

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 4, 2006 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	John Herrera
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

### **PROCLAMATION**

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

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO APPROVE THE MARCH 21 AND 28, 2006 MINUTES. VOTE: AFFIRMATIVE ALL

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### **REQUEST TO ADOPT A REVISED DEBT POLICY**

The Board of Aldermen was requested to approve the proposed debt policy that will provide ratios and a process for staff to use when recommending to the Board whether a requested capital project should be financed. The Board provided input on two separate occasions, once at the Planning Retreat and once at the Board worksession on March 14, 2006.

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

A RESOLUTION ADOPTING A REVISED DEBT POLICY  
Resolution No. 99/2005-06

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

Section 1. The Board of Aldermen hereby formally adopts the revised debt policy.

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 April, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

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**REQUEST TO SET A PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT  
REDUCING THE NUMBER OF ETJ AND TRANSITION AREA REPRESENTATIVES ON THE  
PLANNING BOARD**

During the review and appointment of new advisory board members on February 21, 2006, the Board of Aldermen expressed an interest in modifying the membership requirements for the Planning Board. The Town Attorney has researched this matter. A memorandum and a draft ordinance that would, if adopted, modify the membership requirements of the Planning Board have been prepared. It was necessary for the Board of Aldermen to hold a public hearing and to refer the draft ordinance to the Planning Board and Orange County staff prior to taking other action.

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

**A RESOLUTION CALLING A PUBLIC HEARING ON LAND USE ORDINANCE TEXT  
AMENDMENTS CHANGING THE ETJ AND TRANSITION AREA REPRESENTATION  
ON THE PLANNING BOARD  
Resolution No. 105/2005-06**

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 April 25, 2006 to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Provide that only one member must be a resident of the ETJ and only one member must be a resident of the Joint Planning Transition Area."

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 4th day of April, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

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**REQUEST TO RAISE FUNDS TO PURCHASE AND INSTALL A TENNIS BACKBOARD AT  
WILSON PARK**

The purpose of this agenda item was to consider a request by the Carrboro Parks Project to raise funds to purchase and install a tennis backboard at Wilson Park tennis court. The town staff recommended that the Board adopt a resolution authorizing the Carrboro Parks Project to raise funds to purchase and install the tennis backboard.

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

**A RESOLUTION AUTHORIZING THE CARRBORO PARKS GROUP  
TO RAISE FUNDS TO PURCHASE AND INSTALL A TENNIS BACKBOARD AT  
WILSON PARK TENNIS COURT  
Resolution No. 98/2005-06**

WHEREAS, the Board appreciates and commends the spirit of support shown by the Carrboro Parks Project in raising funds and community awareness of public park and recreation programming; and

WHEREAS, a tennis backboard at Wilson Park will enhance teaching and practice opportunities for the community.

NOW, THEREFORE BE IT RESOLVED:

Section 1. That the Board of Aldermen grants permission for the Carrboro Parks Project to raise funds to purchase and install a tennis backboard at Wilson Park Tennis Court.

Section 2. That the Board further requests that staff work with the Carrboro Parks Project to complete the purchase and installation of the tennis backboard at Wilson Park.

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 April, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

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**AUTHORIZATION TO EXECUTE A LEASE AGREEMENT FOR WIRELESS INTERNET  
ANTENNA CO-LOCATION ON TOWN HALL TOWER**

Clearwire LLC has expressed an interest in co-locating an antenna for their commercial wireless Internet service on the Town's telecommunications tower, and the Board of Alderman must approve this lease, giving the manager the authority to execute it.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A LEASE AGREEMENT  
WITH CLEARWIRE, LLC, FOR AN ANTENNA CO-LOCATION ON THE TOWER AT TOWN HALL  
Resolution No. 100/2005-06

WHEREAS, the Town owns the telecommunications tower located at 301 W. Main Street; and

WHEREAS, Clearwire, LLC, has expressed an interest in co-locating an antenna for their commercial wireless Internet service on the Town's tower; and

WHEREAS, the proposed lease of tower space provides for an initial term of five years, with options for renewal for three more five year periods; and

WHEREAS, leases of Town property that may extend for more than ten years must be approved using one of the applicable procedures for the sale of Town property; and

WHEREAS, the Board has chosen to authorize the proposed lease using the negotiated offer, advertisement, and upset bid procedure set forth in G.S. 160A-269;

NOW THEREFORE, THE BOARD OF ALDERMEN RESOLVES:

Section 1. Subject to the remaining provisions of this resolution, the Board hereby accepts the offer to lease space on the town's telecommunication tower submitted by Clearwire, LLC as set forth in the attached lease, which is incorporated herein.

Section 2. Clearwire, LLC, shall deposit with the Town Clerk a sum equal to five percent of the proposed lease amount. Upon receipt of the same, the clerk shall cause to be published a notice of the proposed lease, containing a general description of the property, the amount and terms of the proposed lease, and a notice that within 10 days any person may raise the bid by not less than ten percent of the first one thousand dollars and five percent of the remainder of the lease amount. If an upset bid is received, the bidder shall deposit with the Town Clerk five percent of the increased bid amount.

Section 3. The procedure set forth in Section 2 shall be repeated until no further qualifying upset bids are received, at which time the manager shall execute a lease agreement in the form attached hereto with the highest bidder.

Section 4. 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 April, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

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**A REQUEST TO APPROVE A BUDGET AMENDMENT**

The Town of Carrboro is receiving \$22,490 in FEMA grant revenues as reimbursement for the work performed by two town firefighters in providing aid to towns affected by Hurricane Katrina. The town staff recommended adoption of a budget amendment.

Mr. Stewart introduced Scott Walker and Scott Trombley who spent 32 days assisting FEMA with hurricane recovery efforts.

MOTION WAS MADE BY ALEX AFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2005-06 BUDGET ORDINANCE."  
VOTE: AFFIRMATIVE ALL

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### **DISCUSSION OF CREATING A NEW HORIZONS TASK FORCE**

The Board of Aldermen, during its retreat on February 4-5, 2006, set community building as a primary goal and discussed opportunities for achieving this goal. The New Horizons Task Force will act as a natural communication conduit to the Board of Aldermen for the newly incorporated areas to address transition interests and concerns not addressed by other Town advisory boards, committees, or commissions.

Katrina Ryan expressed concern about the name of the committee, asked that the committee be an official town entity, suggested that the name of the committee be changed, expressed concern that the task would be a filter that would prevent citizens from the northern part of town from approaching the Board of Aldermen.

Mayor Chilton said that the Board would appoint anyone who applies to serve on the Task Force and that any citizen would be welcome to attend meetings of the Task Force.

Alderman Gist stated that the task force would follow the same protocol as other advisory boards and that the Task Force has the support of the full Board.

Alderman Haven-O'Donnell urged Ms. Ryan to apply to serve on the Task Force.

Alderman Zaffron suggested that the purpose of the Task Force be listed on the town's website.

The following resolution was introduced by Alderman Randee Haven-O'Donnell and duly seconded by Alderman Dan Coleman.

#### A RESOLUTION CREATING A NEW HORIZONS TASK FORCE Resolution No. 95/2005-06

WHEREAS, close to 300 households in northern Carrboro were annexed by the Town effective January 31, 2006; and

WHEREAS, the Carrboro Board of Aldermen have always sought feedback from residents and neighborhoods (as with the Neighborhood Forum), and in this case desired a formalized communication link between themselves and residents residing in this new area of the Town; and

WHEREAS, the Town has established guidelines for creating advisory boards and commissions; and

WHEREAS, the New Horizons Task Force will allow residents in this new area of Town to voice their thoughts and concerns to the Board of Aldermen;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen OF THE TOWN OF CARRBORO:

Section 1. The Board hereby authorizes the creation of a New Horizons Task Force.

Section 2. That the Guidelines for the New Horizons Task Force be amended to include the following: "That the New Horizons Task Force follow the same guidelines as other town advisory boards."

