



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, October 16, 2018

7:30 PM

OWASA Community Room

Present: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Sammy Slade, Alderman Damon Seils

Absent: 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 of his called "Intersections."

RESOLUTION REGARDING THE HYDE AMENDMENT

Alderman Seils presented the resolution to Lynne Walter, a representative of NARAL Pro-Choice North Carolina.

Motion was made by Alderman Seils, seconded by Alderman Chaney, that this resolution be approved.

A RESOLUTION CALLING FOR REPEAL OF THE HYDE AMENDMENT AND SUPPORTING THE RIGHT OF ALL WOMEN TO SAFE AND COMPREHENSIVE HEALTH CARE

WHEREAS, a person's bodily autonomy and freedom to make reproductive decisions are vital to their safety, well-being, economic opportunity, and ability to participate equally in society; and

WHEREAS, access to safe, affordable, and comprehensive reproductive health care is a basic human right and is important for the overall physical and mental health of women and of transgender and gender-nonconforming individuals who can become pregnant; and

WHEREAS, every person has a right to comprehensive, evidence-based information about the full range of reproductive health care options, and should have access to comprehensive reproductive health care throughout their lives, regardless of income, race/ethnicity, age, sexual orientation, gender identity, ability, immigration status, geographic circumstance, criminal history, and insurance-coverage status; and

WHEREAS, in 1973, the US Supreme Court, in a landmark decision, ruled in *Roe v Wade* that the US Constitution safeguards a woman's ability to make her own personal medical decisions about whether and when to have children; and

WHEREAS, in the *Whole Woman's Health v Hellerstedt* decision in 2016, the US Supreme Court reaffirmed the constitutional right to access abortion; and

WHEREAS, these decisions have saved lives, strengthened families, and enabled women to participate more fully in society, and we must guard against efforts to erode the availability and affordability of abortion and to undermine the protections affirmed by *Roe v Wade*; and

WHEREAS, the Hyde Amendment, passed by Congress on September 30, 1976, has for 42 years impeded access to abortion for low-income women enrolled in Medicaid; and

WHEREAS, North Carolina law imposes limits on insurance coverage of abortion in the state Medicaid program; and

WHEREAS, in 2013, then-Mayor Mark Chilton and other members of the Carrboro Board of Aldermen signed an open letter urging then-Governor Pat McCrory to reject Senate Bill 353, which stripped local government employees of comprehensive health care coverage; and

WHEREAS, approximately 400,000 women in North Carolina (including more than 2000 in Orange County) who qualify for insurance coverage from the federal or state government—including local, school district, state, and federal employees; veterans and military service members; Native Americans who use the Indian Health Service; Peace Corps members; persons incarcerated in federal prisons; and those who purchase insurance through the Affordable Care Act—are subject to bans on insurance coverage of abortion; and

WHEREAS, the impact of health inequities and obstacles to quality health care fall hardest on low-income women, women of color, immigrant and undocumented women, survivors of domestic violence, transgender and gender-nonconforming individuals, and young women; and

WHEREAS, public health insurance programs should cover all of an individual's options when they are facing pregnancy and other reproductive health care decisions, so that they may make real decisions about what is best for them and their family, and so that their economic status and source of insurance coverage do not affect important health care decisions or access;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro calls for the repeal of the Hyde Amendment in this forty-third year of its enactment; and

BE IT FURTHER RESOLVED that the Board of Aldermen encourages Governor Roy Cooper to support these and other measures to protect the rights of women and transgender and gender-nonconforming individuals everywhere to unhindered access to safe and comprehensive reproductive health care; and

BE IT FURTHER RESOLVED that the Board of Aldermen asks the clerk to share copies of this resolution with Governor Cooper, Representative David Price, and Senators Richard Burr and Thom Tillis.

This 16th day of October 2018.

The motion is carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Damon Seils

Absent: Alderman Haven-O'Donnell

PROCLAMATION - REDUCE SINGLE USE PLASTICS MONTH

Mayor Lavelle proclaimed the month of October as “Reduce Single Use Plastics Month” and March 2019 as “Skip the Straw Month” in the Town of Carrboro.

PROCLAMATION -BREASTFEEDING FAMILY FRIENDLY COMMUNITY

Mayor Lavelle proclaimed that the Town of Carrboro is a “Breastfeeding Family Friendly Community” and presented a copy of the proclamation to Kathleen Anderson and Tanisha Henton with the Breastfeeding Family Friendly Communities of Carrboro and Chapel Hill.

APPROVAL OF OCTOBER 2, 2018 AND OCTOBER 9, 2018 MEETING MINUTES

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO APPROVE THE MINUTES OF OCTOBER 2, 2018 AND OCTOBER 9, 2018, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O’DONNELL)

A RESOLUTION CANCELING THE NOVEMBER 20, 2018 BOARD OF ALDERMEN MEETING

The purpose of this item was to cancel the Board’s November 20, 2018 meeting.

This item was tabled. Staff was asked to bring back the resolution closer to November 20th if items are not needed for the agenda.

CONSIDER ADOPTING STRATEGIC PRIORITIES FRAMEWORK FOR HUMAN SERVICES FUNDING

The purpose of the agenda item was to ask the Board to adopt a set of strategic priorities for Human Services funding to guide the Human Services Advisory Board in their recommendations and the Board of Aldermen in their decision making for funding.

Alderman Slade requested that the item be a trial run for this coming Human Services funding cycle and asked for a report back on how it is implemented in practice.

Alderman Gist stated that she does not agree with the large \$30,000 impact amount and that she also does not agree with the strategic priorities requirements.

Alderman Foushee asked if this would reduce the number of meetings non-profits have to attend. Annette Stone stated that it would greatly benefit the smaller nonprofits and their requirement to attend the meetings.

Mayor Lavelle recommended that first-time applicants should probably make a presentation.

Motion was made by Alderman Slade, seconded by Alderman Foushee, that this resolution be approved.

A RESOLUTION CREATING A STRATEGIC PRIORITIES FRAMEWORK AND SUBMISSION GUIDELINES FOR CONSIDERATION IN REVIEWING AND APPROVAL OF APPLICATIONS FOR HUMAN SERVICES GRANT FUNDING

WHEREAS, the Town of Carrboro is committed to providing funding for essential human services that can best be addressed through the non-profit community;

WHEREAS, the Town of Carrboro and the Town of Chapel Hill have for many years strived to have an efficient and streamlined application process so as to not overly burden the non-profit community;

WHEREAS, the Town of Chapel Hill has brought forth a suggested framework of strategic priorities to guide funding decisions and suggested process funding thresholds known as a Small Award Program for applications less than \$5000 and Community Impact Program for applications greater than \$30,000.

THEREFORE NOW BE IT RESOLVED, the Town of Carrboro Board of Aldermen adopt the proposed framework of strategic priorities and the Small Award Program for applications less than \$5000 non-profits not be required to make a presentation to the Human Services Advisory Board and at this time does not recommend the Community Impact Program for applications greater than \$30,000.

BE IT ALSO RESOLVED, that this be implemented as a pilot program and discussed with the Town of Chapel Hill if necessary.

This 16th day of October 2018.

The motion is carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Damon Seils

Absent: Alderman Haven-O'Donnell

DISCUSSION OF GREEN BURIAL

The purpose of this item was for the Board to discuss green burial and consider amending the Town Code to allow for Green Burial in Old Carrboro Cemetery.

Rebecca Buzzard, Project Manager, provided the staff report.

Alderman Foushee stated that she is interested in green burial in the Old Carrboro Cemetery as a hybrid green and traditional cemetery.

Alderman Slade stated that this is one thing that the Town can do that is both environmental and socially just and that he is ok to pilot the program in Old Carrboro Cemetery and for staff to bring back a plan on how to convert some of the unplotted land in Westwood Cemetery to green burial.

Alderman Chaney suggested that staff review the need for liner/vault with traditional burial as a possible cost reduction.

Motion was made by Alderman Slade, seconded by Alderman Chaney, that this ordinance be approved and for staff to bring back information on how to convert a portion of Westwood Cemetery to green burial and to review the need for a liner/vault in a traditional burial:

AN ORDINANCE AMENDING CHAPTER 13 OF THE CARRBORO TOWN CODE TO PERMIT GREEN OR NATURAL BURIALS IN THE OLD TOWN CEMETERY Ordinance No. 2/2018-19

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Chapter 13, Article I, Section 13-1 of the Carrboro Town Code is amended by inserting the following language as Section 13-1(7):

(7)Natural Burial: A method of internment with minimal environmental impact and which aids in the conservation of natural resources, reduction of carbon emissions, protection of worker health, and the restoration and preservation of natural habitats. This method of internment does not include embalming of bodies, does not require grave liners or vaults, encourages the use of biodegradable burial containers, and is intended to the natural decomposition of bodies. Graves used for Natural Burials shall be maintained such that the grave's appearance shall be kept as consistent as practical with the surrounding graves. This burial method may also be referred to as "Green Burial".

Section 2. Chapter 13, Article III, Section 13-11(a) of the Carrboro Town Code is amended such that it reads as follows:

(a) There shall be maintained in the town clerk's office an official cemetery map which shall depict, as accurately as possible, the boundaries of the town cemetery and the location and dimension of all lots and spaces within the cemetery. Natural Burial spaces shall be clearly marked on the cemetery map and the cemetery map shall be amended from time to time in order to ensure that adequate spacing is maintained between Natural Burial lots or spaces.

Section 3. Chapter 13, Article III, Section 13-12(c) of the Carrboro Town Code is amended such that it will read as follows:

(c) A Certificate of Burial Right shall be issued to the person who purchases a burial right. The certificate shall identify the purchaser, the specific lots or spaces to which the certificate applies, the names of the individuals intended to be buried in the spaces purchased, and whether the lots or spaces shall be used for traditional or natural burials. If spaces are intended to be reserved for unborn children or grandchildren of the purchaser, that fact shall be noted on the certificate and such offspring shall be deemed to have the same residency as their parents. If the cremated remains of more than one person are to be located on a single space, the names of all persons whose remains are intended to be located on the space shall be indicated on the certificate.

Section 4. Chapter 13, Article IV of the Carrboro Town Code is amended to include a new Section 13-21 such that it will read as follows:

Section 13-20.2 Monuments and Markers on Natural Burial Sites

Notwithstanding the foregoing provisions of Article IV, Monuments and Markers installed at graves used as Natural Burial sites shall be placed such that they will not be affected by natural sinking of topsoil resulting from the decomposition of the bodies.

Section 5. Chapter 13, Article V, Section 13-23(a) and (b) of the Carrboro Town Code is amended such that it will read as follows:

(a) All graves must be opened to a depth of at least five (5) feet to the bottom thereof. Notwithstanding the foregoing, graves intended for use for a Natural Burial shall be opened to a depth of three and a half (3.5) feet to the bottom thereof.

(b) All graves shall be level with the surrounding areas and no mounds shall be allowed. Notwithstanding the foregoing, graves intended for use for a Natural Burial may be covered with a mound and are not subject to the requirement that all graves shall be level with the surrounding areas, except to the extent that the grave's appearance shall be kept as consistent as practical with the surrounding graves.

Section 6. Chapter 13, Article V, Section 13-24 of the Carrboro Town Code is amended such that it will read as follows:

Section 13-24 Grave Liner or Vault Required

Grave liners or vaults, composed of concrete or a substance of equivalent strength and durability, shall be required for all graves within the town cemetery. No person may bury or cause to be buried the body of any deceased person unless the casket is properly placed within a grave liner or vault.

Notwithstanding the forgoing, the Natural Burials shall be permitted in the Old Carrboro Cemetery in conformance with this Chapter.

Section 7. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 8. This ordinance shall become effective upon adoption.

This 16th day of October 2018.

The motion is carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Damon Seils

Absent: Alderman Haven-O'Donnell

VHB PRESENTATION ON THE NC 54 WEST CORRIDOR STUDY

The purpose of this item was to share information with the Board on the corridor study report for NC Highway 54, west of Carrboro.

Zachary Hallock, the Transportation Planner, provided the introduction of the report.

Don Bryson, with VHB Consulting, provided the report and answered questions from the Board. In 2015, the DCHC MPO submitted a project to SPOT 4.0 which indicated a widening of NC 54 West of Carrboro from 2 lanes to 4 lanes plus a median. Alderman Seils and Mayor Lavelle, on behalf of the Board of Aldermen, submitted a memo to the DCHC MPO requesting removal of this project from consideration in SPOT 4.0, until it is determined what type of improvements along this corridor would best benefit the Town of Carrboro. In 2017, the DCHC MPO contracted with the Planning/Engineering consulting firm VHB, to conduct a corridor study, gather public input, and recommend improvements for the corridor. This presentation and associated report represent the culmination of this study.

Alderman Seils reminded the Board that the MPO representatives will need the Board's input at some point in the future on this project.

Motion was made by Alderman Chaney, seconded by Alderman Seils, that this resolution be approved.

A RESOLUTION RECEIVING THE PRESENTATION AND REPORT ON THE NC 54 WEST CORRIDOR STUDY

WHEREAS, the Board of Aldermen has received presentations on important long range regional transportation plans, such as the Comprehensive Transportation Plan (CTP), the Metropolitan Transportation Plan (MTP) and the Orange County Transit Plan; and

WHEREAS, the Town of Carrboro has a number of local transportation projects that are in process; and

WHEREAS, the DCHC MPO has engaged the transportation engineering firm, VHB, to conduct a corridor study of NC 54 from Old Fayetteville Road in Carrboro to I-40 in Graham in response to a proposal to widen NC 54 to accommodate future capacity needs; and

WHEREAS, the Board has expressed particular interest in the findings and recommendations from the corridor study.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the NC 54 West Corridor Study presentation and report by VHB Consultants.

