



# Town of Carrboro

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

## Meeting Minutes Board of Aldermen

Tuesday, May 9, 2017

7:30 PM

Board Chambers - Room 110

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

**Also Present:** David Andrews, Town Manager, Catherine Dorando, Town Clerk, Bob Hornik, Town Attorney

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### **POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS**

Gary Phillips, the Town's poet laureate, read a poem entitled, "Let's Meet in Carrboro" about Carrboro Day.

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### **A RESOLUTION IN SUPPORT OF RAISING THE AGE OF JUVENILE JURISDICTION IN NORTH CAROLINA AND IN SUPPORT OF HOUSE BILL 280**

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

#### A RESOLUTION IN SUPPORT OF RAISING THE AGE OF JUVENILE JURISDICTION IN NORTH CAROLINA AND IN SUPPORT OF HOUSE BILL 280

WHEREAS, House Bill 280, the "Juvenile Justice Reinvestment Act," would raise the age of juvenile jurisdiction to include 16- and 17-year-old youth, except in the case of certain felonies and motor vehicle laws; and

WHEREAS, North Carolina is the only state in the United States that automatically prosecutes 16- and 17-year-old youth as adults, regardless of the severity of the crime; and

WHEREAS, adolescents prosecuted in the juvenile justice system are less likely to commit another crime than are those tried in the adult system, which results in lower costs to society and more children growing up to become educated, employed citizens; and

WHEREAS, evidence shows that the juvenile justice system, with programs tailored to how children think and learn, is more effective at rehabilitating youth, and research in neuroscience and psychology proves that brain development continues well into a person's 20s; and

WHEREAS, although the juvenile crime rate has been declining in North Carolina, in 2014 alone, more than 17,000 misdemeanor charges were filed against 16- and 17-year-olds statewide; and

WHEREAS, 96.7 percent of crimes committed by 16- and 17-year-olds in North Carolina in 2014 were either misdemeanors (80.4 percent) or nonviolent felonies (16.3 percent); and

WHEREAS, even when charges are dismissed, there remain the long-term consequences of a public record that affect a young person's ability to be hired for a job, to be eligible for college financial aid, or to enlist in the military; and

WHEREAS, the negative effects of the criminal justice system have a disproportionate impact on people of color; for example, African American youth make up two-thirds of the youth prosecuted in the adult system, are 9 times more likely than white youth to receive an adult prison sentence, and are more likely to come into contact with the criminal justice system because of the school-to-prison pipeline; and

WHEREAS, raising the age of juvenile jurisdiction will lead to long-term financial savings, safer communities, better academic results, and overall better outcomes for youth; and

WHEREAS, in 2016, the North Carolina Commission on the Administration of Law and Justice under the leadership of Mark Martin, Chief Justice of the Supreme Court of North Carolina, made a recommendation in favor of raising the age of juvenile jurisdiction; and

WHEREAS, the North Carolina Sheriffs' Association, the North Carolina Police Benevolent Association, the North Carolina Association of County Commissioners, the North Carolina Association of Chiefs of Police, and the North Carolina Chamber of Commerce Legal Institute support raising the age of juvenile jurisdiction to include 16- and 17-year-olds;

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Board of Aldermen supports raising the age of juvenile jurisdiction to include 16- and 17-year-olds for all crimes except violent felonies and motor vehicle offenses;

BE IT FURTHER RESOLVED that the Board of Aldermen encourages the North Carolina General Assembly to adopt House Bill 280 and to approve all necessary funding that such a change may require;

AND BE IT FURTHER RESOLVED that the Board of Aldermen asks the town clerk to send copies of this resolution to the members of the Orange County legislative delegation.

**This the 9th day of May, 2017**

**The motion carried by the following vote:**

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

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**A RESOLUTION OPPOSING A PROPOSAL BEFORE THE UNC BOARD OF GOVERNORS TO PROHIBIT CENTERS AND INSTITUTES FROM PARTICIPATING IN LITIGATION**

**A motion was made by Alderman Seils, seconded by Alderman Slade, to approve the resolution below:**

A RESOLUTION OPPOSING A PROPOSAL BEFORE THE  
UNC BOARD OF GOVERNORS TO PROHIBIT CENTERS AND  
INSTITUTES FROM PARTICIPATING IN LITIGATION

WHEREAS, at its March 2, 2017, meeting, the Board of Governors of the University of North Carolina received a proposed policy that “seeks to protect the academic focus of Centers and Institutes by restricting Centers and Institutes from participating in litigation;” and

