

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 21, 2003 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Pro Tem
Aldermen

Alex Zaffron
Joal Hall Broun
Jacquelyn Gist
John Herrera
Diana McDuffee
Michael Brough
Richard White

Absent:

Mayor
Alderman

Michael Nelson
Mark Dorosin

A REQUEST TO ADOPT A BUDGET AMENDMENT

A budget amendment is required to allocate funds for pay plan adjustments, street resurfacing transfers, and contractual costs associated with the search for a new town manager. Revised budget projections for utility franchise revenues are sufficient to support the expenditures.

MOTION WAS MADE BY DIANA McDUFFEE AND SECONDED BY JACQUELUN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY'2002-03 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON AND DOROSIN)

Alderman McDuffee asked for a report on the total cost of implementation of the market study and the flat pay increase, showing a breakdown by position.

MID-DECEMBER TO MID-JANUARY ACTIVE PROJECT REPORT

The Town of Carrboro Zoning Division is responsible for preparing a monthly report outlining the construction activities of various projects of interest within the Town of Carrboro's jurisdiction. The report for the period of December 16, 2002 through January 15, 2003 was presented.

PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT TO REVISE APPENDIX I

References to stormwater management are currently found in Section 15-263 and Appendix I of the Land Use Ordinance. Staff has determined that a revision to Appendix I is necessary in order for stormwater management requirements to be consistent. A draft ordinance has been prepared. A public hearing must be held to receive public comment prior to any action. The Administration recommended that the Board of Alderman adopt the revised ordinance, with additional clarifying language proposed by staff.

Trish McGuire, the town's Planning Administrator, made the presentation.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON AND DOROSIN)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY THE 25-YEAR DESIGN STORM REQUIREMENT FOR DETENTION OF STORMWATER." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON AND DOROSIN)

A REVIEW OF DRAFT MOU FOR PUBLIC TRANSPORTATION SERVICES

A committee composed of representatives from the Town of Carrboro, the Town of Chapel Hill, and The University of North Carolina at Chapel Hill has been meeting since spring 2002 to prepare a new Memorandum of Understanding (MOU) for Public Transportation Services. A draft MOU has been prepared. A resolution authorizing the Town Manager to sign the MOU was presented.

Dale McKeel, the town's Transportation Planner, made the presentation.

Aldermen Zaffron and Gist commended Alderman McDuffee for her work on the MOU.

Flo Miller, Chapel Hill Assistant Town Manager, spoke about the Transportation Advisory Board recommendation.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN A
MEMORANDUM OF UNDERSTANDING FOR PUBLIC TRANSPORTATION SERVICES
Resolution No. 90/2002-03

WHEREAS, the Town of Chapel Hill, the Town of Carrboro and the University of North Carolina at Chapel Hill have worked together to provide public transportation services since the 1970's and desire to continue to work together to provide these services; and

WHEREAS, the Town of Chapel Hill, the Town of Carrboro, and the University of North Carolina at Chapel Hill desire to establish an ongoing process to allow mutual cooperation in the operation of public transportation services.

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

Section 1. That the Board of Aldermen authorize the Town Manager to sign the Memorandum of Understanding for Contracting, Operating, and Cost Sharing for Public Transportation Services between the Town of Chapel Hill, the Town of Carrboro, and the University of North Carolina at Chapel Hill.

Section 2. That the second sentence of Section II.1 be amended to read as follows:

The PTC [Public Transit Committee] will receive updates and recommendations from the staff work group on general transit services, service levels, fares and budget, and services for the disabled, information systems for the transit system, and new environmentally friendly technologies.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of January, 2003:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: Michael Nelson, Mark Dorosin

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO APPOINT ALDERMEN MCDUFFEE AND DOROSIN TO SERVE AS THE TOWN OF CARRBORO'S REPRESENTATIVES ON THE PUBLIC TRANSIT COMMITTEE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, DOROSIN)

A REQUEST TO ADOPT AN ORDINANCE AMENDING THE TOWN CODE TO PROHIBIT LOITERING IN THE TOWN COMMONS, CENTURY CENTER, TOWN PARKING LOTS AND BUS SHELTERS

Police and Chapel Hill Transit personnel have noticed increased loitering in town bus stop shelters since the advent of fare-free bus service. Generally, persons loitering have no specific intention to ride the bus. Chapel Hill Transit personnel and citizens who legitimately use the bus shelters while waiting for the bus have asked Police Officers to remove loiterers from the bus shelters. Currently, we have no specific authority to prohibit loitering at town bus stop shelters. This proposed Ordinance amends the current Ordinance simply by adding the Century Center, Town Commons, town-owned or leased parking lots, and town bus stop shelters to the list of other Town of Carrboro property upon which loitering is prohibited (including the Town Hall, Police or Fire station, and Public Works building).

Captain Daryl Caldwell of the Carrboro Police Department gave an overview of the problems that make the proposed ordinance necessary.

Mary Lou Kuschatka, Director of Chapel Hill Transit, spoke of several bus shelter complaints.

Alderman Herrera translated for two Latino women who have experienced problems with people loitering and panhandling at the bus shelters and at The Pantry.

Police Chief Carolyn Hutchison answered questions from members of the Board of Aldermen.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO PROHIBIT LOITERING IN THE TOWN COMMONS, CENTURY CENTER, TOWN PARKING LOTS AND BUS SHELTERS".

A REQUEST TO SUBMIT THE ACTIVE LIVING BY DESIGN PROPOSAL

During Carrboro's Downtown Visioning Charrette, Dan Burden announced a public health initiative that had just been launched to develop methods for improving the health of American citizens by removing barriers to physical activity. The program, now based in Chapel Hill, is seeking proposals for community partnerships that will develop and implement innovative programs that will achieve its goals. A draft proposal has been prepared and was presented for the Board's review. A resolution authorizing staff to proceed with the submittal of the proposal has been prepared and was recommended for the Board's adoption.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION AUTHORIZING TOWN STAFF TO SUBMIT A PROPOSAL
TO ACTIVE LIVING BY DESIGN
Resolution No. 91/2002-03

WHEREAS, 60% of North Carolinians and 14% of the state's children are overweight; and

WHEREAS, barriers to physical activity have been cited as a major contributor to declining health conditions such as obesity and Type II diabetes; and

WHEREAS, Active Living by Design, a national program of The Robert Wood Johnson Foundation and the UNC School of Public Health has been created to develop and evaluate innovative approaches to increase physical activity through community design, public policies and communications strategies; and

WHEREAS, the Town of Carrboro has an extensive history of providing a variety of means for citizens to choose active modes of transportation and recreation; and

WHEREAS, town staff have identified a number of community partners who embrace this opportunity to focus our efforts to increase opportunities for Carrboro citizens to be active and healthier as a result of physical activity.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen authorize town staff to submit a proposal to Active Living by Design.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of January, 2003:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: Michael Nelson Mark Dorosin

Alderman Broun requested that the town staff contact the Ministerial Alliance (Rev. Hatley) for an exchange of information relating to this matter.

A REPORT ON IDENTIFYING A MAJOR ROAD TO NAME AFTER REV. MARTIN LUTHER KING, JR.

In March 2002, the Carrboro Board of Aldermen adopted an *Action Agenda*. One of the actions listed is to "identify a major road to name after Rev. Martin Luther King, Jr." A report has been prepared. A resolution that accepts the report was recommended for the Board's adoption.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman John Herrera.

A RESOLUTION RECEIVING THE REPORT ON IDENTIFYING A MAJOR ROAD TO
NAME AFTER REV. MARTIN LUTHER KING, JR.

Resolution No. 85/2002-03

WHEREAS, the Carrboro Board of Aldermen adopted an *Action Agenda* in March 2002, and;

WHEREAS, one of the items on the adopted *Action Agenda* is to “identify a major road to name after Rev. Martin Luther King, Jr.,” and;

WHEREAS, the Planning Staff has prepared a report on identifying a major road to name after Rev. Martin Luther King, Jr.

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

Section 1. That the Aldermen have reviewed the report provided by the Planning Staff and hereby accepts that report.

Section 2. That the Transportation Advisory Board work with the town staff and Alderman Herrera to identify creative ways to honor Dr. King and prominent women of the Civil Rights Movement.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of January, 2003:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: Michael Nelson, Mark Dorosin

REQUEST-TO-SET A PUBLIC HEARING: “LAND USE ORDINANCE TEXT AMENDMENT TO REQUIRE THAT THE ADEQUACY OF PUBLIC SCHOOL FACILITIES TO ACCOMMODATE NEW DEVELOPMENT BE CONSIDERED IN THE APPROVAL PROCESS” AND THE MEMORANDUM OF UNDERSTANDING WITH AN ADDENDUM

The purpose of this item was to request that the Board of Aldermen set a public hearing on February 18, 2003 to consider an amendment to the Carrboro Land Use entitled *An Ordinance to Require that the Adequacy of Public School Facilities to Accommodate New Development Be Considered in the Approval Process*.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION SETTING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT ENTITLED “AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE THAT THE ADEQUACY OF PUBLIC SCHOOL FACILITIES TO ACCOMMODATE NEW DEVELOPMENT BE CONSIDERED IN THE APPROVAL PROCESS” THE SCHOOLS ADEQUATE PUBLIC FACILITIES MEMORANDUM OF UNDERSTANDING (MOU) AND THE ADDENDUM TO THE MOU.

Resolution No. 87/2002-03

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing and proposed policies and regulations; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that a public hearing be set for February 18, 2003 on a draft ordinance and MOU and an addendum be referred to Orange County for review per the Joint Planning Agreement and to the Planning Board for comment and recommendations to the Board.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of January, 2003:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: Michael Nelson, Mark Dorosin

A REQUEST TO SET A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE TOWN'S DRAFT STORMWATER MANAGEMENT PLAN AND PERMIT APPLICATION

State rules of the Environmental Management Commission require all municipalities with a population greater than 10,000 to apply to be covered by a permit for stormwater management under the Federal Clean Water Act National Pollutant Discharge Elimination System. To meet the requirements of the rules, the Town must submit a plan that identifies actions that will be taken over the course of the next five years to manage to improve stormwater management. The rules also require a public participation process. The deadline for submission of the permit application is March 10, 2003. The Administration recommended referring the draft plan to the Environmental Advisory Board for review, and setting a public hearing on February 11, 2003 to obtain input.

Phil Prete, the town's Environmental Planner, made the presentation.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman John Herrera.

A RESOLUTION REFERRING THE DRAFT CARRBORO STORMWATER MANAGEMENT PLAN AND PERMIT APPLICATION TO THE ENVIRONMENTAL ADVISORY BOARD AND TO SET A PUBLIC HEARING

Resolution No. 88/2002-03

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing and proposed policies and programs.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen set a public hearing for February 11, 2003 to receive public input on the program elements of the Draft Stormwater Management Plan, and.

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen refer this draft plan to the Environmental Advisory Board and the Planning Board for review and comments.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of January, 2003:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: Michael Nelson, Mark Dorosin

A REVIEW OF THE JANUARY 26TH BOARD RETREAT AGENDA

The Retreat Planning Committee has developed a proposed agenda for the January 26, 2003 Board of Aldermen Planning Retreat. The Board has identified two main priorities during the next six month: 1) the recruitment and selection of a Town Manager and 2) the development of the 2003-04 budget. With these priorities in mind, the Retreat Planning Committee is recommending an agenda that will allow the Board and staff to focus on core operations during the next twelve months. The Board will have an opportunity to eliminate, clarify, and prioritize Action Agenda and other projects. The Committee requested that the Board review and approve the proposed agenda.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION APPROVING THE JANUARY 26, 2003 BOARD OF ALDERMEN
PLANNING RETREAT AGENDA
Resolution No.86/2002-03**

WHEREAS, The Mayor and Carrboro Board of Aldermen hold an annual planning retreat to determine the direction in which they plan to lead the Town; and

WHEREAS, the Board appointed Aldermen Herrera, McDuffee, and Zaffron to the Retreat Planning Committee, and

WHEREAS, the Committee has met with town staff, and the retreat facilitator, Peg Carlson, to develop an agenda.

NOW THEREFORE BE IT RESOLVED that the Mayor and the Board of Aldermen hereby approve the January 26, 2003 Board of Aldermen Planning Retreat Agenda.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of January, 2003:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: Michael Nelson, Mark Dorosin

TRIANGLE J COG AFFORDABLE HOUSING TASK FORCE

Mr. Brough stated that he had volunteered to draft legislation for consideration by the Board and other local governments involved in Triangle J.

FOCUS GROUP MEETINGS FOR TOWN MANAGER SELECTION

Mr. Brough reported that focus group sessions have been scheduled for Monday, January 27th for input from town employees, community leaders, and advisory board chairs.

REQUEST REGARDING STALLED CONSTRUCTION

Alderman Gist expressed concern about a house on Maple Avenue that was being renovated and then left incomplete. She asked that town staff review the land use ordinance to see how this situation could be remedied.

UPDATE ON ANTI-WARD DEMONSTRATION

Alderman Herrera reported on the anti-war demonstration in Washington, D.C. last weekend. He also thanked those who sponsored participants.

ART EXHIBIT

Alderman Broun invited citizens to view the art exhibit by Romare Bearden at the Chapel Hill Museum and an African-American exhibit at the Century Center in late January.

TAC CHAIR

Alderman Zaffron announced that he had been elected chair of the TAC and stated that the TAC will be negotiating with NCDOT at the end of February.

MOTION WAS MADE BY GIST AND SECONDED BY BROUN TO ADJOURN THE MEETING AT 9:11 P.M. VOTE: AFFIRMATIVE SIX, ABSENT TWO (NELSON AND DOROSIN)

Mayor

Deputy Town Clerk