

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, December 5, 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
Deputy Town Clerk	Sharmin E. Mirman

**A RESOLUTION HONORING UNITED STATES ARMY STAFF SERGEANT MISAEL MARTINEZ AND HIS FAMILY**

Alderman Herrera and Mayor Chilton read the following resolution and presented it to the Martinez family.

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Dan Coleman.

A RESOLUTION HONORING UNITED STATES ARMY  
STAFF SEARGENT MISAEL MARTINEZ AND HIS FAMILY  
Resolution No. 95/2006-07

**WHEREAS**, Staff Sergeant Misael Martinez of the U.S. Army, was assigned to the 1<sup>ST</sup>. Battalion, 16<sup>th</sup> Engineer Battalion, 1<sup>st</sup> Brigade, 1<sup>st</sup>. Armor Division in Giessen, Germany, and was deployed to Iraq three times; where he died in combat on Veterans Day, November 11, 2006; and

**WHEREAS**, Staff Sergeant Misael Martinez, a proud son of Mexican immigrants, had resided, studied and worked in Orange County, NC during the past 19 years; and

**WHEREAS**, Staff Sergeant Misael Martinez's sacrifice for this nation will always be remembered by this community and the many lives he touched while studying at Carrboro Elementary school, McDougle Middle school, Chapel Hill High School and Orange High School; and

**WHEREAS**, Staff Sergeant Misael Martinez valued education so much, he worked late shifts to supplement his family's income as they put his two brothers Samuel and Israel and his sister Helen Rose through school; and

**WHEREAS**, Staff Sergeant Misael Martinez had a positive attitude towards life, loved the arts, music and sports, and often enjoyed them in downtown Carrboro or at the Hargraves Center in Chapel Hill or fishing at University Lake; and

**WHEREAS**, Staff Sergeant Misael Martinez's parents, Rosalia and Juan Antonio Martinez, are Mexican immigrants who believe in the American Dream, have studied and learned English, raised a family, purchased a Habitat for Humanity home in Orange County and worked hard in our local economy--Mrs. Martinez in the health care area as a nursing Aid for Home Health Agency and Piedmont Health Services, Mr. Martinez in the restaurant maintenance business; and

**WHEREAS**, Staff Sergeant Misael Martinez's younger brother, 22 year-old Private First Class Israel Martinez, joined the Army in April of 2005 and is already scheduled to be deployed to Iraq in January 2007; and

**WHEREAS**, according to the Pew Hispanic Center Latinos make up 9.5 percent of the actively enlisted U.S. forces and are over-represented in the categories that get the most dangerous assignments — infantry, gun crews and seamanship — and make up over 17.5 percent of the front lines;

**WHEREAS**, one of the first U.S. soldiers to die in Iraq combating the Republican Guard, U.S. Marine Jose Gutierrez, was an orphaned Guatemalan who entered the U.S. as an undocumented worker and at the time of his death was not even an American citizen, a status he shares with many other soldiers defending the U.S; and

**WHEREAS**, many veterans are considered near homeless or at risk of becoming homeless because of their poverty, untreated chronic physical or mental illnesses, lack of support from family and friends, and dismal living conditions in overcrowded or substandard housing; and

**WHEREAS**, working families in the United States have paid a heavy price for the U.S. involvement in Iraq with the deaths of more than 2,800 U.S. troops, and the wounding or disabling of more than 14,000 U.S. military personnel; and

**WHEREAS**, the Mayor and Board of Aldermen support the brave men and women deployed in Iraq and elsewhere, honor the memory of those who have lost their lives in the war and the families who have lost their loved ones; and

**WHEREAS**, the Mayor and Board of Aldermen wish to extend the most profound gratitude and heart felt condolences for the loss of a son and community member Staff Sergeant Misael Martinez.

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

Section 1. The Mayor and Board of Aldermen hereby, on behalf of the citizens of Carrboro, urge the President, U.S. Congress and state government to prioritize mental health support services for our veterans, their families and our communities, to aid in recovery from the trauma and grief accompanying every war.

Section 2. The Mayor and Board of Aldermen hereby, on behalf of the citizens of Carrboro, urges the President and the U.S. Congress to pass a just and fair comprehensive immigration reform that meets the economic needs of our country and reflect the ideals and values in which this nation was founded and for which Staff Sergeant Misael Martinez gave his life and his bother Private First Class Israel Martinez is committed to do the same.

Section 3. The Mayor and Board of Aldermen hereby, on behalf of the citizens of Carrboro, urge the United States government to immediately commence an orderly and rapid withdrawal of United States military personnel in order to leave the future of Iraq in the hands of responsible international bodies and the Iraqi people.

Section 4. The Mayor and Board of Aldermen request that the financial resources used to prosecute the war be redirected to address the urgent needs of the American people and the most vulnerable portions of our population, including health, education, veterans' benefits, and homeland security.

Section 5. That December 6, 2006 be proclaimed as Staff Sergeant Misael Martinez Day and that all town flags fly at half staff on that day to honor his memory.

Section 6. Copies of this resolution shall be forwarded to President George W. Bush, Congressman David Price, and Senators Elizabeth Dole and Richard Burr, Governor Mike Easley, and the Orange County Delegation at the North Carolina General Assembly.

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 5th day of December, 2006:

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

Noes: None

Absent or Excused: None

Maria Scanga, the president of the Latino Community Credit Union, stated that they were dedicating their very first scholarship to Mr. Misael Martinez. She presented a certificate to the family in honor of Misael Martinez and asked that all donations and memorials honoring their son be made for the scholarship fund in the name of their son.

Mr. Martinez addressed the Board. He gave thanks and stated that it would be wonderful for a low-income family to send their child to school and be able to be home safe and not have to go anywhere.

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### **RIBBON CUTTING AT ARMY RECRUITMENT STATION**

Alderman Gist stated that there will be a ribbon cutting on Friday at the Army Recruitment Station on Franklin Street.

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### **SIMA FILLAHI FACING POSSIBLE DEPORTATION TO IRAN**

Mayor Chilton updated the Board about a local Iranian family. Sima Fillahi was taken into custody by the federal government and is facing deportation to Iran. He stated that he had spoken with David Price and he was concerned about what would happen to Sima if she goes back to Iran. There is not a lot that he can do as a congressman. Ms. Fillahi has an attorney and will have steep legal bills. They need ways to help fund her legal defense. Her daughter, Leila, and is being well cared for by close friends of the family in our community.

Alderman Coleman stated that David Beck is setting up a support fund for Sima. He will let people know when they can make contributions.

Alderman Herrera stated this is a major oversight in a neighboring town. This is insane and should never have happened. He is glad that Carrboro acted pro-actively so it could not happen here.

Ellen Perry addressed the Board. She has known Leila and Sima for five years and that anything she can do to help will make her feel proud. Sima has served on the Carrboro Day Committee and she is part of Carrboro.

Mayor Chilton stated that Alderman Coleman will let us know when the Board can send a resolution or whatever needs to be done.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO APPROVE THE NOVEMBER 14, 21 AND 28, 2006 MINUTES. VOTE: AFFIRMATIVE ALL

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**AWARD OF CONSTRUCTION CONTRACT FOR RAND ROAD EXTENSION PROJECT**

The purpose of this agenda item was to award a construction contract for the Rand Road Extension Project. Staff recommended that the Board adopt a resolution awarding the contract to ST Wooten in the amount of \$32,113.60.

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

A RESOLUTION AWARDING A CONTRACT FOR THE  
RAND ROAD EXTENSION PROJECT  
Resolution No. 92/2006-07

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The contract for the Rand Road Extension Project is awarded to ST Wooten in the amount of \$32,113.60

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 5th day of December, 2006:

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

Noes: None

Absent or Excused: None

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**A REQUEST TO APPROVE A BUDGET AMENDMENT**

The purpose of this item was to recognize the revenues (\$5,996) and associated expenditure budget for the Film Festival. Of this total, \$1,500 is a grant that was awarded for the festival from the Orange County Arts Commission.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2006-07 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

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**A REQUEST FOR A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR THE WINMORE VILLAGE MIXED USE PROJECT AT 1400 HOMESTEAD ROAD**

The Board was asked to review a request for a Minor Modification to the Conditional Use Permit for the Winmore Village Mixed Use project at 1400 Homestead Road. The request involves replacing CUP condition

#30 with new language that would make the condition consistent with currently-proposed LUO Amendment language related to the floodplain provisions of the ordinance. Town staff recommended adoption of a resolution approving the CUP Minor Modification request.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE  
WINMORE VILLAGE MIXED USE CONDITIONAL USE PERMIT PROJECT  
AT 1400 HOMESTEAD ROAD  
Resolution No. 90/2006-07

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Winmore Village Mixed Use Project at 1400 Homestead Road on June 10, 2003; and

WHEREAS, the Town of Carrboro desires to see developments constructed in the Town's jurisdiction in a predictable and timely manner; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Winmore Village Mixed Use Conditional Use Permit is hereby approved, subject to the following stipulation:

That CUP condition #30 on the original CUP document is hereby repealed in favor of a new CUP condition reading as follows:

- That a Letter of Map Revision (LOMR) must be obtained from FEMA prior to the granting of the 117<sup>th</sup> Certificate of Occupancy for homes at Winmore, and that the following or similar note be included on the final plat:  
*"Use of land within a floodplain / special flood hazard area is substantially restricted by Article XVI of Chapter 15 of the Carrboro Town Code." Further, since at the time final plat approval is granted, a Conditional Letter of Map Revision (CLOMR) affecting such subdivision has been approved but a Letter of Map Revision (LOMR) has not yet been approved, all property purchasers are hereby on notice that the location of the boundary of the floodplain / special flood hazard area may be altered by a request for a floodplain / special flood hazard map revision now pending before the Federal Emergency Management Agency."*

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 5th day of December, 2006:

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

Noes: None

Absent or Excused: None

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## **STATUS REPORT ON THE SIDEWALK BOND PROGRAM**

The purpose of this agenda item was to update the Board of Aldermen on anticipated costs for the Sidewalk Bond Program and provide information on the possibility of constructing a sidewalk along Rogers Road.

George Seiz, the town's Public Works Director, presented a report to the Board.

Jan Symonds, a resident of Covenant Place, addressed the Board. She said that Chapel Hill built sidewalks up Culbreth Road that stop just where they need them. There are many senior citizens who live in Covenant Place who are trying to walk and when the high school goes in it will be suicide to get to the sidewalks. It is the only logical place for them to walk and she asked the Board to "please have compassion on us poor old ladies".

Alderman Zaffron said that NCDOT decided they did not want to do it the way we originally agreed. He stated that he would meet with our NCDOT representative and bring it to their attention.

Alderman Broun suggested that there is another alternative to building a curb/gutter sidewalk but there may be safety and engineering issues.

Alderman Coleman said that the Chapel Hill Town Council authorized the task force for the Rogers Road small area plan. Some part of the discussion re: phasing/priority can take place at community meetings on the Carrboro side and might be dovetailed into that process.

Alderman Zaffron said we need to plan on this side and have communication with neighbors.

Alderman Broun stated we are part of the enterprise group that has to pay the county back for the landfill fund and cannot use that money. Fiscally we have to come up with more money to pay for it. It is more of a long term project. She recommended that staff brainstorm and bring ideas and issues back Board in the spring.

Mr. Stewart stated we have not talked directly with anyone who lives there and it would be helpful to meet with them.

Alderman Haven-O'Donnell stated that the New Horizons Task Force recommended talking to neighbors.

Mayor Chilton asked for the New Horizons Task Force to get word out to neighbors.

Mr. Stewart stated we want everyone on the entire section of the road who live in Carrboro to be invited to decide what ought to be done.

Mayor Chilton clarified that if we complete Phase 1 and 1B of the priority list, essentially there would be almost no funds for phase 2.

Mr. Stewart stated it is a fair summation and that if the Board decided not to do anything with Rogers Road, it would be possible to do something with Phase 2, but if the bulk of what is suggested for Rogers Road were constructed, the bond will be gone. He stated that \$300,000 is earmarked for greenways for Morgan and Bolin Creeks.

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

A RESOLUTION ACCEPTING THE STATUS REPORT ON THE  
SIDEWALK BOND PROGRAM  
Resolution No. 94/2006-07

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

Section 1. The Board accepts the status report on the Sidewalk Bond Program.

Section 2. The Board hereby approves the use of Sidewalk Bond funds to help fund the following four (4) sidewalk Enhancement projects: Brewer Lane, Old Fayetteville Road, Jones Ferry Road, and West Main Street.

Section 3. The Board directs the town staff to gather more information in terms of neighborhood feedback, right-of-way locations, and other design considerations for a sidewalk along Rogers Road before the Board makes a decision on whether to add all or part of this project to Phase I of the Sidewalk Bond Program.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 5th day of December, 2006:

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

Noes: None

Absent or Excused: None

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**REVIEW OF THE REALLOCATION OF STATE TIP FUNDS TO PROVIDE BIKE ADDITIONAL FACILITIES ON ESTES DRIVE**

At its meeting on November 21st, the Board of Aldermen requested that an agenda item be prepared for the December 5th meeting to discuss the reallocation of state TIP funds to provide additional bike facilities on Estes Drive. A resolution was presented that would authorize the request for the reallocation of funds and request a preliminary study and cost estimate.

Alderman Zaffron asked to be recused from this item because he owns property on Seawell School Road.

MOTION WAS MADE BY JOAL BROUN AND SECONDED BY JACQUELYN GIST TO RECUSE ALERMAN ZAFFRON FROM THIS ITEM. VOTE: AFFIRMATIVE ALL

Dale McKeel, the town's Transportation Planner, made a presentation.

Mayor Chilton stated that a lot of people worked on this issue for a long time and it is exciting that we will have some real bike facilities on Estes Drive but, unfortunately, it will not come past Hillcrest Drive coming into Carrboro because their right of way is not available. He asked staff to figure out what it will cost to create a bicycle connection from the end of Williams Street to Estes Drive Extension and see what kind of state or federal money we can get for that project. Completing that connection would mean we will have reasonably safe biking facilities from Martin Luther King Blvd. in Chapel Hill to North Greensboro Street in Carrboro. He thanked Dale McKeel for recognizing what an incredible opportunity this was for our town and how his leadership and initiative has gotten us to where we are.

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

A RESOLUTION REQUESTING THAT THE N.C. DEPARTMENT OF TRANSPORTATION  
REALLOCATE STATE TIP FUNDS TO PROVIDE  
ADDITIONAL BIKE FACILITIES ON ESTES DRIVE  
Resolution No. 93/2006-07

WHEREAS, the Town of Carrboro's adopted Bicycle Policy identifies the need for bicycle lanes on Estes Drive, and;

WHEREAS, the Town of Carrboro has been requesting bike lanes on Estes Drive since at least 1987, and;

WHEREAS, improvements to Estes Drive, including bicycle lanes, have been the highest priority for the Town of Carrboro on the adopted local priority list for the 2002-2008, 2004-2010, 2006-2012, and 2007-2013 Transportation Improvement Programs, and;

WHEREAS, both the 2006-2012 and draft 2007-2013 Transportation Improvement Programs include in project E-4710 to install bicycle facilities on Seawell School Road from Estes Drive to Homestead Road, and;

WHEREAS, NCDOT staff has determined that \$650,000 is insufficient to install bike facilities on Seawell School Road from Estes Drive to Homestead Road, and;

WHEREAS, since bike lanes were constructed on a portion of Estes Drive in Chapel Hill between Seawell School Road and Martin Luther King Boulevard in 2005, there have been numerous requests to extend the bike lanes into Carrboro.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen request that the N.C. Department of Transportation reallocate funds from the Seawell School Road TIP project (E-4710) to construct bike lanes along Estes Drive from Seawell School Road west into the Town of Carrboro and to request a preliminary study and cost estimate.

BE IT FURTHER RESOLVED by the Board of Aldermen to request that the N.C. Department of Transportation review the feasibility and cost of a paved bikepath along the OWASA easement between Estes Drive and Williams Street and to investigate federal and state funding to construct the bikepath.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 5th day of December, 2006:

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

Noes: None

Absent or Excused: Alex Zaffron

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**A REPORT ON BENTHIC MACROINVERTEBRATE SURVEYS IN BOLIN CREEK**

Staff recently received the 2006 benthic macroinvertebrate survey for Bolin Creek from Ecological Consultants. A brief report was presented describing this year's results, how they relate to those of previous years, and staff's recommendations for future studies.

Will Autry, the town's Environmental Planner, made a presentation to the Board.



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

A RESOLUTION ACCEPTING A REPORT ON  
BENTHIC MACROINVERTEBRATE SURVEYS IN BOLIN CREEK  
Resolution No. 91/2006-07

WHEREAS, the Carrboro Board of Aldermen has established environmental protection, especially for our major watercourses and their watersheds, as a high priority; and

WHEREAS, the Carrboro Board of Aldermen made clear their commitment to the sensitive ecology of Bolin Creek through funding of annual benthic macroinvertebrate surveys since 2000;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen would like to accept this report on benthic macroinvertebrate surveys in Bolin Creek.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 5th day of December, 2006:

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

Noes: None

Absent or Excused: None

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**CONTINUED DISCUSSION OF THE PLANNING BOARD'S RECOMMENDATION REGARDING SETBACK PROVISION OF THE DNP OVERLAY DISTRICT**

The Planning Board has adopted a recommendation requesting the Board of Aldermen to remove one of setback requirements associated with the Downtown Neighborhood Protection overlay district. A resolution directing staff to prepare a draft ordinance per the Planning Board recommendation, setting a public hearing on the draft ordinance and referring the ordinance for advisory board review was provided.

Mayor Chilton asked whether a Mansard roof could be used instead of a setback.

Trish McGuire, the town's Planning Administrator, stated that yes, a Mansard roof could be used instead of a setback, and that there are a number of roof concealment options.

Mayor Chilton made a presentation to the Board, showing the results of a survey that located a total of 29 buildings with Mansard roofs in Carrboro. The best example of a building concealing a Mansard roof is at Abbey Court. It is not a familiar design in Carrboro and not attractive and it makes no sense when the result will be buildings that will look like the Abbey Court picture.

Alderman Gist stated she was not in favor of changing the ordinance but she could go along with tweaking it if a public hearing is announced to people within 1000 ft. of properties.

Alderman Zaffron stated he has no objection. The roof concealment option is designed as a mechanism to conceal floor space and get extra square footage.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO SET TWO SEPARATE PUBLIC HEARINGS FOR JANUARY 23<sup>RD</sup>: (1) THE ORDINANCE AMENDING THE LUO TO REVISE THE DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY DISTRICT OPPOSITE SIDE STEPBACK PROVISION, AND (2) AN ORDINANCE AMENDING THE LUO TO REMOVE THE MANSARD ROOF OPTION FOR THE NEIGHBORHOOD PROTECTION OVERLAY DISTRICT. IN ADDITION, THAT NOTICE OF THESE PUBLIC HEARINGS BE MAILED TO ANYONE WHO LIVES WITH WITHIN 1000 FEET OF THE AFFECTED AREA. VOTE: AFFIRMATIVE ALL

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### **DISCUSSION OF PLANNING BOARD RECOMMENDATION FOR A DEVELOPMENT MORATORIUM IN THE NORTHERN STUDY AREA**

On November 14th, the Board of Aldermen continued its consideration of a proposal from the Planning Board and advisory board comments regarding a moratorium on rezonings, major subdivisions, and special and conditional use permit applications to be established in Carrboro's Northern Study Area. The Board of Aldermen scheduled further discussion for December 5 to allow for Alderman Zaffron and Planning Board chair James Carnahan to refine the proposal based on the Board's discussion.

James Carnahan addressed the Board. He stated that there is a proposal to constitute a process to reexamine the Northern Transition Area. It was suggested that eight boards would each send a representative to draft a process that would be forwarded to the Board. Altogether the process of re-examination and update would take six months. It would involve town staff and any additional citizens that the committee may wish to recommend. It is in respect of the original intent of the small area plan and not to revisit and broadly change it. A public workshop might take a charette format. The original objective was 2.1 units per acre, with 30% commercial and 70% residential.

Alderman Coleman stated that he had a discussion with Alderman Haven-O'Donnell that the process for the review should be developed by this Board, not by the advisory boards.

Alderman Haven-O'Donnell stated how time-consuming it would be for each board to develop a procedure. There are fiscal implications and those of us who hold official responsibility need to be the architects of the process. It is well thought out and she appreciates it.

Alderman Gist agrees agreed that the responsibility is the Board's and asked that the last bullet point on B-3 be removed.

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### **CONSIDERATION OF A CHARTER AMENDMENT CHANGING THE PROCESS FOR FILLING BOARD VACANCIES**

The Board has had a number of discussions regarding the possibility of seeking a charter amendment from the General Assembly. An amendment has been proposed that would do the following:

- 1) If an unexpected Board vacancy left more than a year before the next general election, then the Board of Aldermen would call a special election to fill that vacancy until the next general election.
- 2) If an unexpected Board vacancy left less than a year before the next general election, then the Board would appoint someone to fill that vacancy until the next general election.

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

#### **A RESOLUTION DIRECTING THE TOWN ATTORNEY**

TO SUBMIT TO THE TOWN'S LEGISLATIVE DELEGATION  
THE DRAFT BILL TO AMEND THE CARRBORO TOWN CHARTER  
TO CHANGE THE PROCESS FOR FILLING VACANT SEATS  
ON THE BOARD OF ALDERMEN  
Resolution No. 66/2006-07

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

Section 1. The Board of Aldermen hereby directs the town attorney to submit the draft amendment to the town charter changing the language of Section 2-2(d) of the Town Charter to the town's legislative delegation for introduction in the 2007 session of the General Assembly.

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 5th day of December, 2006:

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, Alex Zaffron

Noes: Dan Coleman, John Herrera, Randee Haven-O'Donnell

Absent or Excused: None

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**A DISCUSSION OF LEGISLATIVE ISSUES**

The purpose of this agenda item was to facilitate a discussion of legislative issues to prepare for the upcoming long session of the NC General Assembly, which begins at noon on Wednesday, January 24, 2007. The Board may decide on which issues to include in the Town's legislative agenda packet for this session. The Board may also decide to invite the local delegation to come discuss some or all of the issues on the list with the Board prior to the beginning of the long session.

Mayor Chilton asked that this item be delayed until January.

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**CONSIDERATION OF A PROPOSAL TO ENGAGE THE SERVICES OF ROBERT SHUMAN TO ATTEND THE 2007 PLANNING RETREAT**

The purpose of this item was for the Board of Aldermen to consider a proposal from Mayor Chilton and Alderman Coleman to engage the services of Michael Shuman to attend the Board's 2007 Planning Retreat.

Mayor Chilton apologized for not raising the issue with the Retreat Planning Committee and stated that they were not meeting until Friday and it was important to bring the item for discussion now because it is a significant departure from how we have approached retreats in the past.

Alderman Coleman stated that he hoped the Board read the memorandum of six topics which are the same in his proposal that are all representative of a perspective to achieve our goal of sustainable economy. Sharon Cook's email requested a different process from engaging Shuman that was more community oriented.

Alderman Broun made a presentation to the Board, showing how the ideas in Mr. Shuman's book are already being done in Carrboro. She stated that she was concerned and disappointed because she is on the retreat planning committee and the Board had a discussion about how they were going to do the retreat without letting her know.

Alderman Zaffron referred to an email from Alderman Coleman to Mr. Shuman, dated November 3<sup>rd</sup>, that sounded like "this is something we are going to do". It mentioned signing a contract and this is the first time the Board has discussed the matter. These discussions should have been held with the full Board.

Alderman Coleman stated that he and Mayor Chilton intended to bring this to the retreat planning committee but as time went on it became apparent that the committee would not meet before the last Board meeting of the year. He stated that he appreciated Alderman Broun's work in laying out a lot of Shuman's ideas. He stated that he wanted to focus on the heart of economic sustainability. A lot of our focus needs to be on local ownership and Shuman is going to help us get there.

Mayor Chilton stated that we have had a good experience working with the facilitator that we worked with in the past and has no problem using her in the future. It is a 2-3 day project to facilitate the retreat and the amount of money spent in the past seems like a lot of money for what seems to be involved. It would be appropriate to explore a more cost effective way to do this.

Alderman Herrera stated that he appreciated Alderman Broun's presentation.

Alderman Haven-O'Donnell stated that the Board needs to talk about methods of communication.

Alderman Zaffron stated that the key issue is process and that the Board needs to work on its communication. All members of the Retreat Planning Committee should have discussed this proposal.

Mayor Chilton stated that Alderman Broun raised good points and he apologized that they did not discuss this with the Board earlier.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JACQUELYN GIST TO ENGAGE THE SERVICES OF ROBERT SHUMAN AT THE 2007 PLANNING RETREAT. VOTE: AFFIRMATIVE FIVE (CHILTON, COLEMAN, HAVEN-O'DONNELL, HERRERA, GIST), NOES TWO (BROUN, ZAFFRON)

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### **REQUEST FOR WASTE SITING STUDY**

Alderman Broun asked for a full copy of the waste siting study.

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### **FISCAL IMPACT ANALYSIS OF CAROLINA NORTH**

Mayor Chilton mentioned a November 27<sup>th</sup> letter in the Board's packet from Chancellor Moeser asking the town to appoint a representative to serve on a fiscal impact monitoring committee

Mr. Stewart stated that he would serve as the town's representative if that was the Board's desire..

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN-O'DONNELL TO APPOINT STEVE STEWART TO SERVE AS CARRBORO'S REPRESENTATIVE ON THE CAROLINA NORTH DEVELOPMENT MONITORING COMMITTEE. VOTE: AFFIRMATIVE ALL

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 10:52 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk