

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 19, 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
	John Herrera
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

P'LANTE FESTIVAL

Laura Wenzel, the director of the P'alante youth program, invited the community to attend to a live broadcast/dance contest on WCOM this Friday from 5:00 -8:00pm. There will be food and piñatas.

PROCLAMATION ISSUED

Mayor Chilton read a proclamation recognizing the work of the Carrboro Parks Project and declaring this week Carrboro Parks Project Week.

BOLIN CREEK FESTIVAL

Mayor Chilton invited the community to attend the Bolin Creek Festival, which will be held on Saturday, October 14th at Umstead Park.

CARRBORO MUSIC FESTIVAL

Mayor Chilton invited the community to attend the Carrboro Music Festival this Sunday, beginning at 1:00pm. He encouraged people to come on foot or by bicycle.

CARRBORO/CHAPEL HILL TRANSIT FORUM

Mayor Chilton announced at the Carrboro/Chapel Hill Transit Forum would be held on Thursday, September 21st at 7:00 pm, at the Century Center. He stated that this was an opportunity for users of buses to suggest ways to improve the service. He encouraged people to come by bus.

CHARGES ISSUED

The Deputy Town Clerk issued charges to Nic Beery, a recent appointee to the Arts Committee, to Matthew Barton and Lydia Lavelle, recent appointees to the Planning Board, and Audrey de Nazelle, a recent appointee to the Transportation Advisory Board.

GOODBYE TO JENNIFER FERRIS

Mayor Chilton stated that this was the last night that Chapel Hill Herald reporter Jennifer Ferris would be covering town government. He stated that the Board appreciated her accurate reporting of events in the Town of Carrboro and wished her luck in her new endeavor.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL BROUN TO APPROVE THE SEPTEMBER 5, 2006 MINUTES. VOTE: AFFIRMATIVE ALL

A REQUEST TO APPROVE A BUDGET AMENDMENT

The Board was requested to approve a budget amendment reclassifying expenditure from the Nondepartmental function to the Public Works Department to pay for a parking lot lease arrangement contracted with Acme Restaurant.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JOAL BROUN TO ADOPT THE ORDINANCE TITLED "AN ORDINANCE AMENDING FY 2006-07 BUDGET ORDINANCE". VOTE: AFFIRMATIVE ALL

VOLUNTARY ANNEXATION OF THE CLAREMONT SUBDIVISION LOCATED AT 1018 HOMESTEAD ROAD

The purpose of this item was to receive citizens' comments regarding a petition for the voluntary annexation of the Claremont Subdivision located at 1018 Homestead Road and to consider the adoption of an ordinance incorporating the property into the Town effective September 30, 2006.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELINE GIST TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND DULY SECONDED BY ALDERMAN JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING THE CLAREMONT SUBDIVISION." VOTE: AFFIRMATIVE ALL

REPORT FROM THE NEW HORIZONS TASK FORCE

A representative from the New Horizons Task Force gave an update to the Board of Aldermen on the activities and achievements of the New Horizons Task Force, which has been meeting once a month since May of 2006.

Lydia Lavelle, Charlie Buckner, and Peggy Vincent presented a report to the Board.

The Board thanked them for their presentation and for being civil and congenial.

Alderman Broun asked that Task Force present an additional update in early spring before any decisions are set in stone with the new budget.

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

**A RESOLUTION RECEIVING THE NEW HORIZONS TASK FORCE UPDATE ON
TRANSITION ISSUES AND REQUESTING ADDITIONAL UPDATES
Resolution No. 27/2006-07**

WHEREAS the Board of Aldermen commissioned the New Horizons Task Force to study and help with transition issues relating to the newly annexed areas; and

WHEREAS, the New Horizons Task Force has now met four times, completed a resident survey, and herewith presented the survey to the Board of Aldermen along with an update of the activities of the task force;

NOW THEREFORE LET IT BE RESOLVED that the Board of Aldermen receives the update and survey report.

BE IT FURTHER RESOLVED that the Board of Aldermen request at least two more updates before the mandate for the New Horizons Task Force expires in July 2007.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 19th day of September, 2006:

Ayes: Mark Chilton, Joal Broun, Dan Coleman, Jacqueline Gist, Randee Haven-O'Donnell, John Herrera, Alex Zaffron

Noes: None

Absent or Excused: None

**FOLLOW UP TO REQUEST FROM THE FRIENDS OF BOLIN CREEK REGARDING
DEDICATION OF OPEN SPACE**

The Board of Aldermen received a request from the Friends of Bolin Creek to establish a policy regarding open space dedication. The request was referred to staff for analysis. A resolution accepting the staff analysis and specifying follow-up was available for the Board's adoption.

Trish McGuire, the town's Planning Administrator, addressed the Board.

Alderman Gist asked that no decisions be made until after the Greenways Summit on October 28th.

Alderman Herrera thanked those who donated land for their generosity.

Mayor Chilton stated that the Board would continue discussion of this matter following the Greenways Summit on October 28th.

David Cooley, with Friends of Bolin Creek, stated that he applauds what the Town is doing with the greenway corridor and he appreciates the emphasis on conservation. They want access from the corridor to the creek. Being able to approach from private property is sometimes an issue.

COMMENTS ON THE MORGAN CREEK TRAIL CONCEPTUAL PLAN

On August 15th, Bill Webster of the Chapel Hill Parks and Recreation Department made a presentation to the Board of Aldermen on the report of the Morgan Creek Trail Conceptual Plan Committee. Following the presentation, the Board of Aldermen requested that Town staff prepare comments on the plan to be forwarded to the Chapel Hill Town Council. The town staff recommended that the Board adopt a resolution providing comments to the Chapel Hill Town Council.

Dale McKeel, the town's Transportation Planner, addressed the Board.

Mayor Chilton said it is important to consider how pedestrians and cyclists will have access to the new trail on the back side of Roberson Place connecting the Rogers-Triem property to Carr Court. In addition, behind Frank Porter Graham Elementary School, remnants of the dam are still apparent in the vicinity. It would be appropriate to have a sign or historical marker along the trail to acknowledge it. There is also another old mill site along 15-501 that warrants a marker on the Chapel Hill side of the trail. He suggested that this be passed along to the Chapel Hill Town Council.

Alderman Broun asked if there were discussions with the school system about security.

Dale McKeel said that there was a representative from Frank Porter Graham on the committee.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Dan Coleman.

**A RESOLUTION PROVIDING COMMENTS ON THE
MORGAN CREEK TRAIL CONCEPTUAL PLAN
Resolution No. 31/2006-07**

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 makes the following comments and recommendations:

- The Town of Carrboro appreciates the work of the Morgan Creek Trail Conceptual Plan Committee and supports the Concept Plan.
- If the project moves into the detailed design stage, the Town of Carrboro welcomes the opportunity to participate in the design for the trail section near Smith Level Road.
- In the design, consideration should be given to security and safety measures for the section of the trail that passes under Smith Level Road (such as lighting and visibility).
- In the design, consideration should be given to providing appropriate warning to trail users on sections that may be subject to flooding.
- The Towns of Carrboro and Chapel Hill should develop a cooperative strategy for trail maintenance and management to promote consistency and establish expectations.
- Consider placing signs or historical markers near the remnants of the dam and mill site behind Frank Porter Graham Elementary School and another old mill site near US 15-501.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 19th day of September, 2006:

Ayes: Mark Chilton, Joal Broun, Dan Coleman, Jacqueline Gist, Randee Haven-O'Donnell, John Herrera, Alex Zaffron

Noes: None

Absent or Excused: None

CONTINUED DISCUSSION OF AMENDING THE TOWN CHARTER TO CLARIFY THE FILLING OF BOARD VACANCIES

The Board has had a number of discussions regarding the possibility of seeking a charter amendment from the General Assembly. A charter amendment could do one of two things – it could either clarify the existing process for filling vacancies that occur at different times in the election cycle *or* it could change the process entirely. The purpose of this agenda item is for the Board of Aldermen to again consider requesting an amendment to the Carrboro town charter.

Katrina Ryan addressed the Board. She said that she was troubled by Alderman Coleman’s proposal and the process by which we fill vacancies on the Board caused by an election. The voters should have the right to choose every member of the Board of Aldermen when there is an election. When a sitting Alderman runs for Mayor, there should be a provision for a fourth vote for alderman.

Sharon Cook addressed the Board. She spoke on behalf of her neighbors, Peter and Allison Doyle. She stated that the purpose of elections is to choose people who represent our interests. To appoint someone perverts the process and is based on political affiliations and cronyism. The person appointed is not accountable to the people who elected them and they gain benefits of incumbency without earning them. Ms. Cook agrees and asks that the Board trust its citizens to choose their elected representatives and abolish the “loophole” in the town charter that allows us to abandon our democratic principles.

Alderman Coleman stated that a number of communities across the state have the authority to hold special elections to fill vacancies. Durham allows a window of time during which their city council can make an appointment or call for a special election. Feelings from the annexation and the last election spill into this discussion. In Carrboro, the last four appointments were generally not controversial.

Alderman Zaffron stated that he thought Alderman Coleman's research was thoughtful but that the proposal creates a protracted process that is lengthy and contentious. He proposed the following:

1. Use the proposal previously discussed to amend the Town Charter to automatically allot the vacant seat to the highest finisher behind the full-term seats.
2. A "pick 3 + 1" ballot, in which 4 votes are cast, with it clearly noted that the 4th place finisher fills the vacant seat; or
3. On in which the voter may "pick 3" for the full terms, and in a separate volume, "pick 1" to fill the two-year vacancy.

Mayor Chilton stated that he sees the merits of both proposals. We do not know until the first Friday in August who is running for Mayor so we do not know if the results of a mayoral election would force a vacancy on the Board of Aldermen. A write-in candidate can file as late as September 1st.

Alderman Broun stated that she opposes a system that is directly related to how we vote with a voting machine. Where is the control to fill the vacancy? Will it reside with the voters or the Board? If it is less than a year, let the Board fill it. If it is more than a year, have a special election.

Mayor Chilton stated that it does not happen often and the last time was ten years ago with Alderman McDuffee.

Alderman Gist asked the attorney to craft something in workable language. If a vacancy occurs and it is less than a year, then the Board appoints. If it is more than a year, we have a special election.

Alderman Zaffron stated there should be an automatic trigger mechanism and that the election must take place within a certain number of days.

Mayor Chilton asked the attorney to take a look at the General Statutes to determine how quickly they are allowed to do this.

Alderman Haven – O'Donnell stated that she likes Alderman Coleman's proposal to have a certain amount of time for the Board to do the job that they have been elected to do.

Alderman Herrera stated that this is a non-issue and it insulted his intelligence and democratic rights. The whole electoral system is full of restrictions. Democracy is not pleasant. Twenty percent of the people in Carrboro vote. The system is working fine.

Alderman Coleman stated that the process we have been using is democratic. Everyone agrees that we should appoint sometimes.

Alderman Broun stated the reason there is still contention is because there is a feeling that the playing field was not fair when the decision was made.

Mayor Chilton stated that he took exception to an earlier citizen comment referring to the system we have always used in the past as a loophole. One hundred percent of municipalities and over 75 counties and elected boards all use exactly the method that we do. It is prescribed for us and imposed on us by North Carolina state law. It is the procedure. There is nothing wrong with it. It is good enough. That is Alderman Herrera's point. He stated that he liked Alderman Broun's' proposal and just because it is good enough does not mean it is good enough for Carrboro. How will we deal with this in the future? It does not draw a distinction about a vacancy caused by an election or not. It just has to do with the length of term and that is a very practical type of issue that puts the decision in the hands of the voters. It is a tidy and easily understood system.

Alderman Broun asked that the town attorney draft a proposed charter amendment along those lines.

Mayor Chilton said that the Board would have another public hearing on this matter.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON THAT THE TOWN ATTORNEY BE DIRECTED TO DRAFT A CHARTER AMENDMENT TO REFLECT THAT WHEN A VACANCY ON THE BOARD OF ALDERMEN OCCURS, WHEN THERE IS A YEAR OR LESS, THE BOARD CAN APPOINT. IF THERE IS A YEAR OR MORE, THERE WILL BE AN AUTOMATIC SPECIAL ELECTION. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (HERRERA)

A RESOLUTION MAKING AN APPOINTMENT TO THE OWASA BOARD OF DIRECTORS

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

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

**A RESOLUTION MAKING AN APPOINTMENT TO THE
ORANGE WATER AND SEWER AUTHORITY BOARD OF DIRECTORS
Resolution No. 10/2006-07**

WHEREAS, the Town of Carrboro has two seats on the Orange Water and Sewer Authority Board of Directors;
and

WHEREAS, the term of Terri Buckner expires on June 30, 2006; and

WHEREAS, the town staff has four (4) applicants for this position.

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

Section 1. The Board of Aldermen hereby appoints William Stott to serve as one of the Town of Carrboro's representatives on the OWASA Board of Directors. This term will expire on June 30, 2009.

Section 2. A copy of this resolution shall be forwarded to OWASA.

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 19th day of September, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Jacquelyn Gist

Noes: Rande Haven-O'Donnell, Joal Broun, Alex Zaffron

Absent or Excused: None

PACIFICA

Alderman Broun requested an update from staff on construction at Pacifica. She stated that she had received complaints about dust and noise.

MOTION WAS MADE BY JOAL HALL BROUN AND DULY SECONDED BY JACQUELY GIST TO
ADJOURN THE MEETING AT 9:45 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk