A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 20, 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

Randee Haven-O'Donnell

Alex Zaffron

Town Manager Steven E. Stewart
Town Attorney Michael B. Brough
Town Clerk Sarah C. Williamson

Absent:

Alderman John Herrera

SUPPORT FOR TROOPS

Cynthia Connolly appeared before the Board to request the town's support of the "AnySoldier.com" effort. She asked the Board to consider providing \$2,500 or any amount that the town can give or charge a fee for groups to use the Town Commons facility to donate to this effort. She also asked for assistance in raising funds for this project.

Mayor Chilton stated that the Board was interested in this effort and requested that this matter be referred to the town staff for consideration.

Alderman Gist offered to meet with Ms. Connolly to discuss groups that she might approach regarding financial assistance for this project.

Alderman Coleman clarified that the Orange County Peace Coalition's Memorial Day event was not an anti-war event, it was very much focused on honoring the soldiers and Mayor Chilton read a very moving proclamation that was focused on the sacrifices the soldiers are making. In addition, there was a speaker from the Quaker House that spoke about the issues facing the soldiers and their families

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO REFER THIS MATTER TO THE TOWN STAFF FOR CONSIDERATION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

REQUEST TO ESTABLISH A SMITH LEVEL ROAD TASK FORCE

Terri Buckner submitted a petition requesting that the Board consider establishing a Smith Level Road Task Force who would identify proactive safety measures that will: (i) protect the fragile land within the watershed; (2) provide a safe, non-vehicular trail or sidewalks to Carrboro High School for children living along Smith Level Road between the Carrboro town limits and 15-501; and (3) provide safe access for residents whose driveways or subdivisions are located on or along Smith Level Road.

Ms. Buckner requested that the town take a formal position with NCDOT regarding the Lee-Moore Oil Company property along 15-501 at the county line asking that no further discussions be held with property owners regarding driveway connections onto Smith Level Road until the Smith Level Road T.F. meets.

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

A RESOLUTION REQUESTING THAT NCDOT CEASE DISCUSSIONS WITH LEE-MOORE OIL COMPANY REGARDING DRIVEWAY PERMITS Resolution No. 183/2005-06

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

Section 1. The Board of Aldermen hereby requests that the N.C. Department of Transportation cease discussions with Lee-Moore Oil Company regarding driveway permits until the Towns of Carrboro and Chapel Hill and all other interested parties have had an opportunity to discuss the issue and consider its effects on traffic.

Section 2. That copies of this resolution be forwarded to NCDOT and the town's legislative delegation.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO REFER THE PETITION REQUESTING THAT A SMITH LEVEL ROAD TASK FORCE TO THE TOWN STAFF FOR CONSIDERATION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

BUDGET AMENDMENT: BOND FUND PROJECTS

The Board was requested to adopt a budget amendment that establishes project budgets for the various sidewalk projects proposed with the \$1,230,000 bond anticipation notes approved by the Board.

Alderman Broun asked if the staff was anticipating issuing bonds in view of the rising interest rates, and if the bond anticipation notes could be paid off early without a prepayment penalty.

Mr. Stewart stated that the town staff would be bringing back a report to the Board in August regarding this matter.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2005-06 BUDGET ORDINANCE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

A REQUEST TO APPROVE THE DESIGNATION OF FUND BALANCE FOR FY2005-06 BUDGET ITEMS NOT YET SPENT OR ENCUMBERED

The Town has identified several projects totaling \$580,068 within the FY2005-06 general fund budget whereby funds approved by the Board have not been spent but will be needed when the projects are brought to fruition and a vendor is identified to purchase the service or item. The funds, if not spent or reserved for next year, will lapse to undesignated fund balance within the General Fund on June 30, 2006. The Board was requested to set aside these funds for the upcoming year by designating fund balance for appropriation when needed in the upcoming fiscal year.

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

A RESOLUTION RESERVING FUND BALANCE Resolution No. 158/2005-06

WHEREAS, the Town Manager, Steven E. Stewart, has described to the Board the desirability of adopting a resolution to reserve fund balance for the following projects:

BE IT RESOLVED by the Board of Aldermen that fund balance be reserved to fund the following items:

RESERVED FUND BALANCE FOR INCOMPLETE PROJECTS OR EXPENDITURES

_	
DEPARTMENT	COST
Police and Fire	\$250,000
Advisory Boards	\$1,526
Planning	\$3,730
Public Works	\$30,049
Public Works	\$78,383
Debt Service	\$93,875
Public Works	\$11,000
Public Works	\$6,500
Planning	\$19,500
Recreation	\$18,620
Recreation	\$59,000
Recreation	\$4,265
Recreation	\$120
Police	\$3,500
	\$580,068
	Police and Fire Advisory Boards Planning Public Works Public Works Debt Service Public Works Public Works Planning Recreation Recreation Recreation

800 Mhz Radio System for Fire and Police Departments (\$250,000)- The Town will need to convert to 800 Mhz radio system to be able to communicate with Orange County and other municipal agencies. This allocation represents the first phase of spending.

Arts Committee (\$1,526) – The Arts Committee has unexpended funds remaining and requests to reserve the funds for use in the upcoming year.

Local Match, Greenhouse Gas Inventory (\$3,730) - The Board has authorized the Town Manager in FY04-05 to sign the contract to execute this grant project. This allocation represents the unexpended portion of this grant. **Rand Road Project** (\$30,049) - The Town is in the midst of planning this project and will need the remainder of funds for project implementation.

OWASA Subsidy (\$78,383) – The unspent portion of the OWASA sewer subsidy budget is reserved annually until spent entirely.

Unexpended Debt Service - Fire escape project and sewer outlay construction will not be bid until FY06-07. These items are financed. Unexpended debt service in FY05-06 will be carried over to cover the debt payment on these projects. In addition, the debt on the bond fund was not issued until late FY05-06, thus saving the Town \$49,856. It is recommended that these funds be carried over to offset future debt as it arises.

Boardroom Chairs and Automatic Door for Town Hall (\$17,500): These are items that are needed but a vendor has not been identified.

NCDOT Bicycle Plan (\$19,500) - NCDOT estimates that the cost for a bicycle plan for a municipality the size of Carrboro is \$35,000 to \$65,000. The grant program requires a 30 percent local match, which would be \$10,000 to \$19,500. The Board is asked to set aside the local share for this plan. Applications are submitted in early December.

Recreation and Parks Projects – The Recreation Department is in the midst of various parks projects including the purchase of playground equipment at Simpson Park; and installation of ballfield lights at Wilson Park. In addition, the department plans to install storage space at the Century Center. Donations collected to date for tennis court backboard shall be set aside until sufficient funding is collected to purchase the backboard. **Ongoing Narcotics Investigations** (\$3,500) The Police Department's requests that unexpended funds for undercover investigations be carried over to the next fiscal year.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

BUDGET AMENDMENT: ROBERSON BIKEPATH AND HILLSBOROUGH ROAD WIDENING

A budget amendment is needed to appropriate funds needed to construct and complete the Roberson Bike Path and to pay for invoices recently submitted by NCDOT for the Hillsborough Road Widening project completed in FY2003-04. The town staff recommended adoption of a budget amendment.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2005-06 BUDGET ORDINANCE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

A REQUEST TO AWARD CONTRACT AND BUDGET AMENDMENT FOR ENGINEERING SERVICES FOR THE MAIN STREET SIDEWALK ENHANCEMENT PROJECT

The purpose of this agenda item was to award an engineering contract to Sungate Design Group and approve a budget amendment for the Main Street sidewalk project funded through the NCDOT transportation enhancement program. A budget amendment is required to transfer funds set aside in the Capital Reserve Fund for this project to the Capital Projects Fund.

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

A RESOLUTION WAIVING THE BIDDING PROCESS FOR THE
MAIN STREET SIDEWALK PROJECTS ALSO REFERRED TO AS PROJECT E-4942
AND TO ENTER INTO A CONTRACT WITH SUNGATE DESIGN GROUP FOR
RELATED ENGINEERING SERVICES

Resolution No. 159/2005-06

WHEREAS, the Town of Carrboro needs to select an engineering firm to perform engineering services for the Main Street sidewalk project - Projects E-4942 – funded through the NCDOT transportation enhancement program; and

WHEREAS, Article 3D, Chapter 143 of the General Statutes allows the Town to select an engineering firm without using the bidding process; and

WHEREAS, Sungate Design Group of Raleigh, N.C. has a considerable amount of topographical and stormwater historical data on the Town's streets; and

WHEREAS, Town staff feels that it will be more time and cost effective for the Town to waive the bidding process for engineering services for the transportation enhancement projects.

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

Section 1. That the bidding process for selecting an engineering firm for the sidewalk project also referred to as Projects E-4942 is waived.

Section 2. That the Town staff be directed to enter into a contract with Sungate Design Group of Raleigh, N.C. in the amount of \$3,000 to perform all engineering associated with the sidewalk project.

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 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2005-06 BUDGET ORDINANCE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

REQUEST TO APPROVE A REVISED SALARY SCHEDULE FOR JULY 1, 2006 – JUNE 30, 2007

The purpose of this item was to present a revised salary schedule for fiscal year July 1, 2006 – June 30, 2007 with the 2.5% range adjustment as approved by the Board of Aldermen.

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

A RESOLUTION ADOPTING THE REVISED SALARY SCHEDULE FOR FISCAL YEAR 2006-07

Resolution No. 165/2005-06

WHEREAS, the Board of Aldermen adopts a salary schedule as part of the comprehensive Position Classification and Pay Plan each year in conjunction with adopting an annual budget ordinance; and

WHEREAS, the town staff has prepared a revised salary schedule for the 2006-07 Pay Plan.

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

Section 1. The revised salary schedule, dated July 1, 2006 – June 30, 2007, a copy of which is attached to this resolution, is hereby adopted as the official salary schedule for the 2006-2007 fiscal year.

Section 2. All previously adopted versions of the salary schedule, which conflict with this resolution, are hereby repealed.

Section 3. The pay adjustments approved for the FY 2006-2007 budget shall become effective on the pay period beginning July 1.

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 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

REQUEST TO SET A PUBLIC HEARING TO CONSIDER A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY STREET RIGHT-OF-WAY DEDICATION REQUIREMENTS WHERE LOTS FRONT ON MULTIPLE STREETS

The Town has received a request from David Ripperton to amend the text of the Land Use Ordinance to modify the street right of way dedication provisions associated with allowing additional building height in certain downtown zoning districts. A draft ordinance that responds to this request has been prepared. A resolution that sets a public hearing on the draft ordinance and refers the ordinance to the Planning Board and Orange County, the Transportation Advisory Board and the Economic Sustainability Commission was recommended for the Board's adoption.

Alderman Gist stated that the Board had spent a lot of time working through the neighborhood protection zone and expressed concern that this item and the request to set a public hearing on the stepback provision appear to be setting the wheels in motion to make that zone less effective.

Alderman Broun stated that she felt that the Board should set a public hearing since one of the town's advisory boards was asking that the Board review these matters.

Alderman Coleman stated that the Board always listens to its advisory board, but does not always take their advice.

Alderman Zaffron pointed out that the request to set a public hearing to modify street right-of-way dedication requirements was generated by an individual property owner—not an advisory board.

It was the consensus of the Board to request that the town staff reschedule this item for the fall of 2006 for Board discussion.

REQUEST TO ADOPT AN ORDINANCE AMENDING THE CARRBORO PERSONNEL POLICY

Town staff requested that the Personnel Policy concerning conditions of employment be amended.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO PERSONNEL POLICY CONCERNING CONDITIONS OF EMPLOYMENT." VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

REVIEW OF A REQUEST FROM THE PLANNING BOARD REGARDING A STEPBACK PROVISION OF THE DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY ZONING DISTRICT

While reviewing the draft ordinance for the Downtown Neighborhood Protection (DNP) Overlay District in my 2005, the Planning Board recommended removal of two stepback provisions. The changes were not incorporated into the final ordinance. The Planning Board has adopted a recommendation requesting the Board of Aldermen to remove the specified stepback requirements. A resolution that directs staff to prepare a draft ordinance per the Planning Board recommendation sets a public hearing on the draft ordinance and refers the ordinance to the Planning Board, Orange County, the Appearance Commission, and the Economic Sustainability Commission was recommended for the Board's adoption.

It was the consensus of the Board to request that the town staff reschedule this item for the fall of 2006 for Board discussion.

TOWN CODE AMENDMENT ESTABLISHING ADDITIONAL BIKELANES AND BIKEWAYS

Town staff has prepared amendments to the Town Code to add several bike facilities to the Town Code. Town staff recommended that the Board of Aldermen adopt the ordinance amending the Town Code.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE BIKEWAYS SECTION OF CHAPTER 6 OF THE CARRBORO TOWN CODE." VOTE: AFFIRMATIVE SIX, ABSENT (HERRERA)

REQUEST TO SET A PUBLIC HEARING TO CONSIDER A LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW RESIDENTIAL USE ON THE GROUND FLOOR OF BUILDINGS IN CERTAIN LOCATIONS IN THE DOWNTOWN

The Town has received a request from Jack Haggerty, on behalf of NR Milian and Associates, to amend the text of the Land Use Ordinance to allow residential uses on the ground floor of buildings in the B-1(c) district that share a common boundary with a lot where the zoning classification allows that use. A draft ordinance that responds to this request has been prepared. A resolution that sets a public hearing on the draft ordinance and refers the ordinance to the Planning Board and Orange County, the Appearance Commission and the Economic Sustainability Commission was recommended for the Board's adoption.

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

A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW RESIDENTIAL USES ON THE GROUND FLOOR OF BUILDINGS IN THE B-1(C) ZONING DISTRICT UNDER CERTAIN CIRCUMSTANCES

Resolution No. 148/2005-06

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 August 22, 2006 to consider adopting "An Ordinance Amending the Carrboro Land use Ordinance to Allow Residential Uses on the Ground Floor of Buildings in the B-1(c) Zoning District Under Certain Circumstances."

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.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

\boxtimes	Appearance Commission		Recreation and Parks Commission
	Transportation Advisory Board		Northern Transition Area Advisory Committee
	Environmental Advisory Board		
	Economic Sustainability Commission		
	foregoing resolution having been submit 20th day of June 2006:	tted to	a vote, received the following vote and was duly adopted

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

Noes: None

Absent or Excused: John Herrera

REQUEST TO ADOPT THE NATIONAL INCIDENT MANAGEMENT SYSTEM FOR USE BY ALL TOWN DEPARTMENTS THAT RESPOND TO EMERGENCIES

The purpose of this agenda item was request that the Board of Aldermen adopt the National Incident Management System (NIMS) as the management system to be used by all town departments and employees that respond to emergencies, including both manmade emergencies and natural disasters.

Alderman Coleman asked if there is immediacy in adopting this resolution.

Interim Chief Crabtree stated that the NIMS management system has to be adopted by the town by September 2006. If this management system is not adopted, the town might have to return grant funds and would not be able to obtain additional grants.

Mayor Chilton stated that the town's current grant application for the new system is through the Dept. of Homeland Security.

Mr. Stewart stated that the 800 Megahertz Radio System is part of the NIMS system, which enables the town to become interoperable with every jurisdiction in the country.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Dan Coleman.

A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM AS THE EMERGENCY MANAGEMENT SYSTEM USED BY ALL TOWN OF CARRBORO DEPARTMENTS AND STAFF Resolution No. 166/2005-06

WHEREAS, the President of the United States, in Homeland Security Presidential Directive 5 directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) which would provide a consistent nationwide approach for responding to emergencies, regardless of cause, size or complexity; and

WHEREAS, the National Commission on Terrorist Attacks (the 9/11 Commission) recommended adoption of a standardized incident command system; and

WHEREAS, the North Carolina Fire and Rescue Commission established that NIMS will be the State standard for training and professional qualifications in emergency management; and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of emergency management; and

WHEREAS, to facilitate the most efficient and effective emergency management it is critical that organizations at all levels of government utilize standard training, terminology, and personnel qualifications; and

WHEREAS, training in, and use of, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve first-responder ability to safely and effectively manage emergency incidents, particularly in major emergencies that involve response of local, county, state and federal agencies; and

WHEREAS, many of the components of NIMS are already in general use by first-responder agencies in the Town of Carrboro;

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

Section 1. The Board hereby adopts the National Incident Management System as the official emergency management protocol for the Town of Carrboro.

Section 2. The Board further resolves that all Town of Carrboro departments and personnel that responds to or otherwise work with emergencies as agents of the town will train for and respond to emergencies utilizing the National Incident Management System.

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 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

A RESOLUTION SUPPORTING THE STATEMENT OF SUPPORT FOR EMPLOYEES IN THE GUARD AND RESERVE

The local representative of the state committee for Employer Support of Guard and Reserve (ESGR), which is a part of the Department of Defense, has requested that the Town of Carrboro support a Statement of Support for Employees in the Guard and Reserve.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Dan Coleman.

A RESOLUTION SUPPORTING THE STATEMENT OF SUPPORT FOR EMPLOYEES IN THE GUARD AND RESERVE Resolution No. 168/2005-06

WHEREAS the Employer Support of Guard and Reserve (ESGR) has approached the Town of Carrboro with a Statement of Support for Employees in the Guard and Reserve; and

WHEREAS the Town's personnel polices already are fully aligned both with the operative items in this statement as well the federal USERRA (Uniformed Services Employment and Reemployment Rights Act) law; and

WHEREAS, the Board of Aldermen would like to affirm its commitment to the law, to its own personnel policies, and to any employees who already belong to the Guard or Reserve or might in the future belong to the Guard or Reserve.

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

Section 1. The Board of Aldermen officially supports the Statement of Support for Employees in the Guard and Reserve.

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 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

A REQUEST TO ISSUE A PERMIT FOR THE ANNUAL FOUR ON THE FOURTH ROAD RACE

The Board of Aldermen was requested to adopt a resolution approving a permit for the temporary closing of several town streets for the Annual Four on the Fourth Road Race scheduled for July 4, 2006.

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

A RESOLUTION APPROVING A PERMIT FOR THE TEMPORARY CLOSING OF THE FOLLOWING STREETS TO ACCOMMODATE THE FOUR ON THE FOURTH ROAD RACE Resolution No. 177/2005-06

Section 1. The following streets shall be used Monday, July 4, 2006 from 7:45 am to 8:45 am to accommodate the *Four on the Fourth Road Race*. Old Fayetteville Street will be the only street temporarily closed. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

- 1. Old Fayetteville Road McDougle School to Carol St.
- 2. Carol Street Old Fayetteville Rd to Hillsborough Rd.
- 3. Hillsborough Road Carol St. to W. Main St.
- 4. West Main Street Hillsborough Rd to James St.
- 5. James Street W. Main to Carol St.

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

- Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.
- Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.
- Section 5. 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 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

REVIEW OF A REQUEST FROM THE FRIENDS OF BOLIN CREEK REGARDING DEDICATION OF PUBLIC OPEN SPACE

Town staff has met with representatives of the Friends of Bolin Creek (FOBC) to discuss the public dedication of open space areas along Bolin Creek. The FOBC has prepared a memorandum on this topic and would like to speak with the Board on this matter. A resolution accepting this report and referring the request to staff for analysis was presented for the Board's adoption.

David Cooley, Chair of the Friends of Bolin Creek, presented the report, and requested the town request a dedication for each new subdivision and development of low-lying areas along Bolin Creek and its tributaries to cover all low-lying areas and that the town accept all offers of dedicated land along Bolin Creek.

Julie McClintoch asked that the town adopt a policy to ask developers to dedicate low-lying, un-buildable land to the town. She stated that the objective is to provide coordinated management of an area, which is protecting the environmental while providing recreation to citizens. She asked that the Board consider this matter in early September.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Randee Haven-O'Donnell.

A RESOLUTION ACCEPTING THE REPORT ON THE FRIENDS OF BOLIN CREEK REQUEST FOR A POLICY ON THE DEDICATION OF OPEN SPACE

Resolution No. 163/2005-06

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are appropriate and beneficial, and;

WHEREAS, the Friends of Bolin Creek have provided a report on a possible policy change regarding the dedication of open space areas.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accepts the report and refers the request to staff for analysis.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of June, 2006:

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

Noes: None

Absent: John Herrera

PRESENTATION OF ADAMS TRACT MANAGEMENT PLAN

The purpose for this item was for the Board of Aldermen to review and comment on the proposed management plan for the Adams Tract, and either approve the management plan or provide direction for further discussion and review.

George Seiz, the town's Public Works Director, made the presentation.

Cliff Haac, President of Bolin Forest Phase II, stated that they think the plan is great. He requested more education of citizens about the town's leash law and that additional funds be allocated for this effort and that the animal control officer find those not leashing their dogs.

Dave Otto, a member of Friends of Bolin Creek, offered the services of FOBC while developing the Adams tract and stated that the FOBC have developed an invasives removal program through the Chapel Hill High School Service Learning Program.

Alderman Broun asked that a link be put on the FOBC website, the Chapel Hill High School website and on the town's website.

Mr. Stewart stated that the Police Chief has a meeting scheduled with Mr. Haac later this week to discuss his concerns.

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

A RESOLUTION APPROVING THE ADAMS TRACT MANAGEMENT PLAN Resolution No. 169/2005-06

WHEREAS, the town staff has requested that the Mayor and Board of Aldermen review and approve the Adams Tract Management Plan; and

WHEREAS, the Mayor and Board of Aldermen have reviewed the management plan.

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

Section 1. The Board hereby approves the Adams Tract Management Plan.

Section 2. That the concerns about animal control be referred to the town staff for consideration.

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 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

<u>CARRBORO ART COMMITTEE'S REQUEST FOR THE TOWN TO CO-SPONSOR THE</u> CARRBORO FILM FESTIVAL

The purpose of this agenda item was for the Board of Aldermen to review and consider approving the request made by the Arts Committee for the Town of Carrboro to co-sponsor the Carrboro Film Festival and provide a \$500 grant match for the Orange County Arts Commission Grant.

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

A RESOLUTION REGARDING THE CARRBORO ARTS COMMITTEE'S REQUEST TO CO-SPONSOR THE CARRBORO FILM FESTIVAL AND PROVIDE A \$500 GRANT MATCH FOR THE ORANGE COUNTY ARTS COMMISSSION GRANT

Resolution No. 167/2005-06

EDEAC the Deard of Alderman discussed the Combons Arts Committee's as an ansarch

WHEREAS, the Board of Aldermen discussed the Carrboro Arts Committee's co-sponsorship and grant match request.

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

Section 1. To approve the request, co-sponsor the film festival and provide matching grant funds not to exceed \$2.043 and use of full-time staff time.

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 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

<u>DISCUSSION: REZONING PROPOSAL FOR R-2 DISTRICT/ESTABLISHMENT AND PLACEMENT OF OR-MU ZONING DISTRICT</u>

The Board of Aldermen held a public hearing on March 28 and April 25 on a rezoning proposal for the R-2 district. During a discussion of this matter on May 16, the Board requested additional information to consider in deciding on the proposed zoning change.

Mayor Chilton asked to be recused from discussion of the next item.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO RECUSE MAYOR CHILTON FROM THIS MATTER. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

Trish McGuire, the Planning Administrator, made the presentation.

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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT AND MAP OF THE CARRBORO LAND USE ORDINANCE

Resolution No. 174/2005-06

WHEREAS, an amendment to the text and map of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Carrboro Land Use Ordinance to Establish a New Office-Residential Mixed Use (OR-MU) District, and Rezone Specified Properties from the R-2 District to the New OR-MU District;

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above-described amendment is consistent with Carrboro Vision2020.

Section 2. The Board concludes that its adoption of the above-described amendment is reasonable and in the public interest because it supports Town policies to: i) increase the non-residential tax burden by providing opportunities to expand the commercial tax base and, ii) to allow and encourage mixed use development.

Section 3. This resolution becomes effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera, Mark Chilton

Mr. Gattis asked if the cemetery property should be removed from the ordinance.

Mike Brough stated nothing would affect the cemetery property. It would make more sense to have it zoned with surrounding property.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE

TO ESTABLISH A NEW OFFICE-RESIDENTIAL MIXED USE (OR-MU) DISTRICT, AND REZONE SPECIFIED PROPERTIES FROM THE R-2 DISTRICT TO THE NEW OR-MU DISTRICT," AS AMENDED TO REMOVE PARCELS 7.92.J.1 AND 7.92.J.2 VOTE: AFFIRMATIVE FIVE, ABSENT ONE (HERRERA), EXCUSED ONE (CHILTON)

REVIEW OF REVISED DRAFT ORDINANCE TO ESTABLISH ARCHITECTURAL STANDARDS FOR DOWNTOWN CARRBORO

The Board of Aldermen held a public hearing on January 24, 2006 and February 21, 2006 and a review on May 16, 2006 to consider proposed architectural standards for downtown Carrboro. The draft ordinance has been modified per the Board of Aldermen request and staff recommended its adoption.

Trish McGuire, the Planning Administrator, made the presentation.

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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Resolution No. 161/2005-06

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Carrboro Land Use Ordinance to Establish Architectural Standards for Development in the B-1 (c), B-1(g), CT, M-1, and B-2 Zones

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above-described amendment is consistent with <u>Carrboro Vision 2020:</u> Policies through the year 2020.

Section 2. The Board concludes that its adoption of the above-described amendment is reasonable and in the public interest because the Town seeks the development and placement of architecturally significant commercial and civic buildings in order to achieve an attractive developed environment. Furthermore, Town policies identify the need to periodically revisit and update architectural guidelines to evaluate their effectiveness and their impact on other policy areas.

Section 3. This resolution becomes effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of June, 2006:

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

Noes: None

Absent or Excused: John Herrera

MOTION WAS MADE BYALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH ARCHITECTURAL STANDARDS FOR DEVELOPMENT IN THE B-1(C), B-1(G), CT, M-1 AND B-2 ZONES." VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

Mayor Chilton asked a voluntary concept plan review process also be advertised.

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

A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH A CONCEPT PLAN REVIEW PROCESS WITH THE JOINT REVIEW ADVISORY BOARDS

Resolution No. 170/2005-06

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 September 26, 2006 to consider adopting "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH A CONCEPT PLAN REVIEW PROCESS FOR DEVELOPMENTS REQUIRING SPECIAL USE PERMIT OR CONDITIONAL USE PERMIT APPROVAL."

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.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

\boxtimes	Appearance Commission		Recreation and Parks Commission			
\boxtimes	Transportation Advisory Board	\boxtimes	Northern Transition Area Advisory Committee			
	Environmental Advisory Board					
\boxtimes	Economic Sustainability Commission					
The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of June, 2006:						
Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, Randee Haven-O'Donnell, Alex Zaffron						
Noe	s: None					

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Absent or Excused: John Herrera

APPOINTMENT TO THE OWASA BOARD OF DIRECTORS

The Mayor and Board of Aldermen were requested to consider making an appointment to one of the town's seats on the OWASA Board of Directors. The town staff recommended adoption of a resolution making this appointment.

Mayor Chilton stated that Alderman Herrera was ill and requested that this matter be delayed until his return.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN THAT THIS MATTER BE TABLED UNTIL ALDERMAN HERRERA'S RETURN. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (BROUN, ZAFFRON, ABSENT ONE (HERRERA)

MEMORIAL SERVICE HONORING CATHERINE PEELE

Alderman Zaffron stated that there had been a memorial service honoring Catherine Peele at the Town Hall on June 10th and a plaque was installed in her honor.

PROPOSAL FOR GREENWAYS SUMMIT

Alderman Haven-O'Donnell presented a proposal for a Greenways, Open Space and Preserve Commission Summit that she and Alderman Gist had prepared.

Alderman Gist asked that those boards at their next meetings consider the advisory board appointments.

RECOMMENDATION FROM PLANNING BOARD REGARDING A DEVELOPMENT MORATORIUM FOR THE NORTHERN STUDY AREA

Mayor Chilton stated that the Planning Board was recommending that the Board consider a development moratorium for the Northern Study Area. He suggested that this matter be scheduled for Board discussion in September 2006.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 9:33 P.M. VOTE: AFFIRMATIVE ALL

Town Clerk

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