

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 15, 2006 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Pro Tem	Joal Hall Broun (arrived at 7:55 p.m.)
Aldermen	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:

Mayor	Mark Chilton
Alderman	John Herrera

ASSISTANCE WITH ANYSOLDIER.COM

Alderman Gist announced that she would have a table at the Saturday Farmer's Market to take donations to assist with the AnySolider.Com effort.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO APPROVE THE JUNE 20 AND 27, 2006 MINUTES. VOTE: AFFIRMATIVE FOUR, ABSENT THREE (CHILTON, BROUN, HERRERA)

REQUEST TO CANCEL SEPTEMBER 12 AND 26, 2006 BOARD MEETINGS

The purpose of this item was to request that the Board of Aldermen cancel the September 12th and 26th Board meetings. The town staff recommended adoption of the attached resolution.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION CANCELING THE
SEPTEMBER 12 AND 26, 2006 BOARD MEETINGS
Resolution No. 04/2006-07

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

Section 1. The Board of Aldermen hereby cancels its meetings scheduled for September 12 and 26, 2006.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of August, 2006:

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

Noes: None

REQUEST TO RESET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH A CONCEPT PLAN REVIEW PROCESS

During consideration of the land use ordinance text amendments establishing architectural standards for the downtown area, the Board of Aldermen requested that staff prepare a draft ordinance that would establish a concept plan review process. The draft ordinance was reviewed on June 20th and a public hearing set for September 26th. A resolution that resets the public hearing to October 24, 2006 was recommended for the Board’s adoption.

The following resolution was introduced by Alderman Dan oleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION RESETTNG 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. 07/2006-07

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 October 24, 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:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Appearance Commission | <input checked="" type="checkbox"/> Recreation and Parks Commission |
| <input checked="" type="checkbox"/> Transportation Advisory Board | <input checked="" type="checkbox"/> Northern Transition Area Advisory Committee |
| <input checked="" type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> _____ |
| <input checked="" type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____ |

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of August, 2006:

Ayes: Dan Coleman, Jacquelyn Gist, Randee Haven-O’Donnell, Alex Zaffron

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun, John Herrera

REQUEST TO APPROVE A BUDGET ORDINANCE

The purpose of this item was to request the Board to approve a budget amendment retroactive to FY05-06 that acknowledges expenditures associated with Board's approval in the settlement for the Rogers Triem property that is needed to extend Rand Road to connect Roberson Place and Rand Road.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2005-06 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FOUR, ABSENT THREE (CHILTON, BROUN, HERRERA)

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING FOR 2006-07 LEGAL SERVICES

The purpose of this item was for the Mayor and Board of Aldermen to consider adopting a resolution approving a Memorandum of Understanding with The Brough Law Firm for fiscal year 2006-07.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING THE 2006-07
MEMORANDUM OF UNDERSTANDING WITH THE BROUGH LAW FIRM
Resolution No. 01/2006-07

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Memorandum of Understanding with The Brough Law Firm for the 2006-07 Fiscal Year is hereby approved.

Section 2. The resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of August, 2006:

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

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun, John Herrera

A REQUEST TO SET A PUBLIC HEARING ON A STREET CLOSING REQUEST FOR ST. JOSEPH CME CHURCH'S "FRANGELISM IN THE PARK" EVENT

The purpose of this item was to request that the Board of Aldermen set a public hearing for August 22, 2006 on a Street Closing Permit Application submitted by St. Joseph CME Church to temporarily close Broad Street between Fowler Street and Hill Street on September 9th from 10:00 a.m. to 4:00 p.m. for the “Frangelism In the Park” event.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION SETTING A PUBLIC HEARING ON A
STREET CLOSING REQUEST
Resolution No. 06/2006-07

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that August 22, 2006 at 7:30pm is hereby set as the date for a public hearing on a request from St. Joseph CME Church to temporarily close Broad Street on Saturday, September 9, 2006 from 10:00 a.m. to 4:00 p.m. for the “Frangelism In the Park” event

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of August, 2006:

Ayes: Dan Coleman, Jacquelyn Gist, Randee Haven-O’Donnell, Alex Zaffron

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun, John Herrera

RESOLUTION APPROVING THE RENEWAL OF AN AGREEMENT WITH PIEDMONT BIOFUELS

The purpose of this agenda item was to approve the renewal of an agreement with Piedmont Biofuels.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING THE RENEWAL OF AN AGREEMENT
WITH PIEDMONT BIO-FUELS
Resolution No. 08/2006-07

WHEREAS, Piedmont Bio-Fuels proposes to renew an agreement with the Town of Carrboro to provide B100 fuel to the Town of Carrboro and Cooperative Fuel Members; and

WHEREAS, under the proposed agreement Piedmont Bio-Fuels provides, maintains and operates a facility for the distribution of B100 fuel at the Public Works facility located at 100 Public Works Drive.

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

Section 1. The Board of Aldermen hereby authorizes the renewal of the agreement with Piedmont Bio-Fuels for B100 Fuel.

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 15th day of August, 2006:

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

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun, John Herrera

REQUEST TO SET A PUBLIC HEARING ON THE VOLUNTARY ANNEXATION OF THE CLAREMONT ARCHITECTURALLY INTEGRATED SUBDIVISION LOCATED AT 1018 HOMESTEAD ROAD

The purpose of this item was to accept a petition for the voluntary annexation of the Claremont Architecturally Integrated Subdivision property located at 1018 Homestead Road and to set a public hearing for September 19, 2006.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION SETTING A PUBLIC HEARING
TO CONSIDER THE ANNEXATION OF
PROPERTY OWNED BY PARKER LOUIS, LLC,
UPON THE REQUEST OF THE PROPERTY OWNER
Resolution No. 02/2005-06

WHEREAS, the Town of Carrboro has received a petition from the property owned by Parker Louis, LLC requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petitions requesting the annexation of this property are sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen hereby accepts this petition and shall hold a public hearing on September 19, 2006 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill Herald at least ten days prior to the date of the public hearing.

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 15th day of August, 2006:

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

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun, John Herrera

APPOINTMENTS TO THE APPEARANCE COMMISSION/NEIGHBORHOOD PRESERVATION DISTRICT COMMISSION

The Chair of the Appearance Commission/Neighborhood Preservation District Commission recommended that Justin Abbott and David Markiewicz be appointed to the Commission. It was recommended that the Board consider adopting a resolution making these appointments.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION MAKING APPOINTMENTS
TO THE APPEARANCE COMMISSION/NPDC
Resolution No. 05/2006-07**

WHEREAS, there are currently three (3) vacant seats on the Appearance Commission/ Neighborhood Preservation District Commission; and

WHEREAS, these positions have been advertised and Justin Abbott and David Markiewicz have submitted applications expressing interest in serving on the Appearance Commission/NPDC; and

WHEREAS, these applications were forwarded to the Chair of the Appearance Commission/NPDC for review and consideration; and

WHEREAS, Wendy Wenck, Chair of the Appearance Commission/NPDC, has reviewed these applications and is recommending that both applicants be appointed.

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

Section 1. The Board of Aldermen hereby appoints Justin Abbott and David Markiewicz to seats on the Appearance Commission/NPDC. These terms shall expire in February 2009.

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 15th day of August, 2006:

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

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun, John Herrera

APPOINTMENTS TO THE ENVIRONMENTAL ADVISORY BOARD

The Chair of the Environmental Advisory Board recommended that Tom Cors and Ryan Elting be appointed to the EAB. It was recommended that the Board consider adopting a resolution making these appointments.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION MAKING APPOINTMENTS
TO THE ENVIRONMENTAL ADVISORY BOARD**

WHEREAS, there are currently two (2) vacant seats on the Environmental Advisory Board (EAB); and

WHEREAS, these positions have been advertised and Carly Apple, Tom Cors, Ryan Elting, Andreas Hay, Joe Rybka and William Stott have submitted applications expressing interest in serving on the EAB; and

WHEREAS, these applications were forwarded to the Chair of the EAB for review and consideration; and

WHEREAS, Lauren Goers, Chair of the EAB has reviewed these applications and is recommending that Tom Cors and Ryan Elting be appointed.

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

Section 1. The Board of Aldermen hereby appoints Tom Cors and Ryan Elting to seats on the EAB. Mr. Cors' term shall expire in February 2008 and Mr. Elting's term shall expire in February 2007.

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 15th day of August, 2006:

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

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun, John Herrera

CONCEPTUAL PLAN FOR CHAPEL HILL'S PORTION OF THE MORGAN CREEK TRAIL

On June 26th, the Chapel Hill Town Council referred the report of the Morgan Creek Trail Conceptual Plan Committee to the Town of Carrboro for review and comments. Bill Webster of the Chapel Hill Parks and Recreation Department made a presentation. Staff recommended that the Board of Aldermen adopt a resolution receiving the report and providing comments.

Bill Webster with the Chapel Hill Parks and Recreation Department made a presentation. He stated that Carrboro would probably need to build a sidewalk along Smith Level Road to make the plan work.

Alderman Haven-O'Donnell announced that the Town's Greenways Summit would be held on October 28th.

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

A RESOLUTION RECEIVING THE REPORT OF THE MORGAN CREEK
TRAIL CONCEPTUAL PLAN COMMITTEE
Resolution No. 14/2006-07

WHEREAS, the Morgan Creek Trail Conceptual Plan Committee has met since 2002 and has prepared a report and recommendations related to the construction of a proposed trail along a portion of Morgan Creek; and

WHEREAS, the Chapel Hill Town Council has referred the conceptual plan to the Town of Carrboro for comment and further recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the report and makes the following comments and recommendations:

- That the Carrboro town staff prepare a report on how to accommodate the Carrboro portion of the plan for Board consideration.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of August, 2006:

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

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun, John Herrera

PROPOSED AUDIT SETTLEMENT WITH TIME WARNER CABLE TIED TO FUTURE FRANCHISE COMPLIANCE

The Town would like to complete its negotiations with Time Warner Cable (TWC) with regard to the audit of the years 2002 – 2005. There were a number of questions that needed to be resolved and Town staff believe they have reached an acceptable settlement proposal which includes payment of many debts uncovered in the audit as well as improved compliance with the franchise agreement.

[Mayor Pro Tem Broun arrived at the meeting.]

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Dan Coleman.

A RESOLUTION ACCEPTING THE TERMS OF A PROPOSED NEGOTIATED
SETTLEMENT OF AUDIT OF TIME WARNER CABLE OPERATIONS
FROM 2002 – 2005 WHICH TIES ACCEPTANCE OF A REDUCED
SETTLEMENT PAYMENT TO FURTHER COMPLIANCE
WITH THE FRANCHISE AGREEMENT
Resolution No. 03/2006-07

WHEREAS, the Town has a written franchise agreement with cable operator Time Warner Cable, and

WHEREAS, the Town has an auditor periodically check the calculation of all payments due to the Town under this franchise agreement, and

WHEREAS, the franchise agreement is slightly unclear on some points and abundantly clear on others,

NOW THEREFORE BE IT RESOLVED, that the Town demands compliance with Section 28C of the franchise agreement, which states that the grantee (TWC) must provide the Town with its customer address lists;

BE IT FURTHER RESOLVED that, if Time Warner Cable agrees to provide these records on a regular basis, the Town will accept compromise on some of the slightly unclear points of the franchise and accept an audit resolution payment of \$2,500 based on that compromise.

BE IT FURTHER RESOLVED that if Time Warner Cable does not accept this offer, the Town will consider using other measures provided for in the franchise agreement to encourage full compliance with the agreement.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of August, 2006:

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

Noes: None

Absent or Excused: Mark Chilton, John Herrera

PROPOSAL FOR VOLUNTEER OF THE YEAR AWARD

The purpose of this item was for the Board of Alderman to consider establishing a Volunteer of the Year award to highlight the civic/community contributions of a particularly generous and active citizen or group of citizens in the Town of Carrboro.

Alderman Coleman requested that James Harris, the town's Community and Economic Development Director, be asked to solicit donations from Carrboro restaurants to use as prizes for the winner(s) of the Volunteer of the Year award.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION CREATING A VOLUNTEER OF THE YEAR AWARD Resolution No. 09/2006-07

WHEREAS the Board of Aldermen wishes to publicly recognize the many contributions made by official and unofficial volunteers to the community and civic life of the Town of Carrboro; and

WHEREAS, a Volunteer of the Year of the award will highlight the contributions of many and reward the particular contributions of one volunteer or group of volunteers.

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

Section 1. The Board hereby approves the creation of an annual Volunteer of the Year Award.

Section 2. The process for selecting this volunteer will be as follows:

- Nominations will be available and submittable online. They will also be available in hard copy or as email attachments as requested.
- Nominations can be made by anyone but could be specially solicited from chairs of advisory boards and/or Board of Aldermen members. Nominations can be anonymous but need not be.
- The process will be advertised appropriately, and forms can be submitted during the month of January. Completed forms must be submitted to the Town Clerk.

- Nominations will be forwarded to the Board of Aldermen, who will vote to award this honor by the end of March and honor the prize winner(s) at the annual Advisory Boards Recognition Dinner.
- The town's Community and Economic Development Director should solicit prizes from local restaurants.

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 15th day of August, 2006:

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

Noes: None

Absent or Excused: Mark Chilton, John Herrera

STATUS REPORT ON HIGH SCHOOL/HOMESTEAD ROAD IMPROVEMENTS

Mr. Stewart stated that Chuck Edwards and members of the Town staff had met with the New Horizons Task Force on August 14th and Mr. Edwards had reported that NCDOT should begin work this week on the turn lane and traffic signal and as much of the sidewalk as the utilities will allow from High School Road to Camden Road. NCDOT will rebid the remaining work in the spring.

Alderman Zaffron stated that he had asked that High School/Homestead Road Task Force to meet to discuss student safety during construction. He asked that Dale McKeel follow up to make sure that meeting is set.

ROUNDBOUT AT THE INTERSECTION OF ROCK HAVEN AND SMITH LEVEL ROADS

Alderman Coleman asked that a meeting be scheduled for next week between town staff, Alderman Zaffron and Coleman, TAB representative and School System representative to discuss the feasibility of constructing a roundabout at the intersection of Rock Haven and Smith Level Roads near Carrboro High School, rather than the currently planned signalized intersection. He asked that this meeting be held prior to the School Board's September 7th meeting.

Alderman Zaffron volunteered to arrange the meeting.

Mr. Stewart asked to be notified when the meeting is scheduled.

INVITATION TO UNC FOOTBALL GAME

Alderman Coleman stated that he had received an invitation to the UNC/Rutgers football game. He stated that he had declined the invitation because of the town's code of ethics.

OIL PRICES

Alderman Gist asked if increased oil prices have affected the town’s operations.

Mr. Stewart stated that the town staff had anticipated the increased oil prices in the 2006-07 budget.

ORDINANCE CHANGES REGARDING MULCH PILES

Alderman Zaffron expressed his appreciation for the town staff’s response to problems with mulch piles over the summer.

Mr. Stewart stated that the town staff would be bringing ordinance revisions to the Board for consideration in the near future regarding this matter.

PEDICAB RIBBON CUTTING

Alderman Haven-O’Donnell announced that the “pedicab” ribbon cutting ceremony would take place tomorrow at the Carolina Inn in Chapel Hill.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO ADJOURN THE MEETING AT 8:15 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, HERRERA)

Mayor Pro Tem

Town Clerk