



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, May 16, 2017

7:30 PM

Board Chambers - Room 110

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

Absent: Alderman Damon Seils

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

POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

Gary Phillips, the Town's Poet Laurette, read one of his poems entitled, "Found on the Banks of the Toe River" in honor of the Town Clerk.

ANNOUNCEMENT OF UPCOMING MEETINGS

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

CLOSED SESSION - REQUEST BY ALDERMAN GIST

Alderman Gist requested that the Board enter into closed session at the end of the meeting to discuss a personnel matter.

APPROVAL OF PREVIOUS MEETING MINUTES OF MAY 2, 2017

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN JOHNSON, THAT THE MINUTES OF MAY 2, 2017 BE APPROVED, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (SEILS)

**REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS
RELATED TO SOLAR ARRAYS**

The purpose of this agenda item was for the Board of Aldermen to consider setting a public hearing on amendments to the Land Use Ordinance related to roof and ground mounted solar arrays.

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

**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE
CARRBORO LAND USE ORDINANCE PROVISIONS RELATED TO SOLAR ARRAYS**

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 27, 2017, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance Related to Solar Arrays.”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date: Appearance Commission, Environmental Advisory Board and Economic Sustainability Commission.

This the 9th day of May, 2017

The motion carried by the following vote:

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

Absent: Alderman Seils

**A REQUEST TO SET A PUBLIC HEARING FOR THE ABANDONMENT OF RAND ROAD
RIGHT OF WAY**

The purpose for this item was to set a public hearing for the Town abandoning the current Rand Road right of way located within the South Green Development. The purpose of this abandonment is to prepare for the dedication of the relocated Rand Road upon completion of the South Green Development.

Motion was made by Alderman Gist, seconded by Alderman Johnson to approve the resolution below:

A RESOLUTION DECLARING THE INTENT OF THE BOARD OF ALDERMEN

TO CLOSE RAND ROAD RIGHT-OF-WAY AND SETTING A PUBLIC HEARING TO HEAR ALL
PERSONS INTERESTED IN THIS PERMANENT CLOSING

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen hereby declares its intention to close a 46 foot wide section of right-of way known as Rand Road adjacent to the following property: 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 shall hold a public hearing on the proposed right-of-way closing at its regular meeting on June 27, 2017.

Section 4. This resolution shall be 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 shall be prominently posed 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 adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of May 2017:

This the 16th day of May, 2017

The motion carried by the following vote:

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

Absent: Alderman Seils

**UPDATE ON CONCEPT PLAN FOR AFFORDABLE COMMERCIAL - DEVELOPMENT
POTENTIAL OF OLD 86 - TOWN OWNED PROPERTY**

The purpose of this agenda item was to update the Board on the proposal to develop town-owned property for affordable commercial flex-space.

Annette Lafferty, the Town's Community and Economic Development Director, provided the staff report.

Alderman Gist asked if the Board could have a written summary of the comments made at the Northern Transition Area Advisory Committee (NTAAC) Meeting and the community meeting. Annette Lafferty stated that she can provide the Board with that information.

Alderman Chaney stated that traffic is a major concern and asked if the Board could use this as an opportunity to create fixes that have been needed for years. She stated that she is interested in the NTAAC Twin Creeks connector road issue and would like to understand that a lot better. She stated that it would be helpful to see a 3D visualization of the building heights and asked if the buildings could be smaller. She also asked what could be built as the property is currently zoned.

Mayor Lavelle stated that she would also like a greater understanding of the connector road issue. She stated that she is curious about what the Town's thinking was at that time and that she would like to know more about the history of the purchase. She stated that she would be interested in having an appraisal to see what the property is valued at now.

Alderman Gist asked that the discussion of a coop among businesses that would build and own the buildings be added to the possibilities.

Alderman Slade stated that he would like to know about the threshold of development for transition area one.

Trish McGuire, the Town's Planning Director, stated that the transition area one has to be built out at 79% of development categories and it is currently at 72% of development.

Alderman Slade stated that transition area one has been developed in a way that is sensitive to the area and that transition area two allows the Board to think about development more comprehensively and could allow commercial development in the area. He stated that this area is a great way to introduce low-impact commercial to the area without disrupting the feel of the area. He stated that he also wants to see the 3D layout of the area. He stated that there may be federal funds available for coop opportunities.

Alderman Haven-O'Donnell stated that she sees the need to have the light industrial. She stated that it is important to see how the neighbors understand how the property is intended to be used and may be used as zoned. She stated that she would like to see a thorough involvement with the neighbors and businesses.

Alderman Chaney stated that Commissioner Earl McKee had expressed concern with the cost estimates that were first discussed and stated that she wants staff to stay focused on minimal needs for buildings. She stated that she is interested in land-trust models where the Town would maintain ownership of the buildings while the businesses build equity.

David Andrews, the Town Manager, stated that staff is interested in maintaining the affordability of whatever is built in the area.

Alderman Slade stated that this is a good use for the 1/4 cent sales tax that Orange County has available for economic development and that they could assist by extending the sewer line to the property. He also stated that he is interested in extending natural gas.

Mayor Lavelle suggested knocking on doors of the neighbors so the Town can hear their concerns.

Alderman Gist asked if the Town can annex the property. Annette Lafferty stated that the Town can annex without affecting the neighboring property. Alderman Gist stated that it should be noted that if the Town owns the land, the taxable value is lessened.

AMENDMENTS TO THE WATER AND SEWER MANAGEMENT, PLANNING, AND BOUNDARY AGREEMENT (WASMPBA)

The purpose of this item was to provide possible amendments to the WASMPBA.

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

Alderman Gist asked if these amendments would change from residential to commercial. Trish McGuire stated that it would not.

Alderman Slade asked if the requests to amend the WASMPBA could also include his previous request for amendments along Jones Ferry Road.

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

RESOLUTION APPROVING AMENDMENTS TO THE WASMPBA RELATED TO HILLSBOROUGH'S LONG TERM INTEREST AREA AND CARRBORO'S ETJ

WHEREAS, in 2001, Carrboro, Chapel Hill, Hillsborough, Orange County, and OWASA adopted a Water and Sewer Management, Planning and Boundary Agreement ("Agreement"); and

WHEREAS, the Agreement was last amended on October 5, 2010, and

WHEREAS, The Town of Carrboro's staff has identified an area within the Town's Extraterritorial Jurisdiction currently extensively served by public water and sewer systems; and

WHEREAS, the identified area is currently designated as "OWASA Long-Term Interest Area" in the Agreement; and

WHEREAS, Orange County is planning to invest approximately \$1.6 million in sewer infrastructure to serve the southern portion of the Hillsborough Economic Development District, and

WHEREAS, additional lands are serviceable by gravity sewer lines but currently designated as either "Hillsborough Long-Term Interest Area" in the Agreement; and

WHEREAS, Orange County finds it is a wise use of public funds to increase the development potential within this designated area, located immediately south of the Hillsborough Economic Development District; and

WHEREAS, amendments to the Agreement require the approval of all signatories to the Agreement.

NOW THEREFORE, BE IT RESOLVED that the Carrboro Board of Aldermen approves amendments to Appendix A of the Agreement to designate additional “Primary Service Areas” as shown on the maps attached hereto.

This the 16th day of May, 2017

The motion carried by the following vote:

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

Absent: Alderman Seils

DISCUSSION ON LAND USE ORDINANCE AMENDMENTS RELATING TO TREE PROTECTION, CANOPY SHADE COVERAGE AND REPLACEMENT STANDARDS

The purpose of this item was for the Board to discuss potential text amendments to the Land Use Ordinance relating to the provisions in Article XIX, Screening and Trees, and the associated appendices A and E.

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

Alderman Gist asked for the amendment to also provide relief in the case where the lawn was not designed by a professional but does in fact meet the standards.

Alderman Haven-O'Donnell stated that she likes the direction that the work is going and stated that she would like to see the language is consistent with Recreation and Parks Plans and Greenway Plans.

Alderman Slade stated that he has an interest in caring for trees in the urban area. He stated that he feels a process is needed that is more comprehensive and includes measures beyond ordinances. He stated that he would like for the town to be able to assist taking down trees and replacing them if they are located close to a sidewalk. He stated that he would like to see an inventory of existing urban trees and a tree registry. He stated that he wants to know that trees that are lost are replaced. He stated that he does not support the relief from standards exemption.

Alderman Chaney stated that it would be helpful for her to see a marked up or annotated version so that she can compare existing to proposed.

Mayor Lavelle stated that the Town could identify property to plant trees and the Town could consider in-lieu payments for trees.

Alderman Slade stated that the Board needs to discuss what their priorities are and how to prioritize when sidewalk standards and tree placement conflicts.

Alderman Haven-O'Donnell stated that she would like to see the recommended tree group from the Climate and Energy Task Force.

MATTERS BY BOARD MEMBERS

Alderman Chaney stated that she was concerned with the email discussion related to changing the Board of Aldermen's meeting time and asked that it be discussed in public setting so that the community may weigh in. She stated that the meeting time should be based on community ability to attend meetings.

CLOSED SESSION - NCGS 143.318.11(A)(6)

**MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143.318.11(A)(6).
VOTE: AFFIRMATIVE ALL**

OPEN SESSION

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

ADJOURNMENT

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