



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

Town of Carrboro

Meeting Minutes Board of Aldermen

Tuesday, April 16, 2019

7:00 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; Cathy Dorando, Town Clerk; Nick Herman, Town Attorney

POETRY READING, RESOLUTIONS, PROCLAMATIONS & ACKNOWLEDGEMENTS

Fred Joiner, the Town's Poet Laureate, read "Patience," a poem by Ross Gay.

APPROVAL OF MARCH 26, 2019 MEETING MINUTES

MOTION WAS MADE BY ALDERMAN FOUSHEE, SECONDED BY ALDERMAN CHANEY TO APPROVE THE MINUTES OF MARCH 26, 2019, AS AMENDED. VOTE: AFFIRMATIVE ALL.

AUTHORIZATION TO RENEW LEASE AGREEMENT FOR COMMUNITY SCHOOL FOR PEOPLE UNDER SIX

The Community School for People Under Six (CSPU6) expressed interest in renewing their lease agreement for the Town's property on Hargraves Street in Carrboro.

A motion was made by Alderman Foushee, seconded by Alderman Chaney, that the following resolution be approved:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A RENEWAL LEASE AGREEMENT WITH THE COMMUNITY SCHOOL FOR PEOPLE UNDER SIX

WHEREAS, the Town of Carrboro entered into a lease agreement on August 18, 2009 with the Community School for People under Six; and

WHEREAS, the Community School for People under Six, located at 102 Hargraves Street in Carrboro, has a mission “to provide high quality early care and education for all children, specifically low and middle income families;” and

WHEREAS, the Town of Carrboro leased Town-owned facilities on Hargraves Street in Carrboro to the Community School for People under Six for a period of ten years and a rate of \$1.00 per year; and

WHEREAS, this lease agreement is scheduled to end August 18, 2019, and Town staff has been working to negotiate a lease which has been reviewed by the Town Attorney; and

WHEREAS, N.C. G.S. 160A-272 requires the Town provide 30-day public notice of the intent to enter into a lease agreement, and the Town issued a public notice on March 10, 2019 in The Durham Herald Sun; and

WHEREAS, N.C. G.S. 160A-272 requires Board of Aldermen approval of contracts leasing or renting town property; and

WHEREAS, the Town of Carrboro proposes to renew its lease with the Community School for People under Six for a period of ten years at a rate of \$1.00 per year;

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

Section 1. Authorizes the Town Manager to execute a renewal lease agreement with the Community School for People under Six.

Section 2. This resolution shall become effective upon adoption.

This the 16th day of April, 2019.

The motion carried by the following vote:

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

REQUEST-TO-SET A PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT REGARDING BUILDINGS FOR CIVIC ASSEMBLY IN VILLAGE MIXED-USE DEVELOPMENTS

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 buildings for civic assembly in village mixed-use developments.

A motion was made by Alderman Foushee, seconded by Alderman Chaney, that the following resolution be approved:

A RESOLUTION SETTING A PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT REGARDING BUILDINGS FOR CIVIC ASSEMBLY IN VILLAGE MIXED USE DEVELOPMENTS

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 directs the staff to prepare a draft ordinance responding to the request from Eric Chupp of Capkov Ventures;

BE IT FURTHER RESOLVED that the Board of Aldermen sets a public hearing on May 28, 2019 to consider adopting “a Land Use Ordinance Amendment Regarding Buildings for Civic Assembly in Village Mixed-Use Developments.”

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, Economic Sustainability Commission, and the Northern Transition Area Advisory Committee.

This the 16th day of April, 2019.

The motion carried by the following vote:

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

REQUEST TO MAKE APPOINTMENTS TO THE ECONOMIC SUSTAINABILITY COMMISSION

The purpose of this agenda item was for the Board of Aldermen to make appointments to the Economic Sustainability Commission.

The Town Clerk distributed ballots to the Board of Aldermen.

Ballot votes were cast as follows:

Business Owner Seat:

- David Jessee – Lavelle, Foushee, Slade, Haven-O’Donnell, Seils, Gist, Chaney
- John “Jack” Moracco - Lavelle, Foushee, Slade, Haven-O’Donnell, Seils, Gist, Chaney
- Terri Turner - Lavelle, Foushee, Slade, Haven-O’Donnell, Seils, Gist, Chaney

Resident Seat:

- Mark Vandegrift - Lavelle, Foushee, Slade, Haven-O’Donnell, Seils, Gist, Chaney

Downtown Resident Seat:

- Jim Porto - Lavelle, Foushee, Slade, Haven-O’Donnell, Seils, Gist, Chaney

The Town Clerk announce the ballot results.

A motion was made by Alderman Slade, seconded by Alderman Haven-O’Donnell, that the following resolution be approved:

A RESOLUTION MAKING APPOINTMENTS TO THE ECONOMIC SUSTAINABILITY COMMISSION

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

Seat Designation	Appointee	Term Expiration
BUSINESS OWNER	DAVID JESSEE	2/2022
BUSINESS OWNER	JOHN “JACK” MORACCO	2/2022
BUSINESS OWNER	TERRI TURNER	2/2022
DOWNTOWN RESIDENT	JIM PORTO	2/2022
RESIDENT	MARK VANDEGRIFT	2/2022

This the 16th day of April, 2019.

The motion carried by the following vote:

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

CONSIDERATION OF A FUNDING REQUEST FROM THE ORANGE COUNTY VETERANS MEMORIAL COMMITTEE

The purpose of this agenda item was to consider a funding request of \$25,000 to support the construction of the Orange County Veterans Memorial.

Alderman Gist stated that living through the Vietnam War shaped her position on this item. She stated that the veterans were not treated right even though they did not choose to be drafted to the war. She stated that this helps honor those veterans.

Alderman Slade stated that he shares the sentiment of Alderman Gist but he has a problem with symbols that do not have the power to convey to those that visit them the weight of what has transpired in a way that would make those visitors feel the waste in resources and life that wars are --to feel to a degree that would inspire them to be against wars. He stated that he does not feel that this monument reflects that strongly enough and that for this reason it fails in achieving its purpose of honoring those who have died. He contrasted the proposed monument with the Vietnam Memorial in D.C. He also compared the proposed monument to Silent Sam and hoped that, if the Board of Alderman does approve of funds and the monument does get built that at least in 100 years, like Silent Sam, people would be able to see the problem of what this monument represents symbolically. He stated that he wanted to take this position with the utmost respect to those that fought and had lives lost during wars.

Alderman Seils thanked the founders of the Orange County Veterans Memorial for their work on this project and for their inclusionary efforts in building the monument. He stated that he wants to encourage other local governments to support the effort. He asked that the group be inclusive of all veterans, including transgender veterans, honoring all in a way that values inclusivity and recognition of all that have served our county.

Alderman Chaney thanked the work of Jim Merritt and Bruce Runberg with the Orange County Veterans Memorial.

Alderman Foushee thanked Jim Merritt and Bruce Runberg and asked if there could be a way to include the Town of Carrboro's name in a way that acknowledges the contribution of the Town.

Alderman Haven-O'Donnell thanked Jim Merritt and Bruce Runberg and stated that it should not feel complicated because this is about the people that serve and not those that make policy that put them in danger.

Mayor Lavelle stated that she appreciates the work of the committee. She stated that there are also many gay and lesbian veterans that could not openly serve until just a few years ago and hopes that they can be rightly acknowledged.

A motion was made by Alderman Gist, seconded by Alderman Foushee, that the following resolution be approved:

A RESOLUTION CONCERNING A REQUEST FOR FUNDS TO SUPPORT THE SECOND PHASE OF THE ORANGE COUNTY VETERANS MEMORIAL

WHEREAS, the Town of Carrboro Board of Aldermen received a presentation from the Orange County Veterans Memorial Committee on January 8, 2019; and

WHEREAS, the Orange County Veterans Memorial is located within Orange County's Southern Government Services Campus on 2501 Homestead Road in Chapel Hill; and

WHEREAS, the Orange County Veterans Memorial honors the memory of all service men and women from all military branches, including residents of Carrboro who have served in those branches; and

WHEREAS, the Orange County Veterans Memorial is designed to provide a place for people to reflect and thank those who have served and are serving; and

WHEREAS, the Orange County Veterans Memorial Committee requests the Town of Carrboro Board of Aldermen fund the next phase of construction of the Orange County Veterans Memorial at the level of \$25,000; and

WHEREAS, on March 12, 2019 the Board of Aldermen approved the use of the closed Special Revenue Fund, the Business Loan Fund, to fund nonprofit capital projects;

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

Section 1: The Board of Aldermen approves the funding request of \$25,000 for the second phase of the Orange County Veterans Memorial.

Section 2: The Board of Aldermen approves the use of funds from the closed Business Loan Fund to fund this request.

Section 3: This resolution shall become effective upon adoption.

This the 16th day of April, 2019.

The motion carried by the following vote:

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

Noes: Alderman Sammy Slade

TOURISM DEVELOPMENT AUTHORITY'S ANNUAL REPORT TO THE BOARD OF ALDERMEN

The purpose of this agenda item was to update the Board on the activities of the Tourism Development Authority (TDA) this past year and to gather input for the upcoming FY 2019-20 budget process.

Donald Strickland, the Chair of the TDA, provided the update report to the Board.

Alderman Chaney stated that she would love to see the updated walking tour include connectivity with the African-American historic walking tour that was published years ago. She also asked that the tour include Lloyd-Broad and the Weaver Cemetery and the work of the Truth Plaque Task Force.

Alderman Slade asked that the Board of Alderman reconsider the \$45,000 300 E. Main Street Parking deck lease, he expressed that those moneys could be better allocated towards funding parking solutions to the library and town offices building, especially in light of the fact that there is a study by the developer who owns the parking deck that shows that the parking deck is not used enough to justify the town's continued provision of town funds. He reminded the Board that the original reasons for providing funds for that parking deck have expired and the

current justifications need to be re-examined. Alderman Slade requested for the board to take a look at the parking study for that deck again and that each BOA member experience the parking deck directly, as he has, to see how empty the deck can be at times when you would think that it would be full.

Alderman Foushee asked how the advertising strategies have been developed and stated that the community is very diverse and wants to see that reflected in any strategies moving forward.

Annette Stone stated that Adrian Cash has supported the Chapel Hill Visitors Bureau marketing strategies and the TDA will be using her assistance for advertising campaign. She stated that she developed Visit Hillsborough and will consult the TDA on their work.

Alderman Haven-O'Donnell stated that she would like the TDA to examine the relaunch of the trolley that used to connect Chapel Hill and Carrboro.

Mayor Lavelle stated that if the trolley idea is pursued, the TDA should reach out to the Chapel Hill Downtown Partnership for collaboration. She noted the genesis of the parking deck was the Town's partnership with East Main Partners to help them secure funding and get the project off the ground. She stated that the parking deck is very important in light of the removal of the 88 spaces that may be removed during the construction of the library project at 203 South Greensboro Street.

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

REVIEW AND ACCEPTANCE OF THE 2019 ANNUAL REPORT ON THE SCHOOLS ADEQUATE PUBLIC FACILITIES ORDINANCE (SAPFO) FROM THE TECHNICAL ADVISORY COMMITTEE

The Orange County Board of County Commissioners referred the 2019 report for the Board's review. The Board of Commissioners requested comments from partner local governments by April 22nd

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

Alderman Chaney stated that she thinks Chatham County is going to be receiving a lot of people moving from the Chapel Hill-Carrboro area and that the idea of flagging development around the SAPFO does not sit well with her. She stated that she would like Orange County to have a serious conversation about moving to year-round schools. She also stated that it is very important for climate change mitigation goals to not build additional structures. She also mentioned that buildable land is scarce and that building more densely aligns with the Town's Climate and Energy Plan.

Alderman Gist stated that she agrees with Alderman Chaney on the consideration of year-round schools.

A motion was made by Alderman Chaney, seconded by Alderman Foushee, that the following resolution be approved:

A RESOLUTION ACCEPTING THE SCHOOLS ADEQUATE PUBLIC FACILITIES TECHNICAL ADVISORY COMMITTEE (SAPFOTAC) 2019 REPORT

WHEREAS, the Town has had a longstanding interest in the success and excellence of the Chapel Hill – Carrboro City Schools; and

WHEREAS, the Town has participated in the development and implementation of the schools adequate public facilities ordinance provisions since 2003; and

WHEREAS, the annual technical advisory committee report has been prepared and distributed for review.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro accepts the report and provides the following comments to Orange County Board of Commissioners and that the Commissioners forward the comments to the CH-Carrboro City School Board, as appropriate:

- Carefully consider the impact of development in surrounding counties on potential erosion of student population in the future
- Have a difficult conversation on efficiencies regarding year-round schools and how this reduces the need for new schools because it maximizes the use of current structures.
- Recognize the importance of following through on climate change action plans and specifically developing denser residential areas in core cities

This the 16th day of April, 2019.

The motion carried by the following vote:

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

DISCUSSION AND REQUEST TO SET A PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATED TO STORMWATER MANAGEMENT

The purpose of this agenda item was for the Board of Aldermen to discuss options related to post-development rate of discharge stormwater requirements and consider setting a public hearing on an ordinance amending stormwater volume control provisions.

Trish McGuire, the Planning Director, provided the staff report. She explained that additional requirements will in most cases cost more than the regulations currently in place, which will raise questions about the appropriate balance between regulation and growth/development. Stormwater management is site-specific, and increased requirements will especially affect infill development, where more intensively managed systems, such as sand filters and underground detention, will be needed to meet higher design storm requirements. The following options were offered for the Board's consideration: 1) Continue with current ordinance development focusing on changes to design storm; 2) Direct staff to work with the Stormwater Advisory Commission to review conditions, current requirements, and literature and consider design storm changes with other actions; 3) Direct staff to examine peak flow and other stormwater management provisions and update comprehensively.

Alderman Gist stated that she would like to be clear that an evaluation will be done on the financial impact of flooding on all properties.

Alderman Chaney stated that she would like to see where the burden lies for the Town regarding fixing the issues and how best to approach that.

Alderman Seils stated that he would like the Stormwater Advisory Commission to work on prioritizing the existing stormwater infrastructure that needs to be remediated. He expressed support for option #2.

Alderman Slade stated that there is more thinking on some of the options that have been presented, he illustrated with the proposal by staff for looking at point that is 15% of watershed area drainage; that there may be areas upstream from such a point that could be worse because of topography. He requested that staff look into what the average higher cost that would be imposed on a developer if the Town adopted more stringent development requirements is. He agreed with Jacquie that the costs of not adapting to climate change

should also be included in the analysis. He stated that the effort of trying to identify the appropriate requirements relative to expected future scenario will be fruitless as long as success with mitigation does not happen first because without mitigation we are talking about the never ending worsening of conditions. For this reason he requested that we instead simply choose a higher standard without too much further analysis. He stated he wanted more feedback and participation by the stormwater advisory commission and further honing in on some of the ideas that staff has presented and that he is in support of option #2 along with Alderman Seils.

Alderman Gist stated that the Town has been studying stormwater and she is now ready for action to fix the flooding issues especially since a stormwater fee is being assessed. She stated that the evaluation period should have occurred and that it is now time to start fixing the flooding issues.

Mayor Lavelle stated that fixing the stormwater and flooding issues are separate items from tonight's agenda and clarified that the item for tonight is about amending the land use ordinance for future development.

Alderman Seils stated that it would be helpful to get a formal report from the manager regarding the properties that have been impacted by flooding; the Carless property and the Mongovan property.

A motion was made by Alderman Seils, seconded by Alderman Slade, that the following resolution be approved:

A RESOLUTION SETTING A PUBLIC HEARING ON LAND USE ORDINANCE
AMENDMENTS RELATED TO STORMWATER VOLUME CONTROL
PROVISIONS AND MANAGEMENT

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 provides the following feedback to staff regarding the stormwater quantity/peak-flow discharge rates: that staff is directed to work with the Stormwater Advisory Commission to review conditions, current requirements, and literature to explore potential changes in stormwater management requirements to include storms of lesser probability and related considerations, such as storm duration and peak flow, that are more holistic than what has been reflected in previous discussions; and

BE IT FURTHER RESOLVED that the Board of Aldermen sets a public hearing on May 28, 2019, to consider adopting "a Land Use Ordinance Amendment Related to Stormwater Volume Control Provisions"; and

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; and

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the Stormwater Advisory Commission and the Environmental Advisory Board; and

BE IT FURTHER RESOLVED that the Town Manager shall provide a formal status report within the next week regarding two locations that are experiencing stormwater-related problems: the property at 116 Carol Street; and the properties at 1020 and 1022 West Main Street and the end of Goldston Avenue behind the Calvary Baptist Church at 1000 West Main Street.

This the 16th day of April, 2019.

The motion carried by the following vote:

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

MATTERS BY BOARD MEMBERS

Alderman Slade requested clarification from the attorney on liability policies and to what degree they are required by law.

CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A)
(3) - ATTORNEY-CLIENT PRIVILEGE

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN FOUSHEE TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A)(3) FOR ATTORNEY-CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

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

Town Clerk

Mayor