



Town of Carrboro

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

Meeting Minutes Board of Aldermen

Tuesday, November 27, 2018

7:30 PM

Board Chambers - Room 110

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

Absent: Alderman Barbara Foushee

Also Present: David Andrews, Town Manager; Catherine Dorando, Town Clerk; Nick Herman, Town Attorney

POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

Gary Phillips read portions of Harvey Milk's 'Hope' Speech in honor of the 40th anniversary of his assassination.

RECOGNITION OF CARRBORO HIGH SCHOOL WOMEN'S CROSS COUNTRY TEAM - STATE CHAMPS

Mayor Lavelle presented the Carrboro High School Women's Cross Country Team with a proclamation honoring their recent state championship.

THANKS TO POLICE DEPARTMENT

Alderman Gist thanked the Police Department for their response during the active shooter false alarm at Carrboro Elementary School.

CHANGES TO AGENDA

The Board of Aldermen added a closed session to the end of the meeting to discuss an economic development matter.

APPROVAL OF OCTOBER 16, 2018 OCTOBER 30, 2018 MEETING MINUTES

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MINUTES OF OCTOBER 16, 2018 AND OCTOBER 30, 2018 MEETING MINUTES, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (FOUSHEE)

TOWN CODE AMENDMENT RELATED TO 4-29 EMPLOYMENT OF RELATIVES

The purpose of this item was to allow greater flexibility related to the employment of relatives.

David Andrews, Town Manager, stated that due to recruitment issues, Police Chief Walter Horton, requested that the Board consider this change to allow greater flexibility in the hiring of relatives.

Alderman Gist expressed concern with changing the Code.

Alderman Haven-O'Donnell expressed concern with relatives working within the same department.

Mayor Lavelle stated that because the Town staff is so small in number that it may cause some issues.

Alderman Slade stated that he would be ok with relatives working in different departments and not supervising one another but that he does not think he can vote for this amendment.

Alderman Chaney stated that she understands what the intent is behind the requested change but that she has concern with familial relationships within departments.

Alderman Seils stated that he also understands the intent but that he is not inclined to vote for the ordinance because of the possible issues associated with nepotism.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY TO NOT APPROVE THE ORDINANCE AMENDMENT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (FOUSHEE)

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

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 regarding signs for places of worship.

A motion was made by Alderman Seils, seconded by Alderman Haven-O'Donnell to approve the resolution below:

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO SIGNS

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 January 22, 2019, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance Relating to Signs."

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.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the Appearance Commission.

This 27th day of November 2018.

The motion carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Haven-O'Donnell, Alderman Jacquelyn Gist, Alderman Sammy Slade, Alderman Damon Seils

Absent: Alderman Barbara Foushee

**REQUEST-TO-SET A PUBLIC HEARING ON A LAND USE ORDINANCE
AMENDMENT RELATING TO COMMUNITY OR REGIONAL UTILITY FACILITIES**

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 relating to Community or Regional Utility Facilities.

A motion was made by Alderman Seils, seconded by Alderman Haven-O'Donnell to approve the resolution below:

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO COMMUNITY OR REGIONAL UTILITY FACILITIES

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 January 22, 2019, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance Relating to Community or Regional Utility Facilities.”

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.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the Environmental Advisory Board.

This 27th day of November 2018.

The motion carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Haven-O'Donnell, Alderman Jacquelyn Gist, Alderman Sammy Slade, Alderman Damon Seils

Absent: Alderman Barbara Foushee

AMENDMENT TO AUDIT CONTRACT

The purpose of this item was to request Board approval for a 30 day no-cost extension of audit contract.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN CHANEY TO APPROVE THE AMENDMENT TO THE AUDIT CONTRACT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (FOUSHEE)

PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT, AND ASSOCIATED TOWN CODE AMENDMENT ESTABLISHING ADVISORY BOARD TERM LIMITS

The purpose of this agenda item was for the Board of Aldermen to hold a public hearing to consider a text amendment to the Land Use Ordinance that would establish membership limitations for boards, committees and commissions.

Tina Moon, the Town’s Planning Administrator, provided the staff report.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN HAVEN-O'DONNELL FOR STAFF TO AMEND THE ORDINANCE TO ALLOW THE BOARD OF ALDERMAN AN EXCEPTION TO THE RULE TO ALLOW APPOINTMENT AFTER TWO CONSECUTIVE TERMS FOR CERTAIN, DEFINED REASONS AND TO CONTINUE THE PUBLIC HEARING UNTIL DECEMBER 4, 2018. VOTE: AFFIRMATIVE SIX, ABSENT ONE (FOUSHEE)

PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO PERFORMING ARTS SPACE

The purpose of this item is for the Board of Aldermen to consider text amendments to the Land Use Ordinance that would create a new use classification and associated permit and development requirements.

Tina Moon, the Town's Planning Administrator, provided the staff report. She answered questions related to possible buildings, allowed uses, and zoning designations within the Town.

Mayor Lavelle opened the public hearing. There were no comments provided. Mayor Lavelle closed the public hearing.

A motion was made by Alderman Slade, seconded by Alderman Seils that the resolution below be approved with the intention of directing staff to work with the Planning Board, Economic Sustainability Commission, and the Arts Commission on developing the affordability of performing arts spaces and that the M-1 zoning district is removed from the ordinance:

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 (N.C. Gen. Stat. 160A-383)

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 TO ALLOW PERFORMING ARTS SPACES IN EXISTING BUILDINGS IN CERTAIN DISTRICTS.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

Consistent with current adopted plans, such as Carrboro Vision 2020 particularly the provisions under Section 1.2, Arts and Culture to promote music and the arts and the provisions under Section 2.0, Development to preserve Carrboro's town character, support the evolution of a downtown district that embodies and is consistent with the town's distinctive character.

Section 2. The Board of Aldermen's action is reasonable and in the public interest for the following reason(s):

The proposed text amendment which allows new uses consistent with the Town's vision with permitting requirements based on size and intensity, is reasonable and in the public interest.

Section 3. Therefore, the Carrboro Board of Aldermen has: approved the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

This 27th day of November 2018.

The motion is carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Haven-O'Donnell, Alderman Jacquelyn Gist, Alderman Sammy Slade, Alderman Damon Seils

Absent: Alderman Barbara Foushee

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

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ALLOW PERFORMING ARTS SPACE IN EXISTING BUILDINGS IN CERTAIN DISTRICTS

Ordinance No. 7/2018-19

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 a new subsection (68.1) as follows:

(68.1) Performing Arts Space. A commercial enterprise occurring within an existing building or buildings aged fifty years or older and adapted for reuse in which performance art/performance art programming is the primary and principal driver of its business activities as demonstrated by factors specified in Section 15-147(r). This use is distinguished from bar and nightclub uses in that performances are often geared toward standing audiences and the ratio of audience to stage space is approximately four to one.

Section 2. Section 15-146 (The Table of Permissible Uses) is amended by adding a new use classification 8.800 entitled "Performing Arts Space" and by adding the letters "Z, C" opposite this use classification under the B-1(g) and B- 1(c) zoning district columns to indicate that this use is permissible in these districts with a zoning permit or conditional use permit, subject to Subsection 15-147(r).

Section 3. Section 15-147 (Use of the Designations Z, S, C, in Table of Permissible uses) is amended by adding a new subsection (r) that reads as follows:

(r) When used in conjunction with 8.800 uses, the designation "Z, C" means that a zoning permit must be obtained if the performing arts space development is located on a property located in that portion of the B-1(g) or B-1(c) zoning districts and is located 150 feet or more from the nearest building containing a residential use. A conditional use permit must be obtained if the development is located on a property that is located within portions of the B-1(g) or B-1(c) zoning districts. The measurement is made from the building containing the main performance space to the nearest existing off-site building containing a residential use.

Section 4. Article XI (Supplementary Use Regulations) is amended by adding a new section 15-176.8 as follows:

Section 15-176.8 Performing Arts Space

(a) Performing arts spaces shall be located on lots where an existing permanent structure or structures fifty years of age or older is available for adaptive reuse and such preservation and reuse will provide for the continued vibrancy of the Town's commercial and industrial building fabric and associated heritage.

(b) As set forth in the Table of Permissible Uses, performing arts spaces are permissible only in the B-1(g) and B-1(c) districts, subject to the permit requirements specified in Section 15-147 (r) and the other provisions of this section.

(c) Performing arts spaces must demonstrate at least three of the following criteria relating to the building facilities and venue operation:

- 1) defined performance space and defined audience space;
- 2) specialty equipment associated with live performances, such as: light mixing desk, public address system, lighting rig, back line equipment;
- 3) applies cover charge to some performances through ticketing or front door entrance fee;
- 4) marketing of specific acts through published advertisements or listings;
- 5) hours of operation for principle use associated with performance times; and
- 6) produces live performances at least three days a week.

(d) Performing arts spaces may include the following related and accessory uses: restaurants (indoor and outside service and consumption), mobile prepared food vendors, office, research, and service, billiards and pool halls, electronic gaming operations, temporary residences, multifamily residences, museums, art galleries and art centers, open air markets and sales and rental of goods, so long as the performing arts spaces is the predominant use and development. The area allocated for such related and accessory uses may be greater than fifty percent with a conditional use permit.

(e) All occupancy provisions for the principle performance uses, and for the accessory and related other uses, shall be in accordance with the State Building Code.

(f) Performing arts spaces shall not impede normal traffic patterns on adjacent public streets. Mobile prepared food vendors associated with a performance art venue must confine their operations to the lot on which the performance art venue is located.

(g) Up to six special performances may be programmed each year, provided that the event sponsor submits for the Town's prior approval a plan for traffic and parking which demonstrates that arrangements have been made to satisfy the required use of parking areas for the primary business on the lot during its regular hours of operation, and will not otherwise interfere in a significant way with the movement of motor vehicles using such area, unless such parking spaces are otherwise provided for.

(h) Mobile prepared food vendor business associated with this use shall not operate between the hours of 2:30 a.m. and 6:00 a.m.

(i) Density of accessory residential units shall be determined in accordance with Section 15-182. Up to four residential units may be allowed in conjunction with a performing arts space permitted with a zoning permit. More than four residential may be allowed in conjunction with a performing arts space permitted with a conditional use permit.

(j) A zoning permit issued for this use may be revoked for the reasons specified in Section 15-115 or if the zoning administrator determines that the performing arts space's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety, or is in repeated violation of the Town Code, Chapter 5, General Offenses, Article II Sections 5-11, 5-12, 5-16 and 5-18.

Section 5. Section 15-291(g) (Part I. Parking Requirement (Except as Noted in Part II of This Table)

8.800 1 space per 100 square feet of performing arts space, plus additional spaces for associated and accessory uses as indicated in this table, either Part I or Part II, whichever is less.

Section 6. Section 15-291(g) (Part II. Applies to Properties Located Within the B-1(c), B-1(g), and B-2 Zoning Districts) Parking Requirements is amended by the addition of the following information to the table:

8.800 1 space per 100 square feet of performing arts space plus additional spaces for associated and accessory uses as indicated in this table, either Part I or Part II, whichever is less.

Section 7. Section 15-291(h) Table of Bicycle Parking Standards is amended by adding the new use classification 8.800 to the table so it reads as follows:

Table of Bicycle Parking Standards

Use	Bicycle Parking Requirement
1.300	1.5 spaces per unit
2.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
2.200	
2.300	
3.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
3.200	
3.260	1 space for every 5 seats in the portion of the building used for dining
5.100	1 space per 10 students plus 1 space per 10 employees
6.200	1 space per 4 presumptively required auto spaces
8.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
8.200	
8.800	
10.100	1 space per 10 auto spaces, with a minimum of 5 spaces
34.100	1 space per 5 rooms, up to 50 rooms; 1 space per 10 rooms above 50 rooms

Section 8 Subsection 15-299 (a) (Special Provisions for Lots With Existing Buildings and Lots Within Neighborhood Preservation Districts) is amended by the addition of the phrase “to other than a performing arts space (use classification 8.800) so that the subsection now reads as follows:

(a) Notwithstanding any other provisions of this chapter, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this chapter, and (ii) a change in use to other than a performing arts space (use classification 8.800) that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 15-291 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 15-291 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available as provided in Section 15-298. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

Section 9. Subsection 15-298(b)(Satellite Parking) is amended to read as follows:

(b) All such satellite parking (except spaces intended for employee use or spaces required in relation to use 8.800, Performing Arts Space may be located within 1000 feet of the public entrance of a principal building housing the use associated with such parking.

Section 10. This ordinance shall become effective upon adoption.

This 27th day of November 2018.

The motion is carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Haven-O'Donnell, Alderman Jacquelyn Gist, Alderman Sammy Slade, Alderman Damon Seils

Absent: Alderman Barbara Foushee

AFFORDABLE HOUSING REVIEW MEETING FOR HUTCHINS PROPERTY AT 905 AND 921 HOMESTEAD ROAD

The Board of Aldermen approved a conditional rezoning for the subject properties on May 22, 2018. The developer is now moving forward with preparing a Conditional Use Permit application and is requested an Affordable Housing Review Meeting to discuss the affordable housing component of the project. The Board discussed the affordable housing component of the project with the applicant.

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

Adam Zinn and Omar Zinn, the applicants, spoke to the Board about their application.

Alderman Chaney said the ordinance does not adequately incentivize permanent affordable housing in a development of this size. She suggested that if the Town would like to ensure one or two units be made

permanently affordable, it could use grant funds from the Affordable Housing Fund to subsidize those units. She asked that staff look into what the cost of that subsidy might be and work with the developer and potential affordable housing partners to determine whether it would be possible to restrict one or two small units as permanently affordable. Alderman Slade asked that it be clear who those partners are and what the possible impacts could be to them. Alderman Chaney also asked staff to look into the possibility of creating a zero-interest bridge loan program for affordable housing providers that would allow them to purchase and hold affordable units quickly and reduce the holding costs for the developer.

Terri Buckner, a member of the Town's Affordable Housing Taskforce, stated that she wants to remind the Board that the Community Home Trust is not the only affordable housing company in the area. She stated that Delores Bailey with Empowerment, INC has worked to provide low income affordable rentals. She stated that she supports the size-limited homes that are proposed in the application.

CONSIDERATION OF TRANSPORTATION PROJECTS FOR NCDOT'S HIGH IMPACT AND LOW COST PROJECTS PROGRAM

The purpose of this agenda item was to provide the Board information about a funding source from NCDOT for small, shovel ready transportation projects, to evaluate Town projects which appear to be candidates for the program, and to consider whether to submit any or all of these projects for possible funding.

Zach Hallock, the Town's Transportation Planner, provided the staff report.

A motion was made by Alderman Slade, seconded by Alderman Chaney to not provide a 20% match for project number one and to submit all four projects below:

A RESOLUTION TO CONSIDER TRANSPORTATION PROJECTS FOR NCDOT'S HIGH IMPACT AND LOW COSTS PROJECTS PROGRAM

WHEREAS, North Carolina Senate Bill 257, Current Operations Appropriations Act of 2017, Section 34.7(c) provides a funding opportunity for transportation projects that meet specific criteria as High Impact and Low Cost projects; and

WHEREAS, the NCDOT has announced a call for local projects to the DCHC MPO and its partner organizations by December 3, 2018; and

WHEREAS, the Town has identified the following four projects that appear to score well on the selection criteria:

1. Old NC 86: Paved Shoulders from Farm House Drive to Homestead Road
2. Smith Level Road Bridge: Restriping and Resurfacing with improved Bike/Ped facility along the bridge as a part of Morgan Creek Greenway
3. West Main Street @ Hillsborough Road: School Zone Safety Improvements, Median Refuge Island, Pedestrian Crossing Signals and Vehicular Warning Signals
4. North Greensboro Street @ Shelton Street, Pedestrian Crossing Signals; and

WHEREAS, each of these four projects would facilitate safe, efficient, and equitable movement for all

users of the roadway network in and around the Town of Carrboro, and

WHEREAS, a twenty-percent funding match is recommended on numbers 2, 3, 4 to increase the likelihood of project selection, based on the criteria selected by NCDOT Division 7.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board directs staff to submit the following highway projects for consideration in the High Impact and Low Cost program.

- Old NC 86 Shoulders
- West Main Street @ Hillsborough Road
- Smith Level Road Bridge
- North Greensboro Street @ Shelton Station

This 27th day of November 2018.

The motion is carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Haven-O'Donnell, Alderman Jacquelyn Gist, Alderman Sammy Slade, Alderman Damon Seils

Absent: Alderman Barbara Foushee

CLOSED SESSION

A MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A) (4). VOTE: AFFIRMATIVE SIX, ABSENT ONE (FOUSHEE)

OPEN SESSION

A MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (FOUSHEE)

ADJOURNMENT

A MOTION MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (FOUSHEE)