

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 19, 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	Michael B. Brough
Town Clerk	Sarah C. Williamson

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

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE APRIL 5 AND 12, 2005 MINUTES. VOTE: AFFIRMATIVE ALL

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### **RESOLUTION PROCLAIMING MAY AS NATIONAL BIKE MONTH**

The year 2005 will mark the 49th consecutive year the League of American Bicyclists has declared May to be National Bike Month. For several years the Carrboro Board of Aldermen has adopted a resolution in support of National Bike Month. A resolution was presented for the Board's adoption.

The following resolution was introduced by Alderman Mark Chilton and duly seconded by Alderman Joal Hall Broun.

#### **A RESOLUTION PROCLAIMING MAY AS NATIONAL BIKE MONTH**

Resolution No. 127/2004-05

WHEREAS, bicycle riding is a viable and environmentally sound form of transportation and an excellent form of recreation; and

WHEREAS, millions of Americans will experience the joys of bicycling in the month of May through educational programs, commuting events, trail work days, helmet promotions, and charity rides; and

WHEREAS, Americans in record numbers are turning to bicycling for recreation, exercise, and transportation; and

WHEREAS, The year 2005 will mark the 49th consecutive year that the national non-profit bicycling safety and education association the League of American Bicyclists has declared the month of May to be National Bike Month; and

WHEREAS, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies and civic groups throughout the nation will be promoting bicycling as a wholesome leisure activity as well as an environmentally-friendly alternative to the automobile during the month of May.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen do hereby proclaim the month of May as

## **NATIONAL BIKE MONTH**

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 19<sup>th</sup> day of April, 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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### **A RESOLUTION MAKING AN APPOINTMENT TO THE ORANGE COUNTY ANIMAL SERVICES ADVISORY BOARD**

The Mayor and Board of Aldermen were requested to consider appointing Ross Oglesbee to Orange County's newly established Animal Services Advisory Board. Ms. Oglesbee would represent the Town of Carrboro on this board. The town staff requested that the Board adopt a resolution making this appointment.

The following resolution was introduced by Alderman Mark Chilton and duly seconded by Alderman Joal Hall Broun.

#### **A RESOLUTION MAKING AN APPOINTMENT TO THE ORANGE COUNTY ANIMAL SERVICES ADVISORY BOARD Resolution No. 130/2004-05**

WHEREAS, the Orange County Board of Commissioners has created a new permanent board called the Animal Services Advisory Board; and

WHEREAS, this board will advise the Orange County Animal Services Department on allocation of resources, planning programs, and advising the Animal Services Director on policies and operation of the department; and

WHEREAS, this board will consists of 12 members, one of which is set aside for a Carrboro resident; and

WHEREAS, these seats were advertised and Ms. Ross Oglesbee, a resident of Blueridge Road in Carrboro has made application.

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

Section 1. Ms. Ross Oglesbee is hereby appointed as Carrboro's representative on the Orange County Animal Services Advisory Board.

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 19<sup>th</sup> day of April, 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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**A RESOLUTION SUPPORTING THE ORANGE COUNTY ECONOMIC DEVELOPMENT COMMISSION'S FIVE-YEAR STRATEGIC PLAN**

The purpose of this item was for the Mayor and Board of Aldermen to consider adopting a resolution supporting the Orange County Economic Development Commission's Five-Year Strategic Plan entitled, "Investing in Innovation," and referring the report to the Planning Board and Downtown Development Commission for comment.

The Board requested that this resolution be referred back to the town staff to include language in the resolution indicating the town's request that the non-residential development proposed in the County's Five-Year Strategic Plan take place within the municipalities located in Orange County. This development should take place in areas that can be served by public transportation.

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**REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT MODIFYING THE DESCRIPTION AND PERMIT REQUIREMENTS FOR TOWN FACILITIES**

Town staff has determined that the Land Use Ordinance's miscellaneous public and semi-public facilities provisions are in need of revision. A draft ordinance has been prepared. A resolution setting a public hearing for May 24, 2005 was presented.

The following resolution was introduced by Alderman Mark Chilton and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATED TO MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES  
Resolution No. 134/2004-5**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on May 24, 2005, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance Provisions to modify the use classifications specified in 15.000, Miscellaneous Public and Semi-Public Facilities."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 19<sup>th</sup> day of April, 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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## **REPORT ON JORDAN LAKE NUTRIENT MANAGEMENT STRATEGY**

The purpose of this item was to request that the Board designate the Town Manager or his designee 1) to serve as the Town's authorized representative in the multi-jurisdiction stakeholder work group for the Upper New Hope Arm of Jordan lake and 2) to represent the Town's interests related to the nutrient management strategies and total maximum daily load standards for Jordan Lake to the State of North Carolina Environmental Management Commission. A resolution has been prepared for consideration.

The following resolution was introduced by Alderman Mark Chilton and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION TO ACCEPT THE UPDATE OF THE JORDAN LAKE NUTRIENT MANAGEMENT STRATEGY AND TOTAL MAXIMUM DAILY LOAD AND DESIGNATE THE TOWN MANAGER AS THE TOWN'S AUTHORIZED REPRESENTATIVE TO THE STATE OF NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION**

Resolution No. 128/2004-05

WHEREAS, in 2002, the North Carolina Department of Environment and Natural Resources Division of Water Quality placed portions of the Upper New Hope Arm of Jordan Lake on the 303(d) list of impaired waters and committed to developing a Total Maximum Daily Load standard for nutrients for that portion of Jordan Lake; and

WHEREAS, in 2003, stakeholder groups were established to work with the North Carolina Department of Environment and Natural Resources Division of Water Quality and Environmental Management Commission to develop the Total Maximum Daily Load nutrient standards and associated Nutrient Management Strategies for Jordan Lake watersheds; and

WHEREAS, the planning jurisdictions of Carrboro and Chapel Hill, as well as portions of the City of Durham and unincorporated areas in Durham, Orange, and Chatham County are located within the Upper New Hope Arm of Jordan Lake watershed; and

WHEREAS, the proposed nutrient loading reduction target for the Upper New Hope Arm portion of Lake Jordan is 35% total nitrogen reduction and 5% total phosphorous reduction; and

WHEREAS, the Upper New Hope Arm stakeholder work group will continue to discuss issues and will prepare comments regarding the proposed nutrient standards and strategies for submittal to the North Carolina Environmental Management Commission.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Town Manager or his designee serve as the Town's authorized representative in the Jordan Lake Upper New Hope multi-jurisdictional stakeholder work group.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 19<sup>th</sup> day of April, 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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**CHARGE ISSUED**

The Town Clerk issued a “charge” to Alfred Montalvo, new appointee to the Recreation and Parks Commission.

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**PRESENTATION OF A CERTIFICATE OF APPRECIATION**

Mayor Nelson presented a certificate of appreciation to Randee Haven-O’Donnell for her service to the town while serving on the Carrboro Planning Board.

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**PROCLAMATION ISSUED**

Mayor Nelson read a proclamation proclaiming the month of April as Sexual Assault Awareness Month in the Town of Carrboro.

Margaret Barrett, Executive Director of the Rape Crisis Center, invited the Board and others to wear a teal ribbon for the remainder of April. She also invited the Board and citizens to visit A Southern Season in University Mall to view the Center’s “Clothes Line” display.

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**VISITORS FROM MEXICO**

Alderman Herrera introduced a delegation of city council members from Guanajuato and Santa Cruz de Juventino Rosas, Mexico

Mayor Nelson welcomed the visitors.

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**A PRESENTATION FROM PA’LANTE AND YOUTH CREATING CHANGE**

The purpose of this item was to honor a request from Laura Wenzel to make a presentation to the Board of Aldermen seeking support for Pa’lante and Youth Creating Change, non-profit agencies located at 110 W. Main Street in downtown Carrboro.

Maxecine Mitchell and Laurel Wenzel, Executive Directors of Club Neon Teen Center, made a presentation.

Alderman McDuffee suggested that they request funding from Orange County and urged them to pursue library cards from the Cybrary.

Mayor Nelson suggested that they talk with the Town Manager and Recreation and Parks Department to discuss collaborative efforts.

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### **CONTINUED DISCUSSION OF REVISIONS TO THE MINIMUM HOUSING CODE**

The Board of Aldermen held a public hearing and received comments on the revised Minimum Housing Code, new Chapter 17 of the Town Code, on March 22, 2005. Follow-up information was requested. The staff recommended adoption of the ordinance that revises the Town Code to include a new Chapter 17, Housing.

Chief Murray stated that he and Chief Jones were successful in having OWASA remove their monthly charge for sprinkler systems.

Bob Kirscher stated that the Town Code requires a 24-hour monitoring system, but the State Fire Code does not require that monitoring system. He requested that the Town Code be amended to delete this requirement. He stated that the cost of installing sprinkler systems is expensive. He suggested that the housing code reference back to the State Fire Code. He stated that the proposed code refers to all housing, not just rental units as Orange County's code addresses. He stated that there is not a definition of tenant and landlord in the proposed code.

Mike Brough explained why the proposed ordinance was before the Board.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY MARK CHILTON TO ADOPT THE ORDINANCE ENTITLED, "CHAPTER 17, HOUSING CODE." VOTE: AFFIRMATIVE ALL

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### **CONTINUED DISCUSSION OF THE LAND USE ORDINANCE TEXT AMENDMENT RELATED TO GROUP HOMES**

The Board of Aldermen held a public hearing and received comments on the proposed revisions to the group home provisions of the Land Use Ordinance. Staff was directed to receive additional comments and to rewrite the draft ordinance.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS DEALING WITH GROUP HOMES." VOTE: AFFIRMATIVE ALL

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### **DISCUSSION OF SMITH LEVEL ROAD IMPROVEMENTS**

Mayor Nelson and Alderman Zaffron presented a report on a meeting held with NCDOT officials and members of the Orange County Legislative Delegation regarding the Smith Level Road improvements project.

It was the consensus of the Board to continue discussion of this matter at the April 26<sup>th</sup> Board meeting with the request that the town staff provide a summary of the options for improvements along with the fiscal impacts. In

addition, that the town staff confirm with NCDOT that the town's share of the costs would be capped at \$300,000, and determine the amount allocated by the County for right-of-way acquisition related to the new high school construction.

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### **FARM TOUR**

Alderman Chilton stated that the Carolina Farm Tour would be held this weekend.

Alderman McDuffee stated that tickets could be purchased at Weaver Street Market.

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### **TWIN CREEKS PARK WALKING PATH**

Alderman Gist requested that a letter from Jay Bryan proposing a shared path to the Twin Creeks Park be referred to the town staff for feedback and feasibility.

Mr. Stewart stated that Mr. Bryan presented this request at the open house on the recreation and parks master plan update and the consultant will be considering this request.

Alderman McDuffee urged citizens to complete the town's survey for suggestions for updates of the master plan.

Mr. Stewart stated that the survey would be handed out at Carrboro Day also.

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO  
ADJOURN THE MEETING AT 8:45 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk