

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 26, 2004 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

Absent:

Alderman	Mark Chilton
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VISITORS FROM MEXICO

Alderman Herrera welcomed visitors from Guanajuato and Santa Cruz de Juventino Rosas, Mexico and presented gifts to the delegation.

Deanna Cortez, coordinator of the Mexican delegation, addressed the Board

Ramon Mendoza, the Mayor of Santa Cruz de Subvention Rosas, addressed the Board.

Mayor Nelson welcomed the visitors from Mexico and presented a copy of the resolution adopted by the Board in 2002 encouraging the acceptance of the identification card issued by the Mexican Consulate.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE OCTOBER 5 AND 12, 2004 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

REQUEST TO SET JOINT PLANNING PUBLIC HEARINGS AND ASSEMBLY OF GOVERNMENTS MEETING DATES FOR 2005

The Mayor and Board of Aldermen were requested to adopt a resolution setting Joint Planning Public Hearings and Assembly of Governments meeting dates for 2005.

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

A RESOLUTION SETTING
JOINT PLANNING PUBLIC HEARING DATES
AND ASSEMBLY OF GOVERNMENT MEETING DATES FOR 2005
Resolution No. 43/2004-05

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro to set Joint Planning Public Hearing dates for:

Monday, April 4, 2005
Thursday, October 20, 2005

BE IT FURTHER RESOLVED that Assembly of Governments meetings be set for:

Thursday, April 28, 2005
Thursday, September 29, 2005

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of October, 2004:

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

Noes: None

Absent or Excused: Mark Chilton

The Board asked that Mayor Nelson request that future Assembly of Governments meetings be topic-based; i.e., affordable housing, substandard rental housing.

A REQUEST TO APPROVE THE TOLLING AND ACCOUNTING ORDER FOR THE 2004 TIME WARNER CABLE RATE FILING

The Federal Communications Commission (FCC) has transmitted rate filing procedures that allow cable operators to estimate future external costs, costs associated with system upgrades, and to recover those projected costs utilizing the FCC-1240 filing process which is performed annually. Time Warner Cable submitted a FCC-1240 Updating Maximum Permitted Rates filing, FCC-1205 Determining Regulated Equipment and Installation costs filing, and FCC-1235 cost of Service Filing for Cable Network Upgrades for Regulated Cable Service with the Town. The purpose of this item was to request that the Board of Aldermen approve the Tolling and Accounting Order to extend the review period 90 days past the original 30 days allowed by the FCC.

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

A RESOLUTION APPROVING THE
TOLLING AND ACCOUNTING ORDER
Resolution No. 45/2004-05

BE IT RESOLVED by the Carrboro Mayor and Board of Aldermen that the Aldermen approve the Tolling and Accounting Order to Extend the Review Period.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of October, 2004:

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

Noes: None

Absent or Excused: Mark Chilton

A REQUEST TO SET A PUBLIC HEARING: STREET CLOSING PERMIT FOR THE 8TH ANNUAL GALLOP & GORGE 8K ROAD RACE

Cardinal Track Club has submitted a Street Closing Permit Application for the temporary closing of several town streets from 8:00 am to 9:15 am on Thursday, November 25, 2004 to accommodate the *Gallop and Gorge 8K Road Race*. The town staff recommended that the Board adopt a resolution setting a public hearing for November 9, 2004.

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 STREET CLOSING PERMIT REQUEST
Resolution No. 46/2004-05**

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that November 9, 2004 at 7:30 pm is hereby set as the date for a public hearing on the request that streets be closed from 8:00 am to 9:15 am to accommodate the Gallop & Gorge 8K Road Race.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of October, 2004:

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

Noes: None

Absent or Excused: Mark Chilton

A REQUEST TO MAKE AN APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD

The purpose of this item was for the Mayor and Board of Aldermen to consider appointing John O'Leary to the Transportation Advisory Board.

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

**A RESOLUTION MAKING AN APPOINTMENT TO THE
TRANSPORTATION ADVISORY BOARD
Resolution No. 47/2004-05**

WHEREAS, there is currently a vacant seats on the Transportation Advisory Board (TAB); and

WHEREAS, this position has been advertised and John O'Leary and Terry Kraus have submitted applications; and

WHEREAS, the Chair of the TAB is recommending that Mr. O'Leary be appointed to of the vacant seat on the TAB.

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

Section 1. The Board of Aldermen hereby appoints John O'Leary to a seat on the Transportation Advisory Board. Mr. O'Leary's term shall expire in February 2005.

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 26th day of October, 2004:

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

Noes: None

Absent or Excused: Mark Chilton

ORANGE COMMUNITY HOUSING AND LAND TRUST

Alderman Zaffron commended OCHLT on their extraordinary work. In the four years since their inception, they have put over 70 long-term affordable units on the ground.

PUBLIC HEARING: AN ORDINANCE ESTABLISHING A 60-DAY MORATORIUM ON PROCESSING LAND USE PERMIT APPLICATIONS FOR NEW DEVELOPMENTS INVOLVING THE CONSTRUCTION OF BUILDINGS IN EXCESS OF TWO STORIES ON SPECIFIED LOTS WITHIN THE B-1(C) AND B-1(G) ZONING DISTRICTS

The purpose of this item was for the Board to conduct a public hearing on an ordinance entitled "An ordinance establishing a 60-day moratorium on processing of land use permit applications for new developments involving the construction of buildings in excess of two stories on specified lots within the B-1(C) and B-1(G) zoning districts". The town staff recommended that the Board of Aldermen adopt the proposed ordinance.

Roy Williford, Planning Director, made the staff presentation.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING A 60-DAY MORATORIUM ON PROCESSING OF LAND USE PERMIT APPLICATIONS FOR NEW DEVELOPMENTS INVOLVING THE CONSTRUCTION OF BUILDINGS IN EXCESS OF TWO STORIES ON SPECIFIED LOTS WITHIN THE B-1(C) AND B-1(G) ZONING DISTRICTS." VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

PRESENTATION OF A PETITION REQUESTING THE PAVING OF QUAIL ROOST DRIVE

The town has received a petition requesting the paving of Quail Roost Drive from the Hillsborough Road Improvement Project to twenty (20) feet past the lot line of 210 Quail Roost Drive. The town staff recommended that the Board adopt a preliminary assessment resolution declaring its intent to undertake the paving of Quail Roost Drive and setting a public hearing for December 7, 2004.

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

**PRELIMINARY RESOLUTION STATING THE BOARD'S INTENT
TO CONSIDER UNDERTAKING A
STREET PAVING PROJECT ON QUAIL ROOST DRIVE
PROJECT FINANCED IN PART BY SPECIAL ASSESSMENTS
Resolution No. 40/2004-05**

WHEREAS, the Town has received a petition requesting that Quail Roost Drive from the Hillsborough Road Improvement Project to 20 feet past the lot line of 210 Quail Roost Drive be improved in the following manner: street paving; and

WHEREAS, the Town Clerk has certified to this Board that said petition is sufficient in all respects, the same having been duly signed by at least a majority in number of the owners of property abutting the street to be improved who reside on that street, who own at least a majority of the lineal feet of frontage on the street to be improved that is owned by persons who reside on that street]; and at least a majority in number of the owners of property abutting the street to be improved, who own at least a majority of the lineal feet of frontage on the street to be improved.

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

Section 1. The Board hereby expressed its intent to pave Quail Roost Drive from the Hillsborough Road Improvement Project to 20 feet past the lot line of 210 Quail Roost Drive.

Section 2. Fifty (50%) percent of the total cost of this improvement (not including the costs of paving at street intersections) shall be assessed against the properties that abut the Quail Roost Drive improvements at an equal rate per foot of frontage. However, when a project is undertaken along two (2) sides of a corner lot, 75% of the frontage of the shorter side of such lot, up to a maximum of 125 feet, shall be exempt from assessment.

Section 3. The owners of property assessed shall, within thirty (30) days after publication of the notice that the assessment roll has been confirmed, either pay the full amount of the assessment in cash or notify the Town of their election to pay the assessed amount in five (5) annual installments with interest at the rate of eight (8%) percent on the unpaid principal amount. If payment on an installment basis is chosen, the first installment with interest shall become due and payable on the date when property taxes are due and payable (September 1), and one subsequent installment and interest shall be due and payable on the same date in each succeeding year until the assessment is paid in full.

Section 4. A public hearing on all matters covered by this resolution shall be held on the 7th day of December 2004 at 7:30 p.m. in the Carrboro Town Hall, 301 West Main Street, Carrboro, North Carolina.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of October, 2004:

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

Noes: None

Absent or Excused: Mark Chilton

PRESENTATION OF A PETITION REQUESTING THE PAVING OF LISA DRIVE

The town has received a petition requesting the paving of Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street. The Board of Aldermen indicated at its March 2, 2004 meeting that it would like Lisa Drive to be paved at the same time as Quail Roost Drive. The town staff recommended that the Board adopt a preliminary assessment resolution declaring its intent to undertake the paving of Lisa Drive and setting a public hearing for December 7, 2004.

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

**PRELIMINARY RESOLUTION STATING THE BOARD'S INTENT
TO CONSIDER UNDERTAKING A
STREET PAVING PROJECT ON LISA DRIVE
PROJECT FINANCED IN PART BY SPECIAL ASSESSMENTS
Resolution 39/2004-05**

WHEREAS, the Town has received a petition requesting that Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street be improved in the following manner: street paving; and

WHEREAS, the Town Clerk has certified to this Board that said petition is sufficient in all respects, the same having been duly signed by [at least a majority in number of the owners of property abutting the street to be improved who reside on that street, who own at least a majority of the lineal feet of frontage on the street to be improved that is owned by persons who reside on that street.

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

Section 1. The Board hereby expressed its intent to pave Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street.

Section 2. Fifty (50%) percent of the total cost of this improvement (not including the costs of paving at street intersections) shall be assessed against the properties that abut the Lisa Drive improvements at an equal rate per foot of frontage. However, when a project is undertaken along two (2) sides of a corner lot, 75% of the frontage of the shorter side of such lot, up to a maximum of 125 feet, shall be exempt from assessment.

Section 3. The owners of property assessed shall, within thirty (30) days after publication of the notice that the assessment roll has been confirmed, either pay the full amount of the assessment in cash or notify the Town of their election to pay the assessed amount in five (5) annual installments with interest at the rate of eight (8%) percent on the unpaid principal amount. If payment on an installment basis is chosen, the first installment with interest shall become due and payable on the date when property taxes are due and payable (September 1), and one subsequent installment and interest shall be due and payable on the same date in each succeeding year until the assessment is paid in full.

Section 4. A public hearing on all matters covered by this resolution shall be held on the 7th day of December 2004 at 7:30 p.m. in the Carrboro Town Hall, 301 West Main Street, Carrboro, North Carolina.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of October, 2004:

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

Noes: None

Absent or Excused: Mark Chilton

AWARD OF CONTRACT FOR ENGINEERING SERVICES FOR THE QUAIL ROOST DRIVE AND LISA DRIVE PAVING PROJECTS

The purpose of this item was to consider awarding a contract to Sungate Design Group to provide engineering services for the paving of Quail Roost Drive and Lisa Drive Paving Improvement Projects. The town staff recommended that the Board adopt a resolution awarding the contract to Sungate Design Group. In addition, the town staff requested that the Board adopt a budget amendment transferring funds to cover design costs for Lisa Drive.

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

**A RESOLUTION FOR EXEMPTION FROM ENGINEER QUALIFICATION-BASED SELECTION PROCESS FOR PAVING OF THE EXISTING ROAD SECTIONS ON QUAIL ROOST DRIVE AND LISA DRIVE AND TO ENTER INTO A CONTRACT WITH SUNGATE DESIGN GROUP FOR RELATED ENGINEERING SERVICES
Resolution No. 41/2004-05**

WHEREAS, G.S. 143-64.31 requires the initial selection of firms to perform architectural, engineering, and surveying services without regard to fee;

WHEREAS, the Town proposes to enter into one or more contracts with Sungate Design Group of Raleigh, North Carolina to prepare plans and specifications for paving of the existing road sections of Quail Roost Drive and Lisa Drive; and

WHEREAS, under the proposed agreements, Sungate Design Group of Raleigh, North Carolina will perform necessary work pertaining to surveying, preparation of construction plans and specifications, preparation of bid documents, construction inspection and Geotechnical testing; and

WHEREAS, Sungate Design Group of Raleigh, North Carolina has a considerable amount of topographical and storm water historical data on the Town's streets; and

WHEREAS, Town staff feels that it will save time and be more cost effective for the Town to exempt these projects from the provisions of G.S. 143-64.31;

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

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31 for the reasons stated in this resolution.

Section 2. The Town Manager is authorized to enter into an agreement with Sungate Design Group in the amount of \$19,642.00 to provide engineering services related to the paving of Quail Roost Drive.

Section 3. The Town Manager is authorized to enter into an agreement with Sungate Design Group in the amount of \$20,478.00 to provide engineering services related to the paving of Lisa Drive.

Section 4. This resolution shall be effective upon passage.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of October, 2004:

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

Noes: None

Absent or Excused: Mark Chilton

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2004-05 BUDGET ORDINANCE. VOTE: AFFIRMATIVE ALL

REPORT ON STORMDRAIN LABELING PROGRAM FOR THE TOWN OF CARRBORO

The purpose of this item was to provide the Board of Aldermen with information regarding a proposed stormdrain labeling program for the Town of Carrboro. A resolution was presented authorizing staff to proceed with the storm drain labeling program.

Noah Ranells, the town's Environmental Planner, made the staff presentation.

Alderman Gist suggested that the schools have a logo- naming contest.

Alderman McDuffee asked that the following language be added: "drains to _____ creek" to the decals.

Alderman Herrera asked that El Centro Latino be contacted for the Spanish wording.

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

**A RESOLUTION DIRECTING THE TOWN STAFF TO
FINALIZE PLANS FOR A STORMDRAIN LABELING PROGRAM
Resolution No. 42/2004-05**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure water quality of Bolin, Morgan, and Tom's Creek by enhancing stormwater management and watershed awareness; and

WHEREAS, a stormdrain labeling program enlists volunteer groups from the community to assist in placement of decals on appropriate stormdrain devices, thereby activating its citizenry in a stewardship role for the town's creeks,

WHEREAS, the National Pollutant Discharge Elimination System Phase II Stormwater permit application submitted to NC Department of Environment and Natural Resources in March 2003 contained a stormdrain labeling program Year 1 goal,

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen direct staff to finalize plans for a stormdrain labeling program for the Town of Carrboro.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 26th day of October, 2004:

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

Noes: None

Absent or Excused: Mark Chilton

Mr. Ranells presented a memo to the Board regarding and update on the Jordan Lake Stakeholders Project.

Mayor Nelson requested that this memo be scheduled for a Board discussion.

REQUEST TO PARTICIPATE IN THE ROUNDTABLE DISCUSSION ON HOMELESSNESS

The purpose of this item was to present to the Board of Aldermen the proposal for a Roundtable Discussion on Homelessness and a request for \$333.00 to support the community-wide discussion scheduled for November 18, 2004. Staff recommended that the request for the financial support be honored and that as many town representatives as possible participate in the discussion.

Board members expressed concern that the meeting is scheduled for a weekday morning when the Board members and members of the community will not be able to attend.

James Harris, the town's Community and Economic Development Director, commented on the roundtable discussion.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO DIRECT TOWN STAFF TO REQUEST THAT THE ROUNDTABLE DISCUSSION BE MOVED TO A SATURDAY, AND THAT THE TOWN'S PARTICIPATION IS CONTINGENT ON AN ALTERNATE WEEKEND DATE.
VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

MERRITT MILL ROAD APARTMENTS

Alderman Zaffron requested that the town staff clarify what the affordable housing element is for this project.

CENTURY CENTER PARKING

Mayor Nelson requested that the Board consider allocating \$500 for a local architect to investigate parking possibilities for the Century Center parking lot.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ALLOCATE \$500 FROM THE CONTINGENCY FUND AND AUTHORIZE THE MAYOR TO PROCEED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON).

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN TO CLOSED SESSION AT 8:40 P.M. TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

Mayor

Town Clerk