

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, October 4, 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

NORTHEAST AREA ANNEXATION

Ken Eurdon, a resident of Fox Meadow, expressed concern that at the January 25, 2005 Board of Aldermen meeting, the town's Planning Director had stated that the lot sizes on Drew Lane are too large to meet the density requirements for involuntary annexation. He stated that Fox Meadow's density did not meet the density requirements either. He also asked why the town attorney had objected to the Board voting separately on the two annexation areas.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE SEPTEMBER 20, 2005 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO CANCEL NOVEMBER 8TH BOARD MEETING

The purpose of this item was to request that the Board of Aldermen cancel the November 8th Board meeting. November 8th is Election Day.

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

A RESOLUTION CANCELING THE
NOVEMBER 8, 2005 BOARD MEETING
Resolution No. 20/2005-06

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

Section 1. The Board of Aldermen hereby cancels its meeting scheduled for November 8, 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 4th day of October, 2005:

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

Noes: None

Absent or Excused: None

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH NCDOT TO PERFORM BRIDGE INSPECTIONS

The Town has requested NCDOT or a consultant retained by the Department re-inspect and analyze all public bridges located on our Municipal Street System in compliance with the NBIS. The Town has one bridge located on Lake Hogan Farm Road. The administration requested that the Mayor and Board of Aldermen adopt a resolution authorizing the Town Manager to enter into an agreement with NCDOT to perform the bridge inspections.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO
A MUNICIPAL AGREEMENT WITH NCDOT
TO PERFORM BRIDGE INSPECTIONS
Resolution No. 19/2005-06

WHEREAS, the Town of Carrboro has requested the Department of Transportation perform certain work under the Federal-Aid Highway Bridge Replacement Program. This work will consist of the re-inspection and analysis of all public bridges on the Municipal Street System in the Town of Carrboro; and

WHEREAS, the Town of Carrboro proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a consulting engineering firm retained by the Department of Transportation will re-inspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the Town of Carrboro shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration,

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

Section 1. That the agreement for the hereinabove referenced bridge inspection work is hereby formally approved by the Town of Carrboro and the Town Manager and Town Clerk of this municipality are hereby empowered to sign and execute the required agreement between the Town of Carrboro and the Department of Transportation.

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 4th day of October, 2005:

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

Noes: None

Absent or Excused: None

AN AMENDMENT TO THE TOWN'S STREET LIGHTING POLICY

Pursuant to the motion passed by the Board of Aldermen on January 25, 2005, staff has developed a procedure to allow residents the opportunity to decline installation of streetlights. The town staff recommended that the Board adopt a resolution approving the revision to the town's Street Lighting Policy.

Mike Brough explained the reasoning for requiring 100% of the property owners to sign a petition requesting that streetlights not be installed on their street.

Alderman Zaffron wanted to know what the town's policy is for requesting a single streetlight.

George Seiz, the town's Public Works Director, stated that the Town on occasion does receive a request to install a streetlight. In such cases, the request must be in writing, and if other neighbors are affected, a petition must be submitted for review.

Alderman Broun suggested that the policy be amended to put streetlights in front of property owners' homes that do want lights.

Mike Brough expressed concern that if the Town does not install streetlights in accordance with the plan that was in place when the annexation report was adopted, that citizens could back to the Town and say they are entitled to the services included in the report.

Mayor Nelson stated that the purpose of this agenda item tonight is to come up with an amendment to the street lighting policy to create a situation where citizens can opt out of the current policy. If the amendment is not approved, then streetlights will be installed in accordance with the existing policy.

Alderman Herrera asked if there would be a liability to the Town if the streetlights were not installed.

Mike Brough stated that the Town has insurance to deal with the liability issue. The safety issue is certainly an issue to be considered.

Alderman Chilton suggested that the current policy that applies to the entire town be changed.

Mike Brough expressed concern about changing the policy at this time. When the annexation report was adopted, the Town committed itself to doing what was in the report.

Alderman Zaffron pointed out that the Town makes changes to its policies and ordinances all the time, at what point in time is that no longer true in this situation.

Mike Brough pointed out that there is a general statute that provides citizens an opportunity to go into court and say that the Town has not provided the services listed in the annexation report.

Katrina Ryan stated that she owns a residence in the annexation area. She stated that Duke Power had informed her that plans are in place to install streetlights in the annexation areas despite the residents' feelings on streetlights. She expressed concern about the Board approving the amendment to the street lighting policy without holding a public hearing. She pointed out locations within the Town that have various types of streetlights. She stated that Bill Faison's office confirmed that street lighting is not specified in the annexation statute. A majority on a petition should be sufficient. She suggested that low impact lights should be installed instead of 30-foot sodium lights. She suggested that the Board pursue fire hydrants and street resurfacing rather than streetlights. She requested that the Board table its vote on this matter and suspend the plan to install streetlights until a better option can be explored with the input of the neighborhood and until the state law regarding installation of streetlights can be clarified.

Mike Brough pointed out that the state statute talks about street maintenance and that he had always interpreted streetlights to be part of street maintenance.

Randolph Ryan, a resident of 1609 Claymore Road, stated that he was glad to see that the Board was being open-minded about this matter rather than to proceed down a pathway that will further alienate the residents of the annexation areas. He pointed out that the residents of these areas do not want streetlights. These residents moved to these areas so they wouldn't have streetlights glaring into their homes. There is room for some accommodation in these rural areas as opposed to downtown high crime oriented sections of the city.

Alderman Broun expressed concern about Mr. Ryan's comment about the downtown being a high crime area.

Charlie Buckner, a resident of 8100 N. Hound Court, stated that the lights will disturb the rural character of the area, will save the Town money if the lights are not installed, and if the street lights are not installed, it will show the residents that the Town cares about the annexation area. He expressed concern about the 100% requirement and stated that the proposed policy does not indicate what happens at intersections. He stated that Tallyho Trail is over a mile long and it might be tough to get 100% consensus on a petition. He asked that this matter be postponed and asked for a map of proposed light locations.

Alderman Herrera suggested that light poles be installed, but not bulbs.

Alderman Gist suggested that the Board delay a decision on this matter until after the annexation takes place.

Mr. Stewart stated that the Board had directed the town staff not to implement the existing street lighting policy until the exemption policy could be established. He stated that the Town has not made a commitment to Duke Power to install streetlights. Duke Power has surveyed the area, but it will take them 10 to 12 weeks once they get a directive from the town before they can do anything because of other commitments.

**MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO DELAY FURTHER ACTION ON EITHER INSTALLATION OR REQUESTS, AND THAT THE TOWN STAFF CONSIDER AN ALTERNATIVE APPROACH TO ALLOW RESIDENTS TO DECLINE STREETLIGHTS, INCLUDING THE DETERMINATION OF WHETHER STATE LAW INCLUDES INSTALLATION OF STREETLIGHTS AS A TOWN SERVICE THAT HAS TO BE PROVIDED TO THE ANNEXATION AREA.
VOTE: AFFIRMATIVE ALL**

Alderman Broun asked that the town staff investigate alternative types of streetlights.

STATUS REPORT ON THE TOWN COMMONS SHADE SAIL PROJECT

The Carrboro Parks Project updated the Board of Aldermen on the Town Commons Shade Sail Project and requested a financial commitment from the Town to cover unexpected expenses so that the project can be completed by March 2006. Susan Stone, Sail Project Fundraising Chair presented a report. She stated that they have received \$8,000 in donations, they have a commitment for a \$1,000 challenge grant, the Town has committed \$500, and they will reapply for a \$1,500 Strowd Roses Grant.

Rob Morris, a member of the Carrboro Parks Project, stated that they need a firm commitment from the Town to cover unexpected expenses, including cost overruns, and if the group failed to obtain the Strowd Roses grant. He said that they could not get a final bid until the money is in hand. The estimates received are from \$10,000 to \$24,000. The goal is for the Town to contribute only \$500.

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

A RESOLUTION ACCEPTING THE STATUS REPORT ON THE TOWN COMMONS SHADE SAIL PROJECT Resolution No. 17/2005-06

WHEREAS, the Carrboro Board of Aldermen received an update and request for additional funds for the Town Commons Shade Sail project.

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

Section 1. The Board of Aldermen discussed the request to approve funds for unexpected expenses that may arise from purchasing and installation of the Town Commons shade sail cover and an additional \$1,500 if the Strowd Roses Grant application is not approved.

Section 2. The Board of Aldermen approves the funding for this project with the town's contribution capped at \$2,000.

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 4th day of October, 2005:

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

Noes: None

Absent or Excused: None

MINOR MODIFICATION TO THE PACIFICA AIS CONDITIONAL USE PERMIT

The Carrboro Collaborative Development Association, Inc. (CCDA) has submitted an application for a Minor Modification to the Conditional Use Permit issued on June 24, 2003 for the Pacifica AIS. The modification proposes additional parking be provided on-site. The Board of Aldermen was requested to approve, approve with conditions, deny the request, or, request that a public hearing be held prior to making a decision.

Jeff Kleaveland, one of the town's Zoning Development Specialists, made the presentation. Mr. Kleaveland stated that Steve Rose had requested that a public hearing be set on this request.

The following resolution was introduced by Alderman Mark Chilton and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION REGARDING A MINOR MODIFICATION TO THE CUP FOR
THE PACIFICA AIS SUBDIVISION TO ADD TEN PARKING SPACES TO THE APPROVED PLANS
Resolution No. 18/2005-06**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Pacifica Architecturally Integrated Subdivision located at 130 Hanna Street on June 24th, 2003; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any substantial change to the approved plans for a project shall constitute a minor modification to the original Conditional Use Permit; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen hereby sets a public hearing for November 22, 2005.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 4th day of October, 2005:

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

Noes: None

Absent or Excused: None

STORM DRAIN DECAL DESIGN CONTEST COMMITTEE

The purpose of this item was to identify two members of the Board of Aldermen to serve on the Storm Drain Decal Design Contest Selection Committee.

Mr. Stewart asked that he be allowed to have a designee serve on his behalf.

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

**A RESOLUTION APPROVING THE STORM DRAIN DECAL DESIGN CONTEST
AND DESIGNATING BOARD MEMBERS TO SERVE ON THE COMMITTEE
Resolution No. 21/2005-06**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure water quality of Bolin, Morgan, and Tom's Creeks 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 contains a storm drain labeling program as a 2005 goal,

WHEREAS, a storm drain decal design contest can effectively raise watershed awareness and involve artists of all ages in this stewardship effort,

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

Section 1. The Board directs staff to proceed with the Stormdrain Decal Design Contest for the Town of Carrboro.

Section 2. The Board designates Alderman Joal Broun and Alderman Jacquelyn Gist to serve on the Stormdrain Decal Design Contest Selection Committee.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 4th day of October, 2005:

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

Noes: None

Absent or Excused: None

FOLLOW-UP ON DRAFT MAP FOR CONSERVATION AREAS IN THE UPPER BOLIN CREEK WATERSHED

On September 20th, the Board of Aldermen requested that the town staff provide additional information on possible conservation areas in the Upper Bolin Creek Watershed. The requested information is provided in this item. A resolution accepting the modifications to the draft map of conservation areas in the Upper Bolin Creek Watershed was recommended for the Board's adoption.

Alderman McDuffee asked what it means to put an area on the conservation map.

Mike Brough stated that it does not have any regulatory significance.

Mr. Stewart pointed out that if the Board adopted the map as proposed, it would be in conflict with what is being proposed for the Horace Williams property.

Dave Otto, with the Friends of Bolin Creek, stated that the Friends recommended that the entire P.H. Craig tracts be included in the green conservation envelope; they question the inclusion of open space with its allowed land uses as conservation area; they disagree with the Carolina North footprint and they recommend consideration of the Village Project; that a simpler map would be preferable; and suggested that the resolution before the Board tonight be modified to state: "Now, therefore be it resolved by the Carrboro Board of Aldermen that the Aldermen adopt this map as a guide for the Town of Carrboro and neighboring jurisdictions for future conservation efforts along Bolin Creek."

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Diana McDuffee.

A RESOLUTION ACCEPTING BOARD-REQUESTED MODIFICATIONS
TO THE DRAFT MAP OF CONSERVATION AREAS
IN THE UPPER BOLIN CREEK WATERSHED
Resolution No. 23/2005-06

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations ensure strong stewardship of natural areas in the Bolin Creek Watershed, and

WHEREAS, the town staff has made the presentation that was provided to the Board of Aldermen on 16 August 2005 available through the Town of Carrboro website,

WHEREAS, the documents requested by the Board of Aldermen at the 16 August 2005 meeting have been made available to all interested parties through posting of the agenda item and supporting documents on the Town of Carrboro website (http://elvis.ci.carrboro.nc.us/BoA/Agendas/2005/09_20_2005.htm),

WHEREAS, public comment on the draft map for Conservation Areas in the Upper Bolin Creek Watershed shall be considered in preparation of a final map,

WHEREAS, the Board of Aldermen requested additional maps to clarify certain aspects of the Park and Preserve area suggested by the Friends of Bolin Creek,

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen adopt this map as a guide, with the request that the purple line be moved to match the boundary of the proposed conservation area on the Carolina North property, and accept the modifications to the draft map for Conservation Areas in the Upper Bolin Creek Watershed.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 4th day of October, 2005:

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

Noes: None

Absent or Excused: None

CONSERVATION BOND REFERENDUM

Alderman Zaffron requested that the Board discuss the possibility of a bond referendum to provide seed funds to purchase conservation easements.

ROSH HASHANAH

Alderman Broun requested that the Board consider canceling future meetings that fall on Rosh Hashanah.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DIANA MCDUFFEE TO
ADJOURN THE MEETING AT 9:10 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk