

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 1, 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 (arrived at 7:40 p.m.)
	Diana McDuffee
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE FEBRUARY 1 AND 8, 2005 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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### **APPOINTMENTS TO THE ARTS COMMITTEE**

The Mayor and Board of Aldermen were requested to consider making appointments to the Arts Committee.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

A RESOLUTION MAKING APPOINTMENTS TO THE  
ARTS COMMITTEE  
Resolution No. 104/2004-05

WHEREAS, there are currently six (6) vacant seats on the Arts Committee; and

WHEREAS, Amanda Bryan, Maggi Grace, Ron Liberti, Chloe Seymore and Sue Soltis have applied for membership on the Arts Committee; and

WHEREAS, Jackie Helvey-Hayes and Victoria Ralston have expressed interest in being reappointed to the Arts Committee.

WHEREAS, the Chair of the Arts Committee is recommending that these individuals be appointed.

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

Section 1. The Board of Aldermen hereby makes the following appointments to the Arts Committee:

Appointee	Term Expiration
Victoria Ralston	1/31/2008
Jackie Helvey-Hayes	1/31/2008
Sue Soltis	1/31/2008
Maggi Grace	1/31/2007
Chloe Seymore	1/31/2007

Ron Liberti	1/31/2007
Amanda Bryan	1/31/2006

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 1st day of March, 2005:

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

Noes: None

Absent or Excused: John Herrera

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**A RESOLUTION OF APPRECIATION FOR A DONATION FROM THE CHAPEL HILL-CARRBORO ROTARY CLUB**

The Recreation and Parks Department requests the Board of Aldermen to consider adopting a resolution of appreciation to the Chapel Hill-Carrboro Rotary Club for their \$3,000 donation to the Town of Carrboro in support of the Annual July 4<sup>th</sup> Community Celebration and for countless volunteer hours supervising various activities during town sponsored events. The donation will enable the Recreation and Parks Department to provide and maintain additional paint boards and material for the Welcome Wall.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

A RESOLUTION OF APPRECIATION  
RECREATION AND PARKS DONATION  
BY THE CHAPEL HILL-CARRBORO ROTARY CLUB  
Resolution No. 89/2004-05

WHEREAS, the Chapel Hill-Carrboro Rotary Club has generously given a donation of \$3,000 to the Town of Carrboro in support of the Annual July 4<sup>th</sup> Community Celebration; and

WHEREAS, this donation will enable the Recreation and Parks Department to provide and maintain additional paint boards and material for the Welcome Wall; and

WHEREAS, the Chapel Hill-Carrboro Rotary Club has donated countless volunteer hours to this event.

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to the Chapel Hill-Carrboro Rotary Club for its generous donation.

Section 2. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to the Chapel Hill-Carrboro Rotary Club.

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 1st day of March, 2005:

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

Noes: None

Absent or Excused: John Herrera

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**A RESOLUTION ACCEPTING THE DONATION OF A WORK OF ART**

Ms. Helen Knapp has generously donated a work of art to the Town of Carrboro. The town staff requested that the Mayor and Board of Aldermen adopt a resolution accepting the donation of a work of art.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

**A RESOLUTION ACCEPTING THE DONATION OF A WORK OF ART  
Resolution No.105/2004-05**

WHEREAS, the Mayor and Board of Aldermen recognize and appreciate the aesthetic value in displaying works of art at the Carrboro Town Hall; and

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

Section 1. The Mayor and Board of Aldermen gratefully accept the donation of a work of art donated by Helen Knapp. This work of art will be displayed in the Carrboro Town Hall.

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 1st day of March, 2005:

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

Noes: None

Absent or Excused: John Herrera

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**REQUEST FOR A BUDGET AMENDMENT TO RECEIVE AND ALLOCATE GRANT FUNDS ON BEHALF OF THE GRAPE ARBOR DEVELOPMENT CORPORATION**

The purpose of this item was to present to the Board of Aldermen a request for a budget amendment to receive and allocate Economic Development Initiative (EDI) grant funds in the amount of \$198,820 for the Grape Arbor Development Corporation.

Mayor Nelson asked what the town's responsibility would be serving as the fiscal agent for Grape Arbor's grant.

James Harris, the town's Community and Economic Development Director, stated that the town would be responsible for making sure the funds are spent to purchase a unit to serve as a center. The funds will come through the town, they will submit a request for payment to the town, and document what they have used the funds for.

Alderman Broun asked to be excused from voting on this matter, as she is a member of the Board of Directors for Grape Arbor Development Corporation.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO EXCUSE ALDERMEN BROUN FROM VOTING ON THIS MATTER. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2004-05 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT ONE (HERRERA), EXCUSED ONE (BROUN)

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### **SUPPORT FOR LEGISLATION TO INCLUDE SEXUAL ORIENTATION IN HATE CRIMES**

Alderman Gist requested that the town staff prepare a resolution for the Board's consideration stating the Board's support for including sexual preference in the State's hate crime legislation.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO REQUEST THE TOWN STAFF TO PREPARE A RESOLUTION FOR THE BOARD'S CONSIDERATION ASKING THE LEGISLATIVE DELEGATION TO SUPPORT INCLUDING SEXUAL PREFERENCE IN THE STATE'S HATE CRIME LEGISLATION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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### **RECOMMENDATION FOR A PROCESS TO DEVELOP A 10-YEAR PLAN TO END HOMELESSNESS IN ORANGE COUNTY**

The purpose of this item was to present to the Board of Aldermen a follow up report from the November 18, 2004 Round Table Discussion hosted by Chapel Hill, Orange County and the United Way and a recommendation from the planning group for developing a ten year plan to end homelessness in Orange County. The town staff recommended that the Board receive the report from the November 18, 2004 Homelessness Roundtable and appoint a representative to serve on the planning committee.

[Alderman Herrera arrived at the meeting.]

Sally Green, a member of the Chapel Hill Town Council, made the presentation and requested that the Board appoint a representative to serve on the Round Table Planning Committee.

Billie Guthrie, Chair of the Community Initiative to End Homelessness, presented a fact sheet on the number of homeless people in Orange County.

Alderman Herrera requested that the committee look at models used in Latin America for dealing with homelessness.

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

A RESOLUTION TO SUPPORT THE DEVELOPMENT OF A TEN-YEAR PLAN  
TO END HOMELESSNESS IN ORANGE COUNTY AND  
APPOINTING A CARRBORO REPRESENTATIVE TO THE PLANNING GROUP  
Resolution No. 98/2004-05

WHEREAS, the Board of Aldermen recognizes the need to work with Orange County, the Town of Chapel Hill, the Town of Hillsborough, the University of North Carolina and other housing providers to address the needs of the homeless in Orange County, and

WHEREAS, the problem can not be solved without all of the governments and housing advocates working together, and

WHEREAS, in October 2003, Triangle-area elected officials were briefed on the 10-Year Plan to End Homelessness initiative sponsored by the United States Interagency Council on Homelessness where the attendees were asked to begin a similar planning process in their localities. And

WHEREAS, Wake County and the United Way have developed a program that incorporates public forums and action-oriented workshops in the planning process for planning how to end homelessness. And

WHEREAS, Orange County, The Town of Chapel Hill, United Way, IFC Community House and the Community Initiative to End Homelessness (formerly known as the Continuum of Care) on November 18, 2004 hosted a Roundtable Discussion on Homelessness in Orange County with over 150 in attendance, and

WHEREAS, the attendees supported the idea of developing a ten-year plan to end homelessness and identified the need for the Towns of Carrboro and Hillsborough to be at the table.

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

Section 1. The Board of Aldermen recognizes the need to be represented in the planning process to end homelessness and agrees to make an appointment to the Round Table Planning Committee, which currently consists of staff representatives from Chapel Hill, Orange County, Triangle United Way, IFC Community House, and Community Initiative to End Homelessness.

Section 2. The Board of Aldermen hereby appoints Jacquelyn Gist to serve as its representative on the Round Table Planning Committee. Alex Zaffron will serve as an alternate representative.

Section 3. It is further recognized that in the future the Town will be asked to participate financially in the development of this plan.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 1st day of March, 2005:

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

Noes: None

Absent or Excused: None

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**PERMIT EXTENSION REQUEST FOR PREVIOUSLY ISSUED CONDITIONAL USE PERMIT FOR THE WINMORE VILLAGE MIXED USE PROJECT AT 1400 HOMESTEAD ROAD**

The Board was asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Winmore Village Mixed Use project at 1400 Homestead Road. The Town Staff recommended approval of the request.

Alderman Zaffron commented that it would be helpful after this project is completed, to have an assessment of why this project took so long.

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

**A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A  
CONDITIONAL USE PERMIT WOULD OTHERWISE EXPIRE FOR THE WINMORE VILLAGE  
MIXED USE PROJECT AT 1400 HOMESTEAD ROAD  
Resolution No. 100/2004-05**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Winmore Village Mixed Use Project at 1400 Homestead Road on June 10, 2004; 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 Winmore Village Mixed Use Project Conditional Use Permit is hereby extended to June 10, 2006.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 1st day of March, 2005:

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

Noes: None

Absent or Excused: None

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**REVIEW OF LOCAL PRIORITY LIST FOR THE 2007-2013 TRANSPORTATION IMPROVEMENT PROGRAM**

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization has initiated the preparation of the 2007-2013 Transportation Improvement Program (TIP). At the beginning of this process, local governments are requested to provide a local priority list of projects. The Board was requested to begin its consideration of a local priority list in anticipation of adopting a final list by March 15, 2005.

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

Alderman Zaffron asked that he be excused from voting on this matter because his family owns property on Seawell School Road.

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

A RESOLUTION APPROVING THE  
2007-2013 TRANSPORTATION IMPROVEMENT  
PROGRAM LOCAL PRIORITY LIST  
Resolution No. 108/2004-05

WHEREAS, the Town of Carrboro participates in the development of the 2007-2013 Transportation Improvement Program (TIP) as a member of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, the Transportation Advisory Board has reviewed transportation needs in Carrboro and recommended a local priority list for adoption by the Board of Aldermen.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen approve the Carrboro 2007-2013 Transportation Improvement Program Local Priority List, with the exception of Priority #3 (Seawell School Road-widen to include transit accommodations, bike lanes, and sidewalks on both sides of the road from Homestead Road to Estes Drive).

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 1st day of March, 2005:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO EXCUSE ALDERMAN ZAFFRON FROM VOTING ON PRIORITY #3 (SEAWELL SCHOOL ROAD). VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY DIANA MCDUFFEE TO INCLUDE PRIORITY #3 (SEAWELL SCHOOL ROAD IMPROVEMENTS) IN THE 2007-2013 TIP. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (ZAFFRON)

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**STATUS REPORT ON ALTERNATIVE DESIGN FOR THE SMITH LEVEL ROAD PROJECT**

At its meeting on January 18th, the Board of Aldermen discussed an alternative to the four-lane widening project for Smith Level Road between Morgan Creek and Rock Haven Road. At that meeting the Board requested additional information regarding the amount of right-of-way needed for the alternative and the cost of acquiring this right-of-way. This purpose of this agenda item was to provide an update on information received from NCDOT since the January 18 meeting. A resolution receiving the report was provided for the Board's adoption.

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

Alderman Broun asked for information on the affect of a five-year payback to NCDOT based on a cost of \$500,000.

Alderman Zaffron stated that he was not interested in a five-year payback—he was thinking of a 20-year payback to NCDOT.

Mr. Stewart stated that if the Board chooses Option #2, the Board will basically be “buying a pig in a poke”. The estimated cost figures for right-of-way are very soft at this time, there are no preliminary estimates for utility relocation, and NCDOT will not agree to cap the town's cost for right-of-way and utility relocation.

Alderman McDuffee asked that the town staff clarify with the school system what improvements to Smith Level Road they are proposing for the new high school

Alderman Zaffron asked if NCDOT had explained why they would not pay for a scaled down version of improvements.

Dale McKeel stated that NCDOT had told town officials at a January meeting that they believe a 4-lane road is needed based on traffic forecasts.

Mayor Nelson asked if Option 3 (doing no improvements to Smith Level Road) is an option, with the town building a sidewalk from BPW Club Road to the Bypass using sidewalk bond funds?

Alderman Broun asked why there is discussion going on about spending \$1.7 million to improve Smith Level Road, when the town wants a road that would cost significantly less than the \$1.3 million project NCDOT is proposing to construct?

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**APPOINTMENTS TO THE PLANNING BOARD AND RECREATION AND PARKS COMMISSION**

The Mayor and Board of Aldermen considered making appointments to the Planning Board and Recreation and Parks Commission. Aldermen Broun and Chilton made reports on the recommended appointees.

Alderman Broun stated that John Marshall, the Chair of the Planning Board, asked for an additional week to make recommendations.

Alderman Chilton stated that the Recreation and Parks Commission would like to interview their applicants in March and April before making recommendations to the Board for appointments. The Chair recommended that Marianne Nicholson be appointed at this time.

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL HALL BROUN TO APPOINT MARIANNE NICHOLSON TO THE RECREATION AND PARKS COMMISSION. VOTE: AFFIRMATIVE ALL

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**REQUEST FOR SPECIAL LEGISLATION**

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

A RESOLUTION REQUESTING THE TOWN’S LEGISLATIVE DELEGATION TO INTRODUCE AND SUPPORT AN AMENDMENT TO THE CARRBORO TOWN CHARTER TO AUTHORIZE THE TOWN TO RAISE THE MOTOR VEHICLE TAX FROM FIFTEEN TO TWENTY-FIVE DOLLARS  
Resolution No. 110/2004-05

WHEREAS, the Town of Carrboro faces a growing need to fund transportation related capital improvements and programs; and

WHEREAS, the General Assembly has enacted special legislation authorizing other municipalities to increase their motor vehicle taxes, generally authorized under G.S. 20-97(a), up to twenty-five dollars per year;

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

Section 1. The board hereby requests the town’s legislative delegation to introduce and support passage in the General Assembly of the attached special legislation, which amends the town’s charter to authorize the town to raise the motor vehicle tax authorized under G.S. 20-97(a), as amended by previous amendments to the charter, from the current level of fifteen dollars (\$15.00) per year to a maximum of twenty-five dollars (\$25.00) per year.

Section 2. The Town Attorney shall forward a copy of this resolution, together with the attached proposed bill, to each member of the town’s legislative delegation.

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 1st day of March, 2005:

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

Noes: None

Absent or Excused: None

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**UPDATE ON MEETING WITH UNC OFFICIALS REGARDING ECONOMIC DEVELOPMENT ISSUES**

Mayor gave an update on a meeting with UNC officials about the town’s willingness to open a conversation about partnering on economic development issues. He stated that Tony Waldrop suggested a brainstorming session to talk about some possibilities. Mayor Nelson and Alderman McDuffee expressed a desire to

participate in a brainstorming discussion. Mayor Nelson stated that the Board would be informed as to when the session will be held.

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**REPORT ON HIGH SCHOOL/HOMESTEAD ROAD INTERSECTION IMPROVEMENTS**

Alderman Zaffron gave a report on a conference call he and town staff members had with NCDOT regarding improvements to the High School/Homestead Road intersection. He stated that there had apparently been a breakdown in communication among NCDOT officials about the improvements.

Mayor Nelson asked if there was correspondence from NCDOT approving the improvements.

Alderman Zaffron stated that he has minutes where District Engineer Chuck Edwards described in detail what they were planning to do. He said that he thought there was a letter from NCDOT confirming the improvements. It appears that the physical infrastructure will not begin until January 2006.

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY MARK CHILTON TO ADJOURN THE MEETING AT 8:40 P.M. VOTE: AFFIRMATIVE ALL

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Town Clerk

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Mayor