



# **Town of Carrboro**

301 W. Main St.

Town Hall

Carrboro, NC 27510

## **Meeting Minutes Board of Aldermen**

**Tuesday, April 17, 2018**

**7:30 PM**

**Board Chambers - Room 110**

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

Also Present: David Andrews, Town Manager; Cora Houston, Deputy Town Clerk; Nick Herman, Town Attorney

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

Abigail Browning read a poem by Langston Hughes entitled "Democracy."

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### **SEXUAL ASSAULT AWARENESS MONTH**

Mayor Lavelle read a resolution for Sexual Assault Awareness Month and presented a copy to Hathaway Pendergrass a board member with the Orange County Rape Crisis Center.

**A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Chaney to approve the resolution.**

**WHEREAS**, the Orange County Rape Crisis Center assisted over 675 survivors of sexual violence, their loved ones, and community professionals during 2017; and

**WHEREAS**, the Orange County Rape Crisis Center works with the county's two school systems and other groups to provide students with age-appropriate information about violence prevention, reaching over 17,000 youth and adults each year; and

**WHEREAS**, the coordination of the Orange County Sexual Assault Response Team (SART) is bringing together members of law enforcement, the medical community, the legal system, and other community advocates to improve services for survivors of sexual assault who come forward; and

**WHEREAS**, 1 in 5 American women have been sexually assaulted at some point in their lives (Centers for Disease Control and Prevention, 2010); and

**WHEREAS**, in the United States rape is the most costly crime to its survivors, totaling \$127 billion a year considering factors such as medical cost, lost earnings, pain, suffering, and lost quality of life (U.S. Department of Justice, 1996); and

**WHEREAS**, in the United States 1 in 3 women and 1 in 4 men have experienced some form of sexual or physical violence committed by an intimate partner (Centers for Disease Control and Prevention, 2010); and

**WHEREAS**, there are more than 16,500 sex offenders registered as living in North Carolina (Department of Justice, 2015)

**WHEREAS**, victim-blaming continues to be an enormous problem in instances of rape and sexual assault; and

**WHEREAS**, the Orange County Rape Crisis Center, a nonprofit agency that has served this community since 1974, is working to stop sexual violence and its impact through support, education, and advocacy;

**NOW, THEREFORE BE IT RESOLVED** that the Carrboro Board of Aldermen, do hereby proclaim the month of April 2018 as “SEXUAL ASSAULT AWARENESS MONTH.” We encourage all citizens to speak out against sexual violence and to support their local community’s efforts to prevent and respond to these appalling crimes.

**This the 17<sup>th</sup> day of April, 2018**

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

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

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#### **INTRODUCTION OF NEW DEPUTY CHIEF / FIRE MARSHAL**

Deputy Chief Ray Enoch was introduced to the Board.

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#### **AWARDING OF MANAGING OFFICER PROGRAM CERTIFICATES**

The purpose of this agenda item was to award Lt. Covington and Driver Downs their certificates for completion of the Managing Officer Program through the National Fire Academy.

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#### **CHARGES ISSUED TO RECENTLY APPOINTED ADVISORY BOARD MEMBERS**

David Andrews, the Town Manager, issued charges to Deborah Rich, recently appointed to the Northern Transition Area Advisory Board, and Jim Porto, recently appointed to the Economic

Sustainability Commission.

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**APPROVAL OF FEBRUARY 27, 2018 AND APRIL 3, 2018 MEETING MINUTES**

THIS ITEM WAS POSTPONED TO THE APRIL 24, 2018 BOARD OF ALDERMEN MEETING.

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**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.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN SEILS TO APPROVE THE RESOLUTION BELOW:

**A RESOLUTION MAKING APPOINTMENT(S) TO THE  
ARTS COMMITTEE**

Section 1: THE BOARD OF ALDERMEN HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE ARTS COMMITTEE:

<b>Seat Designation</b>	<b>Appointee</b>	<b>Term Expiration</b>
Member	Kelli Crispin	2/2020

Section 2. This resolution shall become effective upon adoption.

**This the 17<sup>th</sup> day of April, 2018**

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

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

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**AMENDMENT TO POLICE BODY WORN CAMERA GRANT PROJECT ORDINANCE NO.  
6/2017-18**

The purpose of this item was to increase the Town's financial commitment by \$10,939 to match a Department of Justice grant award of \$46,731.

A MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE TO APPROVE THE ORDINANCE BELOW:

**AMENDMENT TO POLICE BODY-WORN CAMERA GRANT PROJECT ORDINANCE NO.  
6/2017-18**

## **Ordinance No. 17/2018-19**

WHEREAS, the U. S. Department of Justice, Bureau of Justice Assistance; has awarded a \$46,731 grant to the Town of Carrboro to assist with the acquisition off 32 Body Worn Cameras for the Police Department; and,

WHEREAS, this grant award was made on the condition that the Town provide non-federal matching funds in the amount of \$46,731; and,

WHEREAS, the grant from Department of Justice has been accepted and All conditions fo tis grant award have been satisfactorily resolved the DOJ and Office of the Controller; and,

WHEREAS, the Board of Aldermen previously appropriated \$91,000 for the acquisition of 32 body worn cameras and the required data storage; and,

WHEREAS, the appropriation budget balance for this project is \$35,792; and,

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

1. An additional appropriation of \$10,939 from General Fund Reserves
2. is here is hereby made to increase the non-federal matching share to \$46,731 for Grant Award #2017-BC-BX-0075, Carrboro Police Department Body Worn Camera Program.
3. The total cost to purchase body worn cameras is not to exceed \$93,462, and the Town Manager is authorized to execute \the necessary documents with DOJ.
4. The Program is authorized to be undertaken until all project activity is completed.
5. The following revenues are anticipated to be available to the Town of Carrboro to complete this Project:

Federal Grant Funds DOJ Award	46,731.00
Town Funds	46,731.00
Total Revenues	<b>\$93,462.00</b>

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

32 Body Worn Cameras	65,600.00
<b>Total Expenditures</b>	<b>93,462.00</b>

**This the 17<sup>th</sup> day of April, 2018**

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

**Aye:** Alderman Foushee, Alderman Haven-O'Donnell, Alderman Seils, Alderman Gist, Alderman Chaney and Mayor Lavelle

**Nay:** Alderman Slade

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### **INDEPENDENT AUDIT CONTRACT FOR FY 2017-18**

The purpose of this item was to award the contract for the Town's annual independent audit for the

fiscal year ending June 30, 2018.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY SEILS TO APPROVE THE RESOLUTION BELOW:

**A RESOLUTION AWARDING THE CONTRACT FOR INDEPENDENT AUDIT FOR  
FISCAL YEAR ENDING JUNE 30, 2018**

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

Section 1. The audit contract for the fiscal year ending June 30, 2018 is awarded to Dixon Hughes Goodman LLP for a total cost not to exceed \$60,590.00.

Section 2. The Mayor is authorized to sign the Audit Contract and Letter of Engagement required by the Local Government Commission.

Section 3. This resolution shall become effective upon adoption.

**This the 17<sup>th</sup> day of April, 2018**

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

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

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**PERMIT EXTENSION REQUEST FOR PREVIOUSLY ISSUED CONDITIONAL USE  
PERMIT FOR VERIDIA AIS**

The Board was asked to consider approving a request for an extension of the date when Conditional Use Permit would otherwise expire for Veridia AIS CUP.

On behalf of Sustainable Properties, LLC, Mr. David Bell requested a two year extension of the date on which a previously issued Conditional Use Permit (CUP) would otherwise expire on April 26, 2018.

The Board of Aldermen originally granted this CUP on April 26, 2011. The permit allows construction of a major subdivision consisting of 39 residential dwelling units. Construction of the project has not commenced.

Alderman Gist expressed her support for Mr. Bell's efforts to continue providing affordable housing.

Alderman Chaney suggested that Mr. Bell work with the Affordable Housing Commission.

Alderman Slade suggested that once the sustainability staff person is hired, they should work together.

Alderman Haven-O'Donnell recommended that Mr. Bell share some of his visions with the staff and the affordable housing commission.

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

**A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A  
CUP WOULD OTHERWISE EXPIRE FOR VERIDIA AIS CUP**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Veridia AIS CUP on April 26, 2011; and

WHEREAS, the Carrboro Board of Aldermen approved an extension to the date on which the Conditional Use Permit for the Veridia AIS CUP would have expired, thereby extending the date to April 26, 2018; and

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1) the CUP has not yet expired, 2) the permit recipient has proceeded with due diligence and in good faith, and 3) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the permit is again extended, with a new expiration date for Veridia AIS CUP of April 26, 2020.

**This the 17<sup>th</sup> day of April, 2018**

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

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

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**UPDATE ON POLICING EQUITY**

The purpose of this item was to provide an update on the Carrboro Police Department's efforts toward Bias-free policing.

Chief Horton provided the staff report.

Alderman Seils expressed his appreciation to the efforts of the department and the level of trust expressed by the community. He asked that future reports be prepared and presented in a way that is easier for readers and the general public to understand.

Chief Horton will continue to provide updates to the Board of Aldermen and public regarding the department's efforts on bias-free policing and equity.

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

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**CONSIDERATION AND POSSIBLE APPROVAL OF A DEVELOPMENT AGREEMENT  
BETWEEN THE TOWN OF CARRBORO AND THE ARTSCENTER REGARDING THE 203  
SOUTH GREENSBORO PROJECT**

The purpose of this item was to provide the Board of Aldermen with an opportunity to consider and approve a Development Agreement between the Town and the ArtsCenter that will allow both parties to cooperatively proceed with the planning, design, and construction of the project, and possibly to incorporate space specifically designed for use by the ArtsCenter. This Agreement will allow for the Town and ArtsCenter to establish terms pursuant to which they will cooperatively proceed with the planning, design, and construction of the property

**A motion was made by Alderman Chaney, seconded by Alderman Gist to approve the resolution below:**

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN A DEVELOPMENT AGREEMENT REGARDING 203 SOUTH GREENSBORO STREET BY AND BETWEEN THE TOWN OF CARRBORO, NORTH CAROLINA AND THE ARTSCENTER

WHEREAS, the Town owns real property known as 203 South Greensboro Street (the “Property”) in Carrboro and has entered into a Development Agreement (the “OC Development Agreement”) with Orange County (the “County”) dated December 4, 2017 for development of an approximately 65,000 square foot building and associated parking improvements at the Property to house (i) an Orange County Southern Branch Library to be owned and operated by the County, (ii) Town offices to be owned and operated by the Town, and (iii) potentially other occupants at the Town’s discretion; and

WHEREAS, ArtsCenter owns property located a 300 East Main Street in Carrboro and operates from that location, but desires to relocate its operations to newer space more suitable for its current and anticipated future operations; and

WHEREAS, the Town and ArtsCenter have each determined that they may each derive benefits for themselves and for the residents of the Town if they can cooperatively plan for the incorporation of space in the facility to be constructed on the Property, to be designed for and owned and occupied by ArtsCenter; and

WHEREAS, the Town and ArtsCenter desire to establish terms pursuant to which they will cooperatively proceed with the planning, design and construction of the Property to incorporate space specifically designed to be owned and occupied by ArtsCenter; and

WHEREAS, the Town is authorized to enter into this contract pursuant to, *inter alia*, the North Carolina

General Statutes (“N.C.G.S.”) 160A-16, and the Town’s Board of Aldermen has determined that it is in the best interests of their citizens to do so.

WHEREAS, the Board of Aldermen has reviewed a draft of the Development Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro hereby authorizes the Town Manager, David L. Andrews, to execute the Development Agreement with the ArtsCenter on the Board’s behalf.

**This the 17<sup>th</sup> day of April, 2018**

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

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

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**DISCUSSION AND REQUESTS TO SET PUBLIC HEARINGS FOR VOLUNTARY ANNEXATION AND CONDITIONAL REZONING AT 905 & 921 HOMESTEAD ROAD**

The purpose of this item was for the Board to consider again requests to set public hearings on voluntary annexation and rezoning of property at 905 and 921 Homestead Road. The Board must receive public comment before considering these petitions. Resolutions setting public hearings were provided for the Board’s use.

Omar Zinn, the applicant, came forward to answer questions and give a presentation. Mr. Zinn detailed the obstacles he faces as he tries to contend with the issues related to tree protection.

Alderman Slade stated that it is his priority to make sure that the Town’s tree protection ordinances are upheld as the rule rather an exception.

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

**A RESOLUTION CALLING A PUBLIC HEARING ON CONSIDERATION OF A PETITION FOR VOLUNTARY ANNEXATION OF PROPERTIES**

WHEREAS, a petition for the voluntary annexation of the properties listed below has been submitted to the Town; and

- 1) 905 Homestead Road PIN 9779276322
- 2) 921 Homestead Road PIN 9779278209

WHEREAS, the Board of Aldermen must hold a public hearing to consider this request.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on Tuesday, May 22, 2018 to receive public comments and to consider the petition for voluntary annexation of these properties.



**This the 17<sup>th</sup> day of April, 2018**

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

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

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CONDITIONAL  
DISTRICT REZONING AT 905 & 921 HOMESTEAD ROAD

**WHEREAS**, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

**WHEREAS**, an application has been received for a Conditional District Rezoning for the property located along Homestead Road, known as 905 and 921 Homestead Road; and

**WHEREAS**, the application includes a petition to rezone two properties that may be identified by Orange County PIN Numbers (#9779-27-8209 and #9779-27-6322) from R-15 to R-10, Conditional.

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Aldermen that the Aldermen call a public hearing on May 22, 2018 to discuss the rezoning petition.

**BE IT FURTHER RESOLVED** that the rezoning petition is referred to the Town of Carrboro Planning Board, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, and Northern Transition Area Advisory Committee.

**This the 17<sup>th</sup> day of April, 2018**

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

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

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**CONSIDER APPROVAL OF SCHOLARSHIPS FOR MEMBERSHIP IN THE CARRBORO  
BUSINESS ALLIANCE FOR MINORITY AND WOMEN-OWNED BUSINESSES**

The purpose of this item was to consider allowing staff to utilize existing budgeted funds for implementation of a recommendation in the Economic Sustainability Plan

Annette Lafferty, the Town's Community and Economic Development Director, provided the staff report. She explained that the Carrboro Business Alliance has engaged the Chapel Hill-Carrboro Chamber of Commerce to help in managing/organizing the membership for the Carrboro Business Alliance. The Chamber is beginning a membership drive to involve more businesses. Teams are being recruited to reach out to businesses to join. The ECD Director has been asked to participate and has begun to build a Carrboro team. This membership drive presents the opportunity to implement a recommendation of the Economic Sustainability Plan to "support building

social capital by offering scholarships in the Carrboro Business Alliance for low asset businesses.” She stated that staff would like to focus on minority and women-owned businesses and offer to pay for their first year of membership in the CBA as a way to bring those businesses more into community conversations and to help understand what the town can do to help them thrive.

**A MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL FOR STAFF TO MOVE FORWARD WITH THIS INITIATIVE, AS REPORTED AND RECOMMENDED. VOTE: AFFIRMATIVE ALL**

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**REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO BOARDING AND ROOMING HOUSES**

The purpose of this agenda item was for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance relating to definitions and permit requirements for boarding houses and rooming houses.

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

Alderman Chaney asked for future draft ordinance amendments to be provided with changes shown.

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

**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS WITH RESPECT TO BOARDING HOUSES AND ROOMING HOUSES**

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 5, 2018, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance with Respect to Boarding Houses and Rooming Houses.”

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 17<sup>th</sup> day of April, 2018**

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

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

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**REQUEST-TO-SET A PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT TO**

## **ESTABLISH A LLOYD/BROAD/SUNSET DISTRICT**

The purpose of this agenda item was for the Board of Aldermen to consider setting a public hearing on a text amendment to the Land Use Ordinance that would create a new zoning overlay district.

Trish McGuire, the Town's Planning Director, provided the staff report. In response to Alderman Chaney's request, she stated that there will be intentional community feedback solicited on these items.

Jim Porto stated that the Land Use Ordinance should be updated as it has been in place for many years.

Hudson Vaughan stated that he anticipates the overlay district getting in place quickly and then working within the ordinance to fix any issues that may arise. He hopes that the public hearings will be earlier on the agenda to allow more residents to attend.

Alderman Seils requested that staff add the agenda items earlier in the evening for better public input

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

### **A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH A LLOYD/BROAD/SUNSET OVERLAY 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 5, 2018, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Establish a Lloyd/Broad/Sunset Overlay 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 17<sup>th</sup> day of April, 2018**

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

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

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## **CONSIDERATION OF ON-STREET PARKING PROVISIONS IN THE LLOYD-BROAD NEIGHBORHOOD**

The purpose of this agenda item was for the Board of Aldermen to consider whether amendments to the Town Code relating to on-street parking in the Lloyd-Broad neighborhood would be beneficial.

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

The Board agreed with the suggestions and with the recommendation that the proposed

amendments be brought back for consideration, public hearing, and possible adoption.

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**REQUEST TO MAKE AN APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD**

The purpose of this agenda item was for the Board of Aldermen to make an appointment to the Transportation Advisory Board. The Board of Aldermen made their initial votes by ballot.

The results of the ballot vote are as shown below:

<b><u>Linda Haac</u></b>	<b><u>David Swan</u></b>
Gist	Foushee
Haven-O'Donnell	Seils
Lavelle	Chaney
	Slade

**After the results were read, revealing David Swan as the applicant receiving the majority of votes, a motion was made by Alderman Chaney, seconded by Alderman Seils to approve the resolution:**

**A RESOLUTION MAKING APPOINTMENTS TO THE TRANSPORTATION ADVISORY BOARD**

Section 1: The Board of Aldermen hereby makes the following appointments:

<b>Seat Designation</b>	<b>Appointee</b>	<b>Term Expiration</b>
Member	David Swan	2/2021

**This the 17<sup>th</sup> day of April, 2018**

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

**Aye:** Alderman Foushee, Alderman Slade, Alderman Haven-O'Donnell, Alderman Seils, Alderman Chaney and Mayor Lavelle

**Nay:** Alderman Gist

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**ADJOURNMENT**

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