

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 11, 2005 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

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

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE NOVEMBER 16 AND DECEMBER 7, 2004 MINUTES. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO THE NORTHERN TRANSITION AREA ADVISORY COMMITTEE

The purpose of this item was for the Mayor and Board of Aldermen to consider appointing Brian Decker to the Northern Transition Area Advisory Committee.

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

A RESOLUTION APPOINTING BRIAN DECKER
TO THE NORTHERN TRANSITION AREA ADVISORY COMMITTEE
Resolution No. 73/2004-05

WHEREAS, the Town of Carrboro has two representatives on the Northern Transition Area Advisory Committee; and

WHEREAS, one of these seats is currently vacant; and

WHEREAS, Brian Decker has applied to serve on the NTAAC.

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

Section 1. The Board of Aldermen appoints Brian Decker to the Northern Transition Area Advisory Committee. Mr. Decker's term will expire in January 2008.

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 11th day of January, 2005:

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

Noes: None

Absent or Excused: None

TOWN CODE AMENDMENT – PARKING ON MERRITT MILL ROAD

Town staff has prepared an amendment to the Town Code related to on street parking on a portion of Merritt Mill Road. Staff recommended that the Board of Aldermen adopt the ordinance amending the Town Code.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE REALTED TO PARKING ON MERRITT MILL ROAD.” VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENT FOR STOP SIGNS AT THE STRATFORD DRIVE-AUTUMN DRIVE INTERSECTION

Town staff has prepared amendments to the Town Code related to stop signs at the intersection of Stratford Drive and Autumn Drive. The Administration recommended that the Board of Aldermen adopt the ordinance amending the Town Code.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE RELATED TO STOP SIGNS.” VOTE: AFFIRMATIVE ALL

REVIEW AND APPROVAL: MUNICIPAL AGREEMENT FOR HANNA STREET SIDEWALK CONSTRUCTION PROJECT

The Town of Carrboro has been approved to receive federal monies to cover a portion of the cost of sidewalks along Hanna Street. NCDOT has prepared a Municipal Agreement for this project. A resolution recommending the Board of Aldermen authorize the Town Manager and Town Clerk to sign and execute the Municipal Agreement was recommended for the Board’s approval.

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

A RESOLUTION AUTHORIZING EXECUTION OF THE MUNICIPAL AGREEMENT
WITH NCDOT FOR THE HANNA STREET SIDEWALK CONSTRUCTION PROJECT
Resolution No. 69/2004-05

WHEREAS, the Town of Carrboro proposes to make certain street and highway improvements to consist of the construction of a five –(5) foot sidewalk along Hanna Street from Greensboro Street (SR 1772) in Carrboro for approximately 1150 feet; and

WHEREAS, the Municipality has requested to use State Transportation Program Direct Attributable (STP-DA) Funds in the construction of the sidewalks; and

WHEREAS, the Transportation Advisory Council (TAC) has authorized the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization (MPO) to approve the allocation of the State Transportation Program Direct Attributable (STP-DA) Funds to be used in the construction of the sidewalks; and

WHEREAS, the Department has agreed to administer the disbursement of the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization's (MPO) State Transportation Program Direct Attributable (STP-DA) Funds allocation on behalf of FHWA to the Municipality for the construction of the sidewalks in accordance with the project scope of work and with the provisions set forth in this Agreement; and

WHEREAS, the Town of Carrboro agrees to design the project plans, acquire the right of way and adjust utilities, award the construction contract, and supervise project construction and be responsible for the costs of design and preparation of plans for the entire project, for the costs of engineering and supervision of construction of the entire project, administrative costs incurred in the acquisition of right of way of the project, funding the 50% match (\$55,564) for the Direct Attributable Funds authorized, all costs which exceed \$111,128, and all eligible costs not reimbursed by the Federal Highway Administration due to noncompliance by the Municipality; and

WHEREAS, said agreement further provides for the Department of Transportation to allocate an amount not to exceed \$55,564 from the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization's MPO (MPO) State Transportation Program Direct Attributable Funds to the Town of Carrboro for the construction of the project in accordance with the terms of the agreement.

NOW, THEREFORE, BE IT RESOLVED that said Project, Orange County, is hereby formally approved by the Board of Aldermen of the Town of Carrboro and that the Town Manager and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of January, 2005:

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

Noes: None

Absent or Excused: None

BUDGET AMENDMENT

The Management Services Department, in an effort to streamline staff time and reporting requirements, requested a budget amendment to align budget transactions associated with tracking debt and lease payments in the same manner as reported in the current audit report. A budget amendment was required to transfer departmental lease payments for vehicles and equipment to the debt service function.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2004-05 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

REQUEST TO APPROVE THE FY-2005-06 THROUGH FY2010-11 CAPITAL IMPROVEMENT PLAN

The FY2005-06 Capital Improvement Plan (CIP) was presented to the Board for review on November 9, 2004. The Board did not request any changes to be made before bringing it back for formal adoption at the January 11, 2005 meeting. The town staff recommended that the Board adopt a resolution approving the CIP.

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

A RESOLUTION ADOPTING THE FY2005-2006 THROUGH FY2010-2011
CAPITAL IMPROVEMENT PLAN
Resolution No. 74/2004-05

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

Section 1. The Board of Aldermen hereby formally adopts the FY2005-2006 through FY2010-2011 Capital Improvement Plan.

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 11th day of January, 2005:

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

Noes: None

Absent or Excused: None

REQUEST TO ADOPT A BUDGET AMENDMENT TO TRANSFER \$16,000 TO PAY FOR THE CONDEMNATION OF THE ROGERS-TRIEM PROPERTY

The purpose of this item was to present to the Board of Aldermen a request for a budget amendment to transfer \$16,000 from undesignated funds from capital reserve to the General Fund – Public Works budget to pay for the condemnation of the Rogers-Triem property off Smith-Level Road.

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

REQUEST TO SET A PUBLIC HEARING: VOLUNTARY ANNEXATION OF THE ROSE WALK SUBDIVISION

The purpose of this item was to accept a petition for the voluntary annexation of the Rose Walk Subdivision and to set a public hearing for January 25, 2005.

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

A RESOLUTION SETTING A PUBLIC HEARING
TO CONSIDER THE ANNEXATION OF
ROSE WALK SUBDIVISION
UPON THE REQUEST OF THE PROPERTY OWNER
Resolution No. 76/2004-05

WHEREAS, the Town of Carrboro has received a petition from Berryhill Group, LLC requesting that the Rose Walk Subdivision be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen hereby accepts this petition and shall hold a public hearing on January 25, 2005 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill Herald at least ten days prior to the date of the public hearing.

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 11th day of January, 2005:

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

Noes: None

Absent or Excused: None

PRESENTATION OF AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2004

In accordance with principles of accountability and state statutes, the town undergoes an annual financial audit by independent auditors. The town contracted with Dixon Odom PLLC to perform the audit for the fiscal year ending June 30, 2004. The purpose of this agenda item is for the Board to receive the audit report.

LaVonne Montague, CPA, of Dixon Odom PLLC, presented the report.

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

A RESOLUTION ACCEPTING THE 2003-04 AUDIT REPORT
Resolution No. 70/2004-05

WHEREAS, the Carrboro Board of Aldermen have received the annual 2003-04 Audit Report; and

WHEREAS, the Aldermen were informed by the Town's auditors, Dixon Hughes PLLC that the Town's financial statements are free of material misstatement and that the audit tests conducted by the firm did not uncover any material weaknesses that are required to be reported under Government Auditing Standards;

WHEREAS, the Aldermen were informed by town staff, that the Town's financial statements have been significantly improved and submitted to the Government Finance Officers' Association for recognition of excellence in financial reporting;

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

Section 1: Accept the annual 2003-04 Audit Report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of January, 2005:

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

Noes: None

Absent or Excused: None

INFORMAL PRESENTATION OF THE ARTSCENTER REDEVELOPMENT PROJECT

The purpose of this item is to honor a request by Main Street Properties to share information and get non-binding feedback from the Mayor and Board of Aldermen on the ArtsCenter Redevelopment project.

Laura Van Saint with Main Street Properties introduced Jim Spencer, the architect for this project.

Jim Spencer and Dan Jewell made the presentation.

Alderman Gist requested that the Board schedule a discussion of courtesy reviews for projects.

Mayor Nelson stated that the aesthetics of the project are very important so that it looks like Carrboro.

Alderman Chilton suggested that extension of Roberson Street be part of the plan.

Alderman Zaffron stated that the aesthetic issues are critical to making the project successful.

WORKSESSION WITH OWASA

The purpose of this item was for the Mayor and Board of Aldermen to meet with representatives from OWASA to discuss information regarding OWASA's rates, bond debt and related items.

Alderman Broun asked how many institutional customers there are.

Ed Kerwin, Executive Director of OWASA, and Susie Hollowell, one of the town's OWASA representatives, answered the Board's questions.

John Smith, a former Carrboro representative on the OWASA Board, discussed cost of service fees, specifically the fact that the University has not paid cost of service fees.

Mark Marcopolos, Chair of the OWASA Board commented on the cost of service fees.

Alderman Broun requested a copy of OWASA's financial overview.

Mayor Nelson suggested that the Board continue discussion of this matter at the 2005 Planning Retreat.

MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR STATE EMPLOYEES CREDIT UNION

The State Employees Credit Union (SECU) represented by O'Brien Atkins Associates, PA, has submitted an application for a Minor Modification to the CUP for the existing facility located at 100 Highway 54 W, further identified by Orange County Tax Map number 7.114..31B. The administration requested that the Board of Aldermen review, deliberate and make a decision on the proposed minor modification application.

Jeff Kleaveland made the presentation.

Jonathan Parsons addressed the deregulation of parking spaces. He stated that they would dedicate the right of way as long as that dedication does not bring the project into noncompliance.

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

A RESOLUTION ALLOWING A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT
FOR THE EXISTING STATE EMPLOYEES CREDIT UNION
LOCATED AT CARRBORO PLAZA 100 HIGHWAY 54 WEST BYPASS
Resolution No. 72/2003-04

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the State Employees Credit Union located at 100 Highway 54 West, (further identified by Orange County Tax Map number 7.114..31B) on March 17, 1998; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Conditional Use Permit that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes 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 contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approve the minor modification to the, State Employees Credit Union located at 100 Highway 54 West authorizing the 1199 square foot building addition with the following conditions:

1. That the applicant dedicates 10 feet of right-of-way along Old Fayetteville Road.
2. That the nine parking spaces reserved for "park and ride" along the northeast quadrant of the parking lot (adjacent to the main entrance) be deregulated and returned to the control and use of the applicant.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of January, 2005:

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

Noes: Michael Nelson

Absent or Excused: None

TSANAMI RELIEF FUNDRAISER

Mayor Nelson stated that he had been asked that the town be a co-sponsor for a Tsunami Relief Fundraiser that will be held at the Century Center.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE TOWN BE A CO-SPONSOR FOR THE TSANAMI RELIEF FUNDRAISER. VOTE: AFFIRMATIVE ALL

MARTIN LUTHER KING, JR. PEACE VIGIL

Alderman Gist stated that the N.C. Council of Churches has requested that the town co-sponsor a vigil in honor of Dr. Martin Luther King, Jr. at the Town Commons on January 20th .

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOHN HERRERA THAT THE TOWN BE A CO-SPONSOR OF THE VIGIL. VOTE: AFFIRMATIVE ALL

COMMENTS BY ALDERMAN ZAFFRON

Alderman Zaffron thanked everyone for the kind words and forbearance during this father's illness and death.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN TO CLOSED SESSION AT 9:30 P.M. TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk