



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

Town of Carrboro

Meeting Minutes

Board of Aldermen

Tuesday, September 24, 2019

7:00 PM

Board Chambers - Room 110

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

Absent: Alderman Jacquelyn Gist

Also Present: David Andrews, Town Manager; Chris Milner, Deputy Town Clerk; Nick Herman, Town Attorney; Robert Hornik, Town Attorney

POETRY READING

Fred Joiner, Poet Laureate of the Town of Carrboro, read a poem of his own titled "Drum Lesson."

PROCLAMATION – DIAPER NEED AWARENESS WEEK

Mayor Lavelle read a proclamation establishing September 23rd through 29th, 2019 as Diaper Need Awareness Week. She presented the proclamation to Josh Cohen, Chairman of the Board of the Diaper Bank of North Carolina.

REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

Shelley Welch, founder of the Wildflower Learning Community located at 3100 Damascus

Church Road, Chapel Hill, NC (within Carrboro's Extra-Territorial Jurisdiction), spoke about issues on her property that have been caused by activities at the Merritt Gravel Pit. She claimed that the owner of Merritt Gravel Pit has repeatedly violated the Town's Land Use Ordinance (LOU) and the Town has refused to do anything about it. She said his activities on a stream buffer have caused an acre of ponding on her property, resulting in the loss of 100 trees. She claimed that the owner of the gravel pit, Tony Merritt, does not have a certificate of occupancy. She displayed an excerpt from an email from Town Attorney, Bob Hornik, using it as evidence in her claim that the Town is not responsive to the issues she has raised. She directed a question to the Board, asking whether the LUO is negotiable or is it law.

Alderman Slade responded, saying it is law.

Shelley Welch then asked about the procedure for when someone receives a notice of violation and they dispute the findings. She claimed that Tony Merritt had received two notices of violation. She said that she knows the procedure, but wanted the Board to tell her.

Alderman Slade said the procedure is that it goes to the Board of Adjustment in 30 days, and if the subject of the violation does not show up, it is at the Town's discretion.

Mayor Lavelle asked Alderman Slade to let Shelley Welch finish.

Shelley Welch said that she had asked a question and wanted an answer.

Mayor Lavelle said that she had only 30 seconds remaining to finish her comments, then the Town Attorney would come up and answer her questions.

Shelley Welch stated that the proper procedure is to go to the Board of Adjustment within 30 days. She said it was confirmed by Bob Hornik that Tony Merritt did not appeal his most recent notice of violation and it has been 30 days. She claimed that Bob Hornik was unilaterally negotiating with Tony Merritt, and he said so, and it is on video, that he is working it out with Tony Merritt and gathering information from him. She said that this is not the procedure. She noted that Bob Hornik is not an elected official. She made disparaging comments toward Bob Hornik.

Mayor Lavelle rapped the gavel and told Shelley Welch that her time was up.

David Andrews, Town Manager, said the allegation that Tony Merritt has repeatedly violated the LUO and the Town has done nothing about it, is false. He said the Town has been working on this issue for over two years. He provided details of what the Town has done and noted that all people, including Tony Merritt, are entitled to due process.

Bob Hornik addressed the Board. He said that just that morning he had been on the site with the Merritts. He discussed plans for stream buffer remediation. He also noted that the gravel pit has been in that location for approximately 50 years and Shelley Welch purchased her property next to the gravel pit only a year ago. He provided information about the Town's efforts, as well as its interaction with Orange County and the North Carolina Department of Environmental Quality.

He stated that at this time, there have not been any penalties levied against the Merritts because the investigation is ongoing..

Alderman Slade said that a question that mystifies him is that there is a process that goes to the Board of Adjustment and they have not participated or submitted anything in the 30-day window. He wanted to know how that process was bypassed. He said that it is typically the developer's responsibility to provide proof of why maps are incorrect, or whatnot. He felt that Bob Hornik is spending a lot of time doing this sort of work for the Merritts. He wanted to know why they are not participating in the Board of Adjustment process and what, within the Town's ordinances, speaks to his facilitation for them.

Bob Hornik replied that the Merritts did not contest any of the Town's determinations, and this is why the Board of Adjustment is not involved. He said that we now know there has been a violation, so the goal is to determine how to remedy the violation. He said that he did not need to be involved in this, but he felt that Town staff is more comfortable with him being involved. He said there are all kinds of violations that happen all the time that do not involve the Board of Adjustment. They are handled through practical problem-solving.

Alderman Slade asked why the Town did not offer them the avenue of the Board of Adjustment.

Bob Hornik said the Town did.

Alderman Slade clarified that he was not talking about recently, but at the beginning of the process.

Bob Hornik said that at that point, the issue of who had jurisdiction had not been resolved.

Alderman Slade asked about stream buffer violations in another part of the property.

Bob Hornik said there was a stream that came from the northwest corner to the southwest corner. He said that it is no longer there, it was disturbed 50 years ago.

Mayor Lavelle asked for staff to keep the Board informed of any resolution that comes from this.

David Andrews spoke up to clarify that there is only one stream buffer on the property. A map that was presented by Shelley Welch at the previous Board meeting showed two other streams that do not exist.

Alderman Slade said that he thought the Town went by its GIS maps.

David Andrews said the Town had people on the property who made that determination.

Alderman Foushee asked who that was.

David Andrews said it was Randy Dodd, Stormwater Utility Manager for the Town of Carrboro.

Bob Hornik added that Samantha Dailey of the U.S. Army Corps of Engineers told him that, from the Army Corps of Engineers' perspective, there were no jurisdictional streams on the Merritt property. He said there is one stream along the southern boundary of the property which, under the Town's more restrictive regulation, is a stream that has a buffer. This is the stream that the Town is doing enforcement on now.

Alderman Slade asked Bob Hornik to share with the Board the remedial measures that are supposed to occur in the next 30 days, so the Board can share it with the public and Shelley Welch.

APPROVAL OF MINUTES FROM SEPTEMBER 10, 2019

At the request of Mayor Lavelle, this item was tabled for approval until the following meeting..

PROPOSED AMENDMENT TO THE TOWN CODE - CREATION OF A FOUR-WAY STOP AT THE INTERSECTION OF SHELTON STREET AND ELM STREET/FRANCIS SHETLEY BIKEWAY

The purpose of this item was to provide an amendment to the Town Code to change the existing two-way stop at Shelton Street and Elm Street to a four-way stop.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Seils, that the following ordinance be approved:

AN ORDINANCE AMENDING THE TOWN CODE TO CREATE A FOUR-WAY STOP ON SHELTON STREET AT ELM STREET AND THE FRANCIS SHETLEY BIKEWAY
Ordinance No. 5/2019-20

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1 Article IV, of Chapter 6, Section 6-4, subsection a of the Carrboro Town Code (Stop Signs Required at certain intersections) is amended to remove the following:

~~Elm Street ——— Shelton Street~~

Section 1 Article IV, of Chapter 6, Section 6-4, subsection b of the Carrboro Town Code (Stop Signs Required at certain intersections, 4-way stop) is amended to include the following:

Elm Street Shelton Street

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

This, the 24th day of September 2019.

The motion carried by the following vote:

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

Absent: Alderman Jacquelyn Gist

PROPOSED AMENDMENT TO THE TOWN CODE - ESTABLISHING A SPEED LIMIT ON LAUGHING BIRD LANE

The purpose of this agenda item was to provide a Town Code amendment establishing a specific speed limit on Laughing Bird Lane.

Alderman Chaney questioned whether a speed limit of 25 miles per hour was low enough for this road. She noted that this is a gravel road and dust is an issue. She read a poem from a resident stating that 15 miles per hour is fast enough. She asked whether Town staff had polled the people who live on the road to see if they think 25 miles per hour is slow enough, and what the rationale for that speed limit is, and whether there is still an opportunity to choose a different speed.

Alderman Seils said he had the same question and noted that the most recent speed limit that was approved by the Board for a gravel road was 10 miles per hour on Bike Alley.

Zach Hallock, Transportation Planner, addressed the Board. He noted that 25 miles per hour is the general speed limit for residential streets, but there might be other considerations for this street. He said the Town could contact the residents and see if they would prefer 15 miles per hour.

Mayor Lavelle said, 15 or maybe 10 miles per hour. She asked Zach Hallock to touch base with the residents.

Alderman Chaney said she would be interested in what the speed limits are on other gravel roads. She suggested that the Board could reduce the speed on these roads with one directive.

At the request of the Board, this agenda item will be brought back at a later date.

A RESOLUTION PROVIDING AUTHORIZATION TO SUBMIT A GRANT TO THE NC VOLKSWAGEN MITIGATION SETTLEMENT PROGRAM

The purpose of this item was to request authorization from the Board to submit a grant to the NC Volkswagen Mitigation Settlement Program.

Alderman Haven-O'Donnell asked for clarification that the vehicles do not need to be VW vehicles.

David Andrews, Town Manager, said that is correct.

Laura Janway, Environmental Planner, provided further details to the Board. She stated that the plan is to replace two refuse trucks with newer, more efficient, diesel models. These vehicles will result in a reduction of air pollution. She stated that improving the reliability of the trash truck fleet could result in a reduction in the size of the fleet. She said the Town is also looking at putting two compressed natural gas (CNG) vehicles into this grant request. She noted that there is significant investment required to support CNG vehicles, and these two will serve as a pilot project to help determine whether this type of vehicle will fit the needs of the Town.

Alderman Haven-O'Donnell asked whether there is a timeline for the electric vehicle charging station.

Laura Janway said it is supposed to be coming out later this year.

Alderman Slade asked whether the renewable component of CNG for the vehicles is methane generated from OWASA operations.

Laura Janway said that is correct.

Alderman Slade noted that the Town invested in a hybrid trash truck a couple years ago and asked whether this type of truck has been compared to the ones that are currently being considered.

Laura Janway said that truck was not meeting the expectations for fuel efficiency.

Alderman Seils said Chapel Hill Transit will also be requesting funds from this program and he asked Laura Janway to look into how to include increases in public transit services in measuring the Town's goals.

Alderman Slade noted that he and Laura Janway were at the first meeting of the Orange County Climate Council. He said the county is doing an inventory and he and Laura were curious to see how they are doing their inventory so it can be compared to the Town's. He suspected that this will provide an opportunity to include the information on how increases in public transit are helping the Town reach its goals.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Seils, that the following resolution be approved.

A RESOLUTION PROVIDING AUTHORIZATION TO
SUBMIT A GRANT THROUGH THE NC VOLKSWAGEN
MITIGATION SETTLEMENT PROGRAM

WHEREAS, the Board of Aldermen has committed to pursuing greenhouse gas emissions reductions in Carrboro's Community Climate Action Plan and Energy and Climate Protection Plan; and

WHEREAS, The North Carolina Division of Air Quality (NCDAQ) in the North Carolina Department of Environmental Quality (NCDEQ) is soliciting proposal applications for participation in Phase 1 of the NC Volkswagen Mitigation Settlement Program; and WHEREAS, on December 4th, 2018, the Board of Aldermen authorized Town staff to submit a proposal to the NC Volkswagen Mitigation Settlement Program to fund Level 2 electric vehicle charging stations in the Town of Carrboro; and

WHEREAS, NCDEQ has not yet released the Request for Proposals for Level 2 charging stations; and

WHEREAS, in the interim, Town staff have identified an additional opportunity to reduce greenhouse gas emissions and air pollutant emissions in Carrboro through this funding source; and

WHEREAS, NCDEQ may fund up to 100% of the cost of the replacement or repower of a vehicle for government projects through Phase 1 of the Diesel Bus and Vehicle Program; and

WHEREAS, Town staff have identified the opportunity to replace one or more of the Town's diesel vehicles with newer, more efficient models.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board authorizes Town staff to submit a proposal to the NC Volkswagen Mitigation Settlement Program.

This, the 24th day of September 2019.

The motion carried by the following vote:

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

Absent: Alderman Jacquelyn Gist

REQUEST TO MAKE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION

The purpose of this agenda item was for the Board of Aldermen to make appointments to the Recreation and Parks Commission.

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

A RESOLUTION MAKING APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION

THE BOARD OF ALDERMEN HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE RECREATION AND PARKS COMMISSION:

Appointee	Term Expiration
Becki Cleveland	2/2022
Chris Colvin	2/2022
Brian Payst	2/2022

Section 2. This resolution shall become effective upon adoption.

This, the 24th day of September 2019.

The motion carried by the following vote:

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

Absent: Alderman Jacquelyn Gist

ANNUAL UPDATE FROM OWASA REPRESENTATIVES

The purpose of this item was to receive an annual update from the Town's appointees, who serve on the OWASA Board of Directors, and OWASA staff members

Speakers included OWASA Board members Yinka Ayankoya and Robert Morgan, as well as OWASA staff members Mary Tiger and Todd Taylor.

Yinka Ayankoya and Robert Morgan provided an overview of the update.

Alderman Foushee stated that diversity and inclusion are usually addressed in these reports, but she did not see these issues in the materials that were provided by OWASA. She asked that whatever is available on these issues be addressed in the presentation or be forwarded to the Board.

Yinka Ayankoya said that diversity and inclusion were discussed at a meeting earlier in the month and they could send the packet to the Board. She said the highlights were an increase in minority and women applicants for openings they had, and this was good to see.

Robert Morgan said that, besides the metrics, he was encouraged by the staff's enthusiasm and commitment to this process, and there is a lot of work toward inclusion.

They proceeded with the report, focusing on advanced metering infrastructure (AMI). The AMI used by OWASA is known as Aqua Vista.

Mary Tiger, OWASA Sustainability Manager, provided further details on the Agua Vista web portal.

Alderman Foushee asked whether these services are available to people who do not have internet access.

Mary Tiger said the site is accessible via desktop or mobile devices. For those without any internet access, people can call to receive the information, and alerts will be sent by printed letters to customers if OWASA does not have email contact information for them.

Alderman Seils asked about people who live in multi-family housing, such as an apartment complexes where there is sub-metering by unit. He wanted to know if they are able to register and monitor their water usage the same as other customers.

Mary Tiger said the service is not available to tenants of multi-family housing, but it is available to the managers of the housing who can use it to monitor for leaks.

Alderman Seils asked about another scenario, a multi-family building in which the water bills are paid by the association. He wanted to know if people in this situation can register for the system and monitor their individual water use.

Mary Tiger said the system would not provide the ability to monitor individual use, but it does allow as many users as the association would like to register and monitor usage in the facility.

Alderman Seils also asked about instances in which potential billing fraud was occurring in multi-family complexes. He asked how OWASA is interacting with the customers who are property managers.

Mary Tiger said community engagement efforts are being increased so the individual customers will know that, if they have concerns about how they are being billed for water, there are means to address their concerns and that OWASA is able to help them in this process.

Alderman Seils expressed interest in the "truck roll" data point that was provided by Mary Tiger in her presentation. A "truck roll" is the use of a vehicle to go to a location to help diagnose a potential water-related issue. Mary Tiger had noted that the Agua Vista system has reduced the

number of “truck rolls.” Alderman Seils requested that Laura Janway, Carrboro’s Environmental Planner, use the data to see whether it is helping to achieve the community’s climate goals.

Alderman Slade asked whether the Agua Vista system is managed in-house or does OWASA use a third party.

Mary Tiger said they use a third party, but the data are OWASA’s and they are encrypted.

Alderman Slade asked that the OWASA board make a policy to ensure that this does not change and people’s information remains protected.

Alderman Haven-O’Donnell asked about polyfluoroalkyl substances (PFAS). She expressed great concern that this is appearing in the Cane Creek Reservoir. She wanted to know the long-range plan and quoted an excerpt from the OWASA report stating that some, but not all, PFAS is removed during water treatment. She asked whether there is a plan to get it to zero. She also wanted to know what is being generated by waste waters that are being released into ground water.

Robert Morgan stated that it is being monitored by OWASA staff, but there is currently no technology that can bring PFAS to zero.

Yinka Ayankoya noted that some of the places where PFAS were found were not OWASA sources, but the source could not be identified.

Alderman Haven-O’Donnell expressed concern about the long-term health impact of PFAS.

Robert Morgan and Yinka Ayankoya said the monitoring will continue and they will look for any changes.

Alderman Slade spoke about climate change and the importance of not only preventing the release of CO₂, but also drawing it out of the atmosphere. He noted that OWASA manages 2400 acres of forested land and asked what that represents in terms of carbon capture. He asked that OWASA’s guiding principles be updated to reflect the carbon capture potential of those forests.

Alderman Chaney asked that the names in the agenda item be updated to reflect all the speakers.

Todd Taylor, OWASA’s General Manager of Operations, addressed improvements in infrastructure, resiliency and reliability. He began by noting that OWASA has a webpage dedicated to PFAS, and PFAS-related testing results can be found there.

Alderman Slade asked about the Teflon products that are used by the Fire Department. He said that he has heard there are states that are increasing their standards as to what is allowable with these materials. He asked the Town Manager to check with the Fire Department and update the Board on this issue.

Alderman Haven-O'Donnell requested that the Town Manager ask the Fire Department and OWASA which household products have these types of materials. She would like to notify the Town's residents so they can make informed decisions.

DISCUSSION OF PUBLIC USE AND MAINTENANCE OF PRIVATE STREETS AS IT RELATES TO THE WHISPERING HILLS HOA

The purpose of this agenda item was to provide the Board of Aldermen with an update on the issues identified by the Whispering Hills HOA, staff assessment of current conditions, collected data, and potential next steps.

Zach Hallock, Transportation Planner, provided the staff report on this agenda item.

Alderman Chaney asked when the subdivision was built and also asked for details regarding the decision by the developer to build streets that were not up to the Town's standards.

Zach Hallock said there was an assumption that roads would remain private and maintenance would be the responsibility of the HOA.

Alderman Chaney asked about Powell Bill reimbursement.

Zach Hallock said that Powell Bill provided state money to the Town to help with maintenance.

Alderman Seils reiterated Alderman Chaney's request to know when the subdivision was built.

Zach Hallock said 1985.

Mayor Lavelle noted that minutes from the Board meeting on January 25, 1994, showed that one of the options was to close Lantern Way to through traffic. She asked for clarification on where this would have been done.

Zach Hallock said it probably would have been at King Street and Lantern Way.

Alderman Slade asked for clarification on the width of Lantern Way. He noted a discrepancy between the width that was reported in the minutes of January 25, 1994 and the width reported by Zach Hallock.

Zach Hallock said he believed the figure reported in the minutes from January 25, 1994 might have represented the width of the right-of-way rather than the width of the street. He acknowledged that he might have made an error and would follow up on this. He then noted that the figure he reported was based on measurements done by Public Works.

Alderman Slade asked about stormwater features that would be required. He wanted to know if this was required by Town Code, and can the Town accept a road that is not up to the Town's

standards.

Zach Hallock said it had no impact on Powell Bill funding and it would be a technicality to be addressed with Public Works.

Alderman Seils asked whether the traffic numbers in the study represented traffic that was going through the neighborhood or coming to the neighborhood.

Zach Hallock responded that it was difficult to assess. He provided further details indicating his attempt to break down the information into through traffic and local traffic.

Mayor Lavelle opened the discussion to the public.

An unidentified member of the audience spoke from their seat and asked for details about the traffic count and whether it represented weekend or weekday traffic.

Zach Hallock said they used standard procedures for traffic count which is to average the counts for two weekdays.

Alderman Chaney asked whether this issue is a speed issue, a safety issue or a wear-and-tear issue. She also wanted to know what traffic calming efforts are in place and whether they are effective.

Zach Hallock said there are several speed bumps, and they do require drivers to slow down. He said the primary issue is wear-and-tear.

Merit McMannis, President of the Whispering Hills HOA, addressed the Board. He provided a summary of the issue from the HOA's perspective. He stated that traffic has increased and there are more trucks that use the community's road as through streets. He said that the trucks often speed through the neighborhood. He said there is a minority of the residents that would like to block off the roads, but most want to keep them open. He said they are asking the Town to take responsibility for maintenance of these roads since they are effectively public roads at this point. He stated that they are specifically interested in maintenance on the roads "from entrance to entrance" which he clarified as from Lantern Way (at the top) to Old Pittsboro (at the bottom) to the upper mobile home park entrance. He noted that the community's roads have been used for diverting traffic during a recent water main break and also during public events.

Alderman Chaney asked Merit McMannis about the cost to the HOA for road maintenance.

Jodi Gerhart, Whispering Hills Association Manager, said the community has 72 households and they paid \$30,000 last year for potholes, seal coating and painting of the road. She said she received a quote of \$140,000 for additional repairs that are required.

Alderman Chaney asked for an estimate on the fiscal health of the HOA.

Jodi Gerhart said the HOA fees are already high and will need to be increased. She said there are

other maintenance issues that the community faces.

Alderman Slade asked whether the HOA would reduce the HOA fees if the Town takes over road maintenance.

Merit McMannis said he was pretty sure they could. They would recalculate the fees.

Kevin Omahoney, a renter in the Whispering Hills neighborhood, addressed the Board. He said his property has been damaged by the trucks that travel through the community. He said the trucks speed through the neighborhood. He stated that the traffic counts provided by the Town are too low based on his experience, and also they do not account for the size of the vehicles.

Alderman Slade said he hopes that the Board, in its resolution, will direct staff to put up “No Trucks” signs on the Town’s roads, and that this restriction will be enforced.

Ahnie Rising, a resident of 131 Lantern Way, addressed the Board. She took issue with the data provided by Zach Hallock.

(Name inaudible), a resident of 110 Daffodil Lane, stated that the Town uses the roads to service other areas that are connected by the roads. She stated that these are public roads.

Zach Hallock responded to the questions regarding the data he presented. He said the counters could provide data on the size of vehicles, but he was focusing on volume. He also asked residents to provide feedback on the locations where vehicles are speeding. He said he could go back and get more data in these areas.

Alderman Seils asked what it would cost to bring the streets up to Town standards and wanted to know whether the Town has an estimate.

Zach Hallock said he was working with Public Works to get this information, but they do not yet have it.

Mayor Lavelle asked whether there is a precedent for the Town to take over a private road.

Zach Hallock said they have not done this with connector roads.

Alderman Haven-O’Donnell acknowledged that the potholes in the Whispering Hill neighborhood are very bad. She also said it is definitely a connector. She asked about viability of cost-sharing and whether there could be short-term, mid-term and long-term graduated implementation. She wanted to ensure that the community remains an affordable neighborhood. She said that dump trucks do not belong on those roads and noted that there are children that play on the roads.

Alderman Foushee asked about the history of the community with regard to it being an affordable community. She wanted to know if it was developed to be affordable and whether it still is affordable.

Mary Saney (spelling unconfirmed), a resident of Whispering Hills, addressed the Board. She stated that the average cost of a townhome in the community is approximately \$140,000 to \$148,000 and that was the only reason she could afford to move there. She also said she estimates that 50% of the traffic is from outside the neighborhood.

Alderman Chaney expressed support for the notion that these are now public roads. She noted that if nothing is done, the neighborhood will eventually suffer financial collapse which will require a great deal of money to rectify. She agreed with doing a cost-benefit analysis, but felt there is a need to consider the long-term costs to the community and the Town. She also felt that speeding would get worse if the roads were brought up to code.

Trish McGuire, Planning Director, provided clarification on the background of neighborhood and the roads. She noted that the property was not very large and the roads could not be built to Town standards because there was not enough space. She distinguished between “condition” and “town standards” when it comes to the Town taking responsibility for roads.

Alderman Slade said he was ready to make a motion and asked Alderman Chaney if she wanted to include any wording on affordability.

Alderman Chaney said it would be nice to know the status of the HOA’s finances, but did not want to be intrusive.

A motion was made by Alderman Slade, seconded by Alderman Seils, that the following resolution be approved with the Board choosing Option #3 and requesting a report from the HOA on its finances:

Alderman Haven-O’Donnell asked that the motion include a phased implementation of Town maintenance.

Alderman Chaney asked that a cost-benefit analysis be included.

Alderman Slade asked that the motion also include the addition of signs indicating that trucks are not allowed, along with enforcement of this.

Mayor Lavelle called the vote.

A RESOLUTION DIRECTING STAFF ON PUBLIC MAINTENANCE OF
PRIVATELY OWNED STREETS OF THE WHISPERING HILLS
HOMEOWNERS ASSOCIATION

WHEREAS, the Board of Alderman has interest in receiving updates related to transportation issues which have been identified by citizens; and

WHEREAS, Town staff have identified three potential options to address the issues which have been raised by the Whispering Hills Homeowner’s Association:

1. Defer to the previous decision made by the Board of Aldermen; or
2. Consider accepting the street, provided that the HOA can bring it up to minimum standards; or
3. Consider a cost share agreement between the Town and HOA for bringing the street up to minimum standards prior to the Town accepting the street.

WHEREAS, any agreement would apply to only the portions of Lantern Way and South Peak Drive between King Street and Daffodil Lane, a section of approximately 830 linear feet in length; and

WHEREAS, Town staff will bring back an update for this item at a future time when deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives this update and provide the following direction to staff relating to public maintenance of privately owned streets: This the 24th day of September in 2019.

This, the 24th day of September 2019.

The motion carried by the following vote:

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

Absent: Alderman Jacquelyn Gist

PUBLIC HEARING FOR JONES CREEK GREENWAY (C-5181) 60-PERCENT DESIGN

The purpose of this agenda item was to provide an update on the status of the Jones Creek Greenway at 60-percent design and to receive comments from the Board and members of the public.

Tina Moon, Planning Administrator, introduced this agenda item.

Jonathan Hefner, Project Engineer at Wetherill Engineering, Inc., the firm responsible for this project, provided the report. One of the issues he discussed was the proposed width of the path and the degree to which trees might need to be removed.

Alderman Slade asked whether the option presented by Jonathan Hefner involved going through the woods or maximizing use of the existing OWASA easement.

Jonathan Hefner said it will maximize the existing cleared area within the OWASA easement.

Alderman Haven-O'Donnell expressed appreciation to Jonathan Hefner for providing information on trees that will be impacted, or might be impacted, by this project. She asked that he work with Laura Janway, Carrboro's Environmental Planner, to determine where trees can be replanted if they need to be removed. She also asked whether there have been any further conversation about the surfaces other than the fact that they are looking at multiple surfaces.

Jonathan Hefner said they have not gotten any further and noted that there is a desire to match the Orange County section of the Greenway.

Alderman Slade asked whether the Town is receiving Department of Transportation funds for this project.

Jonathan Hefner said we are receiving Congestion Mitigation Air Quality (CMAQ) funding.

Alderman Slade then noted that the trees are being removed because the grading will affect the roots and the viability of the trees. He asked whether there is any reason that the trees cannot be replanted in the same location after the grading is completed.

Jonathan Hefner replied that he did not see any reason that this could not happen.

Alderman Slade asked whether this was part of the planning process for this project, and can this something that we can make sure happens?

Jonathan Hefner said he thought they could.

Alderman Slade asked that, to the maximum extent, canopy trees be planted.

Mayor Lavelle opened the Public Hearing.

Rich Snover, resident of 1002 Brace Lane, addressed the Board. He felt that the existing "goat path" trail is not being used and questioned whether it was worthwhile to build the greenway. He also expressed concern about future development in the area of the trail, to include the potential for a roadway that would parallel the greenway. He felt there are better ways to spend money rather than on this greenway.

Al Fabrizio, a resident of Lake Hogan Farms, addressed the Board. He said that his boys use the existing trail most weekdays to ride to school. He raised the issue of deer ticks along the trail which could be harmful to those who walk or bike along the trail. He also expressed concern about the manner in which the greenway will be connected to the road. He stated that current access point is highly sloped and is dangerous. He expressed support for the greenway and felt it would be a huge improvement. He also felt it would help encourage people to ride bikes and walk.

Mayor Lavelle stated that the plan does call for an improved connection between the road and the greenway.

Mayor Lavelle closed the Public Hearing.

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

A RESOLUTION RECEIVING PUBLIC COMMENT ON THE JONES
CREEK GREENWAY AT 60-PERCENT DESIGN

WHEREAS, the Board of Aldermen has made it a policy to hold public hearings on Town projects; and

WHEREAS, the Board of Aldermen has received a presentation on the 60-percent design for the Jones Creek Greenway; and

WHEREAS, the Board has held a public hearing to receive citizen comment on the Jones Creek Greenway at this milestone.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board makes the following comments:

- Staff will work with the consulting engineer to identify any trees that are at risk of being removed and identify opportunities to plan additional trees to replace those that need to be removed. The replanting will be made an educational opportunity for the students of Morris Grove Elementary School.
- The landscapers will not only replace the trees that are removed, but they maximize the total number of trees on the property.

This, the 24th day of September 2019.

The motion carried by the following vote:

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

Absent: Alderman Jacquelyn Gist

UPDATE ON REQUEST FOR A PAID PARKING AND ENFORCEMENT STUDY

The purpose of the item was to update the Board on results of an RFP process to allow for discussion on moving forward.

This item was postponed at the request of Alderman Gist. She asked that this be delayed until the next meeting so she could be in attendance when it is addressed.

UPDATE ON TRANSPORTATION PROJECTS ANTICIPATED TO BE SUBMITTED BY THE DCHC MPO FOR RANKING IN THE PRIORITIZATION PROCESS FOR SPOT 6.0

The purpose of this agenda item was to provide the Board with an update on the status of Town transportation projects identified for submittal for SPOT 6.0, the current prioritization schedule, and NCDOT's recently adopted Complete Streets Implementation Guide.

Tina Moon, Planning Administrator, presented the staff report on this agenda item.

Tina Moon presented a preliminary NCDOT plan for a roundabout at Calvander. Alderman Seils questioned the value this proposal. He noted that the Town only submitted a request for improvements to this intersection to address bicycle safety issues. It was not submitted for traffic volume issues; therefore, the NCDOT plan is not a solution to a problem that exists now or anytime in the near future.

Tina Moon noted some developments with the NCDOT Complete Streets Evaluation and an update to the Complete Streets Implementation Guide. She stated that desired bike/ped upgrades need to be in an adopted plan. She said that bike/ped facilities will remain at an 80/20 match; but, in the case of highway projects, there is an opportunity to get bike/ped improvements free of cost.

Alderman Slade asked whether this requires that the Town add its highways to the bike plan and have those facilities shown, or does the Town just need to mention that it wants bike/ped facilities on all highways.

Tina Moon stated that more clarification is needed.

Alderman Slade asked which highways would fall in that category so we can make sure they are included.

Tina Moon said that Highway 54 West is the one that the Board will be hearing about soon.

Alderman Slade asked if there are other highways that are defined by the DOT, other than that one, that should be included. He said he would like the Town to request bike/ped facilities for every highway in Town.

Alderman Haven-O'Donnell raised the possibility of Highway 54 between Smith Level Road and Carrboro Plaza and possibly as far as the park. She said it is a natural corridor and asked if this is something DOT would even consider.

Alderman Seils said he believes that Tina Moon is pointing out that the corridor study of Highway 54 West is important because it has been central to the Town's discussions with DOT. He also expressed interest in Main Street downtown, which is a DOT road. The sidewalks are in

very bad shape and they are Town sidewalks. He asked how this situation fit into the new Complete Streets policy. He also wondered what NCDOT can pay for now given that they have no budget.

Tina Moon said these are good questions that can be asked in November. She felt that it is worthwhile for the Town to prepare now. This is why staff brought this to the attention of the Board.

Alderman Seils asked for clarification on what it really means that the Board of Transportation has adopted this as a policy and what is the legal status of the document.

Alderman Slade sought to clarify his comments about identifying the proposed bike/ped improvements. Since the Town is updating its bike plan, we should identify all the highways that would fit this free funding from the DOT to be sure they are identified in the bike plan for when funding becomes available.

Tina Moon said sections of Highway 54 are being looked at for that purpose. She stated that the way it is framed now, it is for new projects. The Town still needs to ask the question about whether it will apply to maintenance or repair of existing facilities.

Alderman Seils agreed that the Town needs to identify places where it will want bike/ped facilities, but he noted that “highways” refers to the category of highway projects, not roads that are called highways. He clarified that the new policy means that projects that fall into the category of highway projects could include DOT funding for bike/ped facilities if those facilities are specified in the Town’s plan.

Alderman Haven-O’Donnell noted that the Highway 54 corridor from Smith Level Road to Carrboro Plaza has the most multi-family dwellings so it also touches on the issue of equity.

Alderman Seils asked about the safety study for Highway 54 which is from Old Fayetteville going east to Chapel Hill. He wanted to know if this study is still underway.

Tina Moon said it is still going on.

Alderman Seils asked if the Town is coordinating with Orange County to the same degree it is coordinating with Chapel Hill on certain projects.

Tina Moon said we are trying.

Alderman Seils asked whether Orange County’s goal for Calvander was the same as the Town’s.

Tin Moon said she could not speak for the County’s goals. She said goals are not usually part of the request.

The Board deliberated whether to remove the third bullet from the resolution, but decided to approve it as written.

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

**A RESOLUTION FOR THE CONSIDERATION OF TRANSPORTATION
PROJECTS FOR THE P6.0 PRIORITIZATION PROCESS**

WHEREAS, the 2023-2032 Statewide Transportation Improvement Program (STIP) process, which provides an opportunity for local governments to submit transportation project priorities to the North Carolina Department of Transportation (NCDOT) has begun; and

WHEREAS, the DCHC-MPO has requested that local governments begin to identify new and unfunded transportation projects for consideration in Strategic Prioritization 6.0 process; and

WHEREAS, the Town submitted a number of bike-ped and highway projects for consideration for Prioritization 5.0; and

WHEREAS, only one bike-ped project, a sidepath along NC 54 from James Street to Anderson Park has been programmed in the draft 2020-2019 STIP, as a project selected for funding; and

WHEREAS, there is still public interest in the projects that were not selected for the upcoming funding cycle, including:

- A sidepath or bike lanes and sidewalk along one side of Seawell School Road
- Bike lanes from NC Old 86 from Farm House Road to Calvander (bike-ped or highway modernization)
- Intersection improvements at Calvander for improved multimodal travel
- Intersection improvements at NC 54 and Old Fayetteville Road

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board directs staff to work with our neighbors, the Town of Chapel Hill and Orange County to seek opportunities to partner on transportation projects of mutual interest, and to resubmit the above mentioned projects, as standalone projects or in combination, for consideration in the P6.0 process.

This, the 24th day of September 2019.

The motion carried by the following vote:

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

Absent: Alderman Jacquelyn Gist

CLOSED SESSION PURSUANT TO NCGS 143-318.11

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

OPEN SESSION

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SLADE, TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

ADJOURNMENT

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