

A regular meeting of the Carrboro Board of Aldermen was held on June 1, 2004 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael R. Nelson
Aldermen	Joal Hall Broun
	Mark Chilton
	Jacquelyn Gist
	John Herrera
	Diana McDuffee
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

### **ORANGE COUNTY COMMUNITY HEALTH ASSESSMENT**

Maria Hitt, the State Public Health Educator/Healthy Carolinians Coordinator, addressed the Board. A full report of the Orange County Community Health Assessment Executive Summary 2003 was given to the Town Manager.

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### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE MAY 18 and 25, 2004 MINUTES. VOTE: AFFIRMATIVE ALL

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### **ENHANCEMENT PROGRAM APPLICATIONS**

The North Carolina Department of Transportation is accepting applications for transportation enhancement projects. Town staff has conducted an evaluation of current needs and is proposing that applications for two projects be submitted to NCDOT. A resolution authorizing the Town Manager to submit Transportation Enhancement Program applications for the projects is attached.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION AUTHORIZING THE TOWN MANGER TO SUBMIT TRANSPORTATION  
ENHANCEMENT PROGRAM APPLICATIONS  
Resolution No. 166/2003-04

WHEREAS, the North Carolina Department of Transportation is accepting applications for funding of transportation enhancement projects; and

WHEREAS, the Town has reviewed potential projects to be funded with enhancement program funds:

NOW THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the Town of Carrboro that the Town Manager be authorized to submit transportation enhancement program applications for the following projects:

1. Pedestrian Enhancements at the Intersection of NC 54 and Main Street
2. Bicycle and pedestrian path connecting Bel Arbor Drive and Simpson Street.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 1<sup>st</sup> day of June 2004.

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

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### **CREATION OF A SIDEWALK REVIEW COMMITTEE**

The “Guiding Principles for Implementing Sidewalk Bond Projects,” approved by the Board of Aldermen on February 3, 2004, designate tasks to be performed by a Sidewalk Review Committee. A resolution that would authorize creation of the committee and authorize Town staff to recruit applicants for the citizen members of the Sidewalk Review Committee was provided.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

#### **A RESOLUTION CREATING A SIDEWALK REVIEW COMMITTEE Resolution No. 167/2003-04**

WHEREAS, On November 4, 2003, the voters of Carrboro approved a \$4.6 million general obligation bond issue for the purpose of constructing sidewalks and greenway trails.

WHEREAS, at it’s meeting on February 3, the Board of Aldermen approved the “Guiding Principles for Implementing Sidewalk Bond Projects,” which designates tasks to be performed by a Sidewalk Review Committee.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen authorizes the creation of a Citizen Sidewalk Committee composed of five members, three members from the Board of Aldermen and two Carrboro citizens, and authorizes Town staff to recruit applicants for the two citizen seats on the committee.

BE IT FURTHER RESOLVED that Town staff will report back to the Board of Aldermen with a list of applicants for the citizen seats of the Sidewalk Review Committee June 22, 2004.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 1<sup>st</sup> day of June 2004.

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

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**AWARD OF CONTRACT FOR THE 2003-04 AUDIT**

The purpose of this agenda item was to award the contract for the town's annual audit for the year ending June 30, 2004.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION AWARDING THE CONTRACT FOR THE FY 2003-04 AUDIT  
Resolution No. 171/2003-04**

**BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:**

Section 1. That the contract for the FY 2003-04 audit be awarded to Dixon, Odom and Company for a total cost of \$24,500.

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 1<sup>st</sup> day of June 2004.

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

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**A REQUEST TO APPROVE A BUDGET AMENDMENT**

The Board of Aldermen, at the time of adopting the FY03-04 Budget on June 24, 2003, set aside \$25,295 in contingency funds for the Cybrary, pending discussions with Orange County on overall library services. Recently, the discussions were completed and plans are in place to open the Cybrary in early July. A budget amendment is required to transfer these funds from contingency to the Management Services' budget to enable the computer workstation purchases in time for the opening.

**A MOTION WAS MADE BY ALEX ZAFFRON AND DULY SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED "AN ORDINANCE AMENDING FY'2003-04 BUDGET ORDINANCE". VOTE: AFFIRMATIVE ALL**

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**PRESENTATION OF HUMAN SERVICES COMMISSION RECOMMENDATIONS**

The purpose of this item was to present to the Board of Aldermen the recommendations from the Human Services Commission for funding requests from the non profit agencies providing services to Carrboro citizens.

Lily Atwater, Chair of the Human Services Commission, addressed the Board.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Alex Zaffron.

A RESOLUTION TO ALLOCATE 2004-05 HUMAN SERVICE FUNDS TO AGENCIES  
THAT PROVIDE SERVICE TO CARRBORO CITIZENS  
Resolution No. 169/2003-04

WHEREAS, the Board of Aldermen established as a policy to allocate one cent on the tax rate to support human service agencies that provide invaluable services to Carrboro citizens; and

WHEREAS, forty agencies submitted requests for human service funds from the Town of Carrboro; and

WHEREAS, the Human Services Commission met with all forty agencies who applied for 2004-05 funds over a six- week period; and

WHEREAS, the administration has indicated that the human service funding level for the year 2004-05 is \$112,000 based upon the one cent on the tax rate formula.

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES:

Section 1. Based upon the policy of allocating one cent on the tax rate that \$112,000 is available for allocation to the non-profits.

Section 2. That the Human Services Commission and the Board of Aldermen liaison have deliberated and recommended that \$112,000 be allocated in accordance with the attached allocation list (with the exception of Kidscope and Affordable Rentals.)

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 1<sup>st</sup> day of June 2004.

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO RECUSE MARK CHILTON AND JOHN HERRERA FROM VOTING ON FUNDING REQUESTS FROM KIDSCOPE AND AFFORDABLE RENTALS. VOTE: AFFIRMATIVE ALL

A MOTION WAS MADE BY JACQUELYN GIST AND DULY SECONDED BY ALEX ZAFFRON TO FUND KIDSCOPE AND AFFORDABLE RENTALS. VOTE: AFFIRMATIVE FIVE, EXCUSED TWO (HERERRA AND CHILTON)

Alderman Chilton requested a copy of the funding application submitted by Orange County Disability Awareness Council.

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**BOARD DIRECTS MANAGER TO PREPARE FINAL BUDGET FOR FY 2004-05**

The purpose of this agenda item was to complete budget discussions and to instruct the Town Manager to develop a final draft of the budget for adoption by the Board on June 15.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Mark Chilton.

A RESOLUTION INSTRUCTING THE TOWN MANAGER TO PREPARE A FINAL DRAFT  
OF THE FY 2004-05 BUDGET ORDINANCE  
Resolution No. 174/2003-04

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

Section 1. That the following changes be made to the recommended budget:

A. That the air conditioning unit for the Board Room be deleted.

Section 2. That the Board of Aldermen approves of the revised format of the budget ordinance and directs the Town Manager to present the final budget ordinance in this format.

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 1<sup>st</sup> day of June 2004.

Ayes: Mark Chilton, John Herrera, Alex Zaffron

Noes: Jacquelyn Gist, Diana McDuffee, Michael Nelson, Joal Hall Broun

Absent or Excused: None

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

A RESOLUTION INSTRUCTING THE TOWN MANAGER TO PREPARE A FINAL DRAFT  
OF THE FY 2004-05 BUDGET ORDINANCE  
Resolution No. 174/2003-04

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

Section 1. That the following changes be made to the recommended budget: (none)

Section 2. That the Board of Aldermen approves of the revised format of the budget ordinance and directs the Town Manager to present the final budget ordinance in this format.

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 1<sup>st</sup> day of June 2004.

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

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**MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR AN ANTENNA ADDITION AND MULCH PLACEMENT IN PARKING AREA AT 201 N. GREENSBORO STREET**

Ruffin Slater, representing Public Gallery of Carrboro/WCOM Radio, has submitted an application for a minor modification to an existing Conditional Use Permit to allow: 1) erection of a lattice-type antenna fifty (50) feet tall associated with Public Gallery of Carrboro/WCOM Radio 2) enclosure of old drive thru area to house radio station; and 3) creation of natural space within the northeastern parking area at 201 North Greensboro Street. Pursuant to Section 15-64(b) of the Town of Carrboro Land Use Ordinance, a minor modification to a CUP is permissible with the approval of the Board of Aldermen. The Administration requests that the Board review, deliberate and make a decision regarding the minor modifications to the existing permit.

A MOTION WAS MADE BY JACQUELYN GIST AND DULY SECONDED BY JOAL HALL BROUN TO RECUSE MARK CHILTON AND JOHN HERRERA.

James Thomas made a presentation to the Board.

Mayor Nelson expressed concern about whether there was notification to any of the neighbors and if it was typical to approve a tower without a public hearing. He said he thinks we'd be better off with a public hearing. He said that he hopes the people involved with the radio station have been working with the neighbors.

Alderman Alex Zaffron said that it's innocuous and he didn't think anyone would even notice it.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alex Zaffron.

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE PROPERTY LOCATED AT 201 NORTH GREENSBORO STREET TO ALLOW: 1) ERECTION OF A LATTICE-TYPE ANTENNA FIFTY (50) FEET TALL ASSOCIATED WITH THE PUBLIC GALLERY OF CARRBORO/WCOM RADIO 2) ENCLOSURE OF OLD DRIVE THRU AREA TO HOUSE RADIO STATION AND 3) CREATION OF NATURAL SPACE WITHIN THE NORTHEASTERN PARKING AREA.

Resolution No. 162/2003-04

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for property at 201 North Greensboro Street on September 24<sup>th</sup>, 1991; and

WHEREAS, the applicant has requested a modification to allow: 1.) the erection of a fifty-foot lattice-type tower associated with The Pubic Gallery of Carrboro/WCOM Radio, and 2.) enclosure of old drive thru to house radio station and 3.) creation of natural space within the northeastern parking area; and

WHEREAS, the Administration has determined that the requested changes are a minor modification, which requires approval by the permit issuing authority (in this case, the Board of Aldermen); and

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

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modifications to the conditional use permit located at 201 North Greensboro Street be approved allowing: 1.) erection of a lattice-type antenna 50-feet tall associated with The Public Gallery of Carrboro/WCOM Radio 2.) enclosure of old drive thru area to house radio station and 3.) creation of natural space within the northeastern parking area.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 1<sup>st</sup> day of June 2004.

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

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**REPORT ON SILVICULTURAL ACTIVITIES IN THE UNIVERSITY LAKE WATERSHED**

The purpose of this item is to provide the Board of Aldermen with a report in response to a citizen request. The Board of Aldermen referred to staff a citizen request regarding the limitation on silviculture in the University Lake watershed.

Noah Ranells, the town's Environmental Planner, made a presentation to the Board.

Mayor Nelson acknowledged that Mr. Ray had to cut down the trees because of a pine beetle infestation. He stated that Mr. Ray came to Town Hall and was told that he couldn't replant with the idea of eventually harvesting trees because tree harvesting isn't allowed in our watershed. Is it better to change our rules to allow tree harvesting if it's best for the environment, instead of forcing people to sell their land to a developer?

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION ACCEPTING THE STAFF REPORT ON SILVICULTURE  
IN THE UNIVERSITY LAKE WATERSHED  
Resolution No. 163/2003-04**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are conducive to land use management that minimizes export of nutrients to Morgan Creek; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept this report and request that staff develop ordinance amendments that would make silvicultural activities a permitted use in the WR zone.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 1st day of June, 2004

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael R. Nelson, Alex Zaffron

Noes: Mark Chilton

Absent or Excused: None

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**COMBINED REPORT: TREE COVER UPDATE AND LANDSCAPE WITH WILDLIFE SUBCOMMITTEE**

The purpose of this item was to provide the Board of Aldermen with a combined report on 1) tree cover update and 2) Landscape with Wildlife Subcommittee of the Environmental Advisory Board and the Planning Board.

Noah Ranells made a presentation to the Board.

Ricky White, Chair of the Environmental Advisory Board, presented the subcommittee report to the Board.

The idea of "Carrboro Land Day" was suggested to create activities to get citizens more involved with Bolin Creek and Morgan Creek.

Alderman Jacquelyn Gist liked the idea of Carrboro Land Day in conjunction with Carrboro Day. She suggested that someone from the EAB get in touch with Carrboro Day planners.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist

**A RESOLUTION ACCEPTING THE STAFF REPORT ON TREE COVER UPDATE  
AND LANDSCAPE WITH WILDLIFE SUBCOMMITTEE REPORT  
Resolution No. 164/2003-04**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations promote sound management of wildlife habitat; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept this report and refer to staff for a recommendation on implementation of the proposed project components.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 1<sup>st</sup> day of June 2004.

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

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**WORKSESSION ON CABLECASTING EQUIPMENT UPGRADES AND ENHANCEMENTS**

On September 2, the Board of Aldermen conducted a work session on suggested cable equipment upgrades and enhancements. The Board requested that Aldermen Alex Zaffron work with staff to review additional options. The purpose of this agenda item was to request that the Board determine a course of action to address needed cablecasting equipment upgrades and enhancements.

Richard White, Assistant to the Town Manager, addressed the Board. He thanked David Guthrie and Monique Velasquez for helping pare down to the basic components for upgrading our system. He stated that our current equipment is old and thinks that the proposed package would do the trick.

Mayor Nelson asked if there was anything left out because it was felt that we could not afford it. He asked if this was current.

David Guthrie addressed the Board. He stated that anything purchased now would be outdated in a few years but that it will do well for a long time.

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

A RESOLUTION PROVIDING DIRECTION TO STAFF ON  
CABLECASTING EQUIPMENT UPGRADES FOR THE TOWN  
Resolution No. 165/2003-04

WHEREAS, the Board of Aldermen has received a staff report on needed cablecasting equipment upgrades and enhancements; and

WHEREAS, the staff needs further Board direction on how to proceed.

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

Section 1. That the town staff is directed to proceed with the following equipment upgrades and enhancements:

Section 2. That the town staff acquires such upgrades and enhancements under the following financing arrangement(s):

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 1<sup>st</sup> day of June 2004.

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

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**REQUEST TO RE-ESTABLISH THE INTERGOVERNMENTAL PARKS WORK GROUP**

The Orange County Board of Commissioners requested that the Carrboro Board of Aldermen re-establish the Intergovernmental Parks Work Group (IPWG). The Board was requested to consider adopting a resolution re-establishing the Work Group.

A MOTION WAS MADE BY ALEX ZAFFRON AND DULY SECONDED BY JACQUELYN GIST TO REMOVE MARK CHILTON'S NAME AND REPLACE IT WITH JOAL HALL BROUN. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION RE-ESTABLISHING THE  
INTERGOVERNMENTAL PARKS WORK GROUP  
Resolution No. 170/2003-04

WHEREAS, the Joint Master Recreation and Parks Work Group report of 1999, adopted by the elected boards of Orange County, Chapel Hill, Hillsborough and Carrboro, called for the creation of an inter-jurisdictional parks committee; and

WHEREAS, the elected boards duly created the Intergovernmental Parks Work Group (IPWG) in 2000 for a three-year initial duration, to promote communication between jurisdictions and to allow for the sharing of ideas and opportunities for joint projects and initiatives; and

WHEREAS, during the three years of the IPWG (which included representatives from a broad cross-section of elected and advisory boards, school boards, and other interested parties), a number of successes were achieved by the communication and collaborations fostered through this mechanism, as outlined in the Intergovernmental Parks Work Group report of April 2004; and

WHEREAS, IPWG members surveyed in the report noted the importance of the IPWG forum for communicating on parks projects, development of brochures and other needs; and

WHEREAS, re-establishment of the IPWG is expected to continue to promote opportunities for coordination between all stakeholders and interested parties within the county.

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

Section 1. The Board of Aldermen hereby re-establishes the Intergovernmental Parks Work Group to continue to foster communication and collaboration in parks efforts, with the same charge and membership as in the resolution of establishment adopted on June 27, 2000, with the addition to allow for a fourth quarterly meeting each year.

Section 2. Alderman Joal Hall Broun and Ms. Doris Murrell, Chair of the Carrboro Recreation and Parks Commission are hereby designated the Town of Carrboro representatives on the IPWG.

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 1<sup>st</sup> day of June 2004.

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: None

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**CARRBORO POETRY FESTIVAL**

Alderman Joal Hall Broun invited everyone to attend the Poetry Festival on June 5<sup>th</sup> and 6<sup>th</sup>.

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**IFC HOMELESS SHELTER**

Alderman Jacquelyn Gist thanked the Town for hosting the shelter.

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO  
ADJOURN THE MEETING AT 8:48 PM. VOTE: AFFIRMATIVE ALL

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Deputy Town Clerk

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Mayor