

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, April 24, 2012 in the OWASA Community Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Michelle Johnson
	Sammy Slade
Town Manager	David Andrews
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

**DISCUSSION OF OWASA DRAFT DROUGHT RESPONSE OPERATING
PROTOCOL (DROP) SUBCOMMITTEE**

The purpose of this item was for the Board of Aldermen to discuss the possible creation of an OWASA draft DROP Subcommittee. This agenda item was requested by Alderman Haven-O'Donnell.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN LAVELLE TO CREATE A BOARD SUBCOMMITTEE TO WORK THROUGH TECHNICAL INFORMATION RELATED TO THE OWASA DRAFT DROP PROGRAM WITH THE TOWN'S OWASA REPRESENTATIVES, TO WORK WITH THE CHAPEL HILL SUBCOMMITTEE, AND TO COMMUNICATE MORE EFFECTIVELY WITH OWASA. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (COLEMAN, JOHNSON, GIST)

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN JOHNSON TO APPOINT ALDERMEN HAVEN-O'DONNELL, SLADE, AND LAVELLE TO THE OWASA DROP SUBCOMMITTEE. VOTE: AFFIRMATIVE ALL

Mike Brough, the Town's Attorney, noted that this subcommittee will be an official committee of the Board and will require public notice of meetings.

**AMENDMENT TO THE MISCELLANEOUS FEES AND CHARGES SCHEDULE
TO ESTABLISH MITIGATION FEE FOR STREAM BUFFER IMPACTS AND
DIRECT FEES TO WATER QUALITY ENHANCEMENT FUND**

Section 15-269.7 of the Carrboro Land Use Ordinance allows payment of a mitigation fee for certain activities in Water Quality Buffers. A resolution that revised the Miscellaneous Fees and Charges Schedule to establish this fee was prepared by staff and recommended for the Board's adoption.

Trish McGuire, the Town's Planning Director made the presentation to the Board. She explained that the cost per square feet is based upon the State's rate and that the ordinance will allow the option to pay into the State's Water Quality Enhancement Fund or into the Town's fund.

Mayor Chilton asked that staff provide a comparison from actual costs associated with recent buffer mitigation projects so that the fee can be comparable to actual costs.

Alderman Lavelle suggested that the ordinance require payment to the town for a locally mandated stream buffer. Mike Brough, the Town's attorney, stated that he will draft an ordinance related to this request.

Alderman Coleman asked for staff to present a tiered payment structure when the item is brought back.

Alderman Slade asked that the requirements are the same for residential and commercial projects.

It was the consensus of the Board to set a public hearing for the LUO text amendment that will make the fee payable to only the Town, for locally mandated stream buffers, for May 22, 2012 and for staff to also report back on the amendment to the Miscellaneous Fees and Charges Schedule.

AN ORDINANCE AMENDING THE TOWN CODE TO STRENGTHEN THE REGULATIONS DEALING WITH THE TOWING OF VEHICLES FROM PRIVATE PROPERTY

The Board was requested to adopt a proposed ordinance amending Article IX of the Carrboro Town Code dealing with the towing of motor vehicles from private property.

Mike Brough, the Town's attorney, introduced the item to the Board.

Alderman Lavelle asked if this ordinance would also apply to companies that store the towed vehicles if those companies are, in fact, separate entities from the towing company. Mr. Brough stated that he will research this issue.

Alderman Coleman suggested a grace period before a car can be towed, signage requirements similar to Chapel Hill's ordinance, and an increase in the fines for violators of the ordinance. This item will also be researched for inclusion in the ordinance.

It was requested that Annette Stone, the Town's Community and Economic Development Director, contact local merchants to inform them of the proposed ordinance changes and to request their feedback.

The following ordinance was introduced by Alderman Lavelle and seconded by Alderman Gist:

AN ORDINANCE AMENDING THE TOWN CODE TO STRENGTHEN THE
REGULATIONS DEALING WITH THE TOWING OF VEHICLES FROM PRIVATE
PROPERTY
Ordinance No. 29/2011-12

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Section 8-78 of the Carrboro Town Code is amended to read as follows:

Section 8-78 Applicability

The provisions of this article (~~other than Section 8-78.4~~) shall apply only to persons who are engaged in the business of towing motor vehicles, and only when such persons tow a motor vehicle from private property at the request of a person who is not the owner or operator of the motor vehicle that is towed.