Section 3. That the Board of Aldermen will accept applications for two weeks following passage of this resolution, and will then make the appointments. All applicants shall complete an official committee application.

Section 4. That the New Horizons Task Force will elect a Chair, Vice-Chair and Secretary.

Section 5. That the New Horizons Task Force will meet at least once monthly and will be in existence until July 1, 2007.

Section 6. That the New Horizons Task Force shall report to the Board of Aldermen as requested by the Board and shall undertake such studies or perform such duties as the Board may request from time to time.

Section 7. 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 April, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

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**FOLLOW-UP DISCUSSION ON CONNECTOR ROADS POLICY IN THE LLOYD STREET AND NORTH GREENSBORO STREET AREA**

On January 17th, the Board of Aldermen held a worksession on connectivity between Lloyd Street and N. Greensboro Street. Due to absences that night and the Board vacancy, it was decided to continue the worksession at a later meeting. Staff recommended that the Board of Aldermen adopt the resolution receiving the report and provide guidance on next steps

Dale McKeel, the town's Transportation Planner, made the presentation. He suggested the following as possible next steps:

1. Request more research by the Transportation Advisory Board on one or more of the alternatives.
2. Determine whether an at-grade crossing of the railway is likely to be approved by Norfolk-Southern. If not, review the feasibility of crossing over or under the railway.
3. Review the feasibility of bicycle and pedestrian only connections between Lloyd and Greensboro Streets.
4. Schedule community meeting and opportunities for public comment.

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

A RESOLUTION RECEIVING THE REPORT ON CONNECTOR ROADS IN THE  
LLOYD STREET – NORTH GREENSBORO STREET AREA  
Resolution No. 71/2005-06

WHEREAS, the Carrboro Board of Aldermen seeks ample opportunities to review policy and plans.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen receive the report and provides the following comments:

- That the TAB and town staff review the feasibility of bicycle and pedestrian-only connections between Lloyd and Greensboro Streets.
- That major property owners in the area be contacted to determine how any connections might affect them.
- That the town staff contact Norfolk-Southern Railway to determine whether an at-grade crossing of the railway might be approved.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 4th day of April, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

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**RESPONSE TO THE TOWN OF CHAPEL HILL'S APPLE CHILL EVENT**

The Town of Chapel Hill's Annual Apple Chill Event draws a high volume of people that impacts the Town of Carrboro. The event is scheduled for April 23, 2006. Staff shared several options to address the overall impact of this event so that it will benefit the Town and our neighbors. In an effort to complete a plan of action, staff requested the Board's guidance.

Capt. Booker made the presentation.

Mr. Stewart stated that the town staff would approach Chapel Hill about reimbursement for officers

Bob Kirschner suggested that owners of parking lots be allowed to charge for parking in their lots on that day and that the town consider hiring external police officers to assist with traffic control for this event.

Mayor Chilton stated that the Board was comfortable with the proposal for traffic control presented by Capt. Booker.

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**A REQUEST TO SET A PUBLIC HEARING FOR THE TEMPORARY CLOSING OF THE 100  
BLOCK OF WEAVER STREET ON SUNDAYS**

The purpose of this agenda item was for the Board of Aldermen to set a public hearing for the temporary closing of the 100 block of Weaver Street, from 10:30 am to 1:30 pm on Sunday(s) in conjunction with the Weaver Street Market event called "Sunday Brunch and More". The specific Sunday(s) for the closing was to be determined by the Board.

Bob Kirschner questioned why the town would be closing the street to benefit Weaver Street Market.

Alderman Coleman suggested that the information on request to close Weaver Street be forwarded to Weaver Street Market in case they are interested in approaching the town about closing Weaver Street for their Sunday events. He also suggested an alternate to closing the entire section of Weaver Street.

Mayor Chilton suggested that the street be closed on one occasion to see if it is beneficial to the community.

Alderman Broun suggested that the downtown businesses be surveyed to determine the impact of the street closing on their businesses.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman John Herrera.

A RESOLUTION SETTING A PUBLIC HEARING  
ON THE TEMPORARY CLOSING OF THE 100 BLOCK OF WEAVER STREET  
Resolution No. 106/2005-06

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that April 25, 2006 at 7:30 pm is hereby set as the date for a public hearing on the request that the 100 block of Weaver Street be temporarily closed from 10:30 am to 1:30 pm on the following Sunday: May 21, 2006, to accommodate the Weaver Street Market event "Sunday Brunch and More."

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 4th day of April, 2006:

Ayes: Joal Hall Broun, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell

Noes: Alex Zaffron

Absent or Excused: None

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**REVIEW OF GUIDELINES FOR SELECTING ADVISORY BOARD AND COMMISSION MEMBERS**

The Board considered whether to amend the Guidelines for Selecting Advisory Board and Commission Members to require more information from Board chairs explaining their recommendations when they make recommendations for appointments to the Board of Aldermen.

Alderman Coleman presented a draft of summary sheet for advisory board chairs to complete on applicants, and also a draft letter from the Board of Aldermen to accompany application forms. In addition, he proposed that the Board of Aldermen liaisons to advisory boards contact the chairs to review the recommendation summary sheets.

Alderman Broun asked that paragraph 5 of the cover letter be reworded to indicate that citizens are encouraged to attend any regular business meeting or public hearing to offer views on any matter. In addition, that the summary sheet be revised to include more space for "Summary of qualifications" and that the word "person" be changed to "applicant" on the form. In addition, she suggested that the guidelines be revised to request that the chairs contact applicants one year following submission of applications to determine whether their continued interest.

Alderman Herrera suggested training sessions for new advisory board members.

Alderman Coleman suggested that October might be a good time to hold the training sessions.

Alderman Gist suggested that the advisory board chairs contact their Board of Aldermen liaisons.

Richard Ellington, Chair of the Board of Adjustment, suggested that the Board hold a worksession with advisory board chairs to discuss the proposed changes to the Guidelines for Selecting Advisory Board and Commission Members prior to approving any changes to those guidelines. He stated that the Board of Adjustment has problems getting enough applicants for its vacant seats.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED JOAL HALL BROUN THAT THE TOWN STAFF REVISE THE FORMS AS SUGGESTED BY BOARD MEMBERS, AND THAT A WORKSESSION BE SCHEDULED WITH ADVISORY BOARD CHAIRS PRIOR TO THE BOARD APPROVING THE REVISIONS TO THE GUIDELINES. VOTE: AFFIRMATIVE ALL

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#### **TAB LIAISON TO THE TRANSIT PARTNERS GROUP**

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO AUTHORIZE THE TRANSPORTATION ADVISORY BOARD TO APPOINT ONE OF ITS MEMBERS TO SERVE AS LIAISON TO THE TRANSIT PARTNERS GROUP. VOTE: AFFIRMATIVE ALL

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#### **CHAPEL HILL/ORANGE COUNTY VISITORS BUREAU**

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO APPOINT JON WILNER TO SERVE AS CARRBORO'S REPRESENTATIVE ON THE CHAPEL HILL/ORANGE COUNTY VISITORS BUREAU. VOTE: AFFIRMATIVE ALL

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#### **UPDATE ON ROUNDABOUT AT THE SMITH LEVEL/ROCK HAVEN ROAD INTERSECTION**

Alderman Coleman asked for a status report on the proposal to place a roundabout at the Smith Level/Rock Haven Road intersection.

Mr. Stewart updated the Board.

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#### **DUKE POWER MERGER**

Alderman Coleman expressed his concern about the Duke Power merger with Synergy. Duke paid a \$25 million settlement in recent years on an issue regarding inappropriate cost accounting affecting N.C. customers; Duke was implicated in the California energy problem. He stated his desire to see a higher ethical standard from Duke Power, stated his desire to see Duke Power take a stronger look at energy efficiency and renewable energy instead of constructing new nuclear power plants.

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MOTION WAS MADE BY JACQUEYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 10:03 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk