro Street Sidewalk Capital Improvement Project 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 the project:

STBGP-DA Funds	\$ 277,386.00
STP-DA FUNDS	\$ 437,240.00
CMAQ Funds	\$ 440,000.00
ORANGE COUNT TRANSIT FUNDS - GO TRIANGLE	\$ 552,340.00
TOTAL	<u>\$ 1,706,966.00</u>

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

Right of Way Acquisition	\$ 50,000.00
Design and Engineering	\$ 200,273.00
Construction	\$ 1,335,153.00
Contingency	\$ 121,540.00
TOTAL	<u>\$ 1,706,966.00</u>

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

This the 27th 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

ADDITIONAL FUNDS FOR PUBLIC SAFETY RADIO UPGRADES

The purpose of this item was to appropriate the third installment of funding to upgrade public safety radios.

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

**CAPITAL PROJECT ORDINANCE AUTHORIZING ADDITIONAL FUNDS FOR THE UPGRADE OF PUBLIC SAFETY RADIOS
Ordinance No. 29/2016-17**

WHEREAS, the Board of Aldermen for the Town of Carrboro has adopted a Fund Balance Policy; and,

WHEREAS, the adopted Fund Balance Policy provides that when the unassigned fund balance exceeds 35% the Town Manager may set aside an amount in assigned fund balance for transfer to the Capital Projects Fund for future projects; and,

WHEREAS, the adopted Fund Balance Policy requires formal action by the Board of Aldermen to commit the use of fund balance for projects or purposes in any current year or future year's budget; and,

WHEREAS, the Town's annual audit at June 30, 2016 confirmed that the fund balance exceeds 35% and the amount above 35% may be committed for capital projects; and,

WHEREAS, the Town Manager has assigned fund balance for future capital projects; and,

WHEREAS, the Board of Aldermen of Aldermen appropriated \$273,000 in FY 2015-1 and FY 2016-17 for a total of \$546,000 to replace public safety radios; and,

WHEREAS, the cost estimate to upgrade these radios has increased by \$108,370 from \$819,000 to \$927,370;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1: Funds in the amount of \$381,370 are appropriated from fund balance in the General Fund to the Capital Projects Fund for the acquisition of fire and police radio upgrades in an amount not to exceed a total of \$927,370.

Section 2: Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

Section 3: This capital project ordinance shall be effective July 1, 2017.

This the 27th 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

RECOGNITION OF DONATION TO THE CARRBORO POLICE DEPARTMENT BY SHERRY ONTJES

The purpose of this item was to recognize the generous donation from Carrboro resident and business owner Sherry Ontjes of funds towards the purchase of a radar sign.

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

A RESOLUTION OF APPRECIATION TO UNIVERSITY FORD FOR THEIR DONATION

WHEREAS, Ms. Sherri Ontjes has graciously offered to donate \$3400 to the Carrboro Police Department to go toward the purchase of a radar sign; and

WHEREAS, this donation will allow the police department's staff to increase efforts of traffic enforcement and education.

WHEREAS, donation of these funds will help the Carrboro Police Department continue the goal of education and positive interactions with the public;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that:

1. On behalf of the Town of Carrboro and its residents, the Board of Aldermen hereby expresses its sincere thanks and gratitude to Ms. Sherri Ontjes for her generous donation.
2. The resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to Sherri Ontjes.
3. The Police Department shall use these funds for the purpose as specified by Ms. Ontjes.
4. This resolution shall become effective upon adoption. This is the

27th day of June in the year 2017.

This the 27th 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 MAKE AN APPOINTMENT TO THE ARTS COMMITTEE

The purpose of this agenda item was for the Board of Aldermen to make an appointment to the Arts Committee.

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

A RESOLUTION MAKING APPOINTMENT(S) TO THE
ARTS COMMITTEE

THE BOARD OF ALDERMEN HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE ARTS COMMITTEE:

Seat Designation	Appointee	Term Expiration
Member	Heather Lewis	2/2019

Section 2. This resolution shall become effective upon adoption.

This the 27th 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

**CONTINUATION OF A PUBLIC HEARING ON EXTENSION OF TOWN'S
EXTRATERRITORIAL JURISDICTION AND AN ORDINANCE ESTABLISHING THE NEW
ETJ BOUNDARY**

The purpose of this item was for the Board of Aldermen to receive public comment on an ordinance,

which if adopted, will extend the Town's extraterritorial boundary along the north side of NC Highway 54 West and increase the ETJ by 2.9 acres.

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

There were no comments provided from the public.

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

AN ORDINANCE EXTENDING THE EXTRATERRITORIAL
JURISDICTION OF THE TOWN OF CARRBORO
Ordinance No. 26/2016-17

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article 9 of the Charter of the Town of Carrboro provides for the Town to exercise within the town's extraterritorial jurisdiction (ETJ) all the powers granted in Article 19 of Chapter 160A of the General Statutes as well as related powers conferred in the Charter.

Section 2. The Town seeks to extend its ETJ boundary slightly further north into an area currently under Orange County's jurisdiction, and described in Exhibit A, to capture the entirety of five parcels along NC Highway 54 West, along with a short section of land used as a driveway for Camelia Forest Nursery, the 22.83-acre parcel located at 620 NC Highway 54 West. The proposed ETJ extension adds approximately 2.9 acres to the Town's ETJ.

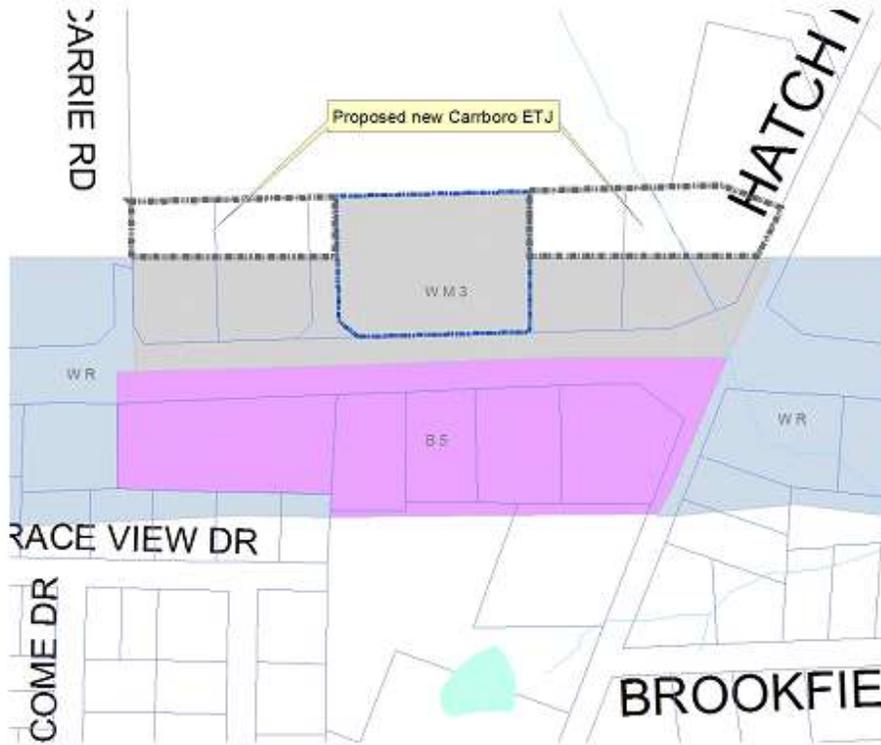
Section 3. N.C.G.S. Section 160A-360 provides for the extension of the Town's ETJ into areas where Orange County is exercising its zoning, subdivision and building inspection authority with the County's agreement, which agreement was provided by resolution adopted by the Orange County Board of County Commissioners on June 20, 2017.

Section 4. In accordance with N.C.G.S. Sect. 160A-360, the Town held public hearings on June 13 and June 27 to consider the extension of its extraterritorial jurisdiction, and notified property owners of all affected parcels of land as listed on the Orange County tax records via first-class mail at least four weeks prior to the public hearing.

Section 5. The Area described and depicted in Exhibit A is hereby included within the extraterritorial jurisdiction of the Town of Carrboro for all purposes authorized by Article 19, Chapter 160A of the North Carolina General Statutes.

Section 6. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 7. This ordinance shall become effective upon adoption.



This the 27th 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

CONTINUATION OF PUBLIC HEARINGS ON LAND USE ORDINANCE TEXT AND MAP AMENDMENTS RELATING TO THE WM-3 ZONING DISTRICT

The purpose of this agenda item was for the Board of Aldermen to receive public comment and to consider an ordinance relating to the Watershed Manufacturing District (WM-3) and whether to rezone portions of six parcels along NC Hwy 54 West to WM-3.

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

There were no comments provided from the public.

Mayor Lavelle closed the public hearing.

Alderman Haven-O'Donnell stated that she would like to make sure that neighborhood south of the property were notified and asked staff to double check that.

Alderman Chaney stated that when the 1,000 foot radius is the required measurement for notice, that staff should use the broadest definition to ensure notice to all affected neighborhoods.

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

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 THE WM-3 ZONING DISTRICT.

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 description and intent of the watershed industrial zoning district put forth in the 1982 Carrboro Water Quality Task Force Report and Recommendations, which formulated the basis for the WM-3 District, and Carrboro Vision2020 provisions relating to balanced and controlled growth in the watershed and peripheral areas.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it clarifies the language in the LUO relating to the WM-3

District and allows for the reasonable development of property zoned WM-3 in accordance with the Town's zoning requirements.

Section 3. This resolution becomes effective upon adoption.

This the 27th 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 Chaney, seconded by Alderman Gist, that this ordinance be approved.

**AN ORDINANCE AMENDING TOWN OF CARRBORO LAND USE ORDINANCE
PROVISIONS RELATING TO THE WM-3 ZONING DISTRICT
Ordinance No. 27/2016-17**

Section 1. Subparagraph (b) of the Town of Carrboro Land Use Ordinance Section 15-137 Manufacturing Districts Established, is amended to read as follows:

(b) There is also established a watershed light industrial (WM-3) zoning district. The purpose of this district is to allow areas within the University Lake Watershed that have been zoned M-1 prior to the effective date of this subdivision to continue to be used and developed for light industrial and related purposes, subject to certain restrictions designed to protect the watershed. Consistent with the purpose of this zone, this district shall be confined to that area zoned M-1 on the effective date of this subsection (12/7/1983); this area shall not be expanded and no new WM-3 areas shall be designated. For the purposes of this section, changes to make WM-3 zoning uniform on lots that were depicted as entirely within the M-1 zoning at the time of its establishment, but that were later depicted as being bisected by the zoning boundary, will not be considered an expansion of the district or the creation of new WM-3 areas.

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 27th 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 Chaney, seconded by Alderman Seils, that this resolution be approved.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING 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 ZONE: APPROXIMATELY 2.9 ACRES OF LAND ON NC HIGHWAY 54 WEST KNOWN AS PORTIONS OF 630, 626, 620, 610, 600 NC 54 WEST AND 1306 HATCH ROAD TO WM-3.

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 original intent of assigning these parcels to the WM-3 Zoning District category in 1983, as put forth by the 1982 Carrboro Water Quality Task Force Report and Recommendations.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it allows for the reasonable development of property in accordance with the Town's zoning requirements.

Section 3. This resolution becomes effective upon adoption.

This the 27th 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 Chaney, seconded by Alderman Seils, that this resolution be approved.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO ZONE
APPROXIMATELY 2.9 ACRES OF LAND ON NC HIGHWAY 54 WEST KNOWN AS
PORTIONS OF 630, 626, 620, 610, 600 NC 54 WEST AND 1306 HATCH ROAD TO WM-3
Ordinance No. ,28/2016-17

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

Portions of six lots in the Chapel Hill Township known in the Orange County Land Records system as: Parcel identification number	Property address
9769-21-7639	630 NC 54 West
9769-21-9629	626 NC 54 West
9769-32-3307	620 NC 54 West
9769-31-5687	610 NC 54 West
9769-31-7655	600 NC 54 West
9769-31-9894	1306 Hatch Road

This the 27th 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

PUBLIC HEARING FOR THE ABANDONMENT OF RAND ROAD RIGHT OF WAY

The purpose for this agenda item was provide the Mayor, Board of Aldermen and community an opportunity to review and discuss the Town's abandonment of the current Rand Road right of way located within the South Green Development.

Eric Marsh, the Assistant Public Work's Director, provided the staff report.

Mayor Lavelle opened the public hearing.

There were no comments provided from the public.

Mayor Lavelle closed the public hearing.

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

A RESOLUTION DECLARING THE INTENT OF BOARD OF ALDERMEN TO CLOSE RAND ROAD RIGHT-OF-WAY

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen hereby declares the closure of a 46 foot wide section of right-of way known as Rand Road adjacent to the following two properties: PIN: 9778-93-0728.

Section 2. The Board of Aldermen hereby declares its intention to reserve its right, title and interest in any utility improvements or easements within the 46 foot wide right-of-way proposed for closing. This reservation shall also extend to utility improvements or easements owned by private utilities which at the time of the proposed street closing have a utility agreement or franchise with the Town. Such utilities shall include but are not limited to water, sewer, electrical, gas, telephone and cable television.

Section 3. The Board of Aldermen held a public hearing on the proposed right-of-way closing at its regular meeting on June 27, 2017.

Section 4. This resolution was published once a week for four (4) successive weeks prior to the hearing and a copy shall be sent by certified mail to the persons who, according to the county tax records, own property adjoining the right-of-way proposed to be closed. In addition, a notice of the proposed closing and public hearing thereon was prominently posted in at least two places along the right-of-way to be closed.

Section 5. Should the right-of-way be closed as proposed, then all right, title and interest, excluding utility improvements and easements, in the right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the right-of-way.

Section 6. This resolution shall become effective upon the recording of the South Green plat that creates the new public road right-of-way alignment.

This the 27th 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

**PUBLIC HEARING ON 100% REVIEW OF THE MARTIN LUTHER KING JR PARK
CONSTRUCTION DESIGN AND AUTHORIZE THE TOWN MANAGER TO AWARD
CONSTRUCTION CONTRACT**

The purpose of this agenda item was to provide the Mayor and Board members an opportunity to review and approve the 100% construction plans for Martin Luther King Jr Park along with granting the Town Manager the authority to award the construction contract

Jennifer Wagner, with Stewart Inc. Engineering Firm, provided the 100% concept plan and drawings.

Alderman Gist stated that she thinks that there should be fencing installed to contain the bicyclist around the property except around the entry points.

Julie Foster, a resident of 117 Spring Valley, stated that she is excited about the park and stated that her instinct is to separate the two pump parks for safety. She stated that she really likes the multiple features and the variety in the playground. She thanked the Board for listening to the community so well.

Mark Dorosin, a resident of Spring Valley, stated that there is no indication that there is park access from that side and asked for signage to be included on Pathway Drive and the Tripp Farm entrance so that it is clear and welcoming. He asked for people not to be allowed to park in front of that entrance so it is not blocked by vehicles.

Ryan Byars, a resident of the Fair Oaks neighborhood, stated that he prefers the pump track option where they are separated. He also agreed with Mark Dorosin's suggestion of making sure the Tripp Farm entrance is clearly marked.

Piper Honeekman, a resident of Hillsborough Road and member of the Carrboro Community Garden Coalition, stated that the garden receive large deliveries and need space to have mulch. Jennifer Wagner stated that there will be a collapsible bollard and that trucks and can drive over the curb to drop mulch. Piper Honeekman also requested that the tall pine trees be cut down because it shades the garden. She requested that the fencing be fixed and adequate to protect the garden against theft and deer issues.

Alderman Slade asked that fencing around the community garden be fixed when the fence around the pump track is installed. He also asked that a power outlet be made available and for trash, recycling, and brown bins be provided for the gardeners.

Alderman Haven-O'Donnell asked if the storage shed was adequate. Piper Honeekman stated that the space is adequate and that the family garden and community garden are in agreement of how to share the space.

Tamara Sanders, a Carrboro resident, stated that the pump tracks being separate seem to make the most sense.

Mayor Lavelle closed the public hearing.

Alderman Gist asked about where the idea from the amphitheater came from and stated that she is not necessarily against it but that she has not heard a lot of support for it. She suggested putting the amphitheater on hold and asked for the need to amplify music near a neighborhood.

Anita Jones-McNair stated that other parks do not have electrical outlets but they were added to this park due to the amphitheater and the community garden. She stated that the amphitheater

was added so that there could be concerts and plays in the park. Alderman Gist stated that a little play is different from a musical concert next to a neighborhood.

Alderman Chaney stated that there will be an emergency call box in the park. She stated that she wanted clarification on who will pay the water bill at the park for the community garden usage. Anita Jones- McNair stated that the original conversation was held prior to David Andrews being Town Manager and that the interim manager at the time, Matt Efird, agreed to the Town covering the water bill and that decision was in writing. She stated that the spigot could be locked if necessary.

Alderman Chaney stated that she would like to understand what the operating cost of the water usage bill would be. She stated that she prefers the pump parks be separated. She stated that adding the bicycle feature does not keep the Shetley property undisturbed indefinitely and stated that the public should recognize that in the future, there could be a need to use the property. She stated that the amphitheater could be used for educational purposes and asked everyone to think about different uses before pulling it. She stated that she is not opposed to a concert during the day but not after the park closes.

Alderman Seils stated that he supports the idea of "option A" that divides the pump tracks. He also stated that he would like to design the park in one phase rather than phasing it into projects and that he does not agree with pulling a feature at this point.

Alderman Haven-O'Donnell stated that the gardeners have requested benches and asked if they would be included. Anita Jones-McNair stated that they will. Alderman Haven-O'Donnell stated that it has to be called Dr. Martin Luther King, Jr. Park out of respect. She asked if there is any concern to have the pollinator gardens spaced apart and mentioned the possibility of bee allergies and asked that it be considered during the installation of the walkway.

Alderman Slade asked for a way to close the spigot to prevent people from accidentally leaving it on. He also stated that he wants to make sure that the entrance to Tripp Farm be clear, as requested by Mark Dorosin. He clarified that the grading is intended to be minimal. Jennifer Wagner stated that the grading will be minimal and to allow the water to drain appropriately. He suggested postponing the shelter near the wetlands to see how the area is actually used.

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

**A RESOLUTION TO APPROVE THE MARTIN LUTHER KING JR. PARK DESIGN AND AWARD
A CONSTRUCTION CONTRACT**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

Section 1. The Martin Luther King Jr Park design is approved with the pump parks as designed in “Option A” and for staff to consider the comments provided during the meeting as direction.

Section 2. The Town Manager is hereby authorized to approve bids and award a construction contract for the Martin Luther King Jr Park up to the budget amount of \$1,274,454.00.

Section 3. Should the submitted bids exceed the construction budget by 20% or less; and the Town Manager determines the bid is reasonable, and the Town Manager identifies additional funds available, the Town Manager may approve bids and award of a construction contract not to exceed 20% of the construction budget.

Section 4. The resolution shall become effective upon adoption.

This the 27th 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

**PUBLIC HEARING ON CONCEPT PLAN OPTIONS FOR POSSIBLE CO-LOCATION OF
THE ARTSCENTER AND TOWN OF CARRBORO OFFICES AND RECREATION AND
PARKS PROGRAMS AT 203 SOUTH GREENSBORO STREET PROPERTY INCLUDING
CONTEMPLATED ORANGE COUNTY SOUTHERN BRANCH LIBRARY**

The purpose of this item was to provide the Board of Aldermen with an opportunity to receive public comment on concept plan options for possible co-location of The ArtsCenter and the contemplated Orange County Southern Branch Library at the Town’s 203 S. Greensboro Street property.

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

Jim Spencer, with Jim Spencer Architects in Carrboro, provided the presentation, including renderings for illustrative purposes.

Melva Okun, a Carrboro resident, stated that the Town is missing a library and that the location in the heart of downtown is a great location and asked the Board to move forward with the item.

Art Menius stated that he is very excited about the proposal and that it takes so many issues into consideration. He stated that WCOM currently rents from the ArtsCenter and stated that he was happy to see WCOM mentioned as a tenant in the proposal.

Jay Miller thanked the Board for continuing the conversation with the ArtsCenter and stated that since 2014 the ArtsCenter has had tremendous leadership and that there is a great synergy with the library and asked the Board to keep moving it forward.

Nerys Levy thanked the Board of Aldermen and the County for developing the project. She stated that it is a wonderful and synergetic project.

Ellen O'Brien, a resident of Maple Avenue, stated that she likes the idea and the project. She stated that Durham has a certain architecture and that it is critically important to think about what Carrboro looks like when designing the building. She stated that there isn't a clear idea of what Carrboro looks like and that there are good examples that should lead visually. She stated that she does not want it to look like a hodgepodge. She stated it is hard to make a parking deck look like anything other than a parking deck and asked that it be considered. She stated that she hopes the design has space for cars, bikes, and pedestrians clearly defined.

Nicholas Johnson, a resident of Purple Leaf Place, stated that he is enthusiastic for the project. He stated that the safety of Roberson Street needs to be considered and improved. He suggested including parking next to the EMS station. He expressed concern for pedestrians coming out of a fenced area onto Roberson Street and asked for the safety of the street during construction to also be considered.

Dan Meyer, the ArtsCenter Executive Director, stated that they are in an aging facility and they need to do something for the stability of the organization. He stated that the possible partnering with the Town of Carrboro is a great possibility. He explained that they are in the next steps of seeing what they can afford and have hired a consultant to determine if the possibility is an option.

Diana Garcia, a resident of Lilac Drive, stated that she hopes the library will provide good electronic access with internet accessibility. She stated that she appreciates the synergy between the ArtsCenter. She stated that she has safety concerns regarding cycling and walking spaces. She stated that South Greensboro Street can be a very congested street and that parking is an issue. She stated that the aesthetics of the building are also important and should be considered with how it will look with the Town overall. She stated that she hopes that traffic flow is considered in the design.

Liz Dyer, a resident of Fidelity Court, stated that the idea of having a library on this site is fantastic. She stated that South Greensboro Street is very congested and that there is a parking problem already. She stated that if there are going to be major programs coming from the ArtsCenter then she is concerned

about traffic flow to and from the site.

Patrick McDonough, a resident of Carrboro, stated that he thinks the proposal is great and that he supports all of the uses as proposed. He stated that on the side that faces Open Eye Coffee that he suggests going to five-stories and covering some of the parking deck. He suggested seeking a tax-paying tenant and suggested that staff work to make it a satellite location for American Underground. He asked that the Board seek to get the access right before getting parking right. He requested that the parking be unbundled and that employees park and ride into downtown to free up spaces. He stated that the J Bus could be routed through South Greensboro. He also stated that Wall Street in Asheville is a designed woonerf.

Lisa (last name not provided) stated that she agrees with focusing on access and safety is important. She stated that she loves the general idea of the project. She stated that she is interested in knowing what the foreseen next steps and schedule looks like.

Mayor Lavelle stated that the hope would be that groundbreaking would occur in the fall of 2018 with planning going on during the upcoming year.

David Andrews stated that staff will continue to work with Jim Spencer to go over some of the design aspects and to review possible parking purchases.

Alderman Gist stated that parking is a big concern. She stated that when there is \$4.3 million estimated for parking she thinks that the Town can do better for less. She stated that there are lands around that could be purchased or the town could partner with people for parking. She stated that it is important that as soon as this parking goes offline, that there is parking made available to subsidize that loss during construction so the residents and businesses do not suffer.

Alderman Haven-O'Donnell thanked the Friends of the Library and the County Commissioners for their work on this project. She stated that the NC Central's Virtual Justice Center, the ArtsCenter, WCOM, and a Teen Center are included as possibilities to be included in the project. She stated that the Town's administrative offices are very tightly cramped and the additional Town space is long overdue and thanked the Town Manager for bringing this forward. She stated that it is amazing to think that the top floor of Town Hall can have new life. She stated that she is for the idea of going up another floor and capitalizing on the American Underground is a great idea. She stated that she is interested in exploring the woonerf concept. She suggested that the look be considered so that it matches what Carrboro looks like.

Alderman Chaney stated that the project is headed in the right direction. She stated that she is looking forward to seeing how it evolves and how the parking situation manifests itself. She stated that all of the safety improvements around the site must also be prioritized. She stated that the cost of parking is the most sobering amount of the project and that it is 23% of the cost and asked that it continue to be worked on during the summer.

Alderman Seils stated that he agrees with Alderman Chaney's comments. He suggested everyone think big on the project and to think about access and parking. He stated that the parking study has a lot of data that has solutions and that should be included. He stated that there is a climate change crisis and asked that it be remembered during the planning and consideration of design of parking.

Alderman Slade stated that he wants to underscore the use of the parking plan and how the project and compliment the project. He stated that he agrees with Alderman Seils on his points on climate change. He stated that the Board has asked staff to look at Roberson Street as one-way. He asked if Maple Avenue can be used to expand the footprint. He stated that the Town is open to other tenants but that process should not slow down the current process. He stated that some parking lots are underutilized in the Town and those can be used for employee parking. He stated that there could be an in-house shared biking program for employees. He stated that he hopes the County will consider a seed library as part of the programming.

Except for Fire Station 2, Mayor Lavelle stated that this will be the first new building that the Town of Carrboro has built in over 100 years.

Mayor Lavelle closed the public hearing.

PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATED TO SOLAR ARRAYS

The purpose of this agenda item was to provide an opportunity for the Board of Aldermen to receive public comment and to consider amendments to the Land Use Ordinance related to roof and ground-mounted solar arrays.

Randy Dodd, the Town's Environmental Planner, and Tina Moon, the Planning Administrator, provided the staff report.

Alderman Chaney clarified that solar arrays can be a primary use.

Mayor Lavelle opened the public hearing.

There were no comments provided from the public.

Mayor Lavelle closed the public hearing.

Alderman Slade asked what the next steps are. Randy Dodd stated that the ordinance will be submitted for credit and they will report back on achievement of silver and gold levels. Alderman Slade stated that this can be used for publicity and asked staff to think about how if they can use energy efficiency loan

funds for commercial properties.

A motion was made by Alderman Slade, seconded by Alderman Haven-O'Donnell, 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 SOLAR ARRAYS.

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 goals and objectives of *Carrboro Vision 2020*, to promote energy conservation and alternative and renewable energy, including passive and active solar

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it clarifies existing requirements and provides for the installation of small roof and ground mounted arrays as an accessory use subject to specific criteria.

Section 3. This resolution becomes effective upon adoption.

This the 27th 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 Haven-O'Donnell, seconded by Alderman Chaney, that this ordinance be approved.

AN ORDINANCE AMENDING TOWN OF CARRBORO LAND USE ORDINANCE PROVISIONS RELATED TO SOLAR ARRAYS

Ordinance No. 30/2016-17

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-15 (Definitions) of the Carrboro Land Use Ordinance is amended by adding new subsections (113 through 117), as shown below, and renumbering the subsequent subsections accordingly.

(113) **SOLAR ARRAY** – A photovoltaic cell, module, panel or array that is accessory to the principal use of a property and is designed solely for the purpose of reducing or meeting on-site energy needs. Roof mounted or building integrated arrays must be on a permitted structure, or one that is exempt on the basis of its size. Roof mounted arrays may be no more than 2000 square feet in size. Ground mounted arrays may be no greater than: 500 square feet in R-2 and R-3 districts; 1000 square feet in R-7.5, R-10, and R-S.I.R districts; 2000 square feet in R-15 and R-20 districts; and 5000 square feet in other districts. In addition, ground mounted arrays may be no greater than 50% of the size of the building footprint of the primary structure. Solar water heating panels may also be accessory to the principal use of a property subject to the criteria described above.

(114) SOLAR ARRAY FACILITY – LEVEL 1

Level 1 roof mounted or building integrated arrays must be on a permitted structure. Level 1 ground mounted arrays may be no greater than 50% of the size of the building footprint of the primary structure. In addition, Level 1 roof mounted arrays may not be more than 10000 square feet and Level 1 ground mounted arrays must be not more than: 2000 square feet in R-10 and R-S.I.R; 3000 square feet in R-15 and R-20; and 10000 square feet in other districts.

(115) SOLAR ARRAY FACILITY – LEVEL 2

A Level 2 facility has a solar array (roof-mounted/building integrated or ground mounted) that does not qualify as an accessory or Level 1 facility and is not more than 1 acre.

(116) SOLAR ARRAY FACILITY – LEVEL 3

A Level 3 facility has a solar array greater than 1 acre.

(117) SOLAR WATER HEATER

A solar water heater is a system that uses a solar thermal collector to heat water. A solar water heater may also be accessory to the principal use of a property subject to the criteria described under “solar array” above.

Section 2. Section 15-146 (Table of Permissible Uses) is amended by adding three new use classifications: 17.501, “Solar Array Facility, Level 1,” 17.502, “Solar Array Facility, Level 2,” and 17.503, “Solar Array Facility, Level 3,” allowed with the use of the Designations Z,S,C in the zoning districts shown in the table below.

Use Classification	Solar Array	Zoning Districts						
		R-SIR,	RR, B-1(C), B-1(G), B-2,	C, WR	B-5	WM-3	O,	

		SIR2, R10, R-15, R-20	B-3, B-3-T, B-4, M-1, M-2, CT				O/A
17.501	Level 1	Z	Z	S	Z	S	Z
17.502	Level 2		S	C	S	C	S
17.503	Level 3		C	C	C	C	C

Section 3. Section 15-150 (Accessory Uses) is amended by adding a new subsection (d), as shown below, and renumbering the subsequent subsections (d), (e) and (f), to (e), (f) and (g):

(d) Without limiting the generality of subsections (a) and (b), the following activities are regarded as accessory to residential and commercial principal uses so long as they satisfy the general criteria set forth above.

- (1) Solar Arrays, and solar water heaters, providing energy for the principal use on the property, in any zoning district.
- (2) The applicant must be able to demonstrate ownership of the subject property or permission by the owner to install the solar device.
- (3) The applicant must prepare and submit a site plan or sketch plan showing the following:
 - a. Installation of the array(s) shall not negatively affect compliance, or any condition of compliance of an existing land use permit or building permit.
 - b. The panels are designed, positioned, and oriented such that concentrated solar radiation or glare shall not be directed onto nearby properties or road rights-of-way, or shall otherwise create a safety hazard.
 - c. All on-site utility lines shall be placed underground.
 - d. The top of any roof mounted devices, located on the principal structure or any accessory structure, shall not exceed the maximum building height for the district in accordance with Section 15-185.
 - e. Ground mounted systems shall not exceed a maximum height of 15 feet from finished grade to the top of the device.
 1. The installation of the solar device and associated mechanical equipment shall not affect tree screening or buffer requirements outlined in Article XIX.
 2. Mechanical equipment, including batteries or other similar storage devices, shall be located within the required building setbacks as provided for in Section 15-184, and shall be shielded to avoid damage.
 3. All solar devices and mechanical equipment, including batteries or other similar storage devices, shall be located outside of the designated open space, well/septic system areas as identified by Orange County Environmental Health, utility easements, water quality buffers as identified in Section 15-269.5 and Special Flood Hazard Areas.

Section 4. Article XI (Supplementary Use Regulations) is amended by adding a new Section 15-175.11 to read as follows:

Section 15-175.11 Solar Arrays

- (a) In addition to other applicable provisions of this chapter, use classifications 17.501 (Solar Array Level 1 Facility) and 17.502 (Solar Array Level 2 Facility) shall be subject to the following requirements:
- (1) Installation of the array(s) shall (i) not negatively affect compliance, or any condition of compliance of an existing land use permit or building permit, or (ii) be subject to the modification of the subject permit.
 - (2) The panels are designed, positioned, and oriented such that concentrated solar radiation or glare shall not be directed onto nearby properties or road rights-of-way, or shall otherwise create a safety hazard.
 - (3) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
 - (4) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - (5) The height of the array and supporting structures shall not exceed the height requirements of the underlying zoning district where the property is located as described in Section 15-185.
 - (6) Mechanical equipment, including batteries or other similar storage devices, shall be located within the required building setbacks as provided for in Section 15-184, and shall be shielded to avoid damage.
 - (7) All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with a Type A-Screen.
 - (8) All solar devices and mechanical equipment, including batteries or other similar storage devices, shall be located outside of the designated open space, well/septic system areas as identified by Orange County Environmental Health, utility easements, water quality buffers as identified in Section 15-269.5 and Special Flood Hazard Areas.
 - (9) The facility shall have sufficient parking on site to accommodate the number of vehicles likely to be present on a regular basis.
 - (10) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$500,000.00 per occurrence.
- (b) In addition to other applicable provisions of this chapter, use classifications 17.503 (Solar Array Level 3 Facility) shall be subject to all of the requirements of use classifications 17.501 and 17.502 above as well as the following requirements:
- (1) A soils report denoting the types of soil on the property including detail on the compaction necessary to support the proposed development.
 - (2) Demonstration of compliance with the decommissioning protocol, described below in paragraphs (a. through f) should the device become damaged, or removed from service.
 - a. The owner/operator of the facility is required to notify the Town Planning Director in writing 60 days prior to the planned cessation or abandonment of the facility for any reason. This notice shall provide the exact date when the use of the facility will cease.

- b. Documentation shall be provided indicating that the public utility purchasing the power has been made aware of the decision.
- c. The facility shall be removed within 12 months from the date the applicant ceases use of the facility.
- d. Once the infrastructure is removed from the property, the owner shall obtain the necessary Erosion Control permits to re-stabilize the property. The time frame for completion shall be determined by the Orange County Erosion Control Officer.
- e. The owner shall provide financial security in form and amount acceptable to the County to secure the expense of dismantling and removing said structures.
- f. Upon removal of the facility, the Planning Department shall cause a notice to be recorded with the Orange County Registrar of Deeds office indicating that the Conditional Use Permit has been revoked.

Section 5. All provisions of any Town Ordinance in conflict with this Ordinance are repealed.

Section 6. This Ordinance shall become effective upon adoption.

This the 27th 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

EXPLORATION OF AFFORDABLE HOUSING ON TOWN-OWNED LAND

This item was postponed to a future agenda date.

CHATHAM/ORANGE JOINT PLANNING TASK FORCE - REQUEST FOR APPOINTMENT

The purpose of this item was for the Board of Aldermen to consider selecting a representative to participate in the Chatham/Orange Joint Planning Task Force.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO APPOINT MAYOR LAVELLE AS THE TOWN'S REPRESENTATIVE ON THE CHATHAM/ORANGE JOINT PLANNING TASK FORCE. VOTE: AFFIRMATIVE ALL

MATTERS BY BOARD MEMBERS

Alderman Gist stated that South Greensboro Street businesses suffered during the closure of the road. She stated that the sign that was on the corner of South Greensboro Street and Main Street made it look like all of South Greensboro Street was closed and that affected the traffic flow. She stated that the Town of Hillsborough had a sign next to the road closure sign that stated that "These Businesses Are Open" and asked that this be done for future road closures in Carrboro. Alderman Gist stated that South Greensboro Street businesses will be affected during the installation of the roundabout and asked that the sign show that businesses are open and parking is available.

ADJOURNMENT

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