WHEREAS, the proposed policy states that “[n]o Center or Institute may...[f]ile a complaint, motion, lawsuit or other legal claim in its own name or on behalf of any individual or entity against any individual, entity, or government or otherwise act as legal counsel to any third party; or [e]mploy or engage, directly or indirectly, any individual to serve as legal counsel or representative to any party in any complaint, motion, lawsuit, or other legal claim against any individual, entity, or government or to act as legal counsel to any third party;” and

WHEREAS, practically speaking, the proposal would affect only the state’s two public law schools at the University of North Carolina at Chapel Hill and North Carolina Central University; and

WHEREAS, the ability of these centers and institutes to engage in litigation specifically against state, city, and county governments serves as a proper check and balance in our country’s system of governance, where power is allocated among the three branches of government under the Constitution; and

WHEREAS, the UNC Center for Civil Rights—which would effectively be eliminated by the proposal—serves the memory of the late Julius Chambers, who received his undergraduate degree at NCCU, received his law degree at UNC-Chapel Hill, practiced law as a prominent civil rights attorney and argued several cases successfully before the United States Supreme Court, and then later served as chancellor at NCCU before founding the Center; and

WHEREAS, the UNC Center for Civil Rights has a goal to “represent, educate, and advocate for minority and low-income people, principally in the American South;” and

WHEREAS, the American Bar Association requires that law schools engage their students in a minimum of six hours of experiential learning in order to retain accreditation; and

WHEREAS, centers and institutes exist at numerous law schools across the country to provide exactly this type of experiential learning through litigation for law students during this phase of their practical academic training; and

WHEREAS, residents of the Town of Carrboro and Orange County have benefited from representation and advocacy by students, staff, and faculty of the UNC Center for Civil Rights; and

WHEREAS, the Board of Governors is currently receiving comments on the proposal.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Board of Aldermen urges the Board of Governors to reject the proposal to prohibit centers and institutes at its public law schools from engaging in litigation.

**This the 9th day of May, 2017**

**The motion carried by the following vote:**

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

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**APPROVAL OF PREVIOUS MEETING MINUTES OF APRIL 25, 2017**

**MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MINUTES OF APRIL 25, 2017, AS AMENDED. VOTE: AFFIRMATIVE ALL**

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**REQUEST TO SET A PUBLIC HEARING ON EXTENSION OF TOWN'S EXTRATERRITORIAL JURISDICTION**

The purpose of this item was for the Board of Aldermen to consider setting a public hearing on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.

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

**A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER EXTENSION OF THE CARRBORO EXTRATERRITORIAL JURISDICTION**

WHEREAS, during a meeting on March 28, 2017, the Carrboro Board of Aldermen discussed its interest in extending the Town's Extraterritorial Jurisdiction (ETJ) boundary to encompass the entirety of five lots zoned WM-3 along NC Highway 54 West.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Board of Aldermen sets a Public Hearing for June 13, 2017 at 7:30 p.m. to consider extending the Extraterritorial Jurisdiction (ETJ) boundary as shown on the attached map [Town of Carrboro ETJ Extension] Request].



**This the 9th day of May, 2017**

**The motion carried by the following vote:**

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

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**REQUEST-TO-SET PUBLIC HEARINGS ON LAND USE ORDINANCE AMENDMENTS RELATING TO THE WM-3 ZONING DISTRICT**

The purpose of this agenda item was for the Board of Aldermen to consider setting public hearings on text and map amendments to the Land Use Ordinance relating to the Watershed Manufacturing District (WM-3).

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO THE WM-3 ZONING DISTRICT

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on June 13, 2017, to consider adopting, "An Ordinance Amending the Carrboro Land Use Ordinance Provisions Relating to the WM-3 Zoning District."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

**This the 9th day of May, 2017**

**The motion carried by the following vote:**

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

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**DISCUSSION OF LLOYD PROPERTY DEVELOPMENT OPTIONS**

The purpose of this work session is for the Board to discuss development options for the Lloyd property. Trish McGuire, the Town's Planning Director, provided the staff report.

Alderman Haven-O'Donnell requested a 3D drawing of the previous plan that the Board denied in December 2016.

Alderman Chaney stated that it would be helpful for the Board to see market data from the developer and/or independent sources when evaluating options for this or any commercial development.

Board members were asked to share their reactions and thoughts to development scenarios under three different conditions: proposed conditional rezoning; existing zoning; and an alternative design offered by staff under proposed conditional rezoning.

### **Proposed Conditional Rezoning Table #1 Notes**

- 3D imagery and comparison of impervious surface
- Keep the senior housing
- Not that concerned about senior housing
- Just as happy with residential not age-restricted, even workforce housing – see this as valuable in the community
- Form – look at similar project developed with truly urban form What is one? Southern Village. Creation of space rather than a parking lot.
- Agree more suburban and not urban
- Existing Harris Teeter not comfortable for pedestrians
- Rosemary cavernous – what about square in the middle, parking around it. Two-story – see ways to improve if a way to talk and think more creatively
- Commercial part of the project has the greatest room for improvement.
- Check on Harris Teeter on 9<sup>th</sup> street size of parking lot
- Understand reality of building blocks, - desire for a different way for buildings to relate and create spaces that are not just about parking.
- Idea of making it more compact
- Making it so they wouldn't drive from place to place
- Tighten it up and increase the buffer from the neighbors
- How do we protect the investments of people who already live here.
- House flooded, ugly development nearby
- Stormwater is still the fly in the ointment; especially middle class homes.
- Does Southern Village provide a reasonable model for the center
- Why is this site plan so spread out?
- Send illustration of contexts scaled to the site for comparison of walking distances
- Looking at build out with mid rise
- Make it at the ground floor walkable permeable
- The applicant said cannot do a village
- This is not southern village cannot create economies of scale
- But idea is really not that we want that, but we want spaces where people can go and gather; not just an ice cream destination
- Not a fan of big apartment buildings on 54 mid-rise. Scale? Would prefer them by highway than on the hill
- Would like to know – developer won't build structured parking unless high rents. Would not help solve the town's affordability problem
- Buildings with no break/high rise not desirable on the road frontage . Love the view of the corner.
- Chief concern about turndown was incentives we would not get

- Fine with senior housing. Maybe some more details of how it looks. Fine if it meets orange county plans and goals
- Thinks the housing and especially a senior housing community can help define this as a place.
- So much parking a negative and make it so it feels more like a downtown, more walkable. Mixed use. Retail with housing components included. Still feels too segregated.
- Shelton Station gets closer to the interest.
- If outparcels were arranged so that buildings were aligned along the internal street and parking in the back.
- Big pines like along University Mall

### **Existing Zoning Table #2 Notes**

- How does impervious surface compare between the two plans? Need more information to understand how stormwater plan works.
- Need more details about exactly what the zoning districts allow, R-10 and R-20 and B-4, and what could be built within them given market conditions today.
- Noted the street connections to the residential areas are included in the new version in contrast to what was shown on previous version. Would welcome seeing versions that don't include the street connections. While the suggested connectivity would not be ideal for the neighbors, the ordinance requires it and as such staff would only be able to forward a plan with such connectivity to the board.
- Area could benefit from more commercial and less residential, but flooding and traffic concerns remain.
- True commercial not allowed in the residential portions. Would like to see more diversity of commercial on the site. Not sure large scale apartments are ideal on this site. Likely to be high rent.
- Affordable housing leverage lost without conditional rezoning.
- Liked the senior housing community in the earlier version. Data shows it is needed. Wants affordable component as well.
- Likes that traffic is lessened with this senior housing as well.
- Interested in scope of alternatives, including other possible rezoning scenarios.
- Could stormwater be conveyed across the road and completely out of the neighborhood altogether as a solution to stormwater?
- Not sure where is best to place the commercial, in front or behind like the last plan.
- Would like to see consolidated parking areas and / or reduced total number of parking spaces.
- Not sure about reducing parking in this setting outside of downtown.
- Would like to incentivize bonuses for including commercial. May be attractive to developer and the town, possibly linking to affordable housing somehow.
- Need to understand design standards and how aesthetic concerns can be addressed in a by right setting.
- Doesn't like the new plan.
- The family wants to do something sooner rather than later. Town is in a position of trying to determine how to get the best project possible out of the situation. Wants to respect the family's desires.
- Family needs to move forward and wonders what kind of input family is willing to entertain.
- Need more information on stormwater questions, with respect to what the town can and cannot do. Interested in continuing the discussion of the old plan
- Discussed the multifamily component that existing zoning allows.



- Frustrated by stormwater discussion. Either scenario must meet the LUO, no matter what. Marty noted that the town likely would need to update the LUO for all projects if more to be required for a quasi-judicial setting and consideration of a project.
- Noted that more could only be accomplished through conditional zoning
- Reminded the group about votes in December, with some Board members having concerns with stormwater and some having concerns about urban form and similar issues.
- Wonders what else in terms of form and site design can be put in place through conditional zoning.
- Noted and discussed the limitations related to stormwater issues related to considering a project under existing zoning.
- Need to consider economic, traffic, and stormwater impacts for neighbors, always. How do you quantify those types of impacts in quasi-judicial situations?
- Wondered whether we can cluster the site to a tighter form under existing zoning situations in general and / or require that parking be provided on the outside, like a reverse version of Southern Village.
- Wants affordable middle class housing rather than upscale housing. Marty clarified the setback distances again related to existing zoning district boundaries.
- Noted that neighbors likely wouldn't like the connections to existing streets and the Board would likely prefer to not see them on a new plan.
- Noted that stormwater would be worse under existing zoning rather than the previous plan, with respect to what the applicant was willing to do under the proposed condition included with the previous plan.
- Stormwater and setbacks were noted as significant issues under existing zoning.
- Noted that all kinds of configurations are possible. Mainly concerned with maintaining the integrity of the neighborhood with respect to stormwater and traffic, primarily.

### **Alternative Design Table # 3 Notes**

- Does not want a project to negatively impact neighbors socially, environmentally, or economically. Would like for it to serve the entire community, not just high-end earners.
- It should really be inclusive, not simply provide “token” affordable housing to low-income residents.
- It would be nice to design a project for the people who we would like to come—Carrboro residents. Alternative designs should protect existing streets.
- The proposal probably needs more commercial, more building, but it should be designed to protect the environment. The way to achieve that is probably to make the development more compact, tighter cluster(s), and to better integrate the apartments into the commercial parts of the project.
- The same principles apply to stormwater, not yet convinced that either program (with existing zoning or rezoning as proposed) will not increase the existing problems with flooding.
- An interest that has not yet been expressed as part of an alternative design would be to provide for a wildlife corridor—a continuous stretch of undisturbed land including trees.
- Likes the idea of a more compact project so long as it doesn't require access into the residential areas—Carol or James Street.
- Would like to keep the grocery store along Old Fayetteville Road and would like to see the senior living component stay but be more affordable.
- It would nice to see less parking.
- Liked some of the elements from the staff model showing townhomes in the grocery store parking lot.

- OK with that level of density
- Would prefer to see the project have a more human scale.
- Would like to see if the rezoning site plan could be refined to be more dense, but, related would be interested in the market data to be sure that the project would be successful.
- Would like to see the housing component retained.
- There is a need for senior housing, and senior housing can have reduced traffic impacts compared to housing for other age groups.
- It would be nice to see intentional coordination with all of the parties: the Town, the developer, NCDOT and the federal government (post office), to benefit the neighborhood and greater community.
- Could we ask the post office to move (to a new site) or to adjust its location from the corner of the site to allow for a better design, overall?
- Likes the idea of the superstreet/synchronized street but it would be nice for the Town to be more proactive in the future and to pursue collaboration earlier in the process.
- Interest in integrating the residential units into the commercial components of the project, rather than segregated on the site.
- Designing office on the ground level and housing above, for example.
- Strong desire to see affordable housing included in the project.
- Liked the reservation of green area and trees at the corner of NC 54 West and Old Fayetteville, and noted that the neighbors may lose some of their buffers with a project based on the existing zoning versus the rezoning proposal.
- Would like for the Town to accept the 4.6-acre parcel and use it for housing. The Town could either design and build the project or hold the land for a non-profit for that purpose.
- Would be nice to retain a walkable/bikeable corridor, and it should echo the downtown feeling, including a place to gather and become a town destination.
- Perhaps another entity (of similar town importance to the library or Cats Cradle) could be located on the site to contribute to that sense of a destination.
- May be difficult to find total consensus in the overall design, in addition to addressing traffic and stormwater concerns. But, this is an opportunity to rethink the design; is there a third way?
- How to redesign the project and not create a strip mall?
- How to separate the parking and overall orientation from the standard shopper experience; what if the buildings and grocery store parking were redesigned to create a plaza. Could there be a place for a farmers market or similar open air market? Can the Town talk with the designers at Harris Teeter to consider a more original design, a more Carrboro design? Something that more closely resemble a town square.
- Could the out parcels be two or three stories instead of one story, particularly the buildings directly across from Harris Teeter?
- The residential units need to be better integrated into the commercial buildings.
- The focus should be on the Harris Teeter parking area, this is the potential plaza area and the area to better integrate residential units among the commercial spaces. How can this space be reimaged to be more signature Carrboro?
- How also, while creating this more dense central area can the buffers along the side of the property bordering the Plantation Acres neighborhood be retained or become stronger? Can the Town retain the 4.6-acre property for future uses of Town interest?
- Can the components of the project be reorganized for a better design? The topography needs to be taken into account.
- A group walk-through may be helpful to get a better feel for the lay of the land.

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**CLOSED SESSION - NCGS 143.318.11(A)(4)(5)**

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO CLOSES SESSION PURSUANT TO NCGS 143.318.11(A)(4)(5). VOTE: AFFIRMATIVE ALL**

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**OPEN SESSION**

**MOTION WAS MADE BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL**

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**ADJOURNMENT**

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