This 16th day of October 2018.

The motion is carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Damon Seils

Absent: Alderman Haven-O'Donnell

**CONTINUATION OF THE PUBLIC HEARING: REVIEW OF THE SANDERWAY AIS
CONDITIONAL USE PERMIT**

The purpose of this item was to continue the public hearing for the Sanderway Architecturally Integrated Subdivision CUP opened by the Board on Tuesday June 26, 2018. GH-2, LLC has submitted a CUP application for the construction of an 18-lot residential subdivision with associated public and private infrastructure to be located at 1236 Hillsborough Rd.

Jeff Kleaveland, the Town's Zoning Development Specialist, provided the staff report. The Conditional Use Permit, if approved, would allow the creation of an 18 lot residential subdivision, with common shared open spaces, recreation amenities and supporting infrastructure. The subject property is zoned R-20 and is about 8.54 acres in size. The subject parcel is identified by Orange County PIN 9779-14-2354. The item, originally scheduled for September 25, 2018 was, by request of the applicant, rescheduled to October 16th. Town staff sent mailed notice of this revised meeting date to residents within 1000 feet of the subject property.

The Town Clerk swore in all speakers listed below.

Richard Gurlitz, the applicant, answered questions from the Board. He stated that the project meets, or exceeds, the ordinance requirements.

Cliff Credle, the engineer for the applicant, presented information on the various stormwater systems for the project.

Patricia Malarky, a resident of 1244 Hillsborough Road, read a statement on behalf of several neighbors asking the Board of Aldermen to continue the public hearing and expressed dissatisfaction on three material concerns: stormwater, construction specifications of the proposed greenway, and the public process.

Noah Learner, a resident of 1242 Hillsborough, discussed concerns regarding safe and sustainable access to their properties as it relates to the proposed greenway. He expressed the desire for public safety and durability of the greenway.

Mike Humphries expressed concern regarding public participation. He stated that the neighbors have asked for a meeting with the Town Manager and Mayor to ensure that no other citizen in Carrboro has to have a similar experience.

Andy McDaniel, a resident of the Barrington Hills subdivision, wanted to know if the acreage has been validated. He asked what element of oversight there is for maintenance of stormwater devices by the HOA asking, ultimately who will be responsible if the HOA fails to provide adequate maintenance.

Becka McDaniel, a resident of the Barrington Hills subdivision, expressed her support for what the neighbors have done. She stated that she is not against the development, but thinks the neighbors' requests could be met prior to approval.

Gabriel Vinas, a resident of the Barrington Hills subdivision, expressed his concern regarding the proposed development. He asked for the Board to wait before making the decision to ensure that the project meets all of the requirements of the ordinance.

Mark Kosofsky, a nearby resident, expressed concern with the stormwater management systems. He expressed favor of a detention pond.

James Kennedy, a nearby resident, spoke to the Board about ongoing flooding issues and expressed concern over the flood water proximity to their well. He will email the Board of Aldermen pictures of flood events. Jerry Kennedy, a nearby resident, stated that the pictures will show the proximity of the stream to their well.

Casey Gordon, a resident of 102 Barrington Court, stated that there is not a margin of error for building issues that impede on existing properties. She asked that the Board not approve the development until it is guaranteed that there will be error free.

Andrew Learner, a nearby resident, expressed concern for the greenways safety and stormwater impacts.

Alderman Gist stated that she feels that both the developer and the neighbor are being truthful and that the responsibility falls on the Board of Aldermen to make a decision.

Alderman Chaney stated that she agrees that there can be no margin of error on this project and that she needs time to review the information. She stated that the area in question is in a FEMA floodplain and that in certain areas the Town's ordinance is not adequate but that the developer is in fact meeting the ordinance.

Alderman Slade asked for staff to report how often 25 year storms have occurred in the community. He stated that this information would also be helpful with the Lloyd Farm project. He acknowledged that the developer is meeting the ordinance but that the Town's ordinance falls short on climate change protections. Alderman Slade asked questions of the attorney regarding the Board's deliberation requirements of the application.

Nick Herman explained the legal requirements associated with findings of fact in this quasi-judicial hearing.

Mayor Lavelle asked that the CUP conditions be presented in a clear way and that the greenways/access information be provided.

Alderman Chaney asked that there be regular communication with all of the neighbors. She also asked if there could be a meeting for staff to discuss the documents that have been provided by the developer.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY TO CONTINUE THE PUBLIC HEARING TO NOVEMBER 13, 2018. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN GIST TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)