

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 16, 2003 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Pro Tem	Alex Zaffron
Aldermen	Joal Hall Broun
	Mark Dorosin (arrived at 7:35 p.m.)
	Jacquelyn Gist
	John Herrera (arrived at 7:38 p.m.)
	Diana McDuffee
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent:

Mayor	Michael Nelson
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INTRODUCTION OF NEW MANAGER

Mayor Pro Tem Zaffron introduced the new Town Manager, Steven E. Stewart.

UPDATE ON HURRICANE ISABEL PREPAREDNESS

Mr. Stewart gave an update on the town's preparedness for the impending hurricane.

RESTAURANT OPENINGS

Mayor Pro Tem Zaffron announced that Bandido's has opened on East Main Street in the building vacated by Pizza Hut. In addition, Don Jose, No. 3 has opened on W. Rosemary Street.

MODIFICATION OF PIEDMONT HEALTH SERVICES BUILDING

Mike Eyster, Director of Operations for Piedmont Health Services, requested that the Board consider a letter from Moses Carey requesting that the Board consider a 6,000 sq. ft. addition to the existing facility located on Lloyd Street.

Marty Roupe stated that review of the modification to the conditional use permit would probably take four to six months.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO EXPEDITE THE REVIEW PROCESS TO THE EXTENT POSSIBLE AND THAT THE MODIFICATION BE CONSIDERED A MINOR MODIFICATION TO THE EXISTING PERMIT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

TEMPLE BALL: ART GALLERY AND PERFORMANCE SPACE

Katie Wadsworth announced that the Temple Ball: Art Gallery and Performance Space, located in Carrboro, invites the community to learn about Tibetan Culture from the Shiwa Tour of Tibetan Peace and Healing, October 3-8 which will be presented by the Sera Jey Monks.

The Board asked that the town's website have a link to the ArtsCenter (www.artscenterlive.org).

APPROVAL OF MINUTES OF PREVIOUS MEETING: SEPTEMBER 2, 2003

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA TO APPROVE THE SEPTEMBER 2, 2003 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

A REQUEST TO ADOPT A RESOLUTION CHANGING BANK SIGNATURE AUTHORIZATION

With the arrival of the Town Manager, Steven E. Stewart, the signatures on town checks and drafts must be changed. GS 159-25(b) requires all checks to be signed by the finance officer or a properly designated deputy finance officer and countersigned by another official of the local government or public authority designated for this purpose by the governing board. The Local Government Commission recommends adopting a resolution authorizing specific positions (rather than persons) to serve as the designated official. Currently, the authorized signatures are person-specific versus position-specific. The Board, by adopting this resolution, will enable the Town Clerk to certify the names and signatures of the designated officers to banks, when changes in positions occur.

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

A RESOLUTION DESIGNATING BANK DEPOSITORY
AS A CENTRAL DEPOSITORY
Resolution No. 23/2003-04

Be it resolved by the Board of Aldermen of the Town of Carrboro, that:

WHEREAS, the finance officer of this unit shall be and is hereby authorized and directed to deposit funds of the Town of Carrboro in Bank of America, in the name and to the credit of the Town of Carrboro. Bank of America, therefore, is hereby designated as an official depository and as the City's central depository.

WHEREAS, all checks, drafts, or orders of this unit drawn against said funds shall be signed by the Finance Officer or Deputy Finance Officer, and countersigned by the Town Manager.

WHEREAS, the names and signatures of the officers designated shall be duly certified by the clerk to the board to said depository as from time to time may be necessary and no check, draft, or order drawn against said depository shall be valid unless so signed.

WHEREAS, the said depository shall be required to submit to this unit a surety bond and/or such other collateral securities as may be required by law. The said depository shall be given written instructions that the proceeds from all checks payable to the order of this unit be deposited to the credit of this unit and that under no circumstance may an item be converted into cash.

Certified copies of this resolution shall be forwarded to the depository herein designated.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 16th day of September, 2003:

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

Noes: None

Absent or Excused: Michael Nelson

A REQUEST TO MAKE AN APPOINTMENT TO THE ENVIRONMENTAL ADVISORY BOARD

The Mayor and Board of Aldermen were requested to appoint Neal Flanagan to the vacant seat on the Environmental Advisory Board.

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

**A RESOLUTION MAKING AN APPOINTMENT TO THE
ENVIRONMENTAL ADVISORY BOARD
Resolution No. 27/2003-04**

WHEREAS, there is currently one vacant seat on the Environmental Advisory Board (EAB); and

WHEREAS, this position has been advertised and Neal Flanagan has submitted an application; and

WHEREAS, the Chair of the EAB is recommending that Mr. Flanagan be appointed to the vacant seat on the EAB.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen hereby appoints Neal Flanagan to a seat on the Environmental Advisory Board. Mr. Flanagan's term shall expire in February 2004.

Section 2. 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 16th day of September, 2003:

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

Noes: None

Absent or Excused: Michael Nelson

**A MINOR MODIFICATION TO THE CROWN CASTLE TELECOMMUNICATIONS TOWER
CONDITIONAL USE PERMIT**

Nextel Communications has applied for a minor modification to the Crown Castle Telecommunications Tower Conditional Use Permit located at 625 Old Fayetteville Road. The Crown Castle Telecommunications Tower CUP was last amended on October 1, 2002 (to allow the installation of an additional antenna to the tower as

well as installing equipment within the existing fenced in area). The proposed minor modification consists of adding a new antenna to the tower as well as installing equipment within the existing fenced in area at the base of the tower. Per Section 15-176 (15) of the Land Use Ordinance (LUO), additional antenna arrays located on existing towers must be approved through the minor modification process. The Administration requested that the Board of Aldermen review the request and make a decision regarding the minor modification.

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

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE CROWN CASTLE TELECOMMUNICATION TOWER LOCATED AT 625 OLD FAYETTEVILLE ROAD ALLOWING NEXTEL COMMUNICATIONS TO LOCATE AN ANTENNA ON THE TOWER AND INSTALL ADDITIONAL EQUIPMENT INSIDE THE FENCED IN AREA AT THE BASE OF THE TOWER

Resolution No. 19/2003-04

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 625 Old Fayetteville Road on February 9, 1999; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that additional users on a tower shall constitute a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications for towers contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen approve the minor modification to the Crown Castle Conditional Use Permit located at 625 Old Fayetteville Road allowing Nextel Communications to install an antenna on the tower and install additional equipment within the fenced in area at the base of the tower.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 16th day of September, 2003:

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

Noes: None

Absent or Excused: Michael Nelson

The Board asked if there is any limitation on the number of antennas allowed on this tower.

A REQUEST TO ADOPT A BUDGET ORDINANCE

The Board was requested to increase the 2003-04 Music Festival budget by \$7,207 to provide funds to cover the expenses associated with the 2003 Music Festival. Of this total increase, \$4,107 represents unexpended funds set aside in reserved fund balance in FY02-03 and \$3,100 represents additional donations received in the current year.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2003-04 BUDGET ORDINANCE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

A REQUEST TO ADOPT A BUDGET ORDINANCE

Currently, the town’s local contribution to the HOME Consortium program managed by Orange County is budgeted in a separate fund. In an effort to streamline the number of budgetary fund accounts managed by the Town, the HOME Fund has been eliminated and all local matches are to be budgeted in the Community and Economic Development budget. The unexpended portion of the HOME Fund equals \$15,152, which represents the FY 02-03 local match approved by the Board. These funds have been transferred to the General Fund reserve account. The purpose of this item was to request that the Board approve a budget amendment to appropriate this amount from the General Fund reserves to the Economic Development budget so that funds are available when the County submits an invoice.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING FY’2003-04 BUDGET ORDINANCE.” VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

A REQUEST TO APPROVE A BUDGET ORDINANCE

The Board was requested to transfer \$1,400 from contingency to the Board of Aldermen’s budget to support two welcoming receptions for the incoming Town Manager as requested by the Board of Aldermen.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING FY’2003-04 BUDGET ORDINANCE.” VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

A REQUEST TO APPROVE FUNDS TO UPDATE THE RECREATION AND PARKS MASTER PLAN

The purpose of this agenda item was to seek approval from the Board of Aldermen to proceed with updating the Recreation and Parks Master Plan.

Anita Jones-McNair, the town’s Recreation and Parks Director, made the presentation.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman John Herrera.

A RESOLUTION APPROVING FUNDS TO UPDATE THE RECREATION AND PARKS MASTER PLAN AND PROCEED WITH THE PROJECT
Resolution No. 21/2003-04

WHEREAS, the Recreation and Parks Department has requested that the Mayor and Board of Aldermen approve funding and proceed with updating the Recreation and Parks Master Plan; and

WHEREAS, the Mayor and Board of Aldermen reviewed and approved this request.

NOW, THEREFORE, THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVE

Section 1. The Board hereby approves the funds to update the Recreation and Parks Master Plan. \$20,000 will be committed for this project from the Capital Reserve Fund.

Section 2. The Board hereby approves staff to proceed updating the Recreation and Parks Master plan through a RFP process.

Section 3. 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 16th day of September, 2003:

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

Noes: None

Absent or Excused: Michael Nelson

The Board requested an opportunity to discuss the process for the RFP and scope of services. In addition, the Board requested that the following be considered when updating the Master Plan:

Orange County Master Plan
Soccer Task Force Report
Aquatics Committee Report
Greenways
Adams tract
Youth input

A REQUEST TO CONTINUE WITH SITE SOLUTIONS AS THE CONSULTING FIRM TO COMPLETE THE HILLSBOROUGH ROAD NEIGHBORHOOD PARK MASTER PLAN

The purpose of this agenda item was to seek approval from the Board of Aldermen to continue the use of Site Solutions as the consulting firm to complete the master plan for Hillsborough Road Neighborhood Park.

Anita Jones-McNair, the town's Recreation and Parks Director, made the presentation.

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

**A RESOLUTION APPROVING THE COMPLETION OF THE
HILLSBOROUGH ROAD PARK MASTER PLAN
Resolution No. 20/2003-04**

WHEREAS, the Recreation and Parks Department has requested that the Mayor and Board of Aldermen approve completion of the Hillsborough Road Park Master Plan using Site Solutions Consulting Firm.

WHEREAS, the Mayor and Board of Aldermen reviewed the information provided.

NOW, THEREFORE, THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVE

Section 1. The Board hereby approves to continue with the current consultant, Site Solutions, for the Hillsborough Road Park Master Plan. This action will not require additional funds.

Section 2. 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 16th day of September, 2003:

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

Noes: None

Absent or Excused: Michael Nelson

The Board requested that the staff schedule an agenda item for the Board to discuss the configuration of the road. This agenda item should include alternatives for the road alignment and background materials.

REPORT: TENANT BILL OF RIGHTS AND LANDLORD LICENSING

The Board of Aldermen's January – December 2003 Action Agenda – Project List included the task of developing a Tenant's Bill of Rights and considering landlord licensing. A report on this matter was provided for the Board's review. A resolution that accepts the report is recommended for the Board's adoption.

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

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JOAL HALL BROUN TO DIRECT THE TOWN STAFF TO PREPARE EDUCATIONAL MATERIALS ON LANDLORD/TENANT RESPONSIBILITIES AND RIGHTS, TENANT RESPONSIBILITIES AND RIGHTS, INCLUDING REFERENCES TO THE NOISE ORDINANCE, FOR THE BOARD'S REVIEW, IN ADDITION, THAT THE TOWN STAFF PREPARE A PROPOSAL FOR AN INSPECTION PROGRAM FOR THE BOARD'S CONSIDERATION, AND THAT THE HOUSING CODE BE UPDATED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

Alderman Herrera asked that the town staff review the 2000 International Property Maintenance Code.

A REPORT ON SIDEWALKS AND GREENWAYS BOND EDUCATION PLAN AND BROCHURE

At the September 2, 2003 Board of Aldermen meeting, the Board adopted the Sidewalks and Greenways Bond Order and a resolution setting the referendum date for November 4 when town residents will vote on the ballot question. The Board also directed staff to prepare a brochure providing information on the proposed bond referendum and to prepare a strategy for disseminating this information to the community. The purpose of this item was to request that the Board review and comment on the proposed education strategy and informational brochure.

The Board requested that a completed sidewalk be included on the cover of the brochure and the date of bond referendum be included.

A REQUEST TO ESTABLISH A SIDEWALKS AND GREENWAYS BOND EDUCATION COMMITTEE AND TO MAKE APPOINTMENTS TO THE COMMITTEE

At the September 2, 2003 Board of Aldermen meeting, the Board adopted the Sidewalks and Greenways Bond Order and a resolution setting the referendum date for November 4 when town residents will vote on the ballot question. The purpose of this item was to request that the Board of Aldermen 1) establish a Sidewalks and Greenways Bond Education Committee and 2) appoint members to that committee.

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

A RESOLUTION ESTABLISHING THE SIDEWALKS AND GREENWAYS BOND EDUCATION COMMITTEE AND APPOINTING MEMBERS TO THE COMMITTEE

Resolution No. 25/2003-04

WHEREAS, the Board of Aldermen has adopted the Sidewalks and Greenways Bond Order and a resolution setting the referendum date for November 4 when town residents will vote on the ballot question; and

WHEREAS, the Sidewalks and Greenways Bond Education Committee will assist the Board by presenting relevant, objective information to the public; and

WHEREAS, the Board has recruited Carrboro residents to serve on the Committee.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO HEREBY RESOLVES:

Section 1. That the Sidewalks and Greenways Bond Education Committee is established.

Section 2. That the charge of the Committee will be to:

1. Become familiar with purposes of bond order and with the projects expected to be addressed
2. Understand community needs that led the Board to adopt the bond order
3. Design and implement a campaign to distribute factual information in an effective and efficient manner
4. Ensure equal access to factual information for all individuals and groups regardless of their position for or against the bond order
5. Encourage all eligible voters to participate in the November 4 election

Section 3. That the following Carrboro residents are appointed: Randee Haven O'Donnell, Andreas Hay, Shirley Marshall, Melva Okun, Dianne Reed, and Rickie White.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 16th day of September, 2003:

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

Noes: None

Absent or Excused: Michael Nelson

The Board suggested that the brochure be sent to all Carrboro households, that the brochures be available on buses and at bus shelters, and that they be sent to community groups. In addition, the Board requested that the brochure be available in Spanish and be placed on the town's website.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JOHN HERRERA TO APPROPRIATE \$5,000 TO THE BOND EDUCATION COMMITTEE. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (GIST), ABSENT ONE (NELSON)

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH THE TOWN OF CHAPEL HILL TO INCLUDE DATA FROM CARRBORO IN THE MOBILITY REPORT CARD

This fall, a consultant will be preparing a Mobility Report Card for the Town of Chapel Hill. The Town of Carrboro has an opportunity to be included in the Mobility Report Card at a cost of \$4,077. The administration recommended that the Board adopt a resolution that would authorize the Manager to execute a contract with the Town of Chapel Hill to include data from Carrboro in the Mobility Report Card.

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

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE
A CONTRACT WITH THE TOWN OF CHAPEL HILL TO INCLUDE DATA
FROM CARRBORO IN THE MOBILITY REPORT CARD
RESOLUTION NO. 24/2003-04

WHEREAS, the Board of Aldermen desires that a Mobility Report Card be prepared for Carrboro;

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization has identified the Mobility Report Card as part of the Region's congestion management plan; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen authorizes the Town Manager to execute a contract with the Town of Chapel Hill to include data from Carrboro in the Mobility Report Card.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 16th day of September, 2003:

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

Noes: None

Absent or Excused: Michael Nelson

The Board requested the following:

- That the study be performed when the University and public schools are in session.
- That the counts at the High School/Homestead Road be performed at appropriate morning and afternoon times.

- That pedestrians crossing on Highway 54 accessing bus shelters be studied.
- That the TAB review the list of streets proposed for examination
- That the Jones Ferry/Davie Road intersection be included.

A REQUEST TO SCHEDULE AN ASSEMBLY OF GOVERNMENTS MEETING

The Mayor and Board of Aldermen were requested to set an Assembly of Governments meeting for September 30, 2003. The Board was requested to adopt a resolution setting this meeting date.

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

A RESOLUTION SETTING
AN ASSEMBLY OF GOVERNMENTS MEETING DATE
Resolution No. 17/2003-04

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The following meeting date is hereby scheduled:

Assembly of Governments – September 30, 2003

Section 2. This resolution shall become effective upon adoption.

Section 3. That a discussion of a county-wide substandard rental housing task force be added to the agenda.

Section 4. That materials for the school merger issue be provided in advance of the meeting.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 16th day of September, 2003:

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

Noes: None

Absent or Excused: Michael Nelson

MAIN STREET/HILLSBOROUGH ROAD SCHOOL CROSSING

Alderman Broun requested that a police officer be assigned to the Main Street/Hillsborough Road school crossing to deter speeding.

RENTAL UNITS LOCATED AT 106 AND 108 PINE STREET

Alderman Gist asked that the town staff contact the landlord for 106 and 108 Pine Street to remind tenants of the "good neighbor policy."

DEBRIS BEHIND CARRBORO ELEMENTARY SCHOOL

Alderman Herrera requested a report on the litter behind Carrboro Elementary School.

DRAINAGE AT TWIN MAGNOLIAS

Alderman Broun requested that the town staff investigate problems with drainage at the Twin Magnolias construction site.

CONSTRUCTION TRAFFIC IN BARINGTON HILLS

Alderman Gist requested a report on the construction traffic in Barington Hills.

Alderman Broun stated that she would provide the Board a response she had received from Ed Kerwin concerning this matter.

APPOINTMENT TO THE AQUATIC CENTER PLANNING COMMITTEE

Mayor Pro Tem Zaffron stated that the Town had received a request from Orange County and Chapel Hill inviting the Board to make an appointment to the Aquatic Center Planning Committee.

Alderman McDuffee suggested that Monica Nees be contacted to see if she would be interested in serving as the town's representative.

Alderman Gist suggested that this committee refer to the former Aquatic Committee report.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 10:00 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

Mayor Pro Tem

Town Clerk

