

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

Present and presiding:

Mayor Pro Tem	Diana McDuffee
Aldermen	Joal Hall Broun
	Mark Chilton
	Jacquelyn Gist
	John Herrera
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent:

Mayor	Michael Nelson
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFON AND SECONDED BY JOHN HERERA TO APPROVE THE AUGUST 17, 2004 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

REQUEST TO AWARD A CONTRACT FOR STREET RESURFACING

The purpose of this agenda item was to award a contract for street resurfacing to Central Paving Company of Mebane, North Carolina in the amount of \$96,435 and to approve a budget amendment of \$98,500 to transfer street resurfacing reserves from the Capital Reserve Fund to the General Fund to perform the resurfacing.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

A RESOLUTION AWARDED A CONTRACT FOR STREET RESURFACING Resolution No. 22/2004-05

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The contract for street resurfacing is awarded to Central Paving Company in the amount of \$96,435.

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 7th day of September, 2004:

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

Noes: None

Absent or Excused: Michael Nelson

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY 2004-05 BUDGET ORDINANCE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

REQUEST TO SET A PUBLIC HEARING: STREET CLOSING FOR THE FAMILIAS DEL PUEBLO ROAD RACE

El Centro Latino, Inc. has submitted a Street Closing Permit Application for the temporary closing of several streets from 7:45 a.m. to 9:30 a.m. on Saturday, October 2 to accommodate the *Familias del Pueblo Road Race*. A public hearing is required prior to issuing a street closing permit. The town staff requested that the Board of Aldermen adopt a resolution setting a public hearing for September 28, 2004.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

A RESOLUTION SETTING A PUBLIC HEARING
ON THE STREET CLOSING REQUEST FOR THE
FAMILIAS DEL PUEBLO ROAD RACE
Resolution No. 18/2004-05

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that September 28, 2004 at 7:30 p.m. is hereby set as the date for a public hearing on the request that several town streets be closed from 7:45 a.m. to 9:30 a.m. to accommodate the Familias del Pueblo Road Race to be held on Saturday, October 2, 2004.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of September, 2004:

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

Noes: None

Absent or Excused: Michael Nelson

A REQUEST TO AMEND THE SMITH MIDDLE SCHOOL SOCCER FIELDS 3A AND 3B DEVELOPMENT AND JOINT USE AGREEMENT

The purpose of this agenda item was to review a recommendation from the School District to amend the Development and Joint Use Agreement between the Town of Carrboro, Orange County and the Chapel Hill-Carrboro City School Board of Education. The amendment is a result of the lighting project for Soccer Fields 3A & 3B. Staff requested the Board to consider and approve the changes.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

A RESOLUTION APPROVING AN AMENDMENT TO THE
SMITH MIDDLE SCHOOL SOCCER FIELDS 3A & 3B
DEVELOPMENT AND JOINT USE AGREEMENT
Resolution No. 12/2004-05

WHEREAS, the Recreation and Parks Department has requested that the Mayor and Board of Aldermen review and approve additional changes to the Smith Middle School Soccer Fields 3A & 3B Development and Joint Use Agreement as a result of the initial change approved by the Board of Aldermen on June 15, 2004; and

WHEREAS, the Mayor and Board of Aldermen were requested to approved a further amendment to Section 4. (Utilities, Maintenance and Upkeep, Subsection (a)) which states: ~~The Board of Education may use the light system, provided that the Board of Education shall document its time and usage and, if the Board of Education uses the light system for more than ten (10) hours per year, the Board of Education shall contribute toward the annual maintenance and repair costs in proportion to its use of the lights.~~

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

Section 1. The Board hereby approves the amendment to Smith Middle School Soccer Fields 3A & 3B Development and Joint Use Agreement to eliminate the specified language in Section 4.

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 7th day of September, 2004:

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

Noes: None

Absent or Excused: Michael Nelson

APPOINTMENT TO THE CHAPEL HILL HORACE WILLIAMS CITIZENS COMMITTEE

The Mayor and Board of Aldermen were requested to adopt a resolution appointing Patrick McDonough to serve as the Carrboro representative on the Chapel Hill Horace Williams Citizens Committee.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

A RESOLUTION MAKING AN APPOINTMENT TO THE
CHAPEL HILL HORACE WILLIAMS CITIZENS COMMITTEE
Resolution No. 17/2004-05

WHEREAS, the Town of Chapel Hill has requested that a Carrboro representative be appointed to serve on the Horace Williams Citizens Committee; and

WHEREAS, Patrick McDonough has applied for this position.

NOW, THEREFORE BE IT RESOLVED:

Section 1. The Board of Aldermen hereby appoints Patrick McDonough to serve as Carrboro's representative on the Chapel Hill Horace Williams Citizens Committee.

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 7th day of September, 2004:

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

Noes: None

Absent or Excused: Michael Nelson

PRESENTATION OF RESOLUTIONS

Mayor Pro Tem McDuffee presented resolutions of appreciation to Saffelle, Inc. and Sparrow & Sons, Inc. for donations made to the town.

Mr. Saffelle thanked all the fire departments that responded to the Saffelle building in 2003.

Members of the Sparrow family were present to accept a resolution of appreciation for a donation to the Carrboro Fire Department in honor of their father W.D. "Skeeter" Sparrow.

ISSUANCE OF A CHARGE

The Town Clerk issued a charge to Noreen Wise, a recent appointee to the Arts Committee.

PROCLAMATION ISSUED

Mayor Pro Tem McDuffee issued a proclamation proclaiming September 22, 2004 as Car Free Day in Carrboro.

James Carnahan encouraged citizens to use multi-passenger modes on transportation on September 22nd

PERMIT EXTENSION REQUEST FOR PREVIOUSLY ISSUED CONDITIONAL USE PERMIT FOR THE OLD FARMERS' MARKET OFFICE BUILDING AT 300 ROBERSON STREET

The Board was requested to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Old Farmers' Market Office Building located at 300 Roberson Street. The town staff recommended approval of the permit extension request.

Marty Roupe, the town's Zoning Administrator, made the presentation.

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

A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A CUP WOULD OTHERWISE EXPIRE FOR THE OLD FARMER'S MARKET OFFICE BUILDING AT 300 ROBERSON STREET

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Old Farmer's Market Office Building at 300 Roberson Street on November 19, 2002; and

WHEREAS, Section 15-62(a) of the Town of Carrboro Land Use Ordinance states that a CUP will expire automatically within two years of the issuance date if less than ten percent (10%) of the total cost of the project has been completed on site, unless the permit-issuing authority extends the expiration date pursuant to the findings found in Section 15-62(c) of the Land Use Ordinance; and

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1) the CUP has not yet expired, 2) the permit recipient has proceeded with due diligence and in good faith, and 3) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the expiration date for the Old Farmer's Market Office Building Conditional Use Permit is hereby extended to November 19, 2005.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of September, 2004:

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

Noes: None

Absent or Excused: Michael Nelson

ENVIRONMENTAL ADVISORY BOARD RECOMMENDATION ON USE OF BIODIESEL

The purpose of this item was to provide an opportunity to the Environmental Advisory Board to present their recommendation on Biodiesel use in the Town of Carrboro. A resolution was presented that accepted this recommendation and referred it to staff for evaluation.

Rickie White, Chair of the Environmental Advisory Board, made the presentation.

Lyle Estelle, with Piedmont Biofuels, stated that they are currently working with the Carrboro Public Works Department to provide B-20 fuel. He also stated that they have a grant to give away tanks, filters, pumps and infrastructure to make biodiesel more widely available.

Noah Ranells, the town's Environmental Planner, stated that the town's Public Works Department is currently using B-20.

Mayor Pro Tem McDuffee asked that the town staff provide the following information to the Board: a comparison on costs, the effect on non-attainment level, and environmental effects of all forms of fuel.

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

**A RESOLUTION ACCEPTING THE ENVIRONMENTAL ADVISORY BOARD
RECOMMENDATION ON BIODIESEL IN THE TOWN OF CARRBORO
Resolution No. 13/2004-05**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are conducive to employing alternative fuel options and overall increased energy efficiency; and

WHEREAS, the Environmental Advisory Board is charged with advising the Board of Aldermen on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources, including energy conservation,

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept this recommendation and direct staff to evaluate the report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 7th day of September, 2004:

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

Noes: None

Absent or Excused: Michael Nelson

APPOINTMENTS TO THE CHILDCARE STUDY COMMITTEE

The Mayor and Board of Aldermen were requested to consider making appointments to the newly- established Childcare Study Committee. The Board of Aldermen established this committee on May 4, 2004.

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

A RESOLUTION MAKING APPOINTMENTS TO THE CHILDCARE STUDY COMMITTEE Resolution No. 21/2004-05

WHEREAS, the Carrboro Board of Aldermen established a Childcare Study Committee on May 4, 2004; and

WHEREAS, the Childcare Study Committee has been charged with preparing a report to the Board of Aldermen regarding the following issues:

- Planning and zoning treatment of childcare facilities,
- Revenue neutral steps that the Town can take to increase childcare options in Carrboro, and
- Opportunities for improving working conditions for childcare workers;

and

WHEREAS, the committee is to be composed of the following relevant community stakeholders:

- One or more members of the Board of Aldermen
- One or more home-based childcare facility operators
- One or more state-licensed childcare facility operators
- One or more unregulated not-home-based facility operators

- A representative of Childcare Networks
- A representative of the Orange County Partnership for Young Children
- A representative from the Headstart and/or early Headstart program
- Parent(s) of Carrboro children in daycare or preschool (or who would like to be in daycare or preschool)
- Such other persons as the Board of Aldermen may choose to appoint;

and

WHEREAS, this committee shall dissolve on May 4, 2005, unless its charge is extended by action of the Board of Aldermen.

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

Section 1. The following appointments are made to the Childcare Study Committee:

Alderman Mark Chilton
 Sadie Bauer
 Rachel Beck
 Rosalind Council
 Kathleen Gallagher
 Melissa Jack
 Ethel Lindley
 Devin Pressley
 Michele Rivest
 Susan Russell
 Kathy Snethen
 Deborah Taylor
 Sonia Wiggins
 Pam Zornick

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 7th day of September, 2004:

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

Noes: None

Absent or Excused: Michael Nelson

UPDATE ON REDEVELOPMENT OF PROPERTY LOCATED AT 102 S. MERRITT MILL ROAD

Alderman Broun asked for a status report on the redevelopment of 102 S. Merritt Mill Road.

Marty Roupe, the town's Zoning Administrator, stated that the applicant had applied for a conditional use permit to put a car sales lot on this property, but decided not to pursue the project.

DEVELOPMENT PLANS FOR 130 S. MERRITT MILL ROAD

Alderman Chilton stated that there has been discussion of constructing apartments on this property. He expressed interest in seeing a mixed- use development on this property.

Alderman Gist expressed concern about access onto Merritt Mill Road and any access road crossing the bikepath. She also stated that she thought the Board had previously discussed this property.

Roy Williford, the town’s Planning Director, stated that there had been an application for a rezoning of this property in the past, but the application was dropped.

Alderman Zaffron also expressed interest in seeing a mixed used development on this property.

Mayor Pro Tem McDuffee requested that Aldermen Chilton and Zaffron discuss options for this property and present a report to the Board.

FIESTA DEL PUEBLO

Alderman Herrera stated that the Fiesta del Pueblo will be held at the State Fairgrounds on September 11th and 12th.

WELCOME TO NEW CARRBORO BUSINESS

Alderman Zaffron welcomed a new restaurant to Carrboro Plaza Shopping Center - Uncle Charlie’s.

REDEVELOPMENT OF PROPERTY LOCATED AT 300 E. MAIN STREET

Alderman Zaffron announced that Main Street Properties is hosting a public meeting at 7:00 p.m. on September 13th at the Century Center to receive public input on the redevelopment of the property located at 300 E. Main Street (the current location of the ArtsCenter, Cats Cradle, etc.).

30TH ANNIVERSARY OF THE ARTSCENTER

Alderman Zaffron announced the 30th anniversary celebration of the ArtsCenter scheduled for the weekend of September 17th.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING 8:22 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

Mayor Pro Tem

Town Clerk