Section 2. Section 8-78.1 of the Carrboro Town Code is amended to read as follows:

Section 8-78.1 Limitation on Fees for Towing from Private Property

No person who tows or removes a motor vehicle from private property may charge the owner or operator of the vehicle removed an amount in excess of one hundred dollars (\$100.00) for the towing or removal. No person who stores a motor vehicle so removed may charge the owner or operator of the vehicle a storage fee in excess of twenty dollars (\$20.00) per day. No storage fees shall be charged for the first twenty-four (24) hour time period from the time the vehicle is initially removed from the private property. The fees referred to herein shall be all inclusive; no additional fees may be charged for the use of particular equipment or services. The towing or storage firm must accept payment by a major credit and debit cards in addition to cash for all fees charged covered under this article (including fees charged under Section 8-78.3). A refusal by a towing operator to accept payment by a major credit or debit card shall constitute a waiver by such operator of any entitlement to receive payment of such fee. The towing or storage firm must provide a receipt for each payment at the time the payment is made.

Section 3. Section 8-78.4 of the Carrboro Town Code is amended to read as follows:

Section 8-78.4 Signs Informing that Credit and Debit Cards Okay for Towing Fees

(a) Subject to subsection (b) of this section, Not more than ten motor vehicles within a twelve month period. No person may charge a fee for a motor vehicle towing or storage service covered by this article unless Not more than ten motor vehicles within a twelve month period may be towed from private property at the request of the property owner or a person in possession of the property or an agent thereof unless- no person may charge a fee for towing a motor vehicle from privately owned parking lots or areas unless the property from which the vehicle is towed contains signs that (i) (in accordance with Section 8-4(b) of the Town Charter) warn that vehicles parked on that property in violation of applicable parking restrictions will be towed at the owner's expense, and (ii) state that the signs that are posted to warn that vehicles may be towed also state that the town requires that towers accept payment by cash or major credit/debit cards.- towing operators are required by town ordinance to accept payment by major credit and debit cards for vehicle towing and storage services.

(b) The limitations of subsection (a) of this section shall not apply to the towing of motor vehicles from (i) a driveway or parking area that is manifestly designed to serve up to four dwelling units on a single lot, or (ii) any other area on private property that is manifestly not designed or intended for the parking of motor vehicles.

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption. The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 24th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

ALDERMAN HAVEN-O'DONNELL EXCUSED FROM REMAINDER OF MEETING

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO EXCUSE ALDERMAN HAVEN-O'DONNELL FOR THE REMAINDER OF THE MEETING. VOTE: AFFIRMATIVE ALL

**PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT
ESTABLISHING BICYCLE PARKING REQUIREMENTS**

The Transportation Advisory Board recommended amendments to the Land Use Ordinance relating to bicycle parking requirements. The Board was required to receive public comment before taking action on the draft ordinance.

Jeff Brubaker, the Town's Transportation Planner, made the presentation to the Board.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (HAVEN-O'DONNELL)

Alderman Lavelle requested that the draft ordinance be amended to include the prohibition of the use of bicycle racks known as "comb," "wave," and "toast."

Alderman Slade suggested that the next draft also include the Transportation Advisory Board's recommendations as discussed by Mr. Brubaker.

Staff will bring this item back to the Board with the comments and suggestions included.

**PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT
REVISING COMPACT CAR PARKING REQUIREMENTS**

The Transportation Advisory Board recommended an amendment to the Land Use Ordinance relating to compact car parking requirements. This amendment clarifies the current ordinance subsection and amends the dimensions of a compact car parking space to meet the standard of the American Association of State Highway and Transportation Officials. The Board was required to receive public comment before taking action on the draft ordinance.

Jeff Brubaker, the Town's Transportation Planner, made the presentation.

Mayor Chilton stated that he would be interested to hear from commercial developers on the proposed ordinance.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Slade:

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
Resolution No. 137/2011-12

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 AMENDING THE CARRBORO LAND USE ORDINANCE TO REVISE COMPACT CAR PARKING REQUIREMENTS

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

Section 1. The Board concludes that the above described amendment would, in accordance with Section 15-321 (c)(1) of the Land Use Ordinance, benefit the general public by updating the existing parking requirement to a more standard designation and dimension system. The Board finds that the proposed text amendment offers a response to the findings from the *Downtown Carrboro New Vision* that existing downtown parking has random, casual and disorganized parking lots that consume valuable space.

Section 2. Furthermore, the Board finds that the proposed text amendment is consistent with the findings from *Carrboro Vision 2020* regarding car parking, particularly the following section and subsection:

- 3.21 The town should develop a plan to govern the continuing development of downtown. Toward this end, the town should adopt the following goals:
- To improve the downtown infrastructure (e.g. parking facilities, sidewalks, lighting, shading) to meet the needs of the community.

Section 3. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 4. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 24th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Slade:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
REVISE COMPACT CAR PARKING REQUIREMENTS
Ordinance No. 30/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article XVIII, Section 15-293(b), of the Land Use Ordinance is amended as follows:

(b) In parking areas containing ten or more spaces, up to 40% of the parking spaces may be set aside for the exclusive use of ~~subcompact~~ compact cars (~~being defined as a car 175" or less in length~~), provided the ~~non-subcompact~~ compact car area is designated for exclusive use by compact, ~~midsize and large~~ cars, and provided that adequate signs are provided and maintained designating and informing the public of the exclusive use. A ~~subcompact~~ compact parking space shall contain a rectangular area ~~seven and one-half~~ eight feet wide and ~~fifteen sixteen and one-half~~ feet long.

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

Section 3. This ordinance shall become effective upon adoption

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 24th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN COLEMAN FOR STAFF TO REPORT BACK ON ADOPTING A MANDATORY STANDARD FOR A MINIMUM PERCENTAGE OF COMPACT CAR PARKING. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (HAVEN-O'DONNELL)

CONDUCT 2ND PUBLIC HEARING ON THE CDBG SMALL BUSINESS AND ENTREPRENEURIAL PROGRAM APPLICATION PROPOSAL FOR ROBERSON STREET SEWER

The purpose of this agenda item was to conduct the second of two required public hearings to gather public input on Community Development Block Grant Funds from the NC Department of Commerce, Community Investment and Assistance under the Small Business and Entrepreneurial Program.

Annette Stone, the Town's Community and Economic Development Director, made the presentation to the Town.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (HAVEN-O'DONNELL)

The following resolution was introduced by Alderman Gist and seconded by Alderman Coleman:

RESOLUTION FOR THE TOWN OF CARRBORO, NC
APPLICATION FOR CDBG SMALL BUSINESS
AND ENTREPRENEURIAL ASSISTANCE
FUNDING FOR THE ROBBERSON STREET SEWER EXTENSION PROJECT
Resolution No. 138/2011-12

WHEREAS, the Town of Carrboro's Board of Aldermen have consistently indicated its desire to assist in economic development efforts for small businesses/entrepreneurs within the Town, and;

WHEREAS, the Board has held two public hearings concerning the proposed application for Community Development Block Grant funding for extension of public sewer from Maple Street to Roberson Street, and;

WHEREAS, the Board of Aldermen wishes to pursue a formal application for Community Development Block Grant for 70% funding in the amount of \$171,700.00 for the Roberson St Sewer Extension project which will directly benefit ACME Food and Beverage Co. and all the businesses on the 100 block of East Main Street, and;

WHEREAS, The Town of Carrboro will partner with the Orange County Board of Commissioners to invest monies in the amount of \$66,900.00, representing a 30% local commitment, into the project and;

WHEREAS, the application includes a proposal to create and nurture and entrepreneurial environment by sponsoring a series of workshops to provide training and education in social entrepreneurial-fourth sector best practices, and;

WHEREAS, the Board of Aldermen certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the Town of Carrboro Board of Aldermen that the Mayor is authorized to sign and the Town staff is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Small Business & Entrepreneurial Assistance.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 24th day of April 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO ADJOURN THE MEETING AT 9:17